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Ann C. Horgan
Head of Governance
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AGENDA

Committee: DEVELOPMENT MANAGEMENT

Date and Time: Tuesday 7th December 2021 at 7.00pm

Venue: Council Chamber, Council Offices

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

Membership: Councillors Skipp (Chair), Acott, Anderson, Blackwell, Dick, Fortt, Fuller, Gibson, J Thornton and Walter.

Substitutes: Councillors S Mumford, Savage, A. Thornton, Tucker and Withers.

Canvey Island Town Councillors: Greig and Sach

**Officers attending: Mr Robert Davis – Planning Development and Enforcement Manager
Mr Keith Zammit – Planning Officer
Mr Jason Bishop – Solicitor to the Council**

Enquiries: Miss Cheryl Salmon, ext. 2454

PART I (Business to be taken in public)

1. Apologies

2. Members' Interests

3. Minutes

A copy of the Minutes of the meeting held on 5 October 2021 is attached.

4. Public Speakers

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

5. Deposited Plans

The report is attached.

	Application No	Address	Page No
1.	21/0817/FULCLC	Garage site on land to the rear of 171-217 Link Road, Canvey Island, Essex, SS8 9SP	1
2.	21/0881/FULCLO	Leisure Island Fun Park, Eastern Esplanade, Canvey Island, Essex, SS8 7JQ	13

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DEVELOPMENT MANAGEMENT COMMITTEE

TUESDAY 5th OCTOBER 2021

PRESENT: Councillors Skipp (Chairman), Acott, Anderson, Drogman, S Mumford, Tucker and Withers.

Substitute Members Present: Councillor S Mumford for Councillor Dick, Councillor Tucker for Councillor Blackwell and Councillor Withers for Councillor Fuller.

Canvey Island Town Council: Councillor Sach.

Apologies for absence were received from Councillors Blackwell, Dick and Fuller.

7. MEMBERS' INTERESTS

There were no disclosures of interest.

8. MINUTES

Councillor Drogman stated that at the previous meeting she had declared a Non Pecuniary Interest in Agenda Item No. 6(2) as the applicant was known to her and left the Council Chamber during consideration of that item.

The Minutes of the meeting held on 7th September 2021 were taken as read and signed as a correct record subject to an amendment to Minute No. 4 – Members' Interests as stated above.

9. DEPOSITED PLANS

- (a) **21/0722/FULCLC – 54-60 LINDEN WAY, CANVEY ISLAND, ESSEX, SS8 9JB (CANVEY ISLAND CENTRAL WARD) – DEMOLISH EXISTING BUNGALOWS AND GARAGES AND CONSTRUCT 4 NO RESIDENTIAL DWELLINGS WITH ASSOCIATED PARKING AND PRIVATE AMENITY AREAS (AFFORDABLE HOUSING) – CASTLE POINT BOROUGH COUNCIL**

The proposal sought consent for the demolition of four bungalows and two garage blocks and their replacement with four 2 bedroomed terraced houses with associated parking and private amenity space. The dwellings were for affordable housing for rent for people on the Council's housing needs register.

The site was allocated for residential purposes in the Council's Adopted Local Plan and was consistent with national and local policy and residential design guidance. The proposal was therefore recommended for approval.

The application was presented to the Committee because the Council was both the applicant and landowner.

In response to questions to the Planning Officer it was confirmed that there would be secure cycle parking storage on the site. The material of the roofs of the garages to be removed was unknown but any concerns in regard to safety would be referred to Building Control and Environmental Health. An enhancement to biodiversity could be incorporated into Condition No. 10 of the recommendation.

During discussion Members were generally supportive of the application. It was confirmed that the large tree adjacent to the site would be likely to be kept as this was outside of the application site. A Member suggested that the proposed grey tiles on the roof were not in keeping with the local area and it was considered that a reddish brown tile would be more suitable.

Following conclusion of the discussion an amendment to Condition No. 3 was proposed and seconded and the Committee voted in favour of the change in the interest of visual amenity.

Resolved – That the application be approved subject to the conditions as set out in the Planning Officer's report with the exception of Condition 3 which should be amended to read: *"Prior to their first use on site details of all materials to be used on the external surfaces of the proposed development shall be submitted to and formally approved by the Local Planning Authority"* to reflect the Committee's requirement that the roof tiles be reddish brown in colour.

(b) 21/0809/FUL – 663 HIGH ROAD, BENFLEET, ESSEX, SS7 5SF (APPLETON WARD) – DEMOLITION OF EXISTING BUILDINGS AND CONSTRUCTION OF NO. 3 MIXED USE BUILDINGS INCLUDING NO. 40 DWELLINGS, COMMERCIAL SPACE, OFFICE SPACE AND ASSOCIATED ACCESS ARRANGEMENTS – FURNITURE KINGDOM

The proposal sought consent for the provision of a mixed commercial and residential use on land on the western side of High Road and south of London Road at Tarpots.

An application for a similar form of development was presented for consideration in April 2021. At that time Members resolved to refuse the application, contrary to recommendation. The applicant had sought to address Members' concerns in the current proposal, but advised that delays in bringing this site forward had resulted in a need to redesign the proposal in order to maintain viability and achieve an improved level of affordable housing and parking provision on the site.

The application site represented a sustainable location, the development of which with a mixed commercial/residential scheme would, in principle, be consistent with the provisions of the National Planning Policy Framework and the emerging Local Plan.

The submitted scheme exhibited a number of elements, such as the need to obscure glaze some windows to primary living accommodation, which arose from the specific conditions found on this edge of centre site and resulted in a particular form of development which might not be acceptable in any other context, but was considered acceptable in this case because of the specific location of the site and the capacity of the scheme to accommodate the specific characteristics of the site whilst still achieving appropriate living conditions for both future and existing residents.

Whilst the Green Infrastructure Team had raised an objection to the proposal, given the sustainable location of the site, the need for housing and the contribution that the current scheme could make towards the provision of affordable housing and reduction in the pressure to release Green Belt sites for housing. The provision of affordable housing and the mitigation of recreational disturbance on designated sites would be secured through a Section 106 (S106) Agreement.

It was therefore recommended for conditional approval, subject to a S106 Agreement to secure the provision of an appropriate contribution towards the provision of affordable housing and the mitigation of recreational disturbance in designated sites (RAMS).

During the presentation the Planning Officer stated that the site currently had no biodiversity value and that this was difficult to achieve on an urbanised site such as 663 High Road. The Committee's attention was drawn to Condition No. 29 which required the provision of a landscaping scheme and it was suggested that the reason for the condition be amended to include reference to biodiversity to increase the ecological value of the site.

The Committee's attention was drawn to the Late Letter Schedule. Two responses had been received since publication of the agenda. The NHS had now requested a contribution to towards health service provision. The Roman Catholic Diocese, who was the owner of the property to the south of the site had submitted an objection to the proposal. It had made various comments in regard to overlooking, ownership, noise, traffic and air pollution. These had been addressed by the Planning Officer in the schedule and it was confirmed that there was nothing in the objection that provided a substantive reason to refuse the application.

An agreed refuse collection plan also needed to be submitted before first occupation and the Planning Officer suggested that this be added as a condition of the S106 Agreement.

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

Councillor Johnson, a Ward Member, spoke on the application and raised some concerns about the proposal which were addressed by the Planning Officer.

In response to questions to the Planning Officer it was confirmed that the NHS contribution would be based on a formula which assessed the number of people that would reside on the site and equated to just over £15,000. The provision of

the car club would be covered by the S106 Agreement, the provider and precise business model of the scheme was yet to be identified. It was possible to provide more than four electric vehicle charging points on site however it would be more appropriate to request the developer to provide the infrastructure to increase provision in the future if required rather than specify a number at this stage. The refuse collection was likely to be subject to a service charge.

Following consideration of the amended recommendation it was:

Resolved Unanimously– That the application be approved subject to:

- 1) The provision of a Section 106 Agreement to ensure:
 - (i) an appropriate contribution towards the provision of affordable housing on-site
 - (ii) an appropriate financial contribution towards the Recreational Disturbance Avoidance Mitigation Strategy (RAMS).
 - (iii) the provision of opportunities to secure car sharing through the provision of a car club facility. Such facility to be available prior to first occupation of the development.
 - (iv) an appropriate contribution to the NHS for health service provision.
 - (v) the provision of a refuse collection plan prior to first occupation.
- 2) An amendment to Condition No. 29 regarding provision of a landscaping scheme to include reference to biodiversity.
- 3) All other conditions as set out in the Planning Officer's report.

Chairman

ITEM 1

Application Number:	21/0817/FULCLC
Address:	Garage Site On Land To The Rear Of 171-217 Link Road Canvey Island Essex SS8 9SP (Canvey Island Winter Gardens Ward)
Description of Development:	Removal of existing garages and provision of 3No. two-storey residential dwellings with associated parking and private amenity space.
Applicant:	Castle Point Borough Council
Case Officer:	Mr Keith Zammit
Expiry Date:	10.12.2021

Summary

The application seeks permission for three new council houses on land forming part of an old garage parking court. The dwellings are for social, affordable, or intermediate rent for people on the council's housing needs register.

The site is allocated for residential purposes in the council's Adopted Local Plan and is consistent with national and local policy and residential design guidance. The proposal is therefore recommended for APPROVAL.

The application is presented to the committee due to the council being both the applicant and landowner.

Site Visit

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

Introduction

The application relates to an area of council-owned garages which previously have been available for rent by occupiers of houses and flats in the area. In addition to the garages there are areas of hardstanding and grass which appear neglected and subject to fly tipping.

The planning department is advised that there is low demand for rental of the garages. Currently only one is being rented and this tenant doesn't live in the immediate vicinity of the site.

The Proposal

Permission is sought for the removal of the garages on the site and the erection of a pair of semi-detached houses with private gardens and parking. A third, detached house is proposed adjacent to the existing no. 16 Central Avenue. This would also have allocated parking to its rear, and a private garden.

The detached house would have two bedrooms and the semi-detached houses each have three bedrooms.

The dwellings would be finished externally in a mixture of buff face brickwork, coloured render and cladding with grey concrete plain tiles for the roof. The ground floor windows would have cast stone sub-sills and the doorframes and windows would be dark grey.

It is proposed to let the dwellings to those on the council's housing needs register at an affordable rent as set out in the council's affordable rent policy, at 65% of market rent.

Supplementary Documentation

The application is accompanied by a drainage strategy, flood risk assessment, planning statement and design & access statement which are available to view on the council's website.

Planning History

None

Relevant Government Guidance and Local Plan Policies

National Planning Policy Framework (the Framework, 2021)

Adopted Local Plan (1998)

EC2	Design
EC5	Crime Prevention
H2	Residential Land
T8	Parking standards

Residential Design Guidance (2013):

RDG1	Plot size
RDG2	Space around dwellings
RDG3	Building lines
RDG4	Corner plots
RDG5	Privacy and living conditions
RDG6	Amenity space
RDG8	Detailing
RDG9	Energy and water efficiency and renewable energy
RDG10	Enclosure & Boundary Treatment
RDG11	Landscaping
RDG12	Parking and access
RDG13	Refuse and recycling storage

New Local Plan (Submitted for examination October 2020)

SD1	Making Effective Use of Land
HO1	Housing Strategy
DS1	General design principles
TP7	Parking provision
NE7	Pollution Control

Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (2020)

Consultation

Legal Services

The application is for social housing, no other observations.

UK Power Networks

Comment offered in relation to new dwellings near existing substations vis-à-vis low-level hum and vibration.

Refuse and recycling

The new properties will have kerbside refuse collection. The council's refuse collection vehicle will be able to enter the site using the existing roadways.

Highways

No objection with conditions suggested.

Environment Agency

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

Canvey Town Council

No comments received

Operational Services Manager

No comments received

Public Consultation

The following objection comments have been made:

- o Noise from building work
- o Loss of privacy to neighbouring property
- o Displacement of parking during building and demolition work
- o Car parking provision may not be adequate once the new properties are occupied – would lead to additional on-street parking

Comments on Consultation Responses

- o The proposed new dwellings are not close to the substation so will not be affected by noise or vibration.
- o Noise and disruption from construction is transient and not a sustainable reason for refusal. The statutory nuisance framework provides an enforcement mechanism for local authorities to deal with noise where there are unacceptable impacts.
- o The impact on the privacy of neighbouring properties and the level of car parking provision will be considered in the evaluation of the proposal.

Evaluation of Proposal

The starting point for determining a planning application is the National Planning Policy Framework (NPPF) and those saved policies within the council's Adopted Local Plan (1998), alongside supporting policy documents and SPDs.

In October 2020, the council submitted to the Planning Inspectorate its new Local Plan (2018-2033) for examination. The plan sets out the council's aims and objectives for the borough over the 15 year period and includes policies to support these ambitions. A post-hearings letter has now been issued by the inspector following conclusion of the examination hearings that took place in June 2021. This states that subject to main modifications the plan is capable of being found legally compliant and sound.

Accordingly, the council is now giving policies contained within the plan not subject to further public consultation increased 'weight' when determining planning applications. The degree of increased weight afforded them will depend on the level of objection they received during the examination hearings and Regulation 19 consultation.

The application site is allocated for residential purposes on the proposals map accompanying the adopted local plan (LP). The proposal is therefore consistent with Policy H2 of the Local Plan, Policies SD1 and HO1 of the emerging Local Plan and paragraph 47 of the NPPF, which requires planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise.

The main issues are:

- o design,
- o impact on neighbours,
- o living conditions for future occupiers,
- o parking,
- o flood risk,
- o drainage; and
- o recreational disturbance.

Design

Policy EC2 of the LP seeks a high standard of design in all new buildings. In particular, the scale, density, siting, design, layout and external materials of any development should be appropriate to its setting and should not harm the character of its surroundings. This is consistent with the aim of achieving well-designed places at section 12 of the Framework.

In terms of architectural style there is no strong overall character to the area and in the context of the existing area the proposed dwellings would not look out of place. Plot 1 would have a height of 8m and plots 2 and 3 would have heights of some 8.6m. Plots 2 and 3 are not read in the context of an existing street frontage so would not look out of place.

Plot 1 would be about 0.7m taller than the adjacent dwelling at 16 Central Avenue, which is an end-terrace property. Although plot 1 would be taller, given that it is clearly of a different design to no. 16, detached, and with the roof pitched in the other direction, it is not considered that it being of different height to its neighbour would be harmful to the street scene. Plot 1 would be taller than the row of bungalows to the northeast of it, but it is set back from the building line formed by them and sits opposite a terrace of three houses set behind the main street frontage. In this context plot 1 would not have a strong visual relationship with the bungalows so it is felt that this would be acceptable in the street scene.

In terms of general character and layout, plots 2 and 3 are a 'backland' development but such a form of development already exists at 18-22 Central Avenue so the proposed development would not therefore be inappropriate in this context.

The council's Residential Design Guidance, at RDG1, seeks the provision of plot sizes that are informed by the prevailing character. This guidance was prepared in light of the original 2012 version of the Framework but remains consistent with the 2021 edition in use today.

Plots 2 and 3 are well proportioned and not cramped or out of keeping with the area. Plot 1 is a little on the constrained side, although it is recognised that this proposal is providing social housing at a time of housing shortage (particularly a social housing shortage) and this is a special consideration to be taken into account in the overall planning balance.

RDG2 requires the space around all new development to be informed by the prevailing character of space around dwellings, with a minimum of 1m. Plots 2 and 3 have spaces of at least 2m to either side and plot 1 has 1m, which is in keeping with the character of the area. Officers have received clarification that the site layout plan shows a roof overhang which is why on initial inspection there appears to be less than 1m between the building and the boundary, but it has

now been confirmed that the flank wall achieves 1m isolation space from the site boundary. The proposal therefore complies with RDG2.

RDG3 requires proposals to respect strong building lines. Plot 1 respects the building line formed by the adjacent terrace. Plots 2 and 3 are well behind the established building line. There is therefore no objection to this aspect of the proposal.

RDG4 requires dwellings on corner plots to be designed to turn corners, avoiding blank elevations and excessive lengths of high level garden screening along return frontages. Plot 1, which is technically a corner plot, complies with this objective.

RDG8 of the council's design guidance requires detailing elements of all development to be consistent with the overall architectural approach and not result in prominent, alien, or incongruous features.

The provision of ramps to the front entrance doors of plots 2 and 3 was visually poor and would have resulted in the provision of obtrusive structures which design guidance seeks to avoid. Following negotiation, officers have been able to secure the relocation of these ramps to the rear of the properties and their replacement with steps to the front which still provides adequate disabled access but is visually much better and consequently there is no further objection on the basis of RDG8.

RDG9 is concerned with energy and water efficiency and renewable energy.

The proposal includes air source heat pumps for heating and hot water. Solar Thermal panels will be installed on the roofs. Provision for the future installation of electric vehicle charging points will be incorporated into the development as indicated on the site plan. The provision of these measures is acceptable.

RDG11 requires schemes for flats and specialist residential accommodation to be provided with appropriate landscaping. Such requirement does not normally extend to schemes for single family dwelling houses but as the plans show some tree planting on the limited communal green areas it is considered appropriate to request details of this tree planting by condition to ensure that the trees are of appropriate growth habits and appropriate for their location close to car parking.

Overall, there are no design objections.

Impact on neighbours

The council's RDG3 also seeks to prevent development causing excessive overshadowing or dominance of adjacent properties. 16 Central Avenue has no windows in its side wall so it is not considered that this proposal for plot 1 would unduly overshadow or be dominant towards the existing residents. Plots 2 and 3 have been fairly sensitively positioned and are not located where they would adversely impact on light to or outlook from neighbouring houses or flats. There is therefore no objection to the proposal on the basis of RDG3.

RDG5 deals with privacy and overlooking. To prevent excessive overlooking of nearby properties, a distance of 9m should be provided between first floor windows and the boundaries of the site that they face. This is not achieved from the rear first floor windows of plot 1 but as they would only overlook car parking no loss of privacy would occur. Plots 2 and 3 are fully compliant with this provision.

An area that has been identified as a possible concern is a raised platform to the front of plots 2 and 3 which would increase opportunities for overlooking of neighbouring dwellings. Amended plans were requested to remove this platform and replace it with a ramp to provide level access

for building regulations but not a large area that can be stood upon to overlook the neighbours. These plans have now been received and are satisfactory.

Living conditions for future occupiers

The properties provide a good standard of internal accommodation meeting national space standards. The gardens for plots 2 and 3 are generously sized. The garden for plot 1 is almost on the minimum of 60m² but it nonetheless meets the minimum standard. It would be prudent to impose a condition restricting future extensions to plot 1 using permitted development rights should the property ever be sold in the future. The erection of rear extensions could unacceptably diminish the garden area and the erection of upward extensions could create a dwelling house with too much accommodation to be served adequately by the rear garden provided. Subject to such a condition there is no objection to this aspect of the proposal.

No details of the boundary treatments around the proposed new dwellings have been submitted. Notwithstanding that boundary treatments to enclose the individual gardens would have little visual impact beyond the development site it is important that appropriate physical means of enclosure is provided. It is recommended that such details are dealt with by condition.

Parking

Policy T8 of the LP seeks the provision of parking in accordance with adopted standards. The currently adopted standards are the 2009 county parking standards which require the provision of at least two off-street parking spaces for properties with two or more bedrooms. Visitor parking should be provided at a rate of 0.25 spaces per dwelling, rounded up. Parking spaces should have dimensions of 2.9m by 5.5m.

The Framework discourages the use of maximum parking standards save for in certain situations, none of which apply to this site. It is silent on the use of minimum standards but does not prevent them from being used. The current standards are felt to be consistent with paragraph 107 of the Framework as they have been set taking into account local circumstances.

The proposed three dwellings would have two dedicated parking spaces each and a shared visitor space which satisfies the parking standards.

There is adequate space on site to provide cycle storage within the gardens of each of the properties where required.

In terms of the wider site, the loss of the garages that will be demolished to build the new properties would not cause loss of parking as only one of the garages is currently rented. The proposal will actually result in the provision of more parking because it is proposed to demolish an old row of garages on the eastern part of this land and replace it with parking spaces so there will be a parking court with a dozen spaces for use as general purpose parking by occupiers of flats and houses nearby. There can therefore be no objection to the proposal on parking grounds.

One garage in the block where plots 2 and 3 would be built had previously been sold. It was originally proposed to offer that owner an alternative new garage to be built on the eastern part of the site, but instead the council negotiated to buy the sold garage back, so a replacement is no longer needed.

RDG12 requires parking not to be detrimental to visual or residential amenity. There would be seven spaces in front of plots 2 and 3 with limited opportunity for landscaping in between to provide visual relief to the future occupiers. But given the visual improvements that would be brought about by redeveloping the land with housing, an objection to the proposed parking arrangements is not recommended.

The occupiers of houses and flats around the site will be accustomed to vehicular activity on the site so the proposed parking for the new houses would not represent a significant change and so no detriment to residential amenity would be caused for the purpose of RDG12.

Flood risk

The Framework aims to steer new development to areas with the lowest probability of flooding. This is known as the sequential test. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.

The proposed development is for social housing to serve the community of Canvey Island. It could not fulfil that purpose if located elsewhere. The whole of Canvey Island is located within Flood Zone 3A. There are therefore no reasonably alternative sites available and the proposal passes the sequential test.

New residential properties within Flood Zone 3A are also required to pass the exception test. For this to happen it must be demonstrated that:

- a) the development would provide wider sustainability benefits to the community that outweigh flood risk; and
- b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere and, where possible, will reduce flood risk overall.

As has been mentioned, the proposal would provide much-needed social housing at a time of need, which is a wider sustainability benefit that outweighs flood risk. In terms of the second part of the test, the application is accompanied by a site-specific flood risk assessment which identifies that the first floors of the new properties would remain dry in the event of a tidal flood, so occupiers would have somewhere to seek refuge. Subject to the response of occupiers to a flood occurring, or a flood warning being issued, by way of a flood response plan, the second part of the exception test is passed.

Paragraphs 3.48 to 3.53 of the flood risk assessment cover flood warning and safe refuge but this does not amount to a flood response plan. A condition must therefore be imposed on any grant of planning permission to require submission, approval and enactment of a plan.

Practice guidance states that the structural stability of buildings is a planning consideration. As the first floors of these properties would act as a refuge in a flood situation, it is important that they are able to withstand the hydrostatic and hydrodynamic pressures which may act upon them.

The flood risk assessment asserts at 3.56-3.57 that a water entry strategy for flooding is to be adopted, meaning that water levels inside and outside the building will equalise so there will be no significant force on the structure from hydrostatic pressures. Hydrodynamic pressures will not be significant as the expected source of flooding is from a breach of sea defences which would mean that water would be slow entering the site and would drain slowly as the tide recedes thus any dynamic effects on the building would be very small. This is supported by calculations at Appendix B. Provided that the development is constructed in accordance with these details the risk to occupiers would be acceptably managed.

Drainage

Canvey Island has particular drainage circumstances where all rainwater that falls is directed to a number of pumping stations around the perimeter of the island through a network of pipes and open drainage channels, where it is pumped over the sea wall. This system has its limitations in

that exceptionally heavy rainfall events can overwhelm it and the capacity of channels can be reduced by fly tipping e.g. garden waste. While the latter is an enforcement issue for the Environment Agency, it is nonetheless desirable not to add to pressure on the system unnecessarily.

Emerging policy NE7 encourages the installation of sustainable drainage systems.

Accordingly, the development proposes to attenuate the discharge of surface water to the surface water drainage network at a rate of 2l/s. This will be done by using a type 3 paving base layer as a storage area for water before it is released. The capacity of this is the 1 in 100 year (plus 40% for climate change) rainfall event. Infiltration (soaking into the ground) is not a realistic option for Canvey Island due to the clay soil and high water table, so the proposal would effectively dispose of surface water while ensuring that the development does not increase runoff from the site and may reduce it as at the moment the site is largely hard surfaced with no attenuation of surface water discharge.

Based on this, the proposal would not add to the risk of surface water flooding to the site or surrounding properties.

The proposed drainage strategy is therefore considered acceptable in principle, however, there is no drainage layout submitted and precise details, including the diversion of a surface water sewer that is mentioned in the drainage strategy, will need to be submitted for approval.

Recreational disturbance

It has been identified that population growth in Essex is likely to significantly affect wildlife habitat sites on the coast through increased recreational pressure. To counter this, the council has, along with other districts in the county, adopted the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) which sets out a tariff applied to all net new residential development within the zones of influence of the habitat sites. For 2021/22 this is £127.30 per dwelling. Once collected this goes into a fund to avoid and mitigate adverse effects from increased recreational disturbance. Alternatively, the developer can commission their own Appropriate Assessment.

The proposal lies within three zones of influence: that of Benfleet and Southend Marshes, that of the Thames estuary and that of the Blackwater estuary. The developer (council housing department) has made an upfront RAMS payment for the three proposed dwellings, thereby fulfilling its obligation. There is therefore no objection to this facet of the development.

Other matters

Policy EC5 states that the council will expect new development schemes to have regard to the desirability of minimising the risk of crime and maximising security by virtue of their design, layout and landscaping. This is considered to be in accordance with the details contained within paragraph 130 of the NPPF. The site offers very little potential for landscaping, but the plans do indicate that two trees will be planted and some shrubbery to the front garden of plot 1.

Officers have received confirmation that three of the existing streetlights on the site are operational and maintained by the highway authority (notwithstanding that the internal roadways within the site are not adopted highway). One of the lights (on the approach road from Central Avenue) is a CPBC light on an unmetered supply that will have to be removed due to a conflict with plot 1.

The westernmost of the three highways lights will also have to be removed as it would be in the garden of the new properties. It is not appropriate to re-provide this light as it would be too close to

the others. The CPBC light that needs to be removed will be relocated further into the site and replaced with a solar powered light at the corner of plot 1's garden. This would provide additional light to the new parking spaces. The precise details of this (lantern style and column height) can be secured by way of a condition but in principle there is no objection to the future lighting arrangements.

RDG13 requires the provision of suitable facilities for refuse and recycling storage. As these are houses with gardens they will be able to store refuse and recycling prior to collection. The refuse collection vehicle can enter the site to provide all plots with a collection from their properties without the need to store refuse in a communal structure or residents to place refuse and recycling at a remote location.

The plans as submitted showed a communal bin store for plots 2 and 3 which would represent undue visual clutter. Amended plans have been received to remove the proposed bin store which greatly improves the proposal so there is no further objection to this aspect of the development.

Conclusion

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

- o approving proposals that accord with an up-to-date development plan without delay; or
- o where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁸, granting permission unless:
 - i. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁷; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

The council's development plan is not up-to-date. Footnote 8 of the Framework explains that, for applications involving the provision of housing, policies most important for determining the application will be out-of-date where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.

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

The application site is within an area at risk of flooding or coastal change and is within the zones of influence of habitats sites which are areas or assets of particular importance (as listed at footnote 7 of the Framework). The policies in the Framework that seek to protect those areas or assets of particular importance do not, however, provide reasons to refuse planning permission. Permission should therefore be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

The proposal would provide a benefit in terms of a limited boost to the council's housing supply at a time of housing need and also provide some new much needed affordable housing to serve the needs of local people within the borough.

No adverse impacts of the proposal have been identified which would significantly and demonstrably outweigh the benefits when assessed against the Framework and therefore, in accordance with the presumption in favour of sustainable development set out at paragraph 11 of the NPPF, the proposal is recommended for APPROVAL.

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** subject to the following conditions:

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 development hereby permitted shall be carried out in accordance with the approved plans listed on this decision notice.

REASON: For the avoidance of doubt and in order to achieve satisfactory development of the site.

- 3 Prior to construction of the approved development above foundation level, details of surface water drainage shall be submitted to and approved in writing by the local planning authority. The development shall be drained in accordance with the approved details before any part of it is occupied.

REASON: Although the proposed drainage is acceptable in principle, insufficient details were submitted to allow full consideration of this aspect of the proposal in the interest of not increasing the risk of surface water flooding to this and adjacent sites.

- 4 The development shall be constructed in accordance with the details at Appendix B of the flood risk assessment prepared by Evans & Langford LLP dated October 2019, reference 15102.

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

- 5 The external surfaces of the development hereby approved shall be treated in accordance with the details specified.

REASON: In the interest of visual amenity.

- 6 Details of a lighting scheme suitable to adequately illuminate the parking court and approach to plots 2 and 3 shall be submitted to and approved in writing by the Local Planning Authority and thereafter carried out in accordance with the approved scheme prior to occupation.

REASON: To ensure the provision of adequate lighting to the development in the interests of the safety of future occupiers and visitors to the site and to dissuade any potential antisocial behaviour.

- 7 Details of a soft landscaping scheme and boundary treatment to the proposed dwellings shall be submitted to and formally approved by the Local Planning Authority and thereafter carried out in accordance with the approved scheme prior to occupation.

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

- 8 Each dwelling shall be provided with an electric vehicle charge point to one of its allocated parking spaces, which shall be made operational prior to first occupation of each dwelling. Following installation, the charge points shall be maintained in accordance with any manufacturer's recommendations and permanently retained as such thereafter.

REASON: To facilitate the use of electric vehicles by occupiers of the development in the interest of promoting sustainable transport.

- 9 Prior to first occupation of any dwelling house, a flood response plan for that dwelling house shall be submitted to and approved in writing by the local planning authority. Such plan as may be approved shall be enacted upon occupation of the relevant dwelling house and thereafter maintained at all times that the dwelling house is occupied. Any revisions to the plan shall first be submitted to and approved in writing by the local planning authority.

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

- 10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or the equivalent provisions of any statutory instrument amending or superseding that Order), no rear or upward extensions to the dwelling on plot 1 shall be carried out.

REASON: The uncontrolled exercise of such rights has the potential to result in the outdoor amenity space at the property being insufficient to serve the needs of occupiers of an enlarged dwelling house.

- 11 Prior to the first occupation of the development hereby approved, the vehicle parking bays shall be clearly marked and laid out as shown on approved planning drawing number LNKRDC IWD ST XX DR A 2000 Revision P09 with each dwelling allocated two parking spaces. Once provided the vehicle parking area shall be retained in the agreed form at all times.

Where any new or replacement hard surfacing is proposed for the parking of vehicles, this shall be designed and constructed in accordance with SuDS principles.

Reason: To ensure any new or replacement hard surfacing limits the potential for increased surface water runoff from the site and the retention of adequate on site parking facilities for the occupiers of the development and visitors to meet the councils adopted standards for the amount of accommodation to be provided on the site in the interest of highway safety.

- 12 Prior to occupation of the development, details of secure and covered cycle storage for each dwelling house shall be submitted to and approved in writing by the local planning authority. Such cycle storage facilities as may be approved shall be provided prior to occupation of the dwelling house and thereafter retained.

REASON: To make provision for cycle storage in the absence of private garages and in the interest of sustainable travel.

Informatives

- 1 The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

ITEM 2

Application Number:	21/0881/FULCLO
Address:	Leisure Island Fun Park Eastern Esplanade Canvey Island Essex SS8 7JQ (Canvey Island South Ward)
Description of Development:	Change of use from recreation land to funfair and construction of new boundary fence
Applicant:	Mr Scott Petty
Case Officer:	Mr Keith Zammit
Expiry Date:	10.12.2021

Summary

The application seeks permission for an expansion of the existing children's amusement park northwards onto Labworth Green. This is not considered to raise any issue of principle, however, officers have concerns about the visual impact of proposed fencing on the public realm.

The applicant agreed to set the fence back from the highway boundary to reduce its visual impact and to maintain a pedestrian link between the seafront and Labworth Green. He has also agreed to a condition being imposed on any permission granted requiring details of fencing to be submitted and approved separately. This would enable the council to secure a more visually appropriate fence rather than the 3m palisade fence originally proposed, which was excessive in height and ill-suited in design.

It is also possible to further reduce the impact of the proposed fencing with some landscaping between the fence and Furtherwick Road, which could take the form of tree planting.

Subject to these matters being dealt with by condition there is no further objection to the proposal and officers are able to recommend the scheme for APPROVAL.

The application is presented to the committee due to the council being the landowner.

Site Visit

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

Introduction

The application relates to a 0.45ha area of grassland on Labworth Green, to the north of the applicant's existing 0.28ha operation. There are bollards along the eastern perimeter forming the highway boundary with Furtherwick Road. There is a willow tree on the eastern boundary, inside the bollards. The land is otherwise open and available for use by the public as recreation land.

There is residential development surrounding Labworth Green with the nearest property being 19 Lovens Close, some 25.5m from the north eastern corner of the application site. There are also flats further to the east at Casino Court. To the south east is the Monico pub where there is planning permission for conversion to flats above. South of the applicant's site there is another leisure site, Fantasy Island, beyond which sits the listed Labworth restaurant on the sea wall.

Plenty of parking is available in the area at the recently refurbished Labworth car park and Lubbins car park on Eastern Esplanade which are both council operated. There is also a private car park opposite the Movie Starr cinema.

The Proposal

Permission is sought for the use of the land as an extension to the applicant's existing fun park. The applicant advises that the maximum height of any ride would be 3m and that small merry-go-round style rides would be placed on the land. He has no desire to place rides taller than 3m on the site as anything taller means it is difficult to rescue children from the rides if the ride became stuck.

A 3m high palisade fence is proposed around the perimeter of the site.

It is proposed that the new ride area would operate between 10:30 and 18:30.

Members may be aware that rides have been placed on some of the land already this year, surrounded by Heras fencing. There are permitted development rights granted by the government for temporary uses of land which allow the applicant to use the land temporarily for an amusement park without a grant of express permission by the council. This temporary use is acknowledged but it must be remembered that this is not permanent, the rides and fencing will have to be removed and the application should be assessed as if the land was in its original, undeveloped state.

Supplementary Documentation

The application is accompanied by a flood response plan, noise impact assessment and planning statement which are available to view on the council's website.

Planning History

The original permission to use the land as a young children's amusement park dates from 2003 (CPT/269/02/FUL)

An application to extend the amusement park westward in 2007 was refused (CPT/93/07/FUL) for the following reasons:

1. The proposal, by reason of the enclosure of the land and the creation of a physical and visual barrier between the seafront and the adjoining open land, destroys the integrity of the seafront area, the flow of space through and along the seafront and the integration of the coastal character created by the seafront into the urban area to the detriment of the character and appearance of the area and the setting of the Listed Building, contrary to Policy EC2, EC7 and EC34 of the adopted Local Plan.
2. The proposal seeks to reduce the open space available for informal recreation and reduces the informal parking provision available within the Labworth Recreation Ground, on which so many of the other seafront uses depend. The proposal does not seek to diversify the leisure activities and facilities available within the Seafront Entertainment Area and serves to deprive the wider population of an area of attractive open space which integrates well with the remainder of the Seafront Entertainment Area, contrary to Policy EC39 of the adopted Local Plan.

Relevant Government Guidance and Local Plan Policies

The land is allocated as seafront entertainment area and public open space in the adopted and new local plans. The following policies are of relevance:

National Planning Policy Framework (2021)

Local Plan (LP, 1998):

EC3 – Residential amenity

EC7 – Natural and semi-natural features in urban areas

EC34 – Setting of listed buildings

EC39 – Seafront entertainment area

T8 – Parking provision

New Local Plan (NLP, 2019):

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

EC3 – Canvey seafront entertainment area

NE6 – Protecting and enhancing the landscape and landscape features

NE7 – Pollution control

CC2 – Tidal flood risk management area

CC3 – Non-tidal flood risk management

HE1 – Conserving and enhancing the historic environment

TP7 – Parking provision

Consultation

Legal – No observations

UK Power Networks – Comments offered in relation to the proximity of new buildings to substations and notifications under the Party Wall Act.

Environment Agency – No objection

Planning Policy – In terms of the conflict between the seafront entertainment area allocation and the open space designation affecting the site:

- o The council's corporate position following a report to cabinet in October 2018 is that the eastern area of Labworth Green will be promoted for business uses.
- o The council therefore appears prepared to lose some open space in this location to facilitate the master planning of the sea front
- o Policy HS7 sets out the criteria against which developments affecting open space should be assessed. Specifically, on this point:
 - o Quantity of open space is not really relevant given the large amount of open space remaining adjacent to the site, quality is more the issue.
 - o Fencing off the area, up to the road edge, will worsen access from the seafront entertainment area to the open space thereby reducing its quality
 - o The palisade fence will not be attractive and will have a detrimental impact on the character of the open space
 - o The enclosure of the area and the layout of the development should not result in harm to the tree on the site

Environmental Health – The proposal would have a low adverse impact on the local amenity therefore is acceptable in Environmental Health terms and a condition is recommended to control noise.

Regeneration – No comment to make.

Public Consultation

No representations received in response to site notices and neighbour notification.

Comments on Consultation Responses

The issue of whether the principle of loss of open space is acceptable is considered in the evaluation along with the impact of the development on those living nearby in terms of noise.

Evaluation of Proposal

The starting point for determining a planning application is the National Planning Policy Framework (NPPF) and those saved policies within the council's Adopted Local Plan (1998), alongside supporting policy documents and SPDs. In October 2020, the council submitted to the Planning Inspectorate its new Local Plan (2018-2033) for examination. The plan sets out the council's aims and objectives for the borough over the 15 year period and includes policies to support these ambitions. A post-hearings letter has now been issued by the inspector following conclusion of the examination hearings that took place in June 2021. This states that subject to main modifications the plan is capable of being found legally compliant and sound. Accordingly, the council is now giving policies contained within the plan not subject to further public consultation increased 'weight' when determining planning applications. The degree of increased weight afforded them will depend on the level of objection they received during the examination hearings and Regulation 19 consultation.

The issues to be considered with this application are:

- o Principle of a change of use of the land to an amusement park
- o Impact on open space (in terms of quality and quantity)
- o The impact on the setting of the Labworth restaurant
- o Parking implications
- o Impact on surrounding residents (noise)
- o Flood risk
- o Drainage

Principle

Policy EC39 of the adopted LP states that within the seafront entertainment area the council will encourage the provision of additional leisure facilities and will refuse development which would lead to the loss of existing facilities. NLP policy EC3 encourages proposals that would support the tourism industry, as well as seeking to restrict the provision of retail uses in the seafront entertainment area.

The role of tourism in the economy of non-rural areas is not addressed in the Framework.

As identified in the planning policy consultation response there are conflicting designations affecting this site. Tourism-related development is encouraged but the land has an open space designation. However, NLP policy HS7 permits development on open spaces in certain circumstances, so the open space designation does not automatically rule out any development (this is discussed more in the next section).

The principle of businesses uses on the eastern part of Labworth Green, to support the tourism industry, as envisaged by the 2018 cabinet paper, is consistent with the seafront entertainment area allocation in both the LP and NLP so there is no conflict with LP policy EC39 or NLP policy EC3.

Impact on open space

As just mentioned, the proposal involves development on open space. The policy in the adopted LP concerned with retention of public open space expired in 2007 which leaves the emerging NLP policy HS7 as the most suitable basis upon which to assess the proposal.

This proposal is not minor scale ancillary development so point 2 of the policy is not relevant. Point 3 states that development resulting in the loss of publicly available open space will only be supported where:

- a. An assessment has been undertaken which indicates that the existing facility is surplus to requirements; or
- b. The loss will be replaced by equivalent or better provision in terms of quantity and quality, secured by a section 106 agreement where appropriate.

Protecting the quality and quantity of open space in the district is consistent with paragraph 98 of the Framework inasmuch as it seeks to maintain a network of high-quality open spaces and opportunities for sport and recreation.

There is no replacement open space proposed so criterion b. of policy HS7 is not relevant here. There has been no assessment which indicates that the existing open space is surplus to requirements pursuant to criterion a. However, given the large amount of open space remaining following the proposal it would be hard to argue that the quantity of open space in the locality would be inadequate.

The issue that is of more relevance is the quality of open space provision. As has been identified in the planning policy consultation response, the fencing of the land up to the highway boundary, as originally proposed, would impede access from the main part of the seafront facilities to the open space by requiring pedestrians to cross and re-cross the road with no crossing facilities, or by walking along the highway verge. This represents a degradation in the quality of the space by way of the access to it being made less convenient.

Officers have, however, been able to secure an amendment to set the fence back from the highway boundary by some 6.7m. This is still 4m further forward than the applicant's existing fence but at least provides some set-back to allow access north/south without pedestrians having to cross the road. The setback would also help reduce the visual impact of a fence around this part of the site.

The applicant says the fence will be in line with the canopy overhang of the buildings to the south (Fantasy Island amusements). This cannot be confirmed from examination of OS base maps and aerial photos but the intentions of the applicant are clear and this is considered a reasonable compromise position which would mitigate the worst of the harm arising from erecting a fence adjacent to the highway.

The master plan map agreed in 2018 maintained a green edge along the eastern side of the business activity zone and the proposal is now consistent with this. The proposal is therefore broadly in line with NLP policy HS7.

The proposed palisade fencing, regardless of its colour, would be of utilitarian appearance, better suited to an industrial estate. This fencing would have a detrimental impact on the character, and thus the quality, of the open space as well as being detrimental to the appearance of the public realm in Furtherwick Road. The applicant has fencing around his existing operation but that is of a

more ornate design and is of lesser height at a maximum of 2.5m (the height of the spikes is 2.7m).

The proposed fence is 3m high, which offers increased potential to dominate the public realm and nearby open space. The applicant has drawn the council's attention to Southend's Adventure Island which has blue palisade fencing running along the boundary of the site with the highway, but that is set in an altogether different context and does not indicate that palisade fencing should be approved here.

The applicant has, following discussion, agreed to a condition being imposed on any planning permission, excluding the fence from such permission, and requiring details of fencing to be submitted and approved separately. This would enable a fence more appropriate in height and better suited in design to be agreed.

Lastly on this point, the original proposal would have resulted in the willow tree on the eastern boundary of the land, which forms part of the open space, being enclosed by fencing. LP policy EC7 and NLP policy NE6 seek the retention of semi-natural features such as trees with a high visual amenity value. This is consistent with paragraph 131 of the Framework which points out that trees make an important contribution to the character and quality of urban environments, and that existing trees should be retained wherever possible.

Although the application did not explicitly propose removal of the willow tree, the installation of the palisade fence so close to it could have damaged the tree. Additionally, enclosing the tree is likely to lead to pressure from the applicant to reduce or fell it to allow for more space for rides.

The re-siting of the proposed fence places the tree outside the park boundary which is more appropriate aesthetically and in terms of the future care of the tree. Officers understand that the council's parks department intends to pollard the willow tree which will reduce its aesthetic value in the short term, but in the longer term the tree will regenerate and be able to survive outside of the amusement park boundary.

There is therefore no objection on the basis of LP policy EC7 and NLP policy NE6.

Setting of Labworth restaurant

LP policy EC34 states that permission will not be granted for new development which would have an adverse effect on the setting of a listed building. This is not consistent with the Framework because paragraphs 199 to 202 allow for development that would cause harm to the setting of a designated heritage asset in certain circumstances. NLP policy HE1 has been drafted with this in mind, requiring the public benefits of proposals to be balanced against any harm to the significance of heritage assets.

The Labworth restaurant, on the sea wall, is a grade II listed building. It was listed in 1996 for its architectural value, being built in 1932-33 in the International Modern style. From some viewpoints, the proposed extension to the applicant's amusement park would be viewed against the backdrop of the restaurant. This is really only from the north and east sides of Labworth Green. From other vantage points, the restaurant and the amusement park are not seen juxtaposed.

The existing Leisure Island Fun Park, operated by the applicant, and the adjoining Fantasy Island park, operated by another, are viewed in the foreground of the restaurant across Labworth Green. They represent undue visual clutter which detracts from the setting of the listed Labworth restaurant. The applicant's proposed extension to his amusement park would worsen this effect slightly, by adding further visual clutter. However, the real harm has already been done. The applicant's further 3m high rides would not have a huge effect against the backdrop of what is

already there. Therefore, this harm is less than significant harm to the significance of the designated heritage asset, and paragraph 202 of the Framework is relevant. A balancing exercise should be undertaken whereby the less than substantial harm is weighed against the public benefits of the proposal.

The proposed extension to the amusement park would improve the visitor offer of the seafront entertainment area which is a public benefit carrying a fair amount of weight. The harm to the significance of the listed restaurant is not desirable but when one considers that the harm arising from this specific proposal would actually be quite small, it would not demonstrably worsen the overall setting of the heritage asset, and the public benefit of the proposal outweighs this harm.

The proposal is therefore not in conflict with the provisions of the Framework or NLP policy HE1.

Parking implications

Policy T8 of the LP requires parking to be provided in accordance with adopted standards. NLP Policy TP7 also requires this, but with the rider that maximum parking standards will only be applied where there are compelling planning and transport reasons to do so, to be consistent with paragraph 108 of the Framework.

The proposal seeks to use 4,130m² of land for leisure purposes. The parking standard for an outdoor sports or leisure use (Use Class F2 from 1st September 2020) is a maximum of one vehicle parking space per 20m², which equates to 207 parking spaces. Being a maximum standard, this should only be applied where there is clear and compelling justification that such restrictions on parking provision are necessary for managing the local road network or for optimising the density of development in city and town centres and other locations that are well served by public transport. Neither of these circumstances apply to this site therefore the parking situation falls to be considered on merit.

The proposal for an expanded children's amusement park would potentially attract more parking demand to the area. There is no parking provision proposed on site. There is, however, public parking provision nearby, at Labworth and Lubbins car parks. Whether as many as 207 spare spaces are available could be the subject of much discussion, but this is considered a somewhat artificial figure as the parking standards for leisure uses appear to have been drafted with building floor spaces in mind rather than outdoor leisure uses.

The council recently has been working to improve parking in the area, for example by the upgrading and merging of Labworth and Western Esplanade car parks. The council's Head of Environment advises that there are also plans to provide overspill car parking to keep the level of car parking provision matching demand. It is therefore unlikely that the proposed expansion of the amusement park would lead to parking demand that could not be met and a refusal of the application on parking grounds would not be warranted.

No objection is therefore raised to the proposal based on parking.

Impact on surrounding residents

LP policy EC3 seeks to resist proposals which would significantly adversely affect the residential amenity of the surrounding area by reason of noise. NLP policy NE7 states that development proposals should not cause a significant adverse effect on surrounding residential amenity by reason of noise. These policies are consistent with paragraph 185 of the Framework which seeks to mitigate and reduce to a minimum the potential adverse impacts resulting from noise from new development.

The proposed expansion of the existing amusement park onto land to the north would potentially increase noise emanating from the facility, as well as bringing it closer to the nearest dwellings, and therefore could increase the levels of noise and disturbance experienced by those living nearby.

It is worth noting that there are no existing controls on noise from the amusement park, either from environmental health notices or from the council's legal department in a landlord role.

The council's Environmental Health service has commented on the proposal. It has considered the noise likely to be generated by the placing of rides on the land and the nature of the dwellings nearby and concluded that the proposed development would have a low adverse impact on local amenity and therefore is acceptable in environmental health terms.

A condition has been suggested for imposition on any grant of planning permission, requiring the external noise level emitted from any plant, machinery or equipment to have a low adverse effect, assessed according to BS4142:2014, at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity and specified mitigation in place. Planning officers initially were concerned that such a condition might be difficult to enforce. However, officers have now received assurance that it would be enforceable should the council's Environmental Health service be called upon to assist with such.

In the absence of an objection from the council's Environmental Health service, and taking into account the lack of objection to the proposal from surrounding residents, it is not considered that permission reasonably may be refused on the basis of noise disturbance.

Flood risk

The matter of tidal flood risk is not addressed in the adopted LP. The NLP contains a policy CC2 on managing tidal flood risk. This states that within flood zones 2 and 3 new development proposals will be permitted only where they meet a number of criteria, including that they pass the sequential test as set out in the Framework and provide safe refuge.

The site lies within flood zone 3a with the highest probability of tidal flooding. The proposal represents expansion of an existing facility which can only take place on this site, so the proposal passes the sequential test.

Use for outdoor sports or recreation is water-compatible development as listed in practice guidance which is appropriate within flood zone 3a. The exception test is not required to be applied to this development.

The Environment Agency advises that it has no objection to the development.

Subject to a flood response plan to manage the risk to site users in the event of a flood warning being issued, there is no objection to the proposal on flood risk grounds.

A flood response plan has been submitted with this application, but some minor changes are needed. For example, bullet point 2 on page 10 is not appropriate. Telephoning the emergency services when their attendance at the site is not immediately required would only add to the workload of 999 call handlers and would potentially delay assistance being given to someone in immediate need. Bullet point 2 of the section halfway down page 10 needs further explanation as no buildings are proposed as part of this development and it is not clear how rides on site would benefit from sandbags or air brick covers. Should this application be granted these points can be dealt with by condition requiring submission and approval of a flood response plan.

Drainage

LP policy CF14 states that where development would result in significantly increased surface water runoff, the council will require appropriate improvements to watercourse capacity to be undertaken before development commences. This policy is inconsistent with the drainage hierarchy set out in practice guidance which favours infiltration as the preferred method of surface water disposal before discharge to a water body or watercourse. NLP policy CC3 has been drafted with this in mind, and requires surface water run-off as a result of development to be no greater than prior to development taking place or, if the site is previously developed, development should reduce run-off rates as far as is reasonably practicable.

The applicant states that no hard surfacing would be constructed on the land at least for the time being. Surface water run-off would therefore not be increased by the proposal. Were the application approved, any future hard surfacing proposals would require a further planning application, which would need to be accompanied by a drainage strategy, at which point the impact on surface water drainage could be assessed.

There is therefore no objection to the proposal in terms of drainage.

Conclusion

The application proposes expansion of an amusement park which is acceptable in principle. It would also be consistent with national planning guidance and the council's ambitions to develop the seafront entertainment area. Therefore, it is recommended that members support the proposal.

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 development hereby permitted shall be carried out in accordance with the approved plans listed on this decision notice.

REASON: For the avoidance of doubt and in order to achieve satisfactory development of the site.

- 3 Prior to the erection of any boundary fencing, details of that fencing shall first be submitted to and approved in writing by the local planning authority, with reference to accurately scaled plans. Development shall be carried out in accordance with the approved details.

REASON: In the interest of visual amenity and because the details submitted were not considered to be satisfactory.

- 4 Prior to commencement of the use, a landscaping scheme shall be submitted to and approved in writing by the local planning authority, to include planting plans, sizes, numbers/densities and methodology.

All planting works forming part of the approved scheme shall be carried out in accordance with the approved scheme prior to commencement of the use.

Any tree within the approved planting scheme dying or becoming damaged, diseased or uprooted within 5 years of the commencement of the use shall be replaced by a tree of a similar size and species, or such other species as may be agreed in writing with the local planning authority.

REASON: To provide a degree of natural relief in the interest of visual amenity and mitigate the visual impact of the development on the public realm.

- 5 Prior to commencement of the use, a flood response plan shall be submitted to and approved in writing by the local planning authority. Such plan as may be approved shall be enacted upon commencement of the use and thereafter maintained at all times that the use subsists. Any revisions to the plan shall first be submitted to and approved in writing by the local planning authority.

REASON: In order to ensure the appropriate protection of occupiers and users of the site in the event of a flood or flood warning and because the plan submitted was not considered to be satisfactory.

- 6 No ride, structure, erection, works, fixture or chattel exceeding a height of 3.5 metres above natural ground level shall be placed on the land.

REASON: In the interest of visual amenity and to preserve the setting of the nearby listed Labworth restaurant.

- 7 The external noise level emitted from plant, machinery or equipment at the development hereby approved shall have a low adverse effect, as assessed according to BS4142:2014 at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity and specified mitigation in place.

REASON: To ensure that the amenity of occupiers of the surrounding premises are not adversely affected by noise from mechanical installations/equipment.

Informatives

- 1 The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. Unfortunately, it has not been possible to resolve those matters within the timescale allocated for the determination of this planning application. However, the Local Planning Authority has clearly set out, within its report, the steps necessary to remedy the harm identified within the reasons for refusal - which may lead to the submission of a more acceptable proposal in the future.