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AGENDA

Committee: DEVELOPMENT CONTROL

Date and Time: Tuesday 4th April 2017 at 7.30 p.m.

Venue: Council Chamber

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

Membership: Councillors Hart (Chairman), Smith (Vice Chairman), Acott, Anderson, Blackwell, Mrs King, Mumford, Sharp, Sheldon, Taylor, Varker, Mrs Wass and Wood.

Canvey Island Town Councillors : Greig and Tucker

Officers attending: Rob Davis – Planning Development and Enforcement Officer
Kim Fisher - Special Projects Officer
Fiona Wilson – Head of Legal Services

Enquiries: Cheryl Salmon, ext. 2454

PART I (Business to be taken in public)

1. Apologies

2. Members' Interests

3. Minutes

A copy of the Minutes of the meeting held on 7th March 2017 is attached.

4. Public Speakers

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

5. Deposited Plans

Report of the Head of Regeneration and Neighbourhoods is attached.

	Application No	Address	Page No
1.	16/0940/FUL	65 Thundersley Park Road/1a & 1 Clarence Road, Benfleet, Essex, SS7 1EG (St Mary's Ward)	1
2.	16/0965/OUT	514 London Road, Benfleet, Essex, SS7 1AA (Boyce Ward)	9
3.	17/0120/FUL	29 St Annes Road, Canvey Island, Essex, SS8 7LS (Canvey Island East Ward)	30
4.	17/0141/FUL	24 Oxford Road, Canvey Island, Essex, SS8 7SJ (Canvey Island South Ward)	38

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DEVELOPMENT CONTROL COMMITTEE

7th MARCH 2017

PRESENT: Councillors Hart (Chairman), Smith (Vice-Chairman), Acott, Anderson, Blackwell, Mrs King, Mumford, Sheldon, Taylor, Mrs Wass, Wood and Canvey Island Town Councillor Greig.

Councillors Ladzrie, Riley and Sach also attended.

An apology for absence was received from Councillors Sharp and Varker.

28. MEMBERS' INTERESTS

There were none.

29. MINUTES

The Minutes of the meeting held on 7th February 2017 were taken as read and signed as correct.

30. DEPOSITED PLANS

(a) 16/0987/OUT – 92-94 FOKSVILLE ROAD, CANVEY ISLAND, SS8 7BE (CANVEY ISLAND SOUTH WARD) – DEMOLITION OF EXISTING STRUCTURES AND CONSTRUCTION OF THREE STOREY BUILDING COMPRISING OF 10 NO. APARTMENTS WITH ASSOCIATED WORKS – CO-OP

The application was for outline planning permission for redevelopment of a vacant commercial site with a block of 10 apartments. In all the circumstances the proposed redevelopment was considered to be acceptable and no sustainable reasons for refusal could be found. The application was therefore recommended for approval.

The application was presented to the Committee because there was a conflict between the site's designation in the Adopted Local Plan and the proposals in the Canvey Town Centre Masterplan. Under such circumstances, the adoption statement to the Masterplan stated that when a planning application was submitted, the matter would be reported to the Development Control Committee for a decision.

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

The Planning Officer drew Member's attention to the late letter schedule which contained comments from Anglian Water and the Lead Local Flood Authority and details of an amendment to Condition 9 in the report.

During debate some Members raised concerns regarding the impact the development would have on flooding in the surrounding area, particularly in regard to surface water drainage. It was also felt that vehicles exiting the site would have a detrimental effect on an already busy Foksville Road, that there was insufficient parking on site and that the development was in conflict with the proposals in the Canvey Town Centre Masterplan.

Other Members felt that as the site had previously been used as a milk depot and builder's merchant vehicles entering and exiting the site from Foksville Road would not be an issue, particularly as the Highways Authority had not raised an objection. With regard to parking on site, 12 spaces on site was considered sufficient as the development was in a town centre location.

With regard to flooding it was noted that the applicant would be required to undertake works to the site to mitigate flooding and that the Lead Local Flood Authority had not raised an objection to the application but had in fact suggested a number of conditions. It was therefore considered that these measures would be an improvement to the current site and would in fact reduce the impact of flooding in the area.

Following detailed discussion it was:-

Resolved - That the application be approved subject to the conditions as set out in the Planning Officer's report with additional wording added to Condition 9 as follows:

"...and be erected prior to occupation of the apartment with which that balcony is associated. Thereafter the screening shall be retained at all times unless otherwise agreed in writing with the local planning authority."

and an additional four conditions proposed by the Lead Local Flood Authority as follows:

Condition 1

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

- Limiting discharge rates to 2.9l/s for the 1 in 1 year rate and 5l/s for all other storm events up to an including the 1 in 100 year rate plus 40% allowance for climate change.

- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753.
- 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.

The scheme shall subsequently be implemented prior to occupation.

Condition 2

No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

Condition 3

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

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

Condition 4

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.

Councillor Anderson requested that his vote be recorded against the decision.

(b) 17/0047/FULCLC – RUNNYMEDE SWIMMING POOL R/O COUNCIL OFFICES, KILN ROAD, BENFLEET (CEDAR HALL WARD) - CONSTRUCTION OF SIDE EXTENSION TO THE EXISTING SWIMMING POOL BUILDING TO PROVIDE A HEALTH AND FITNESS SUITE AND NEW CAR PARK – CASTLE POINT BOROUGH COUNCIL

The proposals comprised a single storey extension to the east flank of the Runnymede Pool building, in order to create a health and fitness suite, and a new car park to the north and east of the extended Pool building, with access taken from Runnymede Chase, for 50 cars.

The proposals were consistent with the 1998 Adopted Local Plan, and more recent emerging policy in the 2016 New Local Plan.

There were no objections from statutory consultees or interested persons.

The design and appearance of the extension was satisfactory and the site layout arrangements acceptable on planning grounds. Since there were no planning reasons to withhold permission the application was recommended for approval.

The application was presented to Committee for determination since the applicant was the Borough Council.

During discussion Members indicated that they were in favour of the proposal. It was considered that there was a real need for this type of facility in the borough and that it would have minimal impact for the users of the open space area surrounding the current building. Members also commended the design of the scheme.

In response to questions regarding the new car park the Planning Officer explained that the purpose of a barrier was to prevent unauthorised parking and that the access to the car park would be in Runnymede Chase, it was not possible to provide an access via the current Runnymede Leisure Centre/Hall car park due to existing structures and land gradients. The Committee's suggestion that a "no right turn" sign should be displayed at the exit to deter drivers from turning into the unmade section of Runnymede Chase was noted. A Member also suggested that landscaping was incorporated into the scheme to act as a barrier between the car park and the open space area.

Following discussion it was unanimously:-

Resolved – That the application be approved subject to the conditions as set out in the Planning Officer's Report.

Chairman

ITEM 1

Application Number:	16/0940/FUL
Address:	65 Thundersley Park Road/1a & 1 Clarence Road Benfleet Essex SS7 1EG (St. Mary's Ward)
Description of Development:	Demolition of 1 & 1a Clarence Road and erection of 14 No. apartments. Extensions and alterations to 65 Thundersley Park Road to create 3 No. apartments
Applicant:	Chignal Properties Limited
Case Officer:	Mr Keith Zammit
Expiry Date:	11.04.2017

Summary

The application seeks permission for the redevelopment of this site to provide flats, mostly through construction of a new block but also through the conversion of an existing building.

The proposal is felt to be unacceptable in principle as it seeks to provide flats in an inappropriate location. Furthermore, the development would appear as a large mass lacking space round it to provide it with an adequate setting and fails to make sufficient on-site parking provision.

The application is presented to the committee at the request of Councillor Sheldon.

Site Visit

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

Introduction

The application site is located on the western corner of Thundersley Park Road and Clarence Road, within a residential area of Benfleet. It comprises one detached house (No.65) and two detached bungalows (Nos. 1 and 1A) and their associated garden areas.

The site has a frontage to Thundersley Park Road of some 25m and a frontage to Clarence Road of some 45m. The land rises to the north.

Benfleet Railway Station is 0.9 miles away.

The Proposal

Permission is sought for the replacement of Nos. 1 and 1A with a two storey block of 14 flats and the conversion of No.65 to three flats, joined onto the new building, making a total of 17 flats on site. The resulting building would be two storeys in height with roof accommodation.

The external material for the new building work would be mainly face brickwork with render detailing and white UPVC windows and doors. No.65, which would be retained and would form part of the resulting building, is rendered at ground floor with mock weatherboarding in cream at first floor.

Supplementary Documentation

The application is accompanied by an accommodation schedule, SuDS checklist, Design & Access Statement and Planning Statement which are available to view on the council's website.

Planning History

None directly relevant to this proposal, however, two applications were refused for the erection of bungalows to the rear of 65 Thundersley Park Road only.

15/0889/FUL – Erect two semi-detached bungalows – refused for the following reasons:

This planning application was subsequently refused for 8 reasons relating to its backland nature, the size, design and appearance of the proposed dwellings, its impact on neighbouring amenity, refuse arrangements, parking space, and poor access arrangements.

16/0177/FUL – one detached bungalow – refused for the following reasons:

This planning application was subsequently refused for 3 reasons relating to its backland nature, refuse arrangements, and impact on amenity from proposed vehicular access arrangements.

Relevant Government Guidance and Local Plan Policies

National Planning Policy Framework

Section 7 – Requiring good design

Adopted Local Plan

EC2 – Design

H9 – New housing densities

H13 – Location of development

T8 – Parking standards

Residential Design Guidance

RDG2 – Space around dwellings

RDG3 – Building lines

RDG4 – Corner plots

RDG5 – Privacy and living conditions

RDG6 – Amenity space

RDG8 – Detailing

RDG11 – Landscaping

RDG12 – Parking and access

RDG13 – Refuse and recycling storage

Consultation

Legal

No objection

Refuse and recycling

The bin areas are not believed to be big enough to accommodate the refuse and recycling storage needs of the development.

Lead Local Flood Authority (Essex County Council)

Comments on drainage strategy awaited

Highways

No objection subject to conditions

Public Consultation

Objections have been received from the following 24 properties

Thundersley Park Road 22, 28, 29, 31, 37, 54, 63, 64
Downesway 10, 11
Clarence Road 2, 4, 7B, 8, 11
Oakfield Road 230, 232
Nicholson Road 26
Airedale Road 72
"The Birches"
Kimberley Road 212
Avondale Road 31, 57
Kenneth Road 110

Which make the following comments and objections

- o disruption from construction
- o overlooking
- o additional on-street parking in an area of parking stress
- o impact on badger sett/wildlife
- o thin end of the wedge
- o noise from new occupiers
- o noise/light/pollution from car park
- o impact on security of adjacent properties
- o land has poor drainage
- o detrimental to street scene/out of keeping with surroundings
- o backland development
- o hazard at car park exit point
- o contrary to Policies H9 and H13 of the Local Plan
- o existing drains/sewers have had flooding problems
- o lack of infrastructure (GPs/dentists)

Comments on Consultation Responses

- o Disruption from construction is transient and not capable of forming a robust reason for refusal
- o Any other planning issues raised are discussed in the evaluation of the proposal.

Evaluation of Proposal

Principle

The land has a residential allocation in the adopted Local Plan, therefore there is no objection to the principle of a residential use on this site.

Policy H13 of the Local Plan makes a requirement that, *inter alia*, developments of flats should be located on or near a main road, citing reasons of potential harm to residential amenity from traffic generation.

The site is not located on a main road, it is located on a minor road within a residential area. It is not felt that the site displays the characteristics of a main road location, despite being within 300m of Benfleet High Road. The proposed 17 flats would be likely to lead to significantly higher levels

of activity than the three dwellings on the site at present. It is noted that there are flats located to the north of this site however these are occupied at a much lower density than the proposal and the buildings broken up into small units which helps give them more of an appearance of dwellinghouses rather than flats.

These flats are a legacy of development of the area several decades ago and it is not felt that their presence represents sufficient justification for a departure from the development plan in respect of the current proposal.

The proposal is felt to be contrary to Policy H13 and would introduce an intrusive use into the area, likely to harm the amenity of surrounding residents and the general character of the locality. Assessment of the proposal against the council's Residential Design Guidance SPD will explore these issues in more detail.

Policy H9 of the Local Plan requires the optimum use of sites to be achieved, with the highest possible density of development that does not cause detriment to the surrounding area. It is considered that assessment of the proposal against the council's Residential Design Guidance SPD is a more accurate way of determining whether the site is being efficiently developed.

Design

Within the council's Residential Design Guidance SPD, guidance at RDG2 requires the space provided around buildings containing flats to be equivalent to 25% of the width of the building. RDG3 requires development to respect established building lines. RDG4 requires development on corner plots to be designed to turn corners, providing active frontages to all elevations facing the public realm and avoiding excessive lengths of high level garden screening to return frontages.

The resulting block of flats would have a frontage of 53m therefore isolation spaces totalling 13.25m would be required. Isolation spaces of approximately 1m would be provided either side of the building, which are not considered to be proportionate to its length. Although there is a single storey element joining the new construction to the existing No.65, it is not considered that this provides a significant break in the built form or adds spaciousness to the setting of the building. The building would be a large mass, notwithstanding that attempts have been made to provide articulation.

The long mass turning the corner would be out of character with the surrounding pattern of development, made up of single family dwellinghouses. It would be a prominent feature in the street scene, particularly as the land rises to the north, moving up Clarence Road. It is noted that there are flats immediately to the north of this site in Clarence Road, however these have been designed to have the appearance of houses. Were the principle of flats acceptable, the development of the application site should be broken up into smaller parcels of flats in order that it does not appear as a large single mass.

The proposal as it stands is deemed to be contrary to Policy EC2 of the Local Plan and RDG2 of the Residential Design Guidance. Although no conflict can be identified in respect of RDG3, RDG4 or RDG8, this is insufficient to redeem the proposal.

Impact on neighbours

RDG3 also requires proposals not to cause excessive overshadowing or dominance of adjacent properties. The proposed new construction for the flats is not considered to be situated such that

it would cause loss of amenity to adjacent residents to the north by way of overshadowing or dominance. The single storey rear extension to No.65 that is proposed as part of the work is considered to be sufficiently well set from No.63 that undue loss of amenity by way of overshadowing or dominance would not occur. Other neighbouring properties are too remote to be significantly affected by the proposals.

RDG5 requires a distance of 9m to be provided between any first floor windows and the boundary of the site to protect the privacy of adjacent occupiers, increasing to 15m at second floor level.

The rear facing windows would be fully compliant with this requirement. It is noted that there are recessed roof terraces at second floor level, however as these are cut into the roof, it is not considered that they would give rise to a considerable degree of overlooking of adjacent sites. The front windows would overlook roads which are in the public realm and not considered to lead to undue overlooking of properties opposite.

It is noted that there is a bedroom window in the north facing flank wall at first floor level which is the sole window to that room. Normally this would be held to lead to unacceptable overlooking and would need to be the subject of an obscure glazing condition, however in this instance there is no opposing window in the adjacent building so it is not judged that undue overlooking would occur and there is no need to apply a condition to the window.

No objection is therefore raised on the basis of RDG5.

Parking

The adopted parking standards require the provision of one space for one-bedroomed properties and two spaces for properties with two or more bedrooms. Visitor parking should be provided at a rate of 0.25 spaces per dwelling, rounded up to the nearest whole space. Parking spaces should have dimensions of 2.9m by 5.5m.

The proposed development would provide 11 one-bed flats and six two-bed flats. The parking requirement is:

11 x 1 bed flats = 11 spaces

6 x 2 bed flats = 12 spaces

Visitors $0.25 \times 17 = 4.25 = 5$ spaces

Total 28 spaces

Twenty-three spaces are shown provided, which is sufficient only to serve the residential accommodation with no provision for visitors.

This number would need to be further reduced as following the Highway Authority consultation response one parking space would have to be removed in order to enlarge the width of the access of the development at its junction with the highway to ensure that vehicles can enter and leave the site in a controlled manner.

From the representations received from surrounding occupiers, it appears that parking is an issue in Thundersley Park Road and Clarence Road, with pressure on parking from different sources including Benfleet Railway Station which is just under one mile away.

Whilst it may be appropriate for the council to relax its parking standards in sustainable locations, such as town centres where public transport is easily accessible, it is not considered that this location may be described as a sustainable one.

Furthermore, any on-street parking problems arising from the absence of visitor parking for the proposal would only be exacerbated by its location at the junction of two roads.

An objection on the basis of a lack of off-street parking provision is therefore raised to the proposal.

Other matters

It has been noted that an objection has been received on the basis of the impact of the scheme on wildlife, particularly badgers and foxes.

Foxes are not a protected species so the presence of foxes on the site cannot carry any significant weight as a planning consideration.

Records held by the Council do not indicate the presence of badger setts on the site. Whilst badgers may have been seen at the site, or evidence of foraging noted, this does not necessarily mean that there is a sett in the gardens. Badgers and their setts, (but not their foraging grounds), are protected under the Protection of Badgers Act 1992 and in the absence of clear evidence that Badgers are present on the site it is considered inappropriate to impose a condition requiring the submission of a Badger Survey prior to the development of the site. It is however considered appropriate to attach an informative to the grant of any permission advising the applicant of the need to consider the potential impact on Badgers and to acquire appropriate licences should Badgers be identified.

RDG6 requires appropriate amounts of outdoor amenity space to be provided. For flats 8m² per habitable room should be provided, with a minimum of 25m² per flat. The provision of balconies of at least 5m² and with a depth of at least 1.5m may be included in this requirement.

The 17 flats require a provision of 435m² of amenity space. The drawings show that a communal area of some 730m² is provided, which exceeds the minimum required. Furthermore, apartments 13 and 14 have a balcony each with a floor area of 8m² so are considered to have their own adequate amenity space provision, albeit below the figure of 25m².

RDG11 requires the provision of appropriate landscaping as part of flat developments. RDG12 requires the provision of parking on sites not to be visually dominant or harmful to the amenity of adjacent residents.

The proposed car parking to the rear of the building is surrounded by a reasonable landscaped buffer which is felt to provide adequate separation of the parking from adjoining gardens. It is not felt that this parking arrangement would be unacceptable in terms of its impact on visual or residential amenity.

The location of the frontage parking is, however, unattractive and is likely to be visually prominent in the street scene. This adverse visual impact would not be significantly mitigated by the proposed landscaping.

Whilst it is noted that several of the surrounding dwellinghouses have hard surfaced their frontages the existence of poor forms of development does not represent justification for further

such development – paragraph 64 of the NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

The proposal is considered to be contrary to RDG12 of the council's Residential Design guidance because of the poor appearance of frontage parking in the street scene in this prominent location.

RDG13 requires appropriate provision to be made for the storage of refuse and recyclable materials.

The council's Refuse and Recycling service has commented that the bin areas are not large enough. There is therefore the possibility that refuse storage or bin storage would occur in inappropriate locations, to the detriment of visual amenity. However, were permission granted, this could be addressed by way of a planning condition.

Conclusion

The proposed development is considered to be unacceptable in principle as it seeks to provide a flatted development in an inappropriate location. Furthermore the proposal is considered to be a large mass lacking space around it and lack adequate parking provision, further worsened by the provision of visually prominent parking on the site frontage near the junctions of Thundersley Park Road and Clarence Road.

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, by reason of its location away from a main road, is contrary to Policy H13 of the Council's Adopted Local Plan and if approved would result in an intensification of the residential use of the land with increased levels of activity on and around the site to the detriment of the amenity of neighbours and character and appearance of the area.
- 2 The proposed building, notwithstanding its articulated frontage, is considered to be a large single mass with a lack of space around it which would be out of character with the pattern of development in the area and fail to provide the building with an adequate setting, contrary to Policy EC2 of the Adopted Local Plan, RDG2 of the council's Residential Design Guidance and Government guidance as expressed in the National Planning Policy Framework.
- 3 The proposed parking on the frontage of the site near the junction of Thundersley Park Road and Clarence Road is considered likely to be a visually dominant feature in the streetscene to the detriment of the appearance and setting of the building and visual amenity of the surrounding area, contrary to RDG12 of the Council's Residential Design Guidance.
- 4 The proposal, by reason of a lack of parking provision, is likely to result in cars being parked on the highway to the detriment of highway safety, the amenity and convenience of surrounding residents and the character and appearance of the surrounding area contrary to Policies EC2 and T8 of the Council's Adopted Local plan.

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 2

Application Number:	16/0965/OUT
Address:	514 London Road Benfleet Essex SS7 1AA (Boyce Ward)
Description of Development:	Demolish existing dwelling and construct three storey building containing 24 No. flats
Applicant:	Mr Matthew Golding
Case Officer:	Ms Kim Fisher
Expiry Date:	16.05.2017

Summary

This application seeks outline consent for 24 flats with associated access on land at the junction of London Road and Thundersley Park Road.

Residential development of the site has been identified as inappropriate development in the Green Belt, which would normally attract a recommendation of refusal.

However, inappropriate development in the Green Belt can exceptionally be justified by the existence of very special circumstances. In this instance, no very special circumstances, sufficient to outweigh the harm to the Green Belt has been identified.

Furthermore, whilst it is acknowledged that the proposal is for outline consent only with all matters reserved, and therefore only the principle of development is under consideration at this stage, the quantum of development has been identified and the means of its achievement illustrated. As an application with all matters reserved little weight may be attributed to the illustrative layout, however, it is considered that the submission demonstrates that even if the principle of development had been acceptable, the quantum of development proposed would result in an overdominant, cramped and obtrusive feature in the street scene, lacking adequate amenity space and parking facilities and providing poor living conditions for future residents.

It is considered that the proposal is too focused on achieving the greatest number of dwellings on the site and good design and layout has been sacrificed to achieve an inappropriate quantum of development.

The proposal is therefore recommended for **REFUSAL**.

The application is presented to the Committee at the request of Councillor Sheldon who wishes to discuss the extent of development on the site.

Site Visit

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

Introduction

The application site is irregular in shape and is located on the London Road, at the junction with Mount Road. It has a frontage to London Road of some 33m and a frontage to Mount Road of

approximately 54m. The site has a return frontage to Thundersley Park Road of some 20m and a maximum site depth of some 46m. The site currently hosts one detached two bedroomed house which is set deep in the plot and faces the London Road. To the rear of the site is an area that appears to be used as a yard which displays a variety of building materials and refuse.

Access to the site is from Thundersley Park Road with a secondary access from Mount Road.

No land levels have been provided as part of the application however, the site rises to the south and east and sits just below the crown of the hill. The land falls sharply further to the south and west.

The site sits approximately 0.6m above the level of the London Road carriageway.

To the south, west and north the site is bounded by traditionally designed two and single storey, pitched roofed, detached and semi-detached dwellings. To the east, is the Bread and Cheese Public House, a traditional pitched roofed two storey building with single storey flat roofed elements, and the associated car-park.

Mount Road and Thundersley Park Road are unmade private roads with no defined footpaths.

The site lies within an area allocated for Green Belt purposes within the Council's Adopted Local Plan and the emerging Local Plan.

The Proposal

This is an application for outline consent for 24 flats, comprising 6 one bedroomed units and 18 two bedroomed units, with associated access and 26 car parking spaces (24 resident spaces and 2 visitor spaces).

The application identifies that all matters are reserved for later consideration. All that can be considered at this point is therefore the principle of the development of the site for residential purposes. However, the applicant has submitted drawings, which, in view of the status of the application, are deemed to be indicative drawings only demonstrating how the quantum of development proposed might be accommodated.

The illustrative drawings suggest the provision of a three storey, flat roofed building located close to the boundaries of the site with parking provided primarily to the rear.

The illustrative layout does not include the provision of any communal or private amenity space to serve future occupiers.

No details of proposed materials or boundary treatments have been provided.

Vehicular access to the site is to be provided via Mount Road.

Submitted Documentation

The application is accompanied by the following documents, which are available to view on the Council's website:

- ☐ Design and Access Statement
- ☐ Sustainability Checklist

Relevant Planning History

Planning consent for the extension of the property was granted in 1962 and 2001. Of greater relevance to the current proposal however is the fact that outline consent for residential development of the site was refused in 1961, 1962 and 1971. An appeal in respect of the latter application was subsequently dismissed.

Relevant Government Guidance and Local Plan Policies

National Policy Planning Framework

Paragraphs: 2, 50, 73, 79, 87, 88, 89, 103, 109, 118, 159.

Castle Point Borough Council Adopted Local Plan 1998

The proposal is for outline consent only with all matters reserved. Under such circumstances the details of a proposal would not normally be considered. However, in this instance a detailed set of illustrative drawings have been submitted which demonstrate the applicant's vision for the development of the site. In order to assist the applicant it is considered appropriate to consider the suggested development in detail to inform any future submissions. The proposal will therefore be assessed against the following policy provision and guidance:

EC2 – Design
EC3 – Residential Amenity
EC5 – Crime Prevention
EC7 – Natural & Semi Natural Features in Urban Areas
EC13 – Protection of Wildlife & their Habitats
EC14 – Creation of New Wildlife Habitats
EC22 – Retention of Trees, Woodland & Hedgerows
EC23 – Tree & Shrub planting
H7 – Affordable Housing
H9 – New Housing Densities
H10 – Mix of Development
H11 – Accessible & Wheelchair Housing
H13 – Location of Development
H17 – Housing Development – Design & Layout
T2 – Intensification of Access Use
T8 – Car Parking Standards
RE4 – Provision of Children's Play space & Parks
CF1 – Social & Physical Infrastructure & New Developments

Residential Design Guidance

RDG1 – Plot Size
RDG2 – Space around Dwellings
RDG3 – Building Lines
RDG4 – Corner Plots
RDG5 – Privacy and Living Conditions
RDG6 – Amenity Space
RDG8 – Detailing
RDG9 – Energy & Water Efficiency & Renewable Energy

RDG10 – Enclosure & Boundary Treatment
RDG11 – Landscaping
RDG12 – Parking & Access
RDG13 – Refuse & Recycling Storage

Essex Planning Officers Association Vehicle Parking Standards – C3 (August 2009)

Developer Contributions Guidance SPD – Adopted 1st October 2008

Thames Gateway South Essex Strategic Housing Market Assessment 2016

Castle Point Green Belt Landscape Assessment September 2010

Consultation

Highway Authority

No response received

Anglian Water

No response received

Essex County Council: Education

No response received

Refuse and Recycling Manager

No response received

Environmental Health Officer

No response received

Lead Local Flood Authority

Has raised a holding objection to the proposal on the basis of the absence of a drainage strategy for the site.

Public Consultation

Over 100 consultation responses have been received which make the following comments and objections:

- Area is Green Belt.
- Traffic generation, congestion and the potential for accidents at the junction
- Number of dwellings far too great and cannot be supported by existing infrastructure.
- Loss of character of the area.
- Loss of wildlife.
- Pedestrian access to schools will become more dangerous.
- Loss of privacy.
- Loss of residential amenity.
- Potential drainage problems.
- Not adequate affordable housing.

- Dominance and overlooking issues.
- Noise and disturbance during construction.
- Will lead to increase in surface water flooding.
- Proposal not in keeping with the character of the area.
- Lack of local facilities to support the proposed development.
- Pollution from traffic.
- Noise in the area would increase.
- Poor design and appearance
- Inadequacy of parking/loading/turning will result in an increase of on-street parking off site.

Comments on Consultation Responses

Noise and disturbance associated with the construction phase of the development is transient in nature and cannot provide a robust reason for refusal.

All other relevant comments will be addressed in the evaluation of the proposal.

Evaluation of Proposal

The application seeks outline consent with all matters reserved. The primary issue to be considered is therefore the principle of development.

In view of the quantum of development specified, consideration will also be given to:

- (ii) Design and layout,
- (iii) The density and mix of housing,
- (iv) The provision of affordable housing,
- (v) Highways and car/cycle parking,
- (vi) Ecology,
- (vii) Trees
- (viii) Landscaping and
- (ix) Flood Risk

(i) The Principle of Development

Policy H13 of the adopted Local Plan states that proposals for flats and sheltered accommodation will be permitted within areas allocated for residential development subject to such development not adversely affecting the amenity of adjoining residents or the character of the area by reason of traffic generation. The scale, siting and design of the proposed building should not have an adverse impact on the character and appearance of the area and the development should provide appropriate building lines, setting and space around the building, car parking, access, amenity space and landscaping.

Flats are also to be permitted on sites on or near a main road.

The site is located immediately adjacent to London Road, a main distributor through the Borough. The site is therefore considered to be on or near a main road and therefore appears to satisfy this element of the policy.

However, Policy H13 states that flats will be permitted areas allocated for residential development. The site, the subject of the application is allocated for Green Belt purposes. Under these circumstances the presumption in favour of flats on main roads does not apply.

Para 79 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.

Para 87 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.

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

Para 89 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:

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

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

Turning first to the issue of whether this site might be considered as previously developed land, it is noted that the site contains only a single dwelling and is therefore only partially developed. Annex 2 (Glossary) to the NPPF Guidance indicates quite clearly that whilst previously Developed Land may include the curtilage of developed land, it should not be assumed that the whole of the curtilage should be developed. It is not therefore considered that the site, in its entirety, may be considered previously developed land. It is not therefore considered that the proposal is fully within the scope of development envisaged by paragraph 89 of the NPPF.

The second element to consider is the impact of the proposal on the openness of the Green Belt or the purposes of including the land within the Green Belt, compared to the existing situation.

As previously identified, the site currently comprises a single, two-storey dwelling, which is located deep on the plot. The proposal seeks to provide 24 one and two bedroomed flats. To accommodate this quantum, of development the applicant suggests the provision of a three storey building located close to the Mount Road and London Road frontages. It is clear that the scale of the proposed development would be materially larger than that which the proposal seeks to replace.

Furthermore the quantum of development proposed necessitates the provision of a three storey building in very close proximity to the Mount Road and London Road frontages, a location which would make the building highly prominent within the landscape.

As a consequence of the increased scale of development and its location it is considered that the proposal would have a materially greater impact on openness and therefore the strategic function of the Green Belt in this location. As a consequence the development does not benefit from the exceptions to Green Belt policy listed at paragraph 89 of the NPPF and constitutes inappropriate development.

Prima facie, the proposal should therefore attract a recommendation of refusal; however, the Local Planning Authority is required to consider whether there are any very special circumstances which would justify a departure from the policy requirements.

The Planning Authority defines a 'very special circumstance' as one which is unique to the site or, at the very least, incapable of frequent repetition. This definition has no statutory basis, but has been applied by the Planning Authority for some 35 years and has been incorporated into the New Local Plan.

The Planning Authority considers that a very special circumstance need not be a single matter, but may result from a combination of matters which individually may not be considered very special, but which in combination, when viewed objectively, may be identified as very special.

The applicant has not identified any very special circumstances, merely identifying that he was approached by the Council in 2007 as part of the 'call for sites'.

The 'Call for Sites' was undertaken in the context of the preparation of the Core Strategy and sought to elicit an indication from local land owners, of their intentions in respect of land in their ownership. In this way the Planning Authority could focus its attention on those areas of land which had some potential prospect of coming forward for development purposes.

As a part of that exercise the applicant was approached, but it would appear that the applicant expressed no interest in developing his site at that time and the matter was given no further consideration by the Authority.

The approach made to the applicant in 2007 was couched in terms which made it clear that it was simply a fact gathering exercise and that no commitment to the development of the site by the Planning Authority should be inferred. The approach to the applicant, made some ten years ago, cannot therefore carry any weight in the consideration of this application.

Furthermore, as the approach made to the applicant was replicated towards landowners on many other sites across the Borough; it cannot be considered to represent a unique or infrequently occurring event that might constitute a very special circumstance.

Despite the paucity of circumstances provided by the applicant, the Planning Authority has considered whether there are any very special circumstances which might justify the release of the site from the Green Belt.

The most commonly identified circumstance is that the Borough suffers from inadequate housing land supply.

The Planning Authority has long recognised that housing land availability within the Borough is limited and that this impacts on its satisfaction of its housing needs.

In order to ensure a five year housing land supply, the Council undertook work in 2012 to identify additional housing sites to meet the requirements of paragraph 47 of the NPPF. It was clear from a review of the Strategic Housing Land Availability Assessment (SHLAA) that there was insufficient land within the existing urban area (non-Green Belt) to accommodate any significant increase in the provision of housing and as a consequence it was necessary to consider the appropriateness of bringing forward sites within the Green Belt to meet housing needs. This work culminated in the Council agreeing a list of 9 strategic sites for the provision of housing in December 2012, of which 4 were within the Green Belt.

The capacity of the identified sites, when combined with capacity within the existing urban area, could accommodate in excess of 1,200 homes.

The application site was not identified within this list.

The Draft New Local Plan (2014), did not identify the application site as being suitable for release for housing and this position was not altered when the 2016 New Local Plan was produced following a reprioritisation of objectives by the Council in March 2016. It should be noted that the Council now seeks to protect the Green Belt over meeting objectively assessed housing needs, following consideration of responses to the 2014 Draft New Local Plan. The application site is allocated for Green Belt purposes in the adopted Local Plan and has not been identified for development purposes in the period to 2031 in the 2016 Local Plan. The proposal is not therefore consistent with the provisions of the Local Plan now emerging.

The reduction in sites identified as suitable for residential purposes in the 2016 Plan will exacerbate the identified shortfall in housing supply and the continuing failure of the Authority to meet its objectively assessed housing needs.

The provision of 24 dwellings would make a contribution towards meeting those needs and could therefore be considered to represent a very special circumstance and material consideration in the determination of this application. However, whilst it is undoubtedly the case that development of this site could contribute towards meeting housing needs, this could be said of any site in the Green Belt. The site has not been specifically identified to meet housing needs within the New Local Plan (2016) and consequently the site cannot be said to benefit from the circumstance created by the Council in its identification of specific sites to meet housing needs.

It should be noted that paragraph 34:3-034-20141006 of the NPPG states that 'Unmet housing need (including for traveller sites) is unlikely to outweigh the harm to the Green Belt and other

harm to constitute the “very special circumstances” justifying inappropriate development on a site within the Green Belt’ (2014).

Furthermore the Minister of State for Housing and Planning, in statements dated 9th July 2015 and 7th June 2016, reiterated that the single issue of unmet demand for housing alone would be unlikely to outweigh harm to the Green Belt. Government policy as set out in a letter dated 31st August 2015 and followed up in a Written Ministerial Statement on 17th December 2015 has stated that unmet need is unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.

It is a point stated yet again in *Hunston v Secretary of State for Communities and Local Government* (2016), where the Court ruled that very special circumstances are not automatically demonstrated simply because there is less than a 5 year land supply, and since repeated in the recently issued Government White Paper ‘Fixing our broken Housing Market’ (March 2017).

In light of these factors it is not considered that the limited availability of housing land creates the very special circumstances necessary to justify inappropriate development in the Green Belt.

The Council is unable to identify any other considerations which might constitute very special circumstances which would justify a departure from Green Belt policy.

An objection is therefore raised to the proposal on the basis of its inconsistency with national Green Belt policy.

(ii) Design and Layout

Policy EC2 of the Adopted Local Plan relates to design and requires a high standard of design in relation to new buildings. It requires development to be of a scale, density, siting, design and layout and of external materials which are appropriate to its setting and do not harm the character of its surroundings. It further requires the appearance and treatment of spaces around buildings to be enhanced by appropriate hard and soft landscaping.

The National Planning Policy Framework similarly seeks well designed development.

The illustrative plans and submitted Design and Access Statement identify the provision of a three storey flat roofed ‘modern’ development, set close to the back edge of the highway to both Mount Road and London Road.

The applicant appears to have undertaken no review of the character of the area, or identified how the proposed new design would affect the character and appearance of the area, asserting simply that the proposal would ‘break up the traditional look with its modern features’.

The surrounding development is essentially of traditional design and two storey in height. In the context of the adjoining development the provision of a three storey, flat roofed and prominently site building would appear out of character with the adjoining development and incongruous in the street scene. The design and siting of the proposal would therefore appear to represent an objection the proposal, were this to be considered at this stage.

However paragraph 60 of the NPPF states that planning authorities should not attempt to impose architectural styles or particular tastes or seek to stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. This would

appear to lend some weight to the provision of an alternative form of development, however, the NPPF goes on to state that it is proper to seek to promote or reinforce local distinctiveness.

As a flat roofed 'box' with significant levels of glazing, it is not considered that the proposed design represents a particularly innovative or original style which would enhance the character of the area. Furthermore the proposal would detract from the established character of the area and would fail to promote or reinforce local distinctiveness or preserve the sensitivity of the site. The proposed development would simply appear 'out of place' and discordant and were this to be a matter capable of determination at this stage; it is considered that the proposed design of the building would be contrary to the provisions of Policy EC2 of the adopted Local Plan.

In terms of layout, the proposal seeks to provide access on the southern side of the development, adjacent to the adjoining property. In this location it is considered that the quantum of traffic entering and leaving the site would result in undue noise and disturbance, detrimental to the amenity of the adjoining resident.

Furthermore, the provision of car parking facilities to the rear of the site, immediately adjacent to the side and rear boundaries of the dwelling to the rear fronting Thundersley Park Road, would unreasonably detract from the amenities enjoyed by the occupiers of that property by reason of noise and disturbance associated with the use of the carpark.

Such adverse impact on the amenity of adjoining residents would be contrary to Policy EC3 and would represent a further objection to the proposal.

The illustrative drawings show the proposed building to be located some 0.6m from the Mount Road highway boundary and a minimum of 0.3m from the London Road boundary. This close proximity to the boundaries of the site, coupled with the mass and scale of the proposal would combine to create a prominent and overdominant feature in the street scene, the impact of which would be exacerbated by the raised level of the site above the adjoining carriageway.

The obtrusive nature of the development would represent a further objection to the proposal.

RDG1 of the adopted Residential Design Guidance states that within the existing built up area the plot sizes for new development should be informed by the prevailing character of plot sizes.

The surrounding area is characterised by detached and semi-detached dwellings, set on relatively large plots, characteristic of plotland development. This results in an attractive and rural character, which is enhanced by the use of soft landscaping.

The proposed development site currently hosts a single detached dwelling and represents one of the least intensively developed plots in the area, with good levels of isolation provided between the building and the plot boundaries.

The proposal seeks to replace this with a highly intensive form of development which the illustrative drawings suggest would leave little space for the creation of appropriate setting or landscaping. To this extent the plot size is considered inadequate to accommodate the level of development proposed and an objection would be raised to such a proposal under RDG1.

RDG2 states that the space around all new development should be informed by the prevailing character of space around the dwellings. Where there is a distinct character of development which creates an exceptionally strong pattern, development must not result in 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. It should seek to provide at least 1m between properties and the boundary.

The RDG identifies that larger dwellings, rows of terraced dwellings, or buildings containing residential development often demand a greater degree of space around them, in order to achieve an appropriate setting and to ensure they do not detrimentally dominate the public realm. As a guide the Council expects to see space equivalent to 25% of the width of properties for buildings containing flats provided between the building and the site boundaries.

In this case the illustrative plans suggest a building with a width of some 38m. Some 9.5m of isolation space is required, with at least 1m provided between the building and the boundary.

At the front elevation of the proposed building some 15.8m of isolation space is available, which would, prima facie appear to provide adequate setting. However, the disposition of the building on the site means that at the rear of the building it would be set only some 0.3m from the highway boundary. This will result in the creation of a cramped and visually tightly constrained form of development which would be entirely inconsistent with the character and setting of development in the area. This poor setting would represent a further objection to the proposal.

RDG3 states that within the existing built up area all new development should be informed by the prevailing building lines to the public realm it faces, however it must not repeat poor forms of development. Where there is a distinct pattern of development which creates an exceptionally strong building line, development must not result in disruption to this pattern.

In all cases projections into building lines which face the public realm must make a positive contribution to the streetscape.

Paragraph 5.5.2 of the preamble to RDG3 states that the setback of dwellings from the street, both on primary and return frontages, is a key consideration in terms of defining the character of the street, determining the degree of privacy to ground floor rooms and accommodating the storage and service requirements of the properties.

Paragraph 5.5.3 of the preamble states that such spaces can provide a buffer from the activities of the neighbouring public areas, such as the street or parking or servicing areas, as well as from neighbouring developments.

The dwellings on the western side of Mount Road are generally set some 7m from the highway boundary.

The Bread and Cheese Public House is set some 11m from the highway boundary.

This creates an attractive spacious setting.

The proposed flats are indicated to be a minimum of 0.6m from the Mount Road boundary and 0.3m from the London Road boundary. The proposed building, as currently suggested, would therefore project substantially in advance of the established building lines to Mount Road and London Road, to the detriment of the attractive spacious character of the area.

Furthermore the proximity of the building to the adjoining highways limits the level of privacy that might be achieved within the development and fails to provide an appropriate buffer between

activity beyond the boundary of the site and the accommodation. It should be noted that the suggested layout provides bedrooms some 2.5m from the carriageway of the London Road. This arrangement is considered likely to result in very poor living conditions for future occupiers. This factor, together with the adverse impact on the character of the area would represent a further objection to the proposal.

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

The proposed flats would be located to the north of the dwellings on Mount Road and would not therefore have an adverse impact on those properties by reason of overshadowing.

The significant projection of the building beyond the front wall of the adjoining property to the south is however considered likely to result in the domination of that property, to the detriment of the amenity of its occupiers, the setting of the adjoining dwelling and the character and appearance of the road. An objection would therefore be raised on this basis.

The proposed development would be located to the east of the dwelling on Thundersley Park Road. The illustrative drawings suggest the provision of a substantial building, some 3 storeys in height located some 14m from the rear boundary of that property. This is considered likely to have some impact in terms of overshadowing and dominance, however the level of isolation achieved is considered sufficient to prevent this impact being significant. It is not considered that an objection raised to the proposal on the basis of overshadowing or dominance could be sustained on appeal.

RDG4 states that development on corner plots should be designed to turn corners. It also states that all new or replacement dwellings on corner plots should provide active frontages to all elevations that face the public realm.

All elevations that face the public realm must be provided with articulation and fenestration at all floor levels, and should provide good levels of surveillance. Blank elevations in these locations are unlikely to be acceptable.

Corner Plots should also be designed to limit the length of high level garden screening, particularly along return frontages.

The illustrative drawings suggest the provision of fenestration and articulation to all elevations, thus there is the opportunity to secure a scheme which is compliant with the guidance in this respect. This however is insufficient to outweigh the harm to the Green Belt and character of the area already identified.

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

The proposed development fails to achieve the requisite isolation space at the southern end of the development, between the rear elevation and the rear boundary.

The proposal would also fail to achieve this requirement between the side elevation and the southern boundary of the site. As a consequence it is considered that the development, as currently proposed, would result in significant opportunities for a loss of privacy for the residents to the south and west. Such adverse impact would attract an objection under RDG5.

Whilst the northern end of the development also demonstrates a compliance failure in terms of the isolation achieved between windows and the boundary of the site, the windows provided in this area would largely overlook the carriageway of Thundersley Park Road and would not result in any loss of privacy. An inability to comply with the guidance could be accepted under such conditions.

RDG6 is concerned with the provision of private amenity area so that the outdoor needs of occupiers are provided for. It states that for flatted development at least 8m² of amenity space should be provided for each habitable room. Where a flat provides fewer than three habitable rooms a minimum of 25m² per flat should be provided.

The proposal fails to make any provision for amenity space within the site. This would represent a significant objection to the proposal.

RDG8 requires the design of all development to result in well-proportioned and balanced properties. Fenestration should be aligned both vertically and horizontally.

Whilst the illustrative drawing shows fenestration which is aligned both vertically and horizontally, the void to solid ratio presented is poor, producing an uninspiring and unattractive façade. It is not considered that the proposal would enhance the character and appearance of the area and this would represent a further objection to the proposal.

RDG10 states that the means of enclosure and surface material should be informed by the prevailing character of the area and that any means of enclosure should not dominate the public realm. It also states that in all cases the means of enclosure and surface treatment must be of high quality materials, appropriate in terms of appearance and ongoing maintenance to the location.

The proposal doesn't identify boundary and surface treatments and it is not therefore possible to comment on these aspects of the proposal. The applicant is however advised to consult the Residential Design Guidance prepared by the Planning Authority if an alternative scheme is pursued on this site.

RDG13 states that all forms of residential development must be provided with safe, adequate and suitable means of refuse and recycling storage to cater for all occupiers. All communal waste points and waste storage facilities should be provided with suitable landscaping and screening.

Residents should not have to transport refuse and recycling unreasonable distances from their dwelling to the communal waste collection points or storage facilities. Such areas should be accessible for waste collectors from the point at which refuse vehicles can receive waste.

The illustrative drawing indicates the provision of a bicycle/bin store in the south west corner of the site. In principle such provision is considered acceptable.

Policy H11 of the Adopted Local Plan is concerned with accessible and wheelchair housing. It states that the Council will encourage all dwellings to be designed so that they are accessible for visitors in wheelchairs and capable of adaptation for occupation by most people with disabilities. In large residential developments, the Council will seek to negotiate a proportion of dwellings specifically designed to be capable, without further structural alterations, of being occupied by independent wheelchair users.

No information on accessible housing provision has been provided as part of the application; however the Planning Authority would expect any future proposal to demonstrate the potential for the accommodation of persons with locomotive disability.

Policy EC5 of the Adopted Local Plan relates to crime prevention. It states that the Council will expect new development schemes to have regard to the desirability of minimising the risk of crime and maximising security by virtue of their design, layout and landscaping.

The 'Safer Places - The Planning System and Crime Prevention' guidance document recommends that seven attributes of sustainable communities are particularly relevant to 'crime prevention'. These include:

- Access and Movement
- Structure
- Surveillance
- Ownership
- Physical Protection
- Activity
- Management and Maintenance

For reasons already identified, the proposed layout is considered unacceptable. However, were permission to be granted for the residential development of the site it is considered that an appropriately designed scheme could achieve the seven attributes.

Such capability does not however outweigh the identified harm of the proposed development.

Overall in terms of layout and design, the illustrative layout indicates that the proposal is far too focused on achieving the greatest number of dwellings on the site and that good design and layout will be sacrificed to achieve a higher intensity of development. An objection to the proposal would be raised accordingly under Policy H9 of the Council's Adopted Local Plan.

(iii) Density and Mix of Housing

Paragraph 159 of the NPPF states that Planning Authorities should have a clear understanding of the mix of housing required to meet local needs and plan to meet those needs.

Policy H10 of the Adopted Local Plan is concerned with providing a mix of development. It states that in all proposals for residential development, the Council will expect the provision of an appropriate range of dwelling types in order to satisfy a variety of housing requirements. This policy is considered vague and inconsistent with the requirements of paragraph 50 of the NPPF which states that Local Planning Authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community and should identify the size, type, tenure and range of housing reflecting local demand.

The most up to date information regarding housing within the Borough, the 2016 Thames Gateway South Essex (TGSE) Strategic Housing Market Assessment (SHMA) shows at page 195 the size and mix of homes likely to be required in each of the TGSE districts. For Castle Point the mix is 85% 1, 2 and 3 beds, some 13% 4 beds and approximately 2% 5 beds plus.

The proposal intends to provide 6 one bedroomed properties and 18 two bedroomed properties. Such provision is entirely consistent with the housing needs of the Borough and no objection would be raised to the proposal on this basis. This positive element of the development is

insufficient however to outweigh the harm to the Green Belt, the character and appearance of the area or the amenity of adjoining residents.

(iv) Affordable Housing

Policy H7 of the Local Plan is concerned with the provision of affordable housing and 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. This policy is considered consistent with paragraphs 50 and 73 of the NPPF.

The Council's adopted Developer Contributions Supplementary Planning Document (SPD) requires the provision of 35% affordable housing on sites of 15 or more proposed units.

Since the adoption of the Developer Contributions SPD, additional assessments have been undertaken in respect of affordability and the need for affordable housing. The 2016 SHMA shows a need for 236 new affordable homes per annum in order to meet identified need. This figure exceeds the annual build rate adopted by Members and in effect would require that all new dwellings built in the Borough were provided as affordable housing units. This is clearly an unrealistic proposition as to adopt such a position would be to render development unviable. A proportion of dwellings provided on appropriate sites is therefore sought.

The Castle Point Draft New Local Plan Whole Plan Viability Assessment (VA) Phase 1 Report (VA) tested the viability of different types of site within Castle Point, and showed that the provision of 25% of units to be provided as affordable units for sites in Benfleet would be viable. The current scheme seeks to provide 24 dwellings. This generates a requirement for the provision of four affordable housing units, 2 x 1 bedroomed properties and 2 x 2 bedroomed properties.

No affordable housing provision is identified on site and the configuration of the proposed development makes such provision difficult to achieve; however the SPD and the VA does allow for financial contributions to be made for offsite provision where circumstances preclude provision on site. In this case there is no opportunity to provide affordable housing units independently of the market flats and mixed affordable/market housing developments are not generally favoured by social housing providers. Under these conditions the Council has considered elsewhere that the provision of a financial contribution would be acceptable.

The SPD provides a formula for the calculation of financial contributions for off-site provision. However the calculation relies on the availability of market value of the proposed flats. No financial information has been submitted as part of the application and it is not therefore possible to determine the level of contribution required, however such details can be determined within the context of a S106 agreement and their absence at this time does not preclude determination of the application.

(v) Highways and car/cycle parking

Many local residents have expressed concern over traffic implications arising from the proposed development.

Policy T2 of the adopted Local Plan states that proposals which would result in the intensification of the use of existing accesses or the creation of new accesses onto any trunk, principal or other classified road will, in appropriate cases, require the submission of a traffic impact study demonstrating the ability of the highway network to accommodate the proposed development. Where such demonstration cannot be shown, or where there is a

Policy objection from the highway authority, permission will be refused.

When considering applications that would affect these roads the council will consult the highway authority and will take the advice received into account when determining applications for planning permission.

The site currently hosts a single two bedroomed dwelling and may reasonably be expected to generate movements associated with two or perhaps three vehicles.

The proposed development seeks to provide 24 flats and may reasonably be expected to generate movements associated with twenty four vehicles.

The proposed development is therefore considered likely to generate significantly more traffic than the existing property, which will have implications for the highway network and the junction at Mount Road and London Road.

No transport assessment or statement has been submitted and it has not therefore been possible for the planning Authority to determine the impact of proposal on highway network/ junction.

Policy T2 makes it clear however that where demonstration of the ability of the highway network to accommodate the proposed development cannot be shown, planning permission will be refused.

Such demonstration has not been provided and this represents an objection to the proposal.

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

RDG12 states that the provision of all forms of parking must not dominate the public realm. All parking provision should be sited to avoid an adverse impact on visual or residential amenity. Access to all forms of development must be safe and convenient for all users, and the design, size, orientation and location of parking spaces should enable the spaces to be utilised conveniently and must not deter vehicles from using them.

Policy EC2 of the Adopted Local Plan highlights the need to ensure that all modes of movement are safe and convenient.

The currently adopted standards are the 2009 County Parking Standards which require 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.

The parking requirement for this development is as follows:

6 x 1 bed apartments	6 spaces
18 x 2 bed apartments	36 spaces
Visitors 0.25 x 24 =	<u>6 spaces</u>
	48 spaces

The proposed development would provide one car parking space for each apartment with two visitor parking spaces, making a total of 26 spaces. Although below the requirement of the parking standards, and the subject of concern as expressed by local residents, this provision is consistent

with the approach adopted by the Council in respect of all sites in locations in close proximity to public transport networks and was the level of car parking agreed at the time of the application for the provision of flats on land on Bread and Cheese Hill to the east of the application site. Under the circumstances it is not considered that a reason for refusal on the basis of inadequate parking could be sustained. No objection would therefore be raised to the proposal on the basis of the car parking provision currently illustrated.

The currently adopted parking standards require bay sizes of 2.9m by 5.5m. The spaces provided have dimensions of around 2.5m in width and 5m in depth. This is below the preferred bay size and coupled with the limited availability of parking provision when compared to the adopted standard represents an unacceptable situation likely to result in parking conflict and off-site parking. This would represent an objection to the proposal.

The required cycle parking is one space per dwelling plus one space per eight dwellings for visitors. 24 residents' cycle spaces are needed with 3 visitor spaces, making a total of 27 cycle spaces.

The submitted plans indicate the provision of a combined bin and cycle store the adequacy of which would need to be demonstrated in the event of the submission of a reserved matters application.

In terms of the location of the proposed parking, two visitor spaces are located to the front of the site with the remainder located to the rear of the building. This is acceptable in visual terms, although the location of the spaces to the rear of the site gives cause for concern in respect of impact on the amenity of the adjoining residents as detailed above.

All of the spaces appear to be conveniently located in respect of use by future occupiers.

(vi) Ecology -

Policy EC7 of the Adopted Local Plan is concerned with natural and semi-natural features in urban areas and states that such features and open spaces within urban areas shall be retained and enhanced wherever possible in order to safeguard their physical, visual, recreational and wildlife value.

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 109 of the NPPF states that "The planning system should contribute to and enhance the natural and local environment by:

- protecting and enhancing valued landscapes, geological conservation interests and soils;
- recognising the wider benefits of ecosystem services;
- minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including

by establishing coherent ecological networks that are more resilient to current and future pressures”.

In paragraph 118 it states: “When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site’s notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impact that it is likely to have 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;
- development proposals where the primary objective is to conserve or enhance biodiversity should be permitted;
- opportunities to incorporate biodiversity in and around developments should be encouraged;
- planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss”.

The site itself is not identified as an important wildlife habitat, however the site contains a relatively old dwelling and is in close proximity to extensive areas of woodland some of which has been designated as ancient woodland. The site may therefore provide habitat for bats and other protected species.

No ecological surveys have been submitted as part of the application and it is not therefore possible to evaluate the ecological value of the site, however the quantum of development envisaged strongly suggests that even if features of ecological importance were present on the site the impact of the proposal could not be adequately mitigated.

This failure of the scheme to respond to its ecological context would represent a further objection to the proposal.

(vii) Trees

Policy EC22 states that in schemes for new development, existing trees, hedgerows and woods shall be retained wherever possible. Where development takes place, loss of existing tree cover and hedgerows shall be kept to a minimum. All trees and shrubs to be retained after development shall be suitably protected throughout the duration of construction.

Policy EC23 states that encouragement will be given to the planting of native trees and shrubs in appropriate cases, in order to improve the physical environment.

The site is currently screened by conifers some 8m high along the eastern boundary and mixed deciduous trees and shrubs on the northern and western boundaries. None of the trees are the subject of Tree Preservation Orders; however, they are located at a prominent point in the local landscape which has been identified as highly sensitive in visual terms (Castle Point Green Belt Landscape Assessment September 2010). The existing trees make a significant contribution to the arcadian nature of the area.

No information has been provided in respect of the trees, their, age, condition or type and no indication is given of proposals for the retention of any trees within the proposed scheme. The illustrative drawing however strongly suggests that it is intended to remove all trees from the site in order to accommodate the quantum of development proposed.

Such loss would have a significant adverse impact on the character and appearance of the area and would represent an objection to the proposal.

(viii) Landscaping

RDG11 of the Residential Design Guidance states that the public realm contained within large scale residential development should be set out in a landscaping scheme.

No landscaping scheme has been submitted as a part of the application and by virtue of the intensive nature of the proposed development as shown in the illustrative drawings, limited opportunity for such landscaping would appear to be available. The lack of landscaping would serve to exacerbate the impact of the proposed development, in this visually sensitive location and is considered to represent a poor form of design which fails to integrate the proposal into the rural character of the area.

This would represent a further objection to the proposal.

(ix) Flood risk and drainage

Paragraph 103 of the NPPF states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere. To this end the Planning Authority requires applicants to demonstrate the flood risk associated with the development of their site.

No submissions have been made in respect of flood risk. The proposed scale of development may present risks of flooding on-site and/or off-site if surface water run-off is not effectively managed. A drainage strategy is vital if an informed planning decision is to be made. In the absence of a drainage strategy, the flood risks resulting from the proposed development are unknown. The absence of a drainage strategy therefore represents a further objection to the proposal.

Other Matters

Infrastructure

Policy CF1 of the Adopted Local Plan is concerned with social and physical infrastructure and new developments. It states that where the infrastructure requirements generated by development cannot be met by the existing provision the Council will require developers to provide appropriate highway and drainage improvements and appropriate improvements to social infrastructure to serve the needs of the new development. In light of the limited information provided as part of the application it is not possible at this stage to determine the extent of relevant contributions, however commitment to the provision of such contributions could be secured through the imposition of a S106 agreement on the grant of any consent.

Provision of Children's Playspace

Policy RE4 of the Adopted Local Plan is concerned with the provision of children's playspace and parks. It states that the Council will seek to provide and facilitate the provision of additional children's playspace and parks in areas of identified need. Where possible and appropriate, such provision shall be made in association with new development.

The provision of such facilities is particularly pertinent in the light of the absence of amenity space provision within the illustrative scheme.

Table G.13 of the Adopted Developers Contributions SPD details information with regard to the provision of space for young people and children and its subsequent management.

The applicant should bear this in mind in the submission of any future schemes.

Sustainability

The site is located on a main distributor road with good access to public transport but is remote from local shopping areas and services. The site is not considered to offer any particular sustainability advantages in terms of its location.

No information has been provided in respect of sustainability of construction. The applicant is advised that should an application for reserved matters come forward such submission should include consideration of the incorporation of energy and water efficiency measures.

Materials can have a significant impact on environmental performance, both in construction, but also ongoing use. Through construction, where those materials are sourced from, the means of extraction and manufacture, how far they travel and so forth; all have varying effects on the environment. Should an application for reserved matters come forward such submission should include consideration of these matters.

Consideration should also be given to the submission of a Site Waste Management Plan.

Conclusion

The application site is allocated for Green Belt purposes in the adopted and New Local Plans.

Within the context provided by the NPPF residential development of the site has been identified as inappropriate development.

Inappropriate development in the Green Belt can exceptionally be justified by the existence of very special circumstances. In this instance, no very special circumstances have been cited by the applicant and none can be identified by the Planning Authority.

The proposal therefore attracts an objection in principle.

The application is in outline form only with all matters reserved. Whilst drawings have been submitted which suggest how the site may be developed, these are for illustrative purposes only and do not indicate how the site might finally be developed. Limited weight may therefore be credited to these submissions.

These drawings do however indicate how the site might be developed in order to accommodate the quantum of units sought. Consideration of this scheme against the adopted policies and guidance suggests that the provision of 24 units, notwithstanding the principle objection to the proposal, would represent overdevelopment of the site as demonstrated by the illustrated poor design and layout, inadequate isolation and amenity spaces, poor setting in the streetscene and the consequent cramped urban appearance.

Furthermore the scheme fails to make provision of affordable housing or children's playspace.

It is considered that the proposal is too focused on achieving the greatest number of dwellings on the site and good design and layout has been sacrificed to achieve an inappropriate quantum of development.

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

My Recommendation is Refusal for the following reasons

- 1 The proposal represents inappropriate development in the Green Belt as defined by the National Planning Policy Framework. Such development will only be permitted if very special circumstances exist to justify its inappropriateness. It is not considered that any very special circumstances have been demonstrated to justify the proposed development which would be detrimental to the openness, character and strategic function of this part of the Green Belt, contrary to National Planning Policy.
- 2 The provision of 24 units, notwithstanding the principle objection to the proposal, would represent overdevelopment of the site as demonstrated by the illustrated poor design and layout, inadequate isolation and amenity spaces, poor setting in the streetscene and the consequent cramped urban appearance. Such development would therefore be contrary to Policy EC2 of the adopted Local Plan.
- 3 Insufficient information has been provided to demonstrate that the proposed development would not result in an adverse impact on matters of ecological importance, contrary to the provisions of the National Planning Policy Framework.
- 4 Insufficient information has been provided to demonstrate that the proposed development would not result in increased risk of off site flooding, contrary to the provisions of paragraph 103 of the National Planning Policy Framework.
- 5 Insufficient information has been provided to demonstrate that the proposed development would not result in an adverse impact on the highway network, contrary to the provisions of Policy T2 of the adopted Local Plan and the National Planning Policy Framework.

Informatives

- 1 The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and 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:	17/0120/FUL
Address:	29 St Annes Road Canvey Island Essex SS8 7LS (Canvey Island East Ward)
Description of Development:	Demolish existing property and construct two detached chalets with vehicle crossovers and associated facilities
Applicant:	Mr Steve Starkey
Case Officer:	Mr Keith Zammit
Expiry Date:	18.04.2017

Summary

The application seeks permission for the replacement of the existing bungalow on the site with two detached properties.

The proposal complies with all relevant residential design guidance. There are no objections from statutory consultees and it is not considered that there is a sustainable reason for refusing planning permission. It is therefore recommended that planning permission be GRANTED.

The application is presented to the committee at the request of Councillor Sach, who has received representations from a local resident. These are discussed within the report.

Site Visit

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

Introduction

The application relates to a site on the eastern side of St Annes Road, roughly midway between its junctions with Teles Avenue and High Street. It currently contains a detached bungalow.

There are bungalows either side of the site, but houses elsewhere in the road, including opposite the site. To the rear of the site are a bungalow and a chalet in Gainsborough Avenue.

The Proposal

Permission is sought for the replacement of the existing bungalow with two detached dwellings each having two bedrooms. The properties would have a maximum height of some 6.5m and would have grey concrete interlocking roof tiles (Marley Eternit Modern Interlocking Tile) with red multi brick (Hampton Rural Blend) and cream/beige weatherboard to the walls. Hard surfaced areas for parking would be brindle coloured permeable block paving.

Supplementary Documentation

The application is accompanied by a Flood Risk Statement, structural calculations and drainage information which are available to view on the council's website.

Planning History

None

Relevant Government Guidance and Local Plan Policies

National Planning Policy Framework

Section 7 – Requiring good design

Current Local Plan

EC2 – Design

T8 – Parking standards

Residential Design Guidance

RDG1 – Plot size

RDG2 – Space around dwellings

RDG3 – Building lines

RDG5 – Privacy and living conditions

RDG6 – Amenity space

RDG7 – Roof development

RDG8 – Detailing

RDG12 – Parking and access

Consultation

Canvey Town Council

To be reported

Environment Agency

No objection subject to conditions

Highways

No objection subject to conditions

Public Consultation

When calling in the application, Councillor Sach outlined several points about the case that had been made to her by a resident of Gainsborough Avenue:

- Bats have been seen entering and exiting the loft space
- Concern over root spread of Willow trees and wonder if there is a TPO on them
- Concerned that plot size shown on the plan is greater than the actual size of the plot
- Concern over additional surface water runoff from the site to their plot
- Plot may not be connected to mains sewerage, there may be cess pit in the corner of the plot near to Gainsborough Avenue
- Amenity space under sized for number of habitable rooms

No neighbour comments received at the time of writing, any responses will be reported separately.

Comments on Consultation Responses

In response to the comments raised by Councillor Sach on behalf of her constituent:

- There is no bat survey with this application. It is recognised that bats can inhabit buildings, particularly lofts, which given the condition of the existing building may be a distinct possibility. If permission is granted, it is recommended that a condition is imposed requiring a bat survey to be submitted.
- There are no trees covered by preservation orders on the site. Any damage to nearby buildings from tree roots is a private matter.
- Council records do not suggest that the size of the site has been misrepresented.

- Details of the surface water run-off from the proposed dwelling have not been provided however this is controlled under Building Regulations. The hard surfaced parking areas, which would not be dealt with by Building Regulations, are to be constructed with permeable materials.
- This is a matter dealt with under Building Regulations and is not a material planning consideration.
- The level of amenity space provision is discussed in the evaluation of the proposal.

Evaluation of Proposal

The main issues with this application are flood risk, design, impact on neighbours and parking implications.

Flood risk

The principle of allowing redevelopment of existing residential sites on Canvey Island is a well-established one. Consideration of the flood risk aspects of this development therefore centres on whether the occupiers would be safe in a flood situation and whether the response of occupiers to a flood warning being issued or flooding occurring can be acceptably managed.

The maximum modelled flood depth for this site is 3.88m above Ordnance datum (AOD). The first floor of the proposed dwellings would be set at 4.83mAOD. Whilst the ground floor would be liable to flooding, the first floor of the dwellings would remain dry in the event of a flood and offer a place of safety. Provided that the response of occupiers to a flood warning being issued or flooding occurring can be acceptably managed, there is no objection on the basis of flood risk.

A flood response plan has been submitted as part of this application, at Appendix E of the Flood Risk Statement. This is considered satisfactory for the purpose of making occupiers aware of the actions they should take in such events. Subject to a condition requiring this plan to be enacted upon occupation of the dwelling and thereafter maintained, there is no objection to this aspect of the proposal.

The National Planning Practice Guidance states that the structural safety of buildings is a material planning consideration. The application is accompanied by technical specifications from Millard & Partners Ltd, a firm of consulting structural engineers, which demonstrate that a stronger, thicker wall with reinforcement, along with additional bracing support of the stud posts would provide resistance up to the 1 in 1000 year flood event. Subject to a condition requiring the building to be constructed in accordance with the approved details there is no objection to this aspect of the proposal.

The above paragraphs only consider the tidal flood risk to the site. There is also the possibility that the development may be affected by fluvial (watercourse) and pluvial (surface water) flooding.

The submitted Flood Risk Statement considers that there is no indication that the site is vulnerable to localised risks of flooding from sources other than tidal flooding from the Thames.

Using information from the Canvey Island Integrated Urban Drainage model, it has been deduced that the maximum flood depth in a pluvial event would be 0.394m above the lowest ground level (1.974mAODN). As the proposed ground floor level is set at 0.6m above the lowest site ground level (2.18mAODN) the building should not be affected by pluvial flooding.

The issue of increased surface water runoff from this site has been raised and addressed previously in the response made under the comments on the public consultation response. As the hard surfacing for the car parking areas would be constructed with a permeable surface in accordance with government guidance it is not considered that the issue of flooding can form a reason for refusal.

It is noted that there is the possibility to minimise damage that may occur to the building, and speed up its reoccupation, should it ever be flooded, through the use of flood resistant and resilient construction techniques. Section 4 of the Flood Risk Statement covers this matter. The submission of this document is considered to demonstrate commitment to the use of such methods and there is no need for an informative to be added to the decision notice regarding this matter, which would be the council's normal practice.

Design

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

The council has adopted Residential Design Guidance as a supplementary planning document. This has been prepared in accordance with section 7 of the NPPF. Within this, guidance at RDG7 states that the roof design of any development should be compatible primarily with the dwelling but should also be informed by the prevailing character of the area and surrounding forms of roof development. The roof of a dwelling, either built as new or extended or altered, should be proportionate to the remainder of the dwelling and not be top heavy, prominent or dominant. Dormers should be an ancillary feature of the roofscape and should not dominate it, being provided with substantial roof verges above, below and to the sides. RDG8 requires the provision of detailing elements for all developments to be consistent with the overall architectural approach of the dwelling, creating well-proportioned and balanced properties.

The proposed dwellings are architecturally of little merit, however, the surrounding area does not have a particularly strong overarching character or style that the proposal needs to conform to.

With a maximum height of some 6.5m, the proposed dwellings are of a modest height and would not appear unduly dominant in the street scene, notwithstanding the presence of bungalows either side of the site. The wider street scene is quite varied, so an objection to the proposed dwellings on the basis that they are located in between bungalows is very unlikely to be supported on appeal.

Overall, it is not felt that the proposal would be visually harmful to the surrounding area, and no objection is raised on the basis of Policy EC2, RDG7 or RDG8.

Given the context of the area the proposed materials are acceptable.

RDG1 requires the plot sizes of new development to be informed by the prevailing character of plot sizes. 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.

The proposed plots would be approximately 11m and 12m in width. This would be in keeping with the pattern of plot sizes locally therefore no objection is raised on the basis of RDG1.

RDG2 requires the space around all new development to be informed by the prevailing character of space around dwellings. The proposed dwellings provide a minimum of 1m between the

dwelling flank walls and the side boundaries of the plots, with the semi integral garage to plot 2 located up to the boundary. However, this is not out of character with the street scene and therefore no objection to the proposal on the basis of RDG2 is raised.

RDG3 requires proposals to respect established building lines. The proposed dwellings would be in keeping with the general building line on this side of St Annes Road and there is therefore no objection on the basis of RDG3.

Impact on neighbours

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

The proposed dwellings are not considered to be situated such that they would cause undue loss of amenity by way of overshadowing or dominance to dwellings either side of the site.

There would be approximately 11-12m between the proposed houses and dwellings to the rear of the site. Whilst this is quite a short distance and would be considered inadequate in many instances, it is not out of character in the context of the surrounding area where such a back-to-back distances between properties facing St Annes Road and Gainsborough Avenue are commonplace. On this basis, it is not considered that an objection to the proposal on the basis of the development being unduly obtrusive or dominant towards dwellings to the rear of the site can be raised under RDG3.

RDG5 deals with privacy and overlooking. A distance of 9m should be provided between first floor windows and the boundaries of the site. The rear-facing first floor windows are set back approximately 6.6m from the rear boundary and do not meet this requirement. However, as the windows serve a bathroom and ensuite a condition may be imposed requiring these windows to be obscure glazed with a restricted opening to prevent the overlooking of properties to the rear of the site without resulting in the creation of unsatisfactory living conditions within the dwellings. Subject to such a condition there is no objection to the proposal on the basis of RDG5.

Given the constrained nature of the plots, and those adjoining, it would be appropriate in the circumstances for permitted development rights for the erection of extensions to the dwellings to be withdrawn so that the exercise of permitted development rights would not lead to any unacceptable impact on the amenity of adjacent residents.

Parking

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

The adopted standards require the provision of a minimum of two parking spaces for properties with two or more bedrooms. Parking spaces are to have dimensions of 2.9m by 5.5m. Garages will not be counted as a parking space unless they have dimensions of 3m by 7m internally and should have a forecourt of 6m in depth to allow vehicles to stand clear of the highway whilst garage doors are being operated.

The properties would each be provided with a garage of 3m by 7m internally with a forecourt in compliance with the parking standards, therefore subject to a condition requiring the garages to be retained, there would be adequate off-street parking.

RDG12 requires parking not to be visually dominant. The parking would not occupy the entire frontages of the properties and would allow space for personalisation, so the parking would not be unduly dominant in the street scene. It is noted that the development would result in the removal of a conifer on the right hand side of the front boundary. This is, however, not subject to a tree preservation order and offers little amenity value. Furthermore it could be removed at any time irrespective of the outcome of this application. Permission may not therefore be refused due to the loss of the conifer. No objection is therefore raised on the basis of RDG12.

Other matters

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

The properties would each have four habitable rooms requiring an amenity area of 60m². The properties would have rear gardens of approximately 60m² and 64m² which satisfies this requirement. However, given the limited size of the gardens it is recommended that a condition removing permitted development rights to extend the dwellings be attached to any grant of consent. Subject to such a condition no objection is raised on the basis of RDG6.

Conclusion

The proposal can be shown to be consistent with national and local policy. The design of the dwellings is acceptable in terms of the Council's residential design guidance and no unacceptable impact on the amenity of neighbours or character of the streetscene can be demonstrated. It is therefore recommended that planning permission be granted.

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

My Recommendation is Approval with the following conditions

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

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

- 2 Prior to commencement of development, which includes the demolition of the existing dwelling, a bat survey, carried out by a suitably qualified consultant, shall be submitted to, and approved in writing by, the local planning authority. Such survey shall contain details of all mitigating measures required to redevelop the site in a manner that is least prejudicial to the interests of bats.

REASON: To ensure that the site is redeveloped having the least possible impact on the local bat population.

- 3 The development shall be carried out in accordance with any such mitigation measures as may be recommended by the survey submitted pursuant to condition 2 and in accordance with such time frame(s) as may be embodied within that document.

REASON: To ensure that the site is redeveloped having the least possible impact on the local bat population.

- 4 The development shall be constructed in accordance with the approved materials.

REASON: In the interest of visual amenity.

- 5 The finished ground floor level of the development shall be set no lower than 2.18mAOD and the finished first floor level of the development shall be set no lower than 4.83mAOD.

REASON: To minimise the risk of flooding to the proposed development and future occupants.

- 6 The development shall be constructed in accordance with the details submitted by Millard & Partners Ltd dated 26th January 2017 and drawing no. 9239-1 by Millard & Partners Ltd dated January '17.

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

- 7 Any windows above ground floor level in the rear elevation of the dwellings shall be

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

and retained as such thereafter.

REASON: To prevent overlooking of properties to the rear of the site.

- 8 Prior to occupation of any dwelling, the car parking space serving it shall be provided, hard surfaced and drained in accordance with SuDS principles, together with properly constructed vehicular access to the highway.

REASON: To make satisfactory provision for parking off the highway, to avoid the generation of excessive on-street parking in the interests of highway safety and the amenity and convenience of surrounding residential occupiers and in the interest of sustainable drainage.

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

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

- 10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, no development of the type specified in

Classes A to C of Part 1 of the Second Schedule to that Order (or the equivalent provisions of any statutory instrument revoking, amending or re-enacting that Order) shall be carried out without the express permission of the local planning authority.

REASON: In view of the constrained nature of the site, the local planning authority considers that the uncontrolled exercise of such rights could give rise to loss of amenity to surrounding residential occupiers.

- 11 The garages shall be retained for the purpose of vehicle parking and not converted to living accommodation.

REASON: To retain a satisfactory level of off-street parking provision and to avoid the generation of excessive on-street parking in the interests of highway safety and the amenity and convenience of surrounding residential occupiers.

Informatives

- 1 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 2 All works affecting the highway to be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be addressed for the attention of the Development Management Team at SMO3, Essex Highways, Unit 36, Childerditch Industrial Park, Childerditch Hall Drive, Brentwood, CM13 3HD or emailed to development.management@essexhighways.org

ITEM 4

Application Number:	17/0141/FUL
Address:	24 Oxford Road Canvey Island Essex SS8 7SJ (Canvey Island South Ward)
Description of Development:	Replacement dwelling and detached garage
Applicant:	Ms Lucy Marshall
Case Officer:	Mr Keith Zammit
Expiry Date:	18.04.2017

Summary

The application seeks permission for a revised scheme of a detached dwelling on this site, following a refusal of planning permission last year.

It is felt that the revised scheme as now presented is acceptable and overcomes the previous reasons for refusal. It is therefore recommended for APPROVAL.

The application is presented to the committee at the request of Councillor Campagna who has received representations about the over dominance of the property, especially the garage, which is located on the rear boundary of the site and the neighbours at the back are bungalows with small gardens.

Site Visit

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

Introduction

The application relates to a roughly square site on the west side of Oxford Road, which currently contains a detached bungalow. There are bungalows to either side of this site, with houses elsewhere in the road.

To the rear of the site are properties in Florence Road. The property directly behind the application site is a bungalow at 61 Florence Road.

The Proposal

Permission is sought for the demolition of the bungalow and the erection of a detached house to replace it, which would have a detached garage. The proposed dwelling would have a maximum overall height of some 7.3m. It would have three bedrooms.

A detached garage would be located to the rear right hand side of the plot. This would have an internal floor area of some 2.75m by 6.1m. It would have a gabled roof to a height of some 3.6m.

Supplementary Documentation

The application is accompanied by a Flood Risk Assessment which is available to view on the council's website.

Planning History

June 2016 – permission refused for replacement dwelling and detached garage (16/0308/FUL) for the following reasons:

- The proposed dwelling, due to its height and proximity to the rear boundary, would be an obtrusive and dominant feature to occupiers of dwellings to the rear of the site resulting in an unacceptable loss of residential amenity to those occupiers contrary to RDG3 of the Council's Residential Design Guidance and Government guidance as expressed in the National Planning Policy Framework.
- The proposed first floor rear bedroom/landing windows, by reason of their proximity to the rear boundary of the site, would result in significant overlooking of the dwellings to the rear, to the detriment of the amenities that might reasonably be expected by the occupiers of those dwellings, contrary to RDG5 of the Council's Residential Design Guidance and Government guidance as expressed in the National Planning Policy Framework.
- The proposal represents overdevelopment of the site as evidenced by the unduly constrained private garden area that would be available to occupiers, leading to a deficiency in outdoor amenity space provision, contrary to RDG6 of the Council's Residential Design Guidance and Government guidance as expressed in the National Planning Policy Framework.

Relevant Government Guidance and Local Plan Policies

National Planning Policy Framework

Current Local Plan

EC2 – Design

T8 – Parking standards

Residential Design Guidance

RDG2 – Space around dwellings

RDG3 – Building lines

RDG5 – Privacy and living conditions

RDG6 – Amenity space

RDG8 – Detailing

RDG12 – Parking and access

Consultation

Canvey Town Council

To be reported

Environment Agency

No objection subject to conditions

Public Consultation

Objections have been received from the following three properties:

Florence Road 59, 63A

Oxford Road 22B

Which make the following comments:

- properties at rear have small gardens so this would be an infringement of privacy
- plot of land is too small

- garage location would mean fumes coming into adjacent property/garden
- first floor layout could be altered to have obscure windows to rear
- could be redesigned as chalet style property
- concern over removal of asbestos
- height of dwelling and chimney too great
- area is at risk of surface water flooding
- vibrations from construction

Comments on Consultation Responses

- The impact of the development on adjacent residents is discussed in the evaluation of the proposal.
- Removal and disposal of asbestos is controlled by other legislation
- Existing surface water flooding cannot be attributed to this development and therefore cannot form a reason for refusal
- Disruption from construction is transient and cannot form a reason for refusal otherwise no new development would take place

Evaluation of Proposal

The main issue with this application is whether it overcomes the previous reasons for refusal, together with any new issues raised. The matter of flood risk, together with any other matters of design and layout not identified in the previous reasons for refusal have already been discussed and considered acceptable at the time of the previous application.

Reason 1:

The proposed dwelling, due to its height and proximity to the rear boundary, would be an obtrusive and dominant feature to occupiers of dwellings to the rear of the site resulting in an unacceptable loss of residential amenity to those occupiers contrary to RDG3 of the Council's Residential Design Guidance and Government guidance as expressed in the National Planning Policy Framework.

The previously proposed dwelling had a roof height of some 7.8m. This is now shown to be approximately 7.3m, which is a reduction of half a metre in height and comparable to other houses in the vicinity of the site.

The first floor of the proposed property is situated approximately 9m from the rear boundary of the plot, previously this distance was 6.5m. The ground floor is situated 5m from the rear boundary whereas previously this was 3.6m. The separation distance between this element of the proposal and the rear boundary now compares favourably with the rear wall of the existing single storey dwelling, which is situated some 4m to 6m from the rear boundary.

These changes have been made without moving the dwelling closer to the highway boundary, the distance between the dwelling's front wall and the highway boundary being 2.8m.

Given that the overall height of the property has been reduced by about half a metre and the upper storey moved back some two-and-a-half metres from the rear boundary, with the lower storey being about one-and-a-half metres further away, it is not considered that the height and massing of the proposed dwelling would any longer be unduly dominant when viewed from the rear. This reason for refusal of permission is therefore felt to have been overcome.

Reason 2:

The proposed first floor rear bedroom/landing windows, by reason of their proximity to the rear boundary of the site, would result in significant overlooking of the dwellings to the rear, to the detriment of the amenities that might reasonably be expected by the occupiers of those dwellings, contrary to RDG5 of the Council's Residential Design Guidance and Government guidance as expressed in the National Planning Policy Framework.

The plans are marked up indicating that 9m would now be provided between the first floor rear facing windows and the boundary of the site. This is the minimum distance that the council's design guidance requires to ensure that a reasonable degree of privacy between dwellings is maintained. As the proposal now complies with this requirement there is no further objection to the proposal on the basis of overlooking. This reason for refusal of permission has been overcome.

A suggestion has been received from neighbouring residents that the first floor layout could be redesigned to provide bathroom/dressing room windows to the rear at first floor level to reduce overlooking. The scheme that is presented to Members complies with the council's design guidance, so there is no basis upon which to request these alterations to the first floor layout.

Reason 3:

The proposal represents overdevelopment of the site as evidenced by the unduly constrained private garden area that would be available to occupiers, leading to a deficiency in outdoor amenity space provision, contrary to RDG6 of the Council's Residential Design Guidance and Government guidance as expressed in the National Planning Policy Framework.

The previous scheme provided eight habitable rooms and required an amenity area of 120m². The rear garden area would have been 63m² which was felt to be too constrained.

The current scheme provides six habitable rooms and therefore an amenity area of 90m² is required on this occasion. The plans are marked up indicating that an amenity area of 90m² would be provided. Officers calculate that an amenity area of some 86m² would be available. This represents a small deficiency in amenity space provision but is not considered to amount to a robust reason for a refusal of the application. Therefore, officers do not recommend that permission be refused on this basis. However, given the limited size of the garden it is recommended that any granted of permission removes permitted development rights to extend the dwelling.

Other matters

There has been an objection received to the current application relating to the provision of a detached garage to the rear right hand corner (north western corner) of the site, having a gabled roof with an eaves height of some 2.2m and a maximum ridge height of 3.5m. It is suggested that this would be obtrusive to occupiers at the rear of the site. This suggestion is noted. However, the garage is unchanged from the previous scheme to which no objection was raised. It would therefore be unreasonable on the part of the council to raise an objection to this element of the scheme now.

Furthermore, such proposals located close to neighbouring boundaries are common features in residential gardens and the proposal is not felt to challenge the limits of what may be held to be acceptable in the context of domestic outbuildings.

The comment regarding exhaust fumes is noted, however, the garage and parking layout is not considered to be out of kilter with normal domestic arrangements so an objection to the proposal on this basis would not be supported on appeal.

The current scheme is a little awkward in terms of its design at the rear, with differing roof pitches provided to the main roof and that over the kitchen diner. However, this would have no impact on the appearance of the dwelling when viewed from Oxford Road and it is not felt that an objection to the proposal on design grounds is warranted.

There is adequate space to the front of the garage to meet the council's adopted parking standards.

Conclusion

This application has made significant changes to the design, mass and layout of the proposed dwelling from the previous scheme. Whilst there is a minor deficiency in respect of the amenity space provision the proposal now meets all other relevant design guidance standards. A robust reason for refusing the application cannot be identified and in light of government guidance that there should be a presumption in favour of sustainable development, it is recommended that permission be granted.

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

My Recommendation is Approval with the following conditions

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

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

- 2 Prior to commencement of construction of the proposed dwelling above foundation level, details or samples of all materials to be used on the external surfaces shall be submitted to and approved in writing by the local planning authority.

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

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

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

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

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

- 5 The development shall be constructed in accordance with such details as may be approved pursuant to condition 4.

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

- 6 Finished ground floor levels shall be set no lower than 2.5m above Ordnance Datum. Finished first floor levels shall be set no lower than 5.1m above Ordnance Datum.

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

- 7 The garage hereby approved shall be provided with a hard surfaced forecourt designed and constructed in accordance with SuDS principles. The hard surface shall be installed prior to the first occupation of the development and provided with properly constructed vehicular access to the highway.

Following installation the proposed hard surfacing shall be maintained in accordance with SuDS principles.

REASON: In order to ensure the provision of adequate on site parking facilities, commensurate with the level of accommodation provided and to limit the potential for increased surface water runoff from the site.

- 8 Upon occupation of the dwelling, the approved Flood Response Plan shall be enacted and thereafter maintained at all times that the dwelling is occupied. Any revisions to the Plan shall be submitted to and formally approved by the Local Planning Authority.

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

- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, no development of the type specified in Classes A to C of Part 1 of the Second Schedule to that Order (or the equivalent provisions of any statutory instrument revoking, amending or re-enacting that Order) shall be carried out without the express permission of the local planning authority.

REASON: In view of the constrained nature of the plot, the local planning authority considers that the uncontrolled exercise of such rights could adversely impact upon the amenity of adjacent residents.

Informatives

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