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AGENDA

Committee: DEVELOPMENT CONTROL

Date and Time: Tuesday 5th December 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, Bayley, Blackwell, Cole, Mrs King, Mumford, Sharp, Taylor, Varker and Walter.

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

Canvey Island Town Councillors : Greig and Tucker

Officers attending: Rob Davis - Planning Development and Enforcement Manager
Fiona Wilson – Head of Legal Services

Enquiries: Cheryl Salmon, ext. 2454

PART I (Business to be taken in public)

1. Apologies

2. Members' Interests

3. Minutes

A copy of the Minutes of the meeting held on 7th November 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

The reports are attached.

	Application No	Address	Page No
1.	17/0683/FUL	26 Geylen Road, Canvey Island, Essex, SS8 8JN (Canvey Island East Ward)	1
2.	17/0825/FUL	25 Florence Road, Canvey Island, Essex, SS8 7EJ (Canvey Island South Ward)	9
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4.	17/0768/FUL	South Benfleet Bowling Club, Brook Road, Benfleet, Essex, SS7 5JF (St Mary's Ward)	23
5.	17/0873/FULCLO	Football Pitch R/O Waterside Farm Sports Centre, Somnes Avenue, Canvey Island, Essex (Canvey Island West Ward)	27

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DEVELOPMENT CONTROL COMMITTEE

TUESDAY 7th NOVEMBER 2017

PRESENT: Councillors Hart (Chairman), Smith (Vice-Chairman), Acott, Anderson, Bayley, Cole, Mumford, Palmer, Mrs Sach, Taylor, Varker, Walter and Mrs Wass.

Councillor Riley also attended.

Apologies for absence were received from Councillors Blackwell, Mrs King and Sharp.

16. MEMBERS' INTERESTS

Councillor Hart declared a Non Pecuniary interest in Agenda Item 5(1), as shown under Minute No. 18(a), as he rented a garage near to the application site and he remained in the Chamber during discussion of the item.

17. MINUTES

The Minutes of the meeting held on 3rd October 2017 were taken as read and signed as correct.

18. DEPOSITED PLANS

- (a) 17/0778/OUT – WAREHOUSE 54 BEECH ROAD, HADLEIGH, BENFLEET, ESSEX (ST JAMES' WARD) – OUTLINE – DEMOLISH EXISTING BUILDINGS AND CONSTRUCT THREE/FOUR STOREY BUILDING COMPRISING OF 14 APARTMENTS AND COMMERCIAL UNIT TO GROUND FLOOR – MR AND MRS R J HILL**

The Committee was reminded that at the meeting of the Development Control Committee held on the 6th June 2017, outline consent for the provision of 14 two bedroomed flats arranged across three floors above a commercial unit at ground floor at 54 Beech Road had been refused. In refusing the application Members had made it clear that whilst there was no objection to the principle of the provision of flats on the site, the proposal was inappropriate for the reasons set out in the Planning Officer's report and an alternative scheme should be prepared.

The Committee had advised that it would be happy to engage with the applicants prior to the formal submission of a further application. The applicant had submitted finalised revised drawings on the 24th August 2017, however a meeting could not be immediately convened due to the commitment of Members and the applicant determined, in order to avoid further delay, to submit the proposal for formal determination.

The Planning Officer reported that whilst the application had been submitted for outline consent only with all matters reserved, in order to achieve the quantum of development sought the applicant had indicated the potential scale and form of development likely to be provided on the site. The submitted scheme was very similar to that which had been refused planning permission previously.

Inadequate revision had been undertaken to achieve an appropriate scheme on the site. The issues that had been identified in application 17/0143/OUT had not been adequately addressed and the proposal remained unacceptable within the context provided by national and local planning policy and guidance. The proposal was therefore recommended for refusal.

The application was presented to the Committee in view of its previous consideration of the proposal and because the agent was related to a member of the Council.

During debate some Members stated that they felt the proposal was an improvement on the previous scheme. They did not feel that the development was too over dominant and out of character with the surrounding area and commended the style of the building. However it was considered that a commercial unit on the site was not appropriate in this location due to the residential element of the proposal. It was also stated that the scheme was capable of providing 15 units and therefore provision of or a contribution towards affordable housing should be made.

Other Members felt that the proposal was unacceptable due to its mass, scale and prominent siting and would be over dominant and not in keeping with the character and appearance of Beech Road. It was considered that the application should be refused for the reasons set out in the Planning Officer's report.

Following discussion, whilst Members concurred that the application should be refused the reasons for refusal were not agreed and a vote was taken on each of the reasons set out in the Planning Officer's report. It was agreed that the second reason stating that the proposed development due to its mass and proximity to the western and southern boundary failed to achieve an appropriate setting and resulted in a cramped appearance out of character with the adjoining development should be removed. All other reasons for refusal should remain and an additional reason stating that a commercial unit was not appropriate on the site should be included.

At the conclusion of the debate it was therefore:-

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

- 1 The proposed development, as shown on the submitted illustrative drawings, by virtue of its mass, scale and prominent siting would present an over dominant and incongruous feature in the street scene, alien to the character and appearance of Beech Road

contrary to the provisions of paragraphs 56 - 58 of the NPPF and policies EC2 and H9 of the adopted Local Plan.

- 2 The proposed development, by reason of the provision of windows and balconies in the eastern elevation at second and third floor level and a window in the western elevation at second floor level, would result in significant overlooking of the adjoining properties to the detriment of the privacy and amenity of the adjoining residents, contrary to Policy EC2 and RDG5. It is considered that the need to rely on a significant number of windows and balconies in the side elevations of the proposed building, overlooking adjoining properties demonstrates that the proposal represents overdevelopment of the site.
- 3 The proposed development fails to make adequate provision for on-site servicing of the commercial element of the proposed scheme. As such it is considered that commercial vehicles visiting the site would be likely to stop on the highway, to the danger and inconvenience of local residents and the detriment of traffic flows, contrary to Policy EC2 of the adopted Local Plan. The inability of the proposal to satisfactorily accommodate servicing arrangements is considered to demonstrate that the scheme represents overdevelopment of the site
- 4 The proposal fails to demonstrate the provision of adequate, safe and convenient refuse and recycling storage facilities for the residential and commercial elements of the proposal, contrary to RDG13.
- 5 The proposed scheme is clearly capable of providing 15 units which would attract a requirement for a contribution towards affordable housing provision in accordance with Policy H7 of the adopted Local Plan. The applicant has however amended the scheme through the device of removing a number of internal walls to secure 14 units on the site. Such amendment is considered to be an attempt to avoid the payment of an appropriate contribution. The lack of affordable housing provision is contrary to Policy H7 of the adopted Local Plan.
- 6 The proposal seeks to provide a commercial unit on the site. The retention of commercial activity within a residential scheme is considered likely to result in noise and disruption to future and existing residents, to the detriment of the amenity of those parties, contrary to Policy EC3 of the adopted Local Plan.

ITEM 1

Application Number:	17/0683/FUL
Address:	26 Geylen Road Canvey Island Essex SS8 8JN (Canvey Island East Ward)
Description of Development:	Demolition of bungalow and replacement with 2No. One-bedroomed Semi-Detached Chalets with integral carports and proposed new cross-overs.
Applicant:	Mr D Dady
Case Officer:	Ms Kim Fisher
Date of Expiry:	15.12.2017

Summary

The proposal seeks to provide a pair of semi-detached one bedroomed chalets in an area allocated for residential purposes on the Development Plan. The proposal meets all appropriate spatial standards and subject to appropriate conditions presents an appropriate and necessary addition to the stock of smaller dwellings within the Borough.

The proposal is therefore recommended for Approval.

The application is presented to Committee at the request Councillor Sach.

Site Visit

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

Site Description

The site is located on the southern side of Geylen Road approximately 92m east of its junction with Orange Road. A fall of some 0.4m occurs north – south across the site.

A timber rough cast bungalow occupies the site. Immediately to the south, north east and west the site is adjoined by detached bungalows of varying sizes and styles.

Geylen Road is a single carriageway with grass verges and no pedestrian footway.

Description of Proposed Development

The applicant seeks permission to demolish the dwelling on the site and construct 2 one bedroomed semi-detached chalets. The dwellings would have a combined width of some 15.7m and would be some 10.3m deep with a maximum ridge height of 6.6m.

The dwellings are to be finished in unspecified red brick with white weather boarding and brown plain tiles for the roof. Hardsurfaced areas of the site would be finished in charcoal coloured non permeable paving.

Submitted Documentation

The applicant has submitted appropriate drawings to identify the scale, form and nature of the proposed development and the following supplementary documents:

- o Flood Risk Assessment
- o Structural Design Summary

which may be viewed on the Council's website.

Relevant History

None

Local Plan Allocation

Residential

Relevant Policies

National Planning Policy Framework

Section 7 – Requiring good design

Section 10 – Meeting the challenge of climate change, flooding and coastal change

Adopted 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

Highways

No objection subject to conditions

Canvey Town Council

No response received

Environment Agency

No objection subject to conditions

Anglian Water

Comments awaited

Public Consultation

Comments have been received that express the following concerns:

- o Intensive occupation will result in noise and disturbance.
- o Inadequate parking provision
- o Loss of privacy
- o Dominance

- o Out of character-Surrounding development is all bungalows
- o Overdevelopment of the site
- o Loss of light and overshadowing
- o Concerns about impact on drainage system

Comments on Consultation Responses

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

Evaluation of Proposal:

Principle

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

Flood Risk

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

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

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

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

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

The applicant has provided a Flood Risk Assessment (FRA) which identifies that the finished ground level of the development is proposed at 2.23m AODN and that during a 1 in 200 year breach event water levels are likely to reach a depth of 1m in the building.

The finished first floor of the property is being proposed at 3.04m above ground level. This would be above the 1 in 1000 annual probability breach flood level and would therefore remain dry and be an area of refuge available to occupiers during flood events.

The Environment Agency has requested that these floor levels be secured by condition. Subject to such a condition and provided that the response of occupiers to flooding or a flood warning is managed by a Flood Response Plan, it is not considered that there would be an undue risk to future occupiers posed by the development.

A Flood Response Plan (FRP) and flood resilience measures (FRM) have been included as part of the Flood Risk Statement and these are satisfactory.

The National Planning Practice Guidance states at paragraph 054 Reference ID: 7-054-20140306 that when considering safety, the depth and velocity of flood water and the structural safety of buildings needs to be considered. The submissions include a report by a structural engineer confirming that the design options denoted on the architectural layouts would resist a 1:1000 year flood event.

It is noted that a number of residents have objected to the proposal on the basis that it would be out of character with the surrounding area which is dominated by bungalows.

It would appear that residents would prefer to see single storey development on this site.

Unfortunately, in order to ensure that future residents are not placed at unnecessary risk in the event of a flood, the Planning Authority now requires all development to locate sleeping accommodation above predicted flood levels and to provide safe refuge above the 1 in 1000 year flood event level. This necessitates the provision of two storey development in this case.

The Planning Authority could not therefore support the provision of single storey development on this site because of the identified flood risk.

Design

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

Geylen Road is dominated by bungalows and in this context the provision of a pair of chalets would appear inconsistent, however, for the reason stated above it is not considered that the provision of bungalows on this site could be practically achieved given the necessity to provide refuge above predicted flood levels and as a consequence the provision of small chalets, appears, in principle, an appropriate compromise.

There is no objection in principle to the provision of chalets in this location.

The proposed dwellings have a ridge height of some 6.6m, which compares favourably with other two storey development in the area.

Guidance at RDG1 requires all new development to be informed by the prevailing character of plot sizes. Within Geylen Road plot widths range from some 7m to 13m. The proposed development presents plots which are individually some 8.7m wide. In the context established by the surrounding development the plot sizes are considered acceptable. No objection is raised to the proposal on the basis of RDG1.

Guidance at RDG2 requires the space around all new development to be informed by the prevailing character of space around dwellings. The proposed dwellings are shown to have side

isolation spaces of 1m which reflects the isolation spaces to other dwellings in the area and is satisfactory in terms of the guidance contained at RDG2.

Guidance at RDG3 requires proposals to respect established building lines. The main wall of the principle elevation of the proposed dwelling is shown to be set back some 3.5m from the front boundary of the site. Small porches will project to within 2.2m of the highway boundary.

Although the dwellings would be set marginally nearer to the highway than the bungalows on either side the building line to Geylen Road does exhibit a degree of variance along its length and it is not considered that the variance introduced by the proposed dwellings would have a significant adverse impact on the character and appearance of the area. No objection is therefore raised to the proposal under this element of RDG3.

Guidance at 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.

Each dwelling is shown to have two habitable rooms and the rear gardens provide some 53m² of amenity space. The proposal therefore satisfies RDG6. However, in view of the extremely limited nature of the amenity area and the limited extent of accommodation provided within the dwelling which is considered likely to generate pressure for the provision of greater living space on the site, it is considered that permitted development rights under Classes A and E should be withdrawn in the event of permission being granted for the proposed development.

The proposal is acceptable in terms of RDG7 and RDG8.

Impact on neighbours

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

The rear wall of the dwellings would be located some 6m from the rear boundary of the site. This is only marginally less than the rear garden depths achieved by the dwellings to either side and following the redesign of the proposed dwellings to remove the previously proposed rear dormers, coupled with the limited height of the building and the movement of the ridge away from the boundary, is considered unlikely to unduly dominate the outlook of the occupiers of the properties to the rear to an unacceptable degree. No objection is therefore raised to the proposal on this basis.

Guidance at RDG5 deals with privacy and overlooking.

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

Dormers are provided to the front elevations and overlook the street, which is within the public realm, and would be some 13m from the front boundary of the dwelling on the opposite side of Geylen Road. As such it is not considered that the windows within the front dormers would result in a loss of privacy to properties opposite. No side openings at first floor level are proposed.

Small rooflights are proposed in the rear roof plane however, these are located in excess of 9m from the rear boundary of the site and would not therefore result in undue overlooking or loss of privacy to the adjoining residents.

No objection is therefore raised to the proposal under RDG5.

Parking

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

Guidance at RDG12 requires parking not to be visually dominant.

The current standards require the provision of one parking space for properties with one bedroom. Parking bays should be 2.9 by 5.5m.

Each dwelling is shown to have a partially recessed covered parking space, which is of adequate size to accommodate the requisite parking provision in accordance with the Council's standards. No objection is therefore raised to the proposal on the basis of parking provision.

It is noted that local residents are concerned about the impact of this development on parking in the street which is of limited width; however, the proposal meets the Council's adopted parking standards and parking difficulties currently experienced in the road, or perceived to be created by the proposed development by residents cannot form the basis of a robust reason for refusal. Subject to a condition preventing the erection of a garage door across the front of the car ports no objection is raised to the proposal on the basis of its parking provision.

Other matters

Concern has been raised about the effect this development might have on the drainage infrastructure. The disposal of foul and surface water from the buildings is a matter dealt with under the Building Regulations and it is not appropriate for the planning system to duplicate their legislative requirements.

With regard to the potential for surface water run-off from the hard surfaced area, this is a matter which can be dealt with by way of a planning condition should the proposal be approved, either by requiring the submission of details or requiring the applicant to construct the hard landscaping in accordance with SUDs principles.

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

My Recommendation is Approval 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 the vehicular access being brought into use, within the confines of the site, a 1.5m x 1.5m clear to ground visibility splay shall be provided at the junction of the vehicular access and the highway which shall be maintained free of obstruction in perpetuity.

REASON: In the interests of highway and pedestrian safety.

- 3 Prior to the first occupation of the development hereby permitted, the approved surface water drainage scheme shall be fully implemented on site.

REASON: To limit the potential for increased surface water runoff from the site.

- 4 The proposed hardsurfaced areas shall be designed and constructed to ensure that surface water runoff from the site is delivered to the existing surface water drainage system via chambers provided within the site which incorporate appropriate hydrobraking systems to ensure that any water delivered to the surface water system is delivered at a rate acceptable to the receiving body.

REASON: In order to ensure that surface water is appropriately dealt with on the site and to reduce the risk of surface water flooding both on and off site, in accordance with Government guidance as set out in the National Planning Policy Framework.

- 5 Prior to the first occupation of the development hereby approved a vehicular crossover shall be provided in accordance with the details submitted on the approved plans and permanently retained as such thereafter.

REASON: In order to provide adequate on site car parking facilities for the accommodation proposed.

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, no development of the type specified in Class A, B, C and E of Part 1 of the Second Schedule to that Order (or the equivalent provisions of any statutory instrument revoking, amending or re-enacting that Order) shall be carried out without the formal consent of the Local Planning Authority.

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

- 7 Any existing redundant access at the site frontage shall be suitably and permanently closed incorporating the reinstatement to full height of the footway / kerbing immediately once the proposed new accesses are brought into first beneficial use.

REASON: To ensure the removal of, and to preclude the creation of, unnecessary points of traffic conflict in the highway in the interests of highway safety in accordance with Policy EC2 of the adopted Local Plan.

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

REASON: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety to ensure accordance with Policy EC2 of the adopted Local Plan.

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

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with Policy EC2 of the adopted Local Plan.

- 10 The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) prepared by Brian Davison Associates,

referenced BDA-1556 and dated May 2017 and the following mitigation measures detailed within the FRA:

1. Finished ground floor levels are set no lower than 2.23 metres above Ordnance Datum (AOD).
2. Finished first floor levels are set no lower than 4.97 metres above Ordnance Datum (AOD).

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

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

- 11 No doors, gates or other means of enclosure shall be created within the proposed carports which shall be permanently maintained as carports for the purpose of vehicle parking.

REASON: In order to ensure the provision of appropriate on site car parking provision in accordance with Policy T8 of the adopted Local Plan and the adopted Residential Design Guidance as set out in RDG12.

Informatives

- 1 The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 2 The applicant's attention is drawn to the need to obtain the consent of the Highway Authority for the placement of any materials associated with the development within the highway limits.
- 3 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
- 4 In undertaking the works hereby approved you are advised to satisfy yourself of your obligations to occupiers of adjoining properties in accordance with the Party Wall etc. Act 1996, details of which can be inspected at these offices or you may obtain details free of charge from the Planning Portal website (www.planningportal.gov.uk) under Building Regulations.

ITEM 2

Application Number:	17/0825/FUL
Address:	25 Florence Road Canvey Island Essex SS8 7EJ (Canvey Island South Ward)
Description of Development:	Demolish existing dwelling and out-building and replace with two 2-bedroom detached dwellings (part retrospective)
Applicant:	Mr A Hodder
Case Officer:	Mrs Sophie Adams
Date of Expiry:	13.12.2017

Summary

The proposal is for the erection of two detached two bedroomed dormer bungalows in an area allocated for residential purposes on the Development Plan. It is considered that the proposal overcomes the previous reasons for refusal and does not raise any new issues. The proposal is therefore recommended for APPROVAL.

The application is presented to Committee at the request of Councillor Sach.

Site Visit

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

Introduction

This application relates to a vacant site located on the eastern side of Florence Road approximately 82m south of its junction with High Street. The bungalow formally occupying the site has been demolished. Immediately to the south and north of the site are bungalows, to the rear and opposite bungalows. The street scene is varied with a mixture of houses, bungalows and chalets of varying styles.

The Proposal

The applicant seeks permission to demolish the former dwelling on the site and construct 2 No two bedroomed detached dormer bungalows with front gables and semi-integral parking bays served by new dropped kerbs. The proposed dwellings have a width of 8m, depth of some 9.3m and a maximum ridge height of 7.1m.

The dwellings are to be finished in Atherstone Red Multi Stock face brick work with UPVC white windows, render to the first floor gable and Redland Grovebury Tudor Brown roof tiles. The hard surfaced areas are to be constructed using Brett Omega Paving in Charcoal.

A 1.8m high closed boarded timber fence is proposed to the sides and rear of the site.

Supplementary Documentation

The application is supported by a flood risk assessment and a structural design summary.

Planning History

In 2017 planning permission was refused for the demolition of the existing dwelling and construction of two 2-bedroomed link-detached dormer bungalows with front gables (17/0382/FUL) for the following reasons:

1. The proposed dwellings, due to their proximity to the rear boundary of the site and lack of lateral first floor separation between flank walls and adjoining boundaries, would be unduly dominant and obtrusive to occupiers of the residential properties to the rear of the site, contrary to RDG3 of the Council's Residential Design Guidance and Government guidance as expressed in the National Planning Policy Framework.
2. The proposed dwellings fail to provide adequate amenity space and due to their proximity to the rear boundaries would result in a development of cramped appearance in relation to the surrounding properties contrary to Policy EC2 of the Council's Adopted Local Plan, RDG6 of the Council's Residential Design Guidance and Government guidance as expressed in the National Planning Policy Framework.

Local Plan Allocation

The site is allocated as Residential in the Adopted Local Plan.

Relevant Policies and Government Guidance

National Planning Policy Framework

Section 7 – Requiring good design

Section 10 – Meeting the challenge of climate change, flooding and coastal change

Adopted Local Plan (Adopted November 1998)

Policy EC2 - Design

Policy H17 - Housing Development - Design and Layout

Policy T8 - Parking standards

Residential Design Guidance (Adopted January 2013)

RDG1 – Plot size

RDG2 – Space around dwellings

RDG3 – Building lines

RDG5 – Privacy and living conditions

RDG6 – Amenity space

RDG7 – Roof development

RDG8 – Detailing

RDG12 – Parking and access

County Parking Standards September 2009 (Adopted June 2010)

Consultation

Essex Highways

The proposal is acceptable subject to conditions ensuring the provision of adequate vehicular access, closure of any redundant accesses, provision of on-site parking, no discharge of surface water onto the Highway, no unbound material used in the surface treatment of the access, allocation of areas for building materials and construction vehicles, and the provision of a Residential Travel Information Pack.

Environment Agency

No objection to the proposal and refer to the response provided to the earlier application. This response stated no objection provided flood risk considerations are taken into account and floor levels are raised above this potential flood depths, with an appropriate freeboard, to protect the dwellings from flooding.

Canvey Town Council

Comments awaited

Anglian Water

Comments awaited

Public Consultation

Ten responses were received from eight different households within the local area raising the following objections:

- o Refused application creates a precedent, and this application should also be rejected for overshadowing
- o Increased residents
- o Increased flood risk due to more concrete and less to absorb rainfall
- o No comment on plumbing and sewage solution when previous dwelling had sewage problems
- o Increased traffic and parking on a busy cut through to sea front and existing parked cars
- o Blocking sunlight
- o Loss of privacy
- o Drawings misrepresent the isolation between No.23 and the proposal
- o RDG2 clearly states that there should be at least 1 metre gap
- o The proposed carport would be higher than the existing boundary fence and block the natural light from the opening side window of No.23 and its garden
- o Cramped
- o Forward of the building line changing the character of the street
- o Parking issue
- o Room sizes are small and the small bedroom only just meets the RDG requirements
- o Does not reflect the design for the future and quality of living
- o Overdevelopment
- o Loss of more garden space
- o Domineering effect on its immediate one storey bungalow neighbours
- o Using council land (grass verge) to gain extra length to make the development fit the plot
- o Does the Council take into account the rights under The Human Rights Act to quality of living and the right to natural light
- o Do the Council plan to fix the drainage issue
- o Prime case for rejection based on the Directive of Back Land Developments
- o Road floods easily when there are heavy rainfall and the drains cannot cope
- o Dwelling has already been demolished, what will the Council do regarding this breach of protocol?
- o 3 or 4 bed bungalow with roof escape route would better meet policy
- o New plans are an improvement with the sloping roof to minimum impact
- o Inadequate gap for access, maintenance and fire safety
- o Need additional space for the guttering as it should not infringe on the airspace or boundary
- o No guttering would result in flow of water, increased flooding to rear of garage and damp to garage wall

- o Gaps provided between properties and to No.29, but none to No.23, why is this property being penalised?
- o Dominate and overshadow

Comments on Consultation Responses

- o It is unreasonable to require the development to fix any existing problems. The Council can only consider the impact caused by the development.
- o The proposal would provide frontage development with parking adjacent, and does not represent backland development
- o The Highways Authority conditions will be attached to any consent that may be granted where reasonable and necessary
- o All relevant comments will be considered in the evaluation.

Evaluation of Proposal

Principle

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

Flood Risk

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

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

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

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

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

The applicant has provided a Flood Risk Worksheet (FRS). The FRS identifies that the ground level of the site is 1.85m AODN and that during both a 1 in 200 and 1 in 1000 year breach event water levels are likely to reach a depth of 300mm in the building.

The finished first floor of the property is being proposed at 4.915m AOD. The first floor would then be at least 1m above projected flood water during a 1 in 200 or 1 in 1000 year event. The first floor would therefore remain dry and be an area available to occupiers where they can stay out of floodwater that may enter the ground floor.

Subject to a condition that this floor level is provided and provided that the response of occupiers to flooding or a flood warning is managed by a Flood Response Plan, it is not considered that there would be an undue risk to future occupiers posed by the development.

A flood response plan and flood resilience measures have been provided and these are satisfactory.

The National Planning Practice Guidance states at paragraph 054 Reference ID: 7-054-20140306 that when considering safety, the depth and velocity of flood water and the structural safety of buildings needs to be considered. The submission contains a report by a structural engineer confirming that the design options denoted on the architectural layouts would resist a 1:1000 year flood event. Subject to the dwelling being constructed in accordance with these details the dwellings should be able to withstand the forces associated with a flood event.

Design

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

Florence Road comprises mainly of bungalows and houses. There is no objection in principle to the provision of dormer bungalows in this location.

The proposed dwellings have a ridge height of some 7.1m, which is of a similar height to other houses in the area.

Guidance at RDG1 requires all new development to be informed by the prevailing character of plot sizes. The width of the site measures at least 18m, which is sufficient to provide both plots with a suitable frontage width which is consistent with other dwellings in the area. Accordingly no objection to the proposal on the basis of RDG1 is raised.

Guidance at RDG2 requires the space around all new development to be informed by the prevailing character of space around dwellings. The proposed dwellings have garages located up to their boundary on one side and provide isolation spaces of 1m on the other. This reflects the form of other dwellings in the immediate surrounding area and is satisfactory in terms of the guidance contained at RDG2.

Guidance at RDG3 requires proposals to respect established building lines. The main wall of the principle elevation of the proposed dwellings is shown to be set back some 3m from the front boundary of the site. This is 1m in front of the front wall of the bungalow to the south and 1.5m in front of its converted garage. The proposed dwellings would be approximately 1m forward of the garage of the bungalow to its north. Beyond the main front elevation of the dwellings a canopy over the front door would project a further 0.4m.

Whilst the proposed dwellings would project forward of their neighbours it is not considered that Florence Road has an exceptionally strong building line. The three houses obliquely opposite the site have two storey gabled elements projecting to within 2m of their front boundary and 33

Florence Road has a semi-integral garage and canopy located 3m from the boundary. Further south there are examples of other dwellings set similar distances back from the highway boundary to that of the proposal.

In the light of the above it is not considered that the proposed dwellings would appear unduly prominent or obtrusive in the streetscene and no objection is therefore raised on the basis of RDG3.

Guidance at 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.

Each dwelling is shown to have three habitable rooms and the rear gardens to have an amenity area of some 54m². This is a small increase in provision from the previous scheme, which was refused, in part, for having insufficient amenity area.

In assessing the previous scheme it was felt that the cramped open plan living area was designed to limit the number of habitable rooms in order meet the Council's minimum amenity area requirements. Accordingly it was considered that 60m² of amenity area would be a more appropriate requirement. The proximity of the rear wall of the dwelling and first floor dormers to the boundary of the site and lack of lateral separation between the dwellings further reinforced the view that the proposal lacked sufficient amenity area for the size of dwelling being proposed.

The revised proposal has increased the rear garden depth by 0.9m at ground floor and 0.4m at first floor. The properties no longer have linked garages and the internal floor plan has also been amended so that the kitchen and living accommodation are less cramped.

Given these changes it is considered that the amenity area provision is now sufficient to prevent the dwelling from being unduly dominant and obtrusive for the occupiers at the rear of the site. The size of the rear gardens reflect that of the dwellings immediately north of the site and any further objection to the proposal on the basis of RDG6 is unlikely to be sustained on appeal.

However, in view of the limited size of the gardens proposed it is considered that permitted development rights should be withdrawn in the event of permission being granted.

RDG7 requires the roof design of any development to be informed by the prevailing character of the area and surrounding forms of roof development. RDG8 is concerned with the detailing elements of development to ensure that proposals are consistent with the overall architectural approach and dwellings are well proportioned and balanced.

The gable elements of the proposed dwellings are reflective of the houses opposite. The roof and dormers are suitably proportioned and the fenestration relatively well aligned.

The proposal is satisfactory in terms of RDG7 and RDG8.

Impact on neighbours

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

The rear wall of plot 1 would not extend beyond the rear of the neighbour to its north. It is noted that a window is present on the side elevation of this property. However, the planning system cannot protect light to such windows and this is why RDG5 requires primary windows to be located on the principle elevations of dwellings.

The dwelling on plot 2 would extend some 2.5m beyond the converted garage of the dwelling to its south and 2m past the habitable accommodation of the main accommodation. This is not significant and the impact of the proposed dwelling is further mitigated by the sloping roof at first floor and set back of the rear dormers.

No objection is raised to the proposal in terms of RDG3.

Guidance at RDG5 deals with privacy and overlooking.

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

The front windows overlook the street which is within the public realm and would not result in a loss of privacy to properties opposite. No side openings at first floor level are proposed.

The rear windows are located between some 7.3m and 7.6m back from the rear boundary of the site, which is an improvement on the 6.6m provided by the previous scheme but still below the required minimum. However, these windows serve bathrooms and an en-suite and are capable of being conditioned as obscure glazed and fixed shut below 1.7m above finished floor level without detriment to the living conditions of the occupiers. Such an arrangement would mitigate any loss of privacy to neighbours.

Parking

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

Guidance at RDG12 requires parking not to be visually dominant.

The current standards require the provision of a minimum of two parking spaces for properties with two or more bedrooms. Garages will only be counted as a parking space where they have internal dimensions of 3m by 7m and should be provided with a forecourt depth of 6m. Parking bays should be 2.9 by 5.5m.

Each dwelling is shown to have a recessed covered parking space without garage doors measuring 3m wide. This exceeds the minimum required. The depth of the covered space plus that of the site frontage is sufficient to accommodate two parking spaces in accordance with the Council's parking standards. The drawings show that the dwellings are to be provided with a suitable dropped kerb.

Subject to a condition preventing the erection of a garage door across the front of the car ports no objection is raised to the proposal in the basis of its parking provision.

Other matters

Concern has been raised about the effect this development might have on the drainage infrastructure. The disposal of foul and surface water for the buildings is a matter dealt with under Building Regulations and it is not appropriate for the planning system to duplicate their legislative requirements.

The submitted plans show that a hydro brake chamber would be provided to reduce the surface water flow from the hard surface to a surface water sewer at a rate of 3 litres per second. This is considered an acceptable method and rate to prevent surface water flooding beyond the confines

of the site. However, the materials and construction of the hard surface has not been provided, and it is unclear how the surface water would drain to this attenuated system, whether through falls or a gulley would be provided to the edge of the hard surfacing. It is therefore considered that additional details need to be provided, and this could be secured via a condition to any consent that may be granted.

Conclusion

The design of the of the dwellings is acceptable in terms of the Council's residential design guidance, is acceptable in terms of parking provision, and found to have no significant adverse impact on the amenity of neighbours or character of the streetscene. 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 occupation of the development hereby permitted, details of the hard surfacing areas shown on approved drawing number 1545/S1/F received on 17th October 2017 shall be submitted to and approved by the Local Planning Authority. Such details shall include the design, materials, construction and maintenance of the hard surfaced areas, and shall exclude unbound materials within the first 6 metres of the highway.

REASON: In order to ensure no displacement of loose material on the highway, and to ensure surface water is appropriately dealt with on the site, to reduce the risk of surface water flooding both on and off site, in accordance with Government guidance as set out in the National Planning Policy Framework.

- 3 Prior to the first occupation of the development hereby permitted, the approved surface water drainage scheme under condition number 2 of this consent shall be fully implemented on site. Once installed the scheme shall be maintained in accordance with the approved details.

REASON: To limit the potential for increased surface water runoff from the site.

- 4 The development shall be constructed in accordance with details submitted by John Simm & Associates Ltd, JOB No. 6273 and non-technical summary Sheet No. SDR1.

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.

- 5 The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Worksheet and General Principles of Flood Resilient Design and Construction (collectively known as FRA) prepared by Brian Davison Associates, referenced BDA-1545 and dated April 2017 and received on 21st November 2017 and the following mitigation measures detailed within the FRA:

1. Finished ground floor levels are set no lower than 2.15 metres above Ordnance Datum (AOD).
2. Finished first floor levels are set no lower than 4.915 metres above Ordnance Datum (AOD).

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

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

- 6 The external surfaces of the development hereby approved shall be treated in accordance with the details submitted in the application form from which there shall be no departure without the prior consent in writing of the Local Planning Authority.

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

- 7 Any existing redundant access at the site frontage shall be suitably and permanently closed incorporating the reinstatement to full height of the footway / kerbing immediately once the proposed new accesses are brought into first beneficial use.

REASON: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety in accordance.

- 8 Prior to the first occupation of the development hereby approved vehicular crossovers shall be provided in accordance with the details submitted on the approved plan drawing number 1545/300/F received on 17th October 2017 and permanently retained as such thereafter.

REASON: In order to provide adequate on site car parking facilities for the accommodation proposed.

- 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 Class A to E of Part 1 of the Second Schedule to that Order (or the equivalent provisions of any statutory instrument revoking, amending or re-enacting that Order) shall be carried out without the formal consent of the Local Planning Authority.

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

- 10 No doors, gates or other means of enclosure shall be created within the carports which shall be permanently maintained as carports for the purpose of vehicle parking.

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

- 11 Upon occupation of the dwellings hereby approved, the approved Flood Response Plan shall be enacted and thereafter maintained at all times that the dwellings are 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.

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 determining the proposal 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 3

Application Number:	17/0901/FUL
Address:	8 Roggel Road Canvey Island Essex SS8 7HN (Canvey Island South Ward)
Description of Development:	Garage conversion with raised roof (revised scheme)
Applicant:	Mr Josh Fairbairn
Case Officer:	Mr Keith Zammit
Date of Expiry:	27.12.2017

Summary

The application seeks permission for the conversion of the former garage to a kitchen and raising of the garage roof. In all the circumstances there are no planning objections to the proposal and it is therefore recommended that permission be GRANTED.

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

Site Visit

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

Introduction

The application property is a detached bungalow on the west side of Roggel Road. It was constructed as a one-bedroomed bungalow with an attached garage, but the owner has recently converted the garage to a bedroom without planning permission. There is a parking space in front of the former garage.

There are bungalows to either side of the site, whilst to the west are the rear aspects of properties in Handel Road.

The Proposal

Permission is sought, part retrospectively, for the conversion of the former garage to a kitchen, together with retention of the raised roof height from 2.4m to 2.9m.

Supplementary Documentation

The application has a covering letter which is available to view on the council's website.

Planning History

July 2017 – certificate of lawfulness refused for conversion of the garage to a bedroom, including replacement of the garage door with a window, and a raised roof (17/0428/CLP) due to the presence of a condition on the original planning permission for the dwelling removing permitted development rights.

August 2017 – permission refused for garage conversion with raised roof (17/0565/FUL) for the following reason:

3. The proposal would lead to a requirement for additional car parking which cannot be met on site. The proposal is therefore likely to lead to additional on-street parking in a narrow street, causing obstruction or impediment to vehicular access to surrounding properties, to the detriment of the amenity and convenience of those occupiers, contrary to Policy T8 of the Adopted Local Plan and RDG12 of the council's Residential Design Guidance.

Relevant Government Guidance and Local Plan Policies

National Planning Policy Framework

Current Local Plan

EC2 – Design

T8 – Parking standards

Residential Design Guidance

RDG3 – Building lines

RDG12 – Parking and access

Consultation Responses

Canvey Town Council

No comments received

Public Consultation

Comments received expressing a desire not to have a large roof and raising concerns of privacy and noise and disturbance from building work.

Comments on Consultation Responses

The raising of the roof height over the garage is not considered to have an unduly overbearing or dominant impact on adjacent residents. Being single storey, and no higher than the existing internal floor level there is potential for overlooking from the development.

Noise and disturbance from building work is transient and not capable of forming a sustainable reason for refusal.

Evaluation of Proposal

The main issue with this application is whether there would be adequate on-site car parking provision for the property as a result of the proposal.

Policy T8 of the local plan requires the provision of parking in accordance with adopted standards. The currently adopted standards are the 2009 County Parking Standards which require the provision of a minimum of one off-street space for one bedroomed properties and two spaces for properties with two or more bedrooms. Application of these standards is consistent with paragraph 39 of the National Planning Policy Framework (NPPF) because they have been set taking into account local circumstances.

RDG12 of the council's Residential Design Guidance supplementary planning document indicates that parking provision should be sited so as not to have an adverse impact on visual or residential amenity. It also states, amongst other things, that access to all forms of development must be safe and convenient for all users, and that 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. It also specifies that the size and layout of all forms of parking should reflect current adopted vehicle parking standards.

The former application for the conversion of the garage to a second bedroom was found to be unacceptable in terms of parking provision on site as there was a requirement to provide two off-street parking spaces, which was not possible without the garage.

The proposed use of the former garage as a kitchen and the retention of the remainder of the dwelling as a one-bedroomed property only requires the provision of one off-street parking space, which is already provided on the site in front of the former garage. This would be in accordance with the adopted parking standards and thus Policy T8 of the Local Plan.

However, although the submitted floor plan shows a kitchen, it would be possible for future occupiers to return the kitchen to its current location and reinstate the converted garage to a bedroom.

Therefore, if members are minded to approve the proposal, conditions will need to be attached to the permission to ensure that the former garage is only used as a kitchen and not a bedroom. It is also recommended that the subdivision of the existing kitchen/lounge into two separate rooms, as originally built, is restricted to avoid the potential for a two-bedroomed dwelling.

It is noted that the plans suggest a second space in front of the bungalow and parallel to the highway, however officers consider that such a space would be difficult to utilise, particularly if there are vehicles parked adjacent to the dropped kerb access. Therefore such parking provision is contrary to RDG12 and would be unlikely to be used.

Conclusion

The conversion of the property's former garage to a kitchen is consistent with the provisions of the council's adopted Local Plan and Residential Design Guidance and it is therefore recommended that planning permission be granted.

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

My Recommendation is Approval with the following conditions

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

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

- 2 Within three months of the date of this permission, the layout of the bungalow shall be altered to provide one-bedroomed accommodation as shown on drawing number SK01 prepared by Connect Space dated May 2017 and received by the local planning authority on 1st November 2017. Thereafter, the layout of the bungalow shall be retained in this form at all times unless otherwise formally consented to by the local planning authority.

REASON: The site does not have sufficient off-street parking space for a two-bedroomed property.

- 3 The converted garage shall only be used as a kitchen and for no other purpose without the express permission of the local planning authority.

REASON: To prevent the converted garage from being used as a second bedroom for which the site cannot provide sufficient parking provision.

Informatives

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

ITEM 4

Application Number:	17/0768/FUL
Address:	South Benfleet Bowling Club Brook Road Benfleet Essex SS7 5JF (St. Mary's Ward)
Description of Development:	Detached wooden cabin with veranda to be used as store room/overspill changing room
Applicant:	Mr Derek Scruby
Case Officer:	Mrs Sophie Adams
Date of Expiry:	12.12.2017

Summary

This is an application for the construction of a detached wooden cabin to provide storage and overspill changing facilities for South Benfleet Bowling Club. The proposal would not have any adverse effect on the character and appearance of the surrounding area and the proposal is therefore recommended for APPROVAL.

The application is presented to committee as it involves development on Council-owned land.

Site Visit

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

Introduction

The application relates to the South Benfleet Bowling Club which is located within the South Benfleet Playing Fields, to the south of Richmond Hall and the Legacy SX building, to the rear of residential properties on the west side of Brook Road and to the rear of South Benfleet Primary School. The site of the bowling club itself comprises an area of land some 45m wide and 110m deep which is occupied by a pitched roofed clubhouse with a bowling green and outbuildings on the north eastern half of the site. The clubhouse, bowling green and outbuildings are on a piece of land enclosed by metal fencing and hedging.

The site is accessed from Brook Road via a public car park to the south of the site.

The Proposal

Permission is sought for the construction of a detached wooden cabin with veranda to be used as a store room/overspill changing room. The cabin would be located to the north western side of the existing clubhouse, and measures 6.5m deep, 4.85m wide and 2.8m high with a shallow pitched roof covered in felt. The veranda consists of an overhang of the roof and projects in front of the cabin. This element measures 4.85m wide by 1.3m deep.

The applicant has advised that the bowling club has a membership of 144 members and that the existing changing room has a capacity for only 20-25 members, resulting in the need for additional changing room space. The clubhouse hosts short mat indoor bowls during the winter, and during this time the cabin would be used for committee meetings and the storage of items normally stored within the clubhouse.

Supplementary Documentation

The application is supported by a photograph of wooden cabin.

Planning History

In 2010 planning permission was granted for a replacement clubhouse and storage shed (CPT/171/10/FUL), this consent has been implemented.

Local Plan Allocation

The site is allocated as Public Open Space in the Adopted Local Plan.

Relevant Policies and Government Guidance

National Planning Policy Framework

Current Local Plan (Adopted November 1998)

EC2	Design
CF9	Access and non-domestic development
T8	Car parking

Consultation

Legal Services

The planning application is made over Council land and see the Council have been informed according to their application. No issue with the application that has been made.

Public Consultation

No representations received.

Comments on Consultation Responses

None

Evaluation of Proposal

Policy EC2 requires development to be of a high standard of design having particular regard to the scale, density, siting, design, layout and external materials which shall be appropriate to its setting and which should not harm the character of its surroundings. This policy is consistent with paragraphs 56 and 58 of the National Planning Policy Framework.

The proposed cabin would be located adjacent to the existing clubhouse, and would be subservient in scale to this neighbouring building. The external materials proposed are consistent with the external materials used on the existing clubhouse and considered acceptable in the parkland setting of the building.

One of the existing outbuildings, a timber shed, is located in close proximity to the proposed cabin, and at the site visit the applicant confirmed that this shed would be removed as part of the proposal. Nevertheless, the proposal is not considered to result in a proliferation of buildings within this open site.

No objection is raised to the design of the proposal under Policy EC2 of the Local Plan.

The cabin is hidden from residential dwellings by the existing clubhouse and would not cause a loss of amenity to neighbours.

Turning to parking matters, Policy T8 requires parking to be provided in accordance with the County parking standards, which require one space per 22m² for leisure uses. This information is consistent with paragraph 39 of the NPPF which requires local planning authorities to set such standards to reflect local circumstances.

The proposal would provide 31.5m² of additional floor space resulting in a need for two parking spaces. No additional parking is proposed as part of the application. However, there is a public car park serving the playing fields located adjacent to the bowling club which is considered to have adequate space to serve the enlarged facilities. No objection is therefore raised to the proposal under Policy T8.

The south eastern corner of the site is located within Flood Zone 2. The proposed cabin is located centrally within the site towards the north western boundary, which is beyond the confines of Flood Zone 2. The proposal consequently has ensured that the development is situated within a portion of the site at the lowest level of flood risk. The proposal therefore raises no flood risk implications.

Conclusion

The proposal is considered to be consistent with the land's allocation on the Proposals map of the adopted Local Plan and compatible with all relevant national and local policies and guidance. The size and external appearance of the proposed wooden cabin would not be detrimental to the visual character and openness of the surrounding area, and the proposal would raise no parking, flood risk or amenity implications.

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

My Recommendation is Approval with the following conditions

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

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

- 2 The external appearance of the development hereby permitted shall be finished in accordance with the approved details set out in the application form dated 6th September 2017, the approved drawing number 30-138-1 received on the 21st September 2017 and the supporting photograph received on 21st September 2017, and from which there shall be no departure without the formal consent of the Local Planning Authority.

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

Informatives

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

ITEM 5

Application Number:	17/0873/FULCLO
Address:	Football Pitch R/o Waterside Farm Sports Centre Somnes Avenue Canvey Island Essex (Canvey Island West Ward)
Description of Development:	Relocation of existing fencing together with additional fence panels and new spectator stand
Applicant:	Mr Paul Smith
Case Officer:	Mr Keith Zammit
Date of Expiry:	18.12.2017

Summary

The application seeks permission for a new spectator stand for the existing football pitch and realignment of the fencing surrounding the pitch. In all the circumstances it is considered that the proposal is acceptable and it is therefore recommended for APPROVAL.

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

Site Visit

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

Introduction

The application relates to an existing football pitch located to the rear of Waterside Farm Leisure Centre. It is understood that although council-owned, this pitch is not under the management of the leisure centre and is leased to others. The pitch is enclosed by green weldmesh fencing to a height of 4.1m.

The Proposal

Permission is sought for the erection of a new spectator stand on the north side of the pitch. The external walls of the new spectator stand would be green coloured corrugated profiled metal cladding. It would have a maximum overall height of some 4.2m, with a length of 18.6m and depth of some 2.3m.

It is also proposed to realign the fence surrounding the pitch by moving the north fence northwards by 3.7m and the south fence southwards by 1.85m and filling in the gaps with matching fencing.

The realigned fencing is for improved circulation space to relieve crowded conditions and also to allow spectators to view matches from the southern side of the pitch, behind the first aiders, coaches and match officials, which is not currently permitted.

Supplementary Documentation

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

Planning History

None relevant

Relevant Government Guidance and Local Plan Policies

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

National Planning Policy Framework

Paragraphs 79-90, 100-103

Current Local Plan

EC2 – Design

Consultation

Cadent

Holding response received which states that there are gas pipes in the vicinity of the development. Substantive response expected within 28 days from 6/11/17 (by 4/12/17).

Operational Services Manager (CPBC)

The applicant will need to negotiate agreement with the landowner (the council) and amendments to their lease.

Canvey Town Council

To be reported

Legal Services

No objection subject to the necessary amendments to the club's lease and landlord consent being obtained.

Environment Agency

To be reported

Public Consultation

No response to neighbour notification and site notices.

Comments on Consultation Responses

None at the time of writing

Evaluation of Proposal

The main issues with this application are:

4. the impact of the proposal on the Green Belt
5. the impact on the area of public open space in which it is located
6. flood risk issues

Impact on the Green Belt

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

Although the spectator stand is not enclosed it is some 18m long with a height of approximately 4m, would be fixed to the ground and take some time to dismantle or demolish. For the purposes of this application and paragraph 89 of the NPPF the stand may be considered a building. The spectator stand is therefore not inappropriate development, provided that it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.

On the matter of openness, the stand would have a height of some 4.2m and length of 18.6m. The corrugated metal panels enclosing it, even though they would be coloured green, would be a noticeable feature in the open landscape. Whilst views of the proposed stand from the adjoining highways of the A130 Canvey Road and B1014 Somnes Avenue would be limited to glimpses, there is nothing in government guidance that says that the impact on the openness of the Green Belt should be assessed solely on the views from public roads.

The spectator stand would introduce a heavy, solid item into the open landscape which would consequently reduce its openness. Although the pitch and the stand would be enclosed by the (extended) fencing, this fencing is open in nature and serves primarily to restrict access and prevent the escape of footballs rather than as a screen to visibility. The presence of the fence does not provide justification for allowing the proposal. Although the proposal would not conflict with any of the five purposes of including land in Green Belts at paragraph 80, this does not make the proposal appropriate development because it must also preserve openness in addition to not conflicting with any of those five purposes.

The spectator stand is therefore inappropriate development which the NPPF says should not be approved except in very special circumstances. Paragraph 88 of the NPPF states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

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

However, following further discussions with the applicant it has transpired that a stand accommodating 100 people is needed to allow the under 18s to hold matches under the Football Pyramid System at this ground. There is therefore an advantage to the club in having a stand as it would avoid them having to hire facilities elsewhere.

Allowing the club to make better use of their existing facility rather than having to travel is of clear benefit to the local community, and together with the fact that the fence would limit visibility of the stand from some angles, it is considered that, by the narrowest of margins, this tips the balance such that the harm to the Green Belt is outweighed by other considerations, and very special circumstances may be said to exist.

It is therefore appropriate to grant planning permission for the stand.

Turning to the fence, which is also treated as a building for the purpose of the Town and Country Planning Acts, the fenced area is currently 59m by 105m and an area of 6,195m² is enclosed.

This proposal seeks to enclose a further 583m². It would increase the area enclosed by fencing by 9.4%. Whether this would affect the openness of the Green Belt is a matter that may be the subject of some debate, but officers consider that the difference between the existing fenced enclosure and the proposed fenced enclosure would be hard for the casual observer to distinguish, and therefore any perceived impact on Green Belt openness would be minimal.

The enlargement of the area enclosed by weldmesh fencing is not considered to be significant. It does not conflict with any of the purposes of including land in Green Belts at paragraph 80 of the NPPF. It therefore would not amount to inappropriate development.

Impact on public open space

There are no extant policies in the Local Plan relating to development on areas of public open space. Paragraph 73 of the NPPF states that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Whilst paragraph 73 is directed primarily at policy formulation rather than decision-taking, the stand has been identified as helpful to progression of the teams using the pitch so is considered to be in the spirit of paragraph 73.

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

The fence would enclose land designated as public open space however it is serving the purpose of securing and protecting the pitch from illicit use. A new spectator stand would clearly need to be within the fenced area to allow easy viewing of the pitch and to protect it from vandalism. A slight enlargement of the fenced area on the northern side for this purpose is not felt to go against the spirit of the NPPF.

The club wishes to extend the fenced area on the southern side of the pitch to provide extra room for spectators behind the first aiders, coaches and match officials. It has also transpired following further questioning of the applicant that the extension of the fence is needed to allow the under 13s, 14s, 15s, 16s and 17s to enter into the Eastern Junior Alliance League. There is therefore a clear need for the relocation of the fence for the continued success of the club. The extension area is marginal, and would not preclude use of the wider open space. Taking all these factors into account, an objection on the ground of loss of open space is not warranted.

There is therefore no objection to the proposal on the basis of loss of open space.

Flood risk issues

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

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

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

The proposal is not intended to increase numbers of spectators at the site, therefore the overall level of risk to people would not change and it is not reasonable to insist on the preparation of a Flood Response Plan. The applicant may of course wish to put such a plan in place to ensure the safety of site users for their own peace of mind.

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

Conclusion

The proposed spectator stand and fence have been found not to detrimentally impact upon open space provision in the area or have adverse consequences in terms of flood risk. The limited harm to the openness of the Green Belt is considered to be outweighed by the benefits to those members of the local community using the football pitch and it is therefore recommended that permission is granted.

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

My Recommendation is Approval with the following conditions

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

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

- 2 The spectator stand shall be painted or powder coated a similar shade of green to the existing fencing surrounding the pitch.

REASON: In the interest of visual amenity and to minimise the visual impact of the spectator stand in the landscape.

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.