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AGENDA

Committee: DEVELOPMENT CONTROL

Date and Time: Tuesday 7th November 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: Kim Fisher-Bright – Strategic Developments 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 3rd October 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.	17/0778/OUT	Warehouse 54 Beech Road, Hadleigh, Benfleet (St James' Ward)	1

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DEVELOPMENT CONTROL COMMITTEE

TUESDAY 3rd OCTOBER 2017

PRESENT: Councillors Hart (Chairman), Smith (Vice-Chairman), Acott, Anderson, Bayley, Blackwell, Cole, Mrs King, Mumford, Sharp, Taylor, Varker, Walter and Canvey Island Town Councillors Greig and Tucker.

Councillors Campagna, Ladzrie and Riley also attended.

Apologies for absence were received from Councillor Blackwell.

13. MEMBERS' INTERESTS

Councillor Sharp declared a Non Pecuniary interest in Agenda Item 5(a), as shown under Minute No. 15(a), due to his longstanding friendship with a particular family who were the owners of land adjacent to the application site.

14. MINUTES

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

15. DEPOSITED PLANS

(a) 17/0639/FUL - LAND NORTH WEST OF THORNEY BAY FIELD, THORNEY BAY ROAD, CANVEY ISLAND, ESSEX (CANVEY ISLAND SOUTH WARD) – STORAGE CONTAINER – COUNCILLOR BARRY ALAN PALMER

The application sought permission for the siting of a storage container on the land. In all the circumstances it was considered that the proposal was acceptable and it was recommended that permission be granted.

The application was presented to the Committee because it involved development on Council-owned land and also because the applicant was Councillor Barry Palmer.

Barry Campagna, a representative of the applicant, spoke in support of the application.

During discussion Members expressed their support for the proposal however it was felt there should be a time limit imposed on the application as the position of the container could impede the proposed Roscommon Way extension in the future. Members also requested that the container be regularly painted green and additional shrubbery planted to minimise the visual impact of the container on the surrounding area.

Following discussion it was:

Resolved – That the application be approved subject to the conditions as set out in the Planning Officer's report and to include conditions that the development shall be limited to a period of two years from the date of permission and that the container shall be painted green.

(b) 17/0744/FUL – 298 RAYLEIGH ROAD, THUNDERSLEY, BENFLEET, ESSEX, SS7 3XB (VICTORIA WARD) – SINGLE STOREY SIDE AND REAR EXTENSION AND CONVERSION OF LOFT INCLUDING REAR DORMER – MRS MURRELL

The application sought planning permission for the construction of a side and rear extension. The proposal satisfied all policy and design guidance requirements and was recommended for approval.

The application was presented to the Committee at the request of Councillor Varker who had been approached by residents about how it may affect the street scene and surrounding area.

Councillor Riley, a Ward Member, spoke in support of the application.

Councillor Varker, a Ward Member, stated that his concerns regarding the application had been addressed and he could see no adverse effect of the proposal.

During discussion Members expressed their support for the proposal.

Following discussion it was:

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

Chairman

ITEM 1

Application Number:	17/0778/OUT
Address:	Warehouse 54 Beech Road Hadleigh Benfleet Essex (St. James' Ward)
Description of Development:	Outline - Demolish existing buildings and construct three/four storey building comprising of 14 apartments and commercial unit to ground floor
Applicant:	Mr and Mrs R J Hill
Case Officer	K. Fisher-Bright
Date of Expiry	14.12.2017

Introduction

Members will recall 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 was 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 overdominant 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, as shown on the submitted illustrative drawings, by virtue of its mass and proximity to the western and southern boundaries of the site, fails to achieve an appropriate setting for the building and results in a building of cramped appearance, out of character with the setting of adjoining development, including adjoining flatted development. The inability of the scheme to demonstrate an appropriate setting for the quantum of development sought demonstrates that the scheme represents overdevelopment of the site contrary to paragraph 58 of the NPPF, Policy EC2 of the adopted Local Plan and RDG2 and 3.
3. The proposed development, by reason of the provision of a first floor garden terrace and 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.
4. 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

5. 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.
6. 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.

In refusing the application Members made it clear that whilst there was no objection to the principle of the provision of flats on this site, the proposal before them was inappropriate for the reasons set out above and an alternative scheme should be prepared. Members advised that they would be happy to engage with the applicants prior to the formal submission of a further application.

The applicant 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 and thus forego the meeting offered.

Once the planning application was submitted no further discussion between the applicant and Members could take place in order to ensure transparency in the determination of applications.

Summary

Whilst the application has been submitted for outline consent only with all matters reserved, in order to achieve the quantum of development sought the applicant has indicated the potential scale and form of development likely to be provided on the site.

The revised Scheme seeks to provide 14 two bedroomed flats arranged across three floors above a commercial unit at ground floor at 54 Beech Road.

The proposal provides four parking spaces to serve the commercial element (previously 3) and 14 spaces to serve the residential development. Amenity space for the flats is provided at first floor level and within a number of private balconies and terraces.

In its current form and despite the amendments made, the proposed development remains out of scale with the adjoining area and represents overdevelopment of the site, contrary to the provisions of paragraphs 56 – 58 of the NPPF and policies EC2 and H9 of the adopted Local Plan.

The Scheme has been amended with regard to the front elevation of the building which is now located a minimum of some 5.4m from the highway boundary. In this location the building would conform to the building line established by the dwellings to the east of the site on Beech Road.

Such marginal revision is however considered insufficient to outweigh the identified harm of the proposal

The applicant seeks to provide a higher green screen along the western edge of the amenity terrace. Whilst it is acknowledged that the provision of a green screen to the specified height could protect the amenity of adjoining residents from overlooking at first floor level and even potentially second floor level, it will have no impact on the overlooking experienced from windows at third floor level. The current scheme therefore fails to overcome the earlier reason for refusal.

The need for reliance on such devices is considered to further demonstrate that the proposal represents overdevelopment of the site.

With regard to the window in the western elevation at second floor level, the post application submission proposed a mesh fence with slats on the western elevation of the site to provide a 'maximum of 50% clear area view past the boundary'. The screen proposed suggests that clear views would still be possible into the rear of the flats to the west and would do little to improve the outlook for occupiers of the proposed flat, the windows of which would be located 14m from the proposed fence.

The need to rely on such contrivances and the poor conditions created as a result again speaks to the overdevelopment of the site.

It is not considered that the proposed revisions satisfactorily resolve the issues identified in the third reason for refusal.

No revisions have been made to the scheme in response to the fourth reason for refusal, the applicant simply stating within the post application submissions that B1(a) uses are considered low in terms of commercial deliveries, waste etc. No demonstration of this statement has been provided and the assertion is not referenced. The statement can therefore carry little weight and it is not considered that the applicants have satisfactorily overcome this element of the reason for refusal.

The original drawings indicated the provision of bin storage located adjacent to the access to the undercroft parking. In this location it was previously considered that conflict could arise between operatives emptying the bins and drivers entering and exiting the site. This situation has not been resolved in the revised drawings although it is noted that the security gate which was identified as an impediment to access in the previous scheme has been removed.

This revision does not however resolve all of the identified issues.

Furthermore it is noted that separate storage of domestic and commercial waste is still not identified.

Finally, following the further revisions to the plan, the revised drawings indicate that the penthouse units have floor areas of 99m² and 240m². It is considered that the size of the larger flat may have been miscalculated by the applicant, however even allowing for a reduction in the size of the unit as a consequence of the provision of the standing seam roof, this unit would still have a floor area of some 225m². This is still more than twice the size of any other unit in the Block and clearly demonstrates that the unit can be two units, as originally proposed. The proposal therefore attracts a requirement for an affordable housing contribution which is not met by the Scheme.

In summary, inadequate revision has been undertaken to achieve an appropriate scheme on this site. The issues identified in application 17/0143/OUT have not been adequately addressed and the proposal remains unacceptable within the context provided by national and local planning policy and guidance.

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

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

Introduction

Members will recall that the site fronts onto Beech Road, Hadleigh and is irregular in shape, having a frontage of some 25m, widening out to 27m before narrowing to 21m on the rear boundary with a maximum depth of some 53m.

The site is currently occupied by a part two storey commercial building some 36m deep and 18m wide with a maximum height of some 7.8m. The existing building is set approximately 17m from the front boundary of the site, approximately 3m from the western boundary and at the front elevation, approximately 5m from the eastern boundary.

To the north the site is bounded by the 3 and 4 storey flatted developments at 'Poppy Meadows' and 'Wilkinson Drop' whilst to the west the site abuts 3 storey flatted development on Castle Lane.

To the east the site abuts a semi-detached bungalow which has been altered to provide dormer accommodation. This dwelling is located approximately 0.7m from the site boundary and has a maximum height of approximately 6m.

To the south Beech Road is fronted by two storey residential development.

The site is currently provided with a single access point direct from Beech Road.

Site Visit

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

The Proposal

The application seeks outline consent only with all matters reserved (Reserved Matters are access, appearance, landscaping, layout and scale). Despite this however, the applicant has submitted elevational and layout drawings which are considered to be for illustrative purposes only. Such drawings indicate how the applicant envisages the quantum of development proposed could be achieved on the site whilst overcoming the previously stated objections of the Planning Authority.

In summary it remains the applicant's intention to demolish the existing buildings on the site and construct a part 3 storey, part 4 storey building providing commercial space at ground floor level which is now identified for Class B1(a) purposes, (office other than for financial and professional services). The commercial floorspace is anticipated to generate 5 full time employment opportunities.

Fourteen flats would then be arranged over three floors above.

The revised illustrative drawings indicate the provision of a flat roofed building having a maximum width of 19.8m (the same as the original submission), a maximum depth of 47m (compared to a previous depth of 49m) and a maximum four storey height of some 12.2m (the same as the original submission).

The building remains located on the western and northern boundaries of the site and some 1.3m from the eastern boundary. The building has been resited so that no part would be within 5.2m of the front boundary of the site, compared to the set-back of some 4m achieved in the previous scheme.

The illustrative drawings retain the communal amenity space within a first floor terrace arrangement in the middle of the development, with private terraces and balconies provided to each unit, to the northern, southern and eastern elevations.

Vehicular access to the residential element of the development remains located in the position of the current access, leading to undercroft parking for 14 vehicles. Parking for the commercial element would be provided at the front of the site.

Consultation

Environment Health

No objection subject to conditions.

Street Scene

The commercial and domestic waste must be kept separate with a physical barrier, simply 'sticker' bins differently is not acceptable.

Commercial waste

2x 1100 litre bins would be sufficient for the commercial development.

Domestic waste

For 14 apartments the following facilities are required. These bins should all be within one storage area, to ensure recycling is as easy as possible.

- 2x 1100 litre bins – Refuse
- 2x 1100 litre bins – Pink Sacks (co-mingled paper, card, plastic and cans)
- 2x 240 litre bins – Glass
- 2x 240 litre bins – Food waste

Anglian Water

No objection subject to conditions.

Essex Highways

Response awaited

Lead Local Flood Authority

Response awaited

Essex Infrastructure
Response awaited

Public Consultation

Five responses were received from local residents raising the following issues:

Dominance and overshadowing
Building too tall
Overdevelopment of the site
Inadequate on-site parking
Loss of privacy and overlooking
Out of character with area
Increased traffic, noise and pollution
Plans not much different from original submission.

Press Notice

The proposal represents a major application and a departure from the Development Plan and it was therefore necessary to place a Public Notice in the Press. The closing date on this notice is the 3rd November 2017.

Any responses received will be verbally reported at the meeting.

Response to Consultation

All relevant comments will be considered in the evaluation.

Evaluation of Proposal

The principle purpose of this report is to consider the revisions made to the previously refused scheme and the extent to which these overcome the stated reasons for refusal.

Consideration of Reasons 1 and 2

- 1. The proposed development, as shown on the submitted illustrative drawings, by virtue of its mass, scale and prominent siting would present an overdominant 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, as shown on the submitted illustrative drawings, by virtue of its mass and proximity to the western and southern boundaries of the site, fails to achieve an appropriate setting for the building and results in a building of cramped appearance, out of character with the setting of adjoining development, including adjoining flatted development. The inability of the scheme to demonstrate an appropriate setting for the quantum of development sought demonstrates that the scheme represents overdevelopment of the site contrary to paragraph 58 of the NPPF, Policy EC2 of the adopted Local Plan and RDG2 and 3.*

The proposed development remains a three/four storey structure in a street scene which is characterised by single and two storey development.

Policy EC2 of the Local Plan seeks a high standard of design in all development, which should have regard to the scale, density, siting, design, layout and external materials, in respect of both the development and its surroundings. This is consistent with paragraph 56 of the NPPF which requires development to contribute positively to making places better for people, paragraph 57 of the NPPF which seeks the achievement of high quality and inclusive design for all development and paragraph 58 which seeks to ensure that development responds to local character and history and reflects the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation and are visually attractive as a result of good architecture and appropriate landscaping.

Policy H9 of the Local Plan requires the optimum density of housing to be achieved on any site, whilst ensuring that the proposal does not harm the character of the surrounding area, provides a functional and attractive layout with adequate building lines, landscaping, setting and space around the building and ensuring that the proposal accords with all appropriate policies. This is broadly consistent with para 58 of the NPPF which requires development to optimise the potential of a site to accommodate development, create and sustain an appropriate mix of uses and support local facilities and transport networks.

Policy H17 of the Local Plan requires consideration of the provisions of the Residential Design Guidance (RDG) Supplementary Planning Document, which is consistent with the design policies contained in the NPPF.

In the context created by the above policies and guidance consideration will be given to the scale, density, siting, design, layout and external materials of the revised proposal:

(a) Mass and Scale

The applicant identifies that in an attempt to reduce the mass of the building the eastern elevation has been stepped back at third floor level by 1m and a standing seam roof provided at this location.

In addition the applicants have stated an intention to finish the building in three different colours which will graduate from dark grey at the ground floor level to white at third floor level. It is contended that such treatment will lessen the visual impact of the proposal.

The front elevation of the building has been moved back to a point some 5.2m from the highway, resulting in some minor reduction in floorspace within the building.

No amendment has been made to the quantum of development proposed and the scheme remains a part three storey, part four storey building. Whilst the inspiration for this scale of development is recognised it is considered that the mass and scale remains inappropriate in the context of Beech Road.

The flatted development to the north and west is seen in the context of the Town centre, being immediately adjacent to the active commercial frontages, which themselves exhibit three- storey elements. The proposed development however remains closely associated with the smaller scale domestic character of the residential area around the Town Centre. Beech Road is dominated by single and two storey dwellings, and in this context the provision of a three/four storey building

which extends across almost the full width and full depth of the site and above the height of the adjoining development by some 6m, dominating the skyline, when viewed from the east in particular, is still considered to present an overdominant and incongruous feature in the street scene, completely alien to the character and appearance of Beech Road. The almost token gesture of reducing the third floor by 1m in width and the contrivance of graduating colour horizontally across the building is not considered effective in reducing the mass of the building or adequately disguising the incongruity it represents in the context of Beech Road.

RDG5 seeks to secure the privacy of residents by requiring the achievement of identified levels of isolation between windows, terraces and balconies and the boundaries of the site.

Windows in the southern elevation of the proposed development overlook the street. Such windows would not normally lead to a loss of privacy or amenity, however in this case, the height of the proposed building and the narrow width of Beech Road combine to create a situation where fourth storey accommodation will be located less than 18m from the amenity areas of properties on the other side of the road, leading to significant potential for overlooking and loss of privacy. Insufficient revisions have been made to the proposed development to address this issue.

The capability of the proposed development to have such an impact is considered to demonstrate the inappropriate scale of development.

In its current form and despite the amendments made, the proposed development remains out of scale with the adjoining area and represents overdevelopment of the site, contrary to the provisions of paragraphs 56 – 58 of the NPPF and policies EC2 and H9 of the adopted Local Plan.

It is not therefore considered that the revised scheme overcomes the previously stated objection to the proposal.

(b) Prominent Siting

RDG2 considers the provision of appropriate space around dwellings, which should be informed by the prevailing character of the area. Where dwellings are located adjacent to public open space and other areas of land which serve as a buffer to development, or the prevailing pattern of development requires a tighter urban grain, less space may be considered appropriate.

RDG3 is concerned with the provision and protection of appropriate building lines.

In proposals for flats isolation space equivalent to at least 25% of the width of the building is required with at least 1m provided between the building and the site boundary.

Beech Road is characterised primarily by two storey development, much of which is set at least 1m off the side boundaries of the site. The only significant exception to this in the immediate locality lies to the south of the site where a two storey dwelling has been extended up to the highway boundary at ground floor level and to the west of the site where modest two storey dwellings constructed in the early 20th Century have been constructed tight to the highway edge. In more modern development a greater degree of isolation is achieved, which creates an attractive suburban character.

Immediately to the north and west of the site, the landscape is dominated by three and four storey flatted development. These structures are significantly larger in scale than the domestic dwellings on Beech Road and the space retained around the buildings is similarly increased in scale. Castle

Court, to the west is located some 11m – 14m from the boundary it shares with the application site and some 24m from the southern boundary, creating a spacious setting when viewed in the context of the surrounding street scape. To the north of the site, new flats at Poppy Meadows exhibit a tighter grain which reflects the more tight-knit character of the development of which it forms part but even here side isolation spaces of at least 1m are achieved at ground floor level and 3.5m at third floor level.

The flats at Wilkinson Drop are located some 16m from the western boundary and a minimum of some 8.5m from the southern boundary of the site.

In each case therefore the existing flats achieve a level of setting, consistent with the adopted guidance, within the confines of their own sites.

The proposed flats are shown to have a width of some 19.2m. Isolation spaces the equivalent of at least 4.8m are therefore required, with at least 1m required between the flank elevations and the boundary of the site.

As with the previous scheme an isolation space of some 5m is provided which would appear to satisfy the guidance however all of this space is still provided on the eastern side of the building, the western side elevation, which extends to four storeys in height, still being located directly on the western boundary of the site. In this position the proposal remains inconsistent with the provisions of the adopted Residential Design Guidance, *prima facie* therefore an objection would be raised to the proposed development,

Consideration must however be given to the relative harm of this element of non-compliance.

Whilst the proposed flats are located close to flats on Castle Lane and within Wilkinson Drop, the block will most readily and clearly be viewed in the context of Beech Road, a road characterised by single and two storey dwellings which with limited exception exhibits reasonable and proportionate levels of isolation, resulting in a visually balanced and relatively attractive street scape.

The proposed development, as shown on the submitted illustrative drawings, by virtue of its mass and proximity to the western boundary of the site, fails to achieve an appropriate setting for the building and remains a building of cramped appearance, out of character with the setting of adjoining development, including the adjoining flattened development. The inability of the scheme to achieve an appropriate setting for the building demonstrates that the scheme represents overdevelopment of the site and an objection is therefore maintained to the proposal on this basis under RDG2.

An essential element of the siting of a building is how it relates to the established landscape.

Castle Court is located immediately to the west of the application site and is set back some 25m from the Beech Road frontage. Whilst it is acknowledged that garages are provided between the building and the highway, these are single storey buildings which have limited impact on the street scene, being low level and set some 6m from the highway boundary. The overall impression gained is one of a spacious setting to the existing flats, which is currently reflected in the setting of the building on the application site, which is some 17m from the highway boundary. The existing dwellings located to the east of the application site are much smaller in scale than their

neighbours and are set some 6m from the highway boundary. These establish a relatively strong building line to Beech Road.

In order to achieve the quantum of development proposed the applicants had originally sought to locate the proposed building some 4m from the highway boundary and approximately 2m in advance of the front elevation of the adjoining bungalow. In this location it was considered that the building would result in the creation of an obtrusive and overdominant feature in the street scene, detrimental to the character and appearance of the area contrary to the provisions of paragraph 58 of the NPPF, Policy EC2 of the adopted Local Plan and RDG3. An objection was raised to the proposal accordingly.

The Scheme has been amended with regard to the front elevation of the building which is now located a minimum of some 5.4m from the highway boundary. In this location the building would conform to the building line established by the dwellings to the east of the site on Beech Road. Such marginal revision is however considered insufficient to outweigh the identified harm of the proposal.

It is not considered therefore that the revised Scheme satisfies all of the elements of the first and second reasons for refusal. An objection on the basis of mass, scale and siting is therefore maintained.

Consideration of Reason 3

3. *The proposed development, by reason of the provision of a first floor garden terrace and 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.*

RDG5 is concerned with securing the privacy and amenity of both existing and proposed occupiers. In order to achieve this RDG5 requires a distance of 9m be maintained between any boundary and first floor windows, 15m to be maintained between any boundary and second floor windows and 18m to be maintained between any boundary and third floor windows. However if the design/layout of a development does not result in direct views between primary windows, a reduced distance between windows and boundaries may be considered appropriate. The guidance is clear that edges of balconies should be treated in the same manner as windows.

The guidance also states that all windows should be designed and be of a size which provides for adequate natural light and ventilation. High level, fixed shut or obscure glazed windows should be restricted to secondary windows serving rooms or areas which are not occupied for any length of time and/or require a high degree of privacy, or provide only secondary light/ventilation to a room.

The proposed development provides windows to almost all elevations. Those which were the subject of reason for refusal No.3 attached to the earlier decision were located in the eastern and western elevations.

In the eastern elevation, all windows provided at first floor level were located some 9.6m from the opposing boundary of the site which satisfied the requirements of RDG5, this is retained in the revised Scheme.

Windows located at second and third floor level were also located 9.6m from the opposing boundary in the previous scheme. As such the requisite levels of isolation were not achieved and the occupiers of the flats would be able to directly overlook the amenity area of the adjoining block of flats at 'Poppy Meadows', to the detriment of the privacy and amenity of the occupiers thereof. This situation is retained in the revised scheme.

Furthermore, the edge of the first floor garden terrace was located some 1.5m from the boundary of the site. Users of this space could therefore stand at the edge of the garden and directly overlook the adjoining amenity area. This situation was considered unacceptable when originally considered. No revision to the provision of the roof garden or terraces and windows in the eastern elevation have been made in the revised scheme. Instead the applicant seeks to rely on planting between the building and the boundary in order to create a screen at first floor level enhanced by the provision of a 'green wall' some 3.8m high (measured from first floor finished floor level). The applicants state that the provision of a 1.5 storey green visual barrier will be an improvement over the current outlook for adjoining residents.

The applicants further suggest that the planting of semi-mature Fastigate Oaks will result in an improved screen within 2 – 3 years.

It must be remembered here that the objective is not to achieve an improved outlook, but rather to secure the privacy and amenity of the adjoining residents.

Whilst it is acknowledged that the provision of a green screen to the specified height could protect the amenity of adjoining residents from overlooking at first floor level and even potentially second floor level, (although this is not entirely demonstrated by the submissions), it will have no impact on the overlooking experienced from windows at third floor level. The current scheme therefore fails to overcome the reason for refusal.

The need for reliance on such devices is considered to further demonstrate that the proposal represents overdevelopment of the site.

With regard to the window in the western elevation at second floor level, the post application submission proposed to provide a mesh fence with slats on the western elevation of the site to provide a 'maximum of 50% clear area view past the boundary'. The screen proposed suggests that clear views would still be possible into the rear of the flats to the west and would do little to improve the outlook for occupiers of the proposed flat, the windows of which would be located 14m from the proposed fence.

The need to rely on such contrivances and the poor conditions created as a result again speaks to the overdevelopment of the site.

It is not considered that the proposed revisions satisfactorily resolve the issues identified in the third reason for refusal.

Consideration of Condition 4

4. *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*

No revisions have been made to the scheme in response to the reason for refusal. The applicant simply within the post application submissions that B1(a) uses are considered low in terms of commercial deliveries, waste etc. No demonstration of this statement has been provided and the assertion is not referenced. The statement can therefore carry little weight. The applicants have not therefore overcome this element of the reason for refusal.

It is noted that the applicants have increased the level of commercial parking from three to four spaces. As previously identified the level of B1(a) use proposed would attract a requirement for 7 car parking spaces. The scheme still therefore exhibits a significant deficiency in the level of parking provided.

Consideration of Reason 5

5. *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.*

RDG13 requires the provision of safe, adequate and suitable means of refuse and recycling storage. Access to and from such storage must be clear, flat and unobstructed, and there should be adequate space to remove, empty and navigate round the waste receptacles.

The original drawings indicated the provision of bin storage located adjacent to the access to the undercroft parking. In this location it was considered that conflict could arise between operatives emptying the bins and drivers entering and exiting the site. This situation has not been resolved in the revised drawings although it is noted that the security gate which was identified as an impediment to access in the previous scheme has been removed.

This revision does not however resolve all of the identified issues.

Furthermore it is noted that separate storage of domestic and commercial waste is still not identified.

Consideration of Reason 6

6. *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.

The applicant states that as a consequence of the revisions made to the layout of the proposed development, the penthouse apartments have been greatly reduced in terms of floor area. On this basis the applicant again asserts that Unit 13 is a single unit and not two and that as a consequence the development does not reach the threshold for the provision of affordable housing.

As originally submitted the scheme provided three penthouse units with floor spaces of 101m², 94m² and 115m² respectively.

Following a discussion on affordable housing provision the scheme was reduced to provide two penthouse apartments having floor spaces of 101m² and 240m² respectively.

All other flats within the Block range between 83m² and 100m².

Following the further revisions to the plan, the revised drawings indicate that the penthouse units have floor areas of 99m² and 240m². It is considered that the size of the larger flat may have been miscalculated by the applicant, however even allowing for a reduction in the size of the unit as a consequence of the provision of the standing seam roof, this unit would still have a floor area of some 225m². This reduction is not considered to represent a 'great' reduction in the floor space and the flat is still more than twice the size of any other unit in the Block. This clearly demonstrates that the unit can be two units, as originally proposed, and that the proposal should attract a requirement for an affordable housing contribution.

Conclusion

Whilst the application has been submitted for outline consent only with all matters reserved, in order to achieve the quantum of development sought the applicant has indicated the potential scale and form of development likely to be provided on the site. The submitted scheme is very similar to that which was refused planning permission in June of this year.

Inadequate revision has been undertaken to achieve an appropriate scheme on this site. The issues identified in application 17/0143/OUT have not been adequately addressed and the proposal remains unacceptable within the context provided by national and local planning policy and guidance.

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.

- 1 The proposed development, as shown on the submitted illustrative drawings, by virtue of its mass, scale and prominent siting would present an overdominant 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, as shown on the submitted illustrative drawings, by virtue of its mass and proximity to the western and southern boundaries of the site, fails to achieve an appropriate setting for the building and results in a building of cramped appearance, out of

character with the setting of adjoining development, including adjoining flatted development. The inability of the scheme to demonstrate an appropriate setting for the quantum of development sought demonstrates that the scheme represents overdevelopment of the site contrary to paragraph 58 of the NPPF, Policy EC2 of the adopted Local Plan and RDG2 and 3.

- 3 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.
- 4 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
- 5 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.
- 6 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.

Informative

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.