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AGENDA

Committee: DEVELOPMENT CONTROL

Date and Time: Tuesday 4th March 2014 at 7.30 p.m.

Venue: Council Chamber

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

Membership: Councillors Brunt (Chairman), Ladzrie (Vice Chairman), Anderson, Barrett, Blackwell, Cross, Mrs Govier, Hart, Mrs King, Mrs Liddiard, Skipp, Smith, and Mrs Wass.

Canvey Island Town Councillors : Greig and Ms Swann

**Officers attending: Steve Rogers – Head of Regeneration and Neighbourhoods
Fiona Wilson – Head of Legal Services
Kim Fisher – Chief Development Control Officer**

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 4th February 2014 is attached.

4. Public Speakers

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

5. Deposited Plans

Report of the Head of Regeneration and Neighbourhoods is attached.

| Application No. | Address | Page |
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| 1. CPT/490/13/FUL | 125/127 High Street, Canvey Island (North Ward) | 1 |
| Appendix 1 | Standard Conditions | 20 |

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DEVELOPMENT CONTROL COMMITTEE

5th FEBRUARY 2014

PRESENT: Councillors Brunt (Chairman), Ladzrie (Vice-Chairman), Barrett, Blackwell, Hart, Mrs King, Mrs Liddiard, Skipp, Smith and Mrs Wass.

Apologies for absence were received from Councillors Anderson, Cross and Mrs Govier.

30. MEMBERS' INTERESTS

There were no disclosures of interest.

31. MINUTES

A Member took opportunity to ask a question with regard to the parking provision in relation to application CPT/526/13/FUL - Appleton School, Croft Road, Benfleet. The Planning Officer explained that although the Committee had imposed a condition to provide 46 parking spaces on site the Planning Authority could not enforce that users of the vehicles did not park on the highway.

The Minutes of the meeting held on 7th January 2014 were taken as read and signed as correct.

32. DEPOSITED PLANS

(a) CPT/577/13/FUL – CONCORD RANGERS FOOTBALL CLUB, THAMES ROAD, CANVEY ISLAND (WEST WARD) – EXTENSION TO EXISTING CLUBHOUSE – ASPECT CONTRACTS LTD

The application sought permission for an extension to the clubhouse of Concord Rangers Football Club to provide improved changing room facilities, a physiotherapy room and warm up area. The proposal was sympathetically designed and would have no adverse impact on the character and appearance of the area or the amenity of adjoining residents or other land users. The proposal complied with all relevant policies.

The application was presented to the Committee as the Council was the freehold owner of the land.

During discussion Members expressed their support for the application and it was therefore:-

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

(b) CPT/512/13/FUL – ACEAN BUILDING FORMERLY THE WAREHOUSE, BEECH ROAD, HADLEIGH (ST JAMES' WARD) – DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF PART THREE/PART FOUR STOREY BUILDING CONTAINING 19 FLATS WITH ASSOCIATED PARKING AND LANDSCAPING

The Committee considered a supplementary report regarding the above.

The Committee was informed of the latest information regarding the discussions between the Homes & Communities Agency (HCA) and Moat Housing, which would be the Registered Provider of affordable housing at the site.

The report contained with the agenda papers described the difficulty encountered with HCA funding for the scheme, because a Section 106 Agreement was required. However discussions had continued between the HCA and Moat Housing, and a prospective way forward had been discussed which would allow the grant to be secured, together with a Section 106 Agreement. However a final decision on the revised grant proposal was not yet available.

In the event that agreement was not achieved, the recommended course of action was that conditions be imposed on any approval to secure the affordable housing, with nominations rights, and the use of the building in perpetuity for affordable housing. The suggested conditions were set out in the agenda. However should the revised grant proposal be agreed, then it was recommended that the Section 106 Agreement route continue to be pursued with the current applicants and owners.

In response to the Committee's concerns the Head of Regeneration and Neighbourhoods confirmed that there were no alterations to the actual planning application and that the scheme would still provide 19 affordable housing units. It was therefore -

Resolved - That the Head of Regeneration and Neighbourhoods be authorised to grant permission for this application, subject to either

1. The completion of a Section 106 Agreement, and/or
2. The imposition of appropriate planning conditions

to secure the provision of affordable housing at the site in perpetuity, and to which the Council has Nomination Rights, subject to the original conditions as set out in the Planning Officer's report.

Chairman

ITEM 1

| | |
|------------------------------------|--|
| Application Number: | CPT/490/13/FUL |
| Address: | 125-127 HIGH STREET, CANVEY ISLAND (North Ward) |
| Description of development: | ERECTION OF PART TWO/PART THREE STOREY BUILDING CONTAINING 14 No. 2 BED FLATS WITH ASSOCIATED PARKING |
| Applicant: | PEMICAN LTD |
| Case Officer: | MR K. ZAMMIT |

Summary

The submitted scheme is considered acceptable in the context of the provisions of the NPPF, the adopted Local Plan and Residential Design Guidance.

The proposal is therefore recommended for approval subject to conditions.

The application is presented to the Committee at the request of Councillor Mrs G. Watson.

Site Visit

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

Introduction

The application relates to a 0.17ha site on the north side of High Street, with frontages to High Street and Barnards Avenue. It is currently occupied by a car wash and a number of small industrial units, accessed from both High Street and Barnards Avenue.

To the west of the site is a car repair garage at 125 High Street, a three storey block of flats at Holmes Court and dwellings facing Gills Avenue.

To the north are dwellings on Barnards Avenue and to the east is a petrol filling station.

To the south are single and two storey commercial premises.

The Proposal

Permission is sought for the erection of a part two storey, part three storey block of 14 flats with two refuge areas and 15 car parking spaces. A narrow, deep building of

irregular footprint is proposed, which would have a width of some 10m at the High Street frontage and a maximum depth of some 50m. A pitched roof is proposed to a maximum height of 9.5m.

Brickwork and cladding are proposed as the external materials, with a concrete tiled roof.

Supplementary Documentation

The application was accompanied by a design and access statement and a flood risk statement.

Amended plans providing for an amended refuse storage area and minor amendments to the front elevation and roof were submitted on the 14th February 2014.

The applicant also submitted a supplementary statement in respect of comprehensive development, affordable housing provision and access.

Planning History

May 2007 – permission was refused for the demolition of the existing workshop/car sales unit and the construction of a two/three storey block of 20 two bedroomed flats with associated car parking (CPT/189/07/FUL) for the following reason:

- The proposal is located within an area identified as being at risk from flooding. A Flood Risk Assessment has now been submitted however it is not considered that the proposal satisfies all of the criteria set out in the exception test. The development if implemented would present a 'danger to most' and is therefore considered not to be 'safe', contrary to Government guidance set out in PPS25.

May 2007 – permission refused for the demolition of the existing workshop/car retail unit and the construction of a 2 to 4 storey block of 24 two bedroomed flats with associated parking (CPT/192/07/FUL) for the following reasons:

- The proposal by reason of its height, mass and bulk would, if permitted, result in a building out of scale with its surroundings which would unacceptably dominate the street scene to the detriment of the visual amenity and character of the surrounding area, contrary to Policy EC2 of the Council's Adopted Local Plan and Government guidance contained in Planning Policy Statement 3: Housing.
- The proposal represents overdevelopment of the site, in that it fails to provide adequate turning facilities for vehicles. The development if permitted would be likely to lead to unacceptable levels of noise and disturbance to the occupiers of the adjoining flats while cars attempt to turn round, or would result in vehicles reversing out onto a classified road to the detriment of highway safety and the inconvenience of other road users and pedestrians, contrary to Policies EC2, EC3, H9 and T8 of the Council's Adopted Local Plan.

- The proposal represents overdevelopment of the site, in that it fails to provide adequate on site parking facilities which would be likely to lead to substantial demand for on-street parking to the detriment of highway safety and the inconvenience of other road users and pedestrians, contrary to Policies EC2, H9 and T8 of the Council's Adopted Local Plan.
- The proposal is located within an area identified as being at risk from flooding. A Flood Risk Assessment has been submitted however it is not considered that the proposal satisfies all of the criteria set out in the exception test. The development if implemented would present a 'danger to most' and is therefore considered not to be 'safe', contrary to Government guidance set out in PPS25.

Relevant Government Guidance and Local Plan Policies

National Planning Policy Framework

Paragraphs 23, 50, 51, 56-58, 100-104

The Written Ministerial Statement (WMS), 'Planning for Growth',

Current Local Plan

| | |
|-----|-------------------------|
| EC2 | Design |
| H7 | Affordable Housing |
| H9 | New housing densities |
| H10 | Mix of development |
| H12 | Piecemeal development |
| H13 | Location of development |
| S4 | Non retail development |
| T8 | Parking standards |

Residential Design Guidance

| | |
|-------|----------------------------------|
| RDG2 | Space around dwellings |
| RDG3 | Building lines |
| RDG5 | Privacy and living conditions |
| RDG6 | Amenity space |
| RDG10 | Enclosure and boundary treatment |
| RDG11 | Landscaping |
| RDG12 | Parking & access |
| RDG13 | Refuse & recycling storage |

Consultation

Canvey Town Council

Object to the proposal on the following grounds:

- height of building dominant to surrounding area, especially properties in Barnards Avenue.
- traffic exiting onto Barnards Avenue would impede residents and traffic entering the road from Mitchells Avenue.
- redevelopment should include car repair shop as not appropriate to site residential development between car repair shop and petrol station.

Environment Agency

No objection subject to conditions

Anglian Water

Canvey Island sewage treatment works has available capacity for flows from the proposed development.

Comments of the Environment Agency should be sought in relation to submitted surface water strategy/flood risk assessment.

County Highways

No objection subject to conditions

CPBC Refuse and Recycling

The Officer had originally commented that the bin area next to car park space 4 was in excess of 25m from the highway and would not therefore be emptied. Alternative provision within 25m of the highway was therefore requested.

Following discussions, the applicant advised that vehicular access to the proposed refuse storage area would be provided. The Refuse and Recycling Officer has advised that such an arrangement is acceptable.

Public Consultation

Four letters of objection have been received from the following:

Gills Avenue – 6, 8
Barnards Avenue – 6

and from Cllr Grace Watson.

These letters contain the following comments:

- would add to traffic congestion/problems in Barnards Avenue
- disruption from construction traffic – dust levels, health effects
- located within an area at risk of flooding
- loss of privacy to nearby properties
- poor design
- external lighting could cause nuisance to nearby properties
- no screening between car park and adjacent properties
- rear exit not safe
- lack of access for fire engines
- poor layout
- insufficient parking
- concerned that sewer system would not cope.
- poor quality amenity spaces
- loss of employment land

- loss of important tree

Comments on Consultation Responses

- disruption from construction is transient and not capable of forming a valid reason for refusal. Dust issues would be dealt with under Environmental Health legislation should this become an issue.
- no external lighting is proposed as part of the application.
- the layout shows sufficient access width to accommodate the needs of the Fire Service and refuse vehicles.
- Anglian Water has advised that the Canvey Island sewage treatment works has available capacity for flows from the proposed development.
- All other planning and highway issues are discussed in the evaluation of the proposal.

Evaluation of Proposal

The main issues for consideration are the principle of residential development on this site, flood risk and other policy issues and matters of detail.

The principle of residential development

The site is located within an area allocated primarily for shopping purposes in the current Local Plan. Policy S4 seeks to retain such areas for shopping purposes. This is consistent with paragraph 23 of the NPPF. The development of the site for residential purposes would be contrary to this provision. However, paragraph 51 of the NPPF states that local planning authorities should normally approve planning applications for changes to residential use and any associated development from commercial buildings (currently in the B use classes) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate.

The Written Ministerial Statement (WMS), 'Planning for Growth', dated 23 March 2011 gives significant weight to the provision of housing in sustainable locations close to significant employment opportunities. The WMS became a material consideration as a statement of Government policy with immediate effect from the date that it was issued.

The WMS states that:

“Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy.”

There is a clear and recognised need for additional housing provision within the Borough and as such a presumption in favour of the development of the site for

residential purposes exists, unless there are strong economic reasons for refusing the development or the proposal would compromise the key sustainable development principles set out in national planning policy.

The site is remote from the core of the Town Centre and not within a primary shopping frontage. Development of the site for residential purposes would not compromise key sustainable development principles set out in national planning policy.

In addition the existing commercial buildings are in poor condition and not considered particularly attractive for business use. This, together with the fact that the site has a long history of non-retail use, has led to the Local Planning Authority to accept the principle of the residential development of the site in the past (notwithstanding that planning permission was refused for other reasons). It is not considered that current Government advice would suggest a different approach. The presumption in favour of sustainable development, particularly where the development plan is out of date, is a thread that runs through the whole of the NPPF and is repeated in the Ministerial Statement. This weighs in favour of the proposal. It is considered that the principle of residential development on this site would be consistent with Government guidance and past decision making by this Authority.

Policy H13 of the current Local Plan requires proposals for flats to be located on or near main road and not to adversely affect the amenity of adjoining residents or have an adverse impact on the character or appearance of the area. This is generally consistent with paras 29 to 41, 58, 109 and 120 of the NPPF.

The proposal is located on a main road frontage and is therefore consistent with the principle requirement of H13.

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

It is noted that an objection has been received in respect of the loss of employment uses from the site. Whilst this loss is noted, it is not considered that this argument carries such significant weight, in the light of the need for housing within the Borough and Government guidance on the need to favourably consider proposals for the residential redevelopment of employment sites, that a objection to the proposal based on loss of employment opportunities would be supported on appeal.

H12 of the adopted Local Plan seeks to ensure that the best use is made of urban land, in order to ensure that the needs of the Borough are met efficiently and effectively. The Policy states that where it appears to the Council that the comprehensive development of a site would be prejudiced by piecemeal development proposals, planning permission will be refused.

Consideration of the application reveals that the existing garage located immediately to the west of the application site is currently within the control and ownership of the applicant. As such consideration must be given to any potential prejudicial impact of the exclusion of this parcel of land from the larger site.

The adjoining premises represent a discrete site with no physical relationship with the wider site under consideration. The application site can be developed without reliance on the adjoining land and as such the application site cannot be said to be prejudiced by the exclusion of this site from the application site.

Furthermore it should be noted that if the adjoining land were to be redeveloped in the future, sufficient opportunity exists for this to be achieved without compromising the adjoining development.

In the supplementary statement the applicant has clarified the basis for the exclusion of the garage site from the wider site, stating that whilst the commercial interest (C & J Autos) was currently in the same ownership as the application site, interest had been shown by the current operators, as well as other parties, in the purchase of the garage. Negotiations are currently on going and are conditioned so as to preserve the commercial interest.

The garage is a very well established commercial business and has successfully served the local communities needs for in excess of 30 years.

It is for this reason that the applicant wishes to retain the existing and much supported commercial interest on the site so as to carry on serving the local community's needs.

Under the circumstances it is not considered that an objection to the proposal based on Policy H12 of the adopted Local Plan could be sustained on appeal.

Policy H7 seeks to provide affordable housing. The current percentage requirement for affordable housing in Castle Point is 35% on sites of 15 units or more. The scheme seeks to provide fourteen flats and would therefore fall below the threshold for the provision of affordable housing, however, where it appears that the applicant may be trying to avoid the need to make provision for affordable housing by unreasonably limiting the number of units on the site, the Council may determine the application on the basis that the threshold has been met.

In this case the proposal seeks to provide fourteen flats and would therefore fall below the threshold for the provision of affordable housing. However, a large refuge area, of a size consistent with that of one of the proposed two bedroomed flats, is provided on the first floor.

The applicant has advised that the size of this refuge area has been determined by the need to accommodate the occupants of 4 two bedroom flats, possibly up to twelve residents, for 36 hours. In this context the proposed refuge at the northern end of the site would not appear to be excessive in size.

The southern refuge is somewhat smaller in size; however this will only need to accommodate the occupiers of two flats and potentially six persons. Its more limited size is therefore considered acceptable.

Under the circumstances it is not considered that the number of residential units provided on the site has been unreasonably restricted and it is not considered appropriate require the provision of any affordable housing within this scheme.

Flood Risk

Government guidance as contained in the NPPF requires all proposals for new dwellings in areas at risk of flooding to be accompanied by a site-specific Flood Risk Assessment in order to demonstrate that the occupiers of the proposed development would not be placed at unacceptable risk in the event of a flood.

The proposal is also required to pass the sequential and exception tests as set out in the Technical Guidance to the NPPF, in order to determine whether sites of lower flood risk probability exist which may be more suitable for the type of development proposed.

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

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

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

The second criterion requires that the applicant demonstrate that the development is safe and where possible will reduce flood risk overall.

The applicant has provided a Flood Risk Assessment. This document identifies that during a 1 in 200 year flood event, the building would be inundated by water to a depth of up to 0.5m within one hour. During a 1 in 1000 year flood event, the building would be inundated with water to a depth of up to 1m within one hour. The ground floor properties would therefore be liable to flooding. As evacuation of the properties would not be advised in such a situation it is essential, if permission were to be granted for the proposed development, that appropriate refuge is available above

flood water levels and that future occupiers are aware of the need to achieve such refuge at the earliest opportunity in the event of a flood.

The current proposal seeks to provide refuge areas within the building, for use by ground floor flat dwellers, above the modelled 1 in 1000 year flood level inclusive of climate change and as such can provide safe refuge if such refuge is supported by a robust Flood Response Plan (FRP).

A key feature of any FRP would be a statement discouraging self evacuation once water starts to appear around the site as it may be more dangerous to try to wade or drive through floodwaters in evacuating the site than remaining within the building.

The submitted Flood Risk Statement does contain an FRP at section 4. This states at 4.3 that the “go in, stay in, tune in” message should be followed if evacuation of the property was not possible prior to inundation of the site. This statement is inappropriate as it suggests evacuation as a first option, which if undertaken could be both dangerous and potentially likely to result in gridlock. The plan therefore needs to be amended to instruct ground floor residents to seek refuge in the facilities provided on the upper floors of the building, unless instructed otherwise by emergency services.

It is noted that the plan does state at section 4.7 that evacuation should not be considered, but this is at variance with earlier statements, so amendments to the plan are needed in the interests of clarity.

Statements such as those at 4.12 which indicate that in a flood event for which no warning is provided the response will be co-ordinated by the emergency services are unhelpful. The plan needs to clearly set out how occupants of the ground floor flats should respond to (a) receipt of a flood warning and (b) a flood event where flood water appears around the site with no prior warning being issued.

The plan also states at 4.8 that a ‘flood kit’ will be required but does not make it clear whether this is one kit for each ground floor flat or one kit for each refuge area. This should be addressed in the preparation of any revised FRP. If one kit for each refuge area is to be provided, arrangements need to be put in place for maintaining the kits and replacing perishable items e.g. bottled water and dried food.

Paragraphs 4.57 and 6.29 of the Practice Guide require that the developer considers the hydrodynamic/hydrostatic pressures which may be placed upon the building should it be affected by flooding. The Flood Risk Statement does not provide consideration of such matters. It is considered that a condition attached to the grant of any consent requiring demonstration that the building will be constructed to withstand such pressures would be sufficient to satisfy this requirement.

It is further noted that there is provision for flood risk mitigation measures in relation to the building through the use of flood resilient construction methods for wall finishes and raised services. The applicant has included a section entitled “Flood Risk Measures” at the end of the Design and Access statement. This includes measures such as water resistant coatings to walls, electrical services to be installed above flood level where possible and anti-backflow devices to be fitted to foul

connections. These measures would minimise damage to the building and speed up its recovery should it be affected by flooding. Subject to a condition requiring the development to be constructed in accordance with the scheme of flood resistance and resilience measures, no objection is raised to this aspect of the proposal.

Other policy issues and matters of detail

Policy H9 of the current Local Plan requires the optimum density of development to be achieved on any site, which is the number of dwellings that can be achieved whilst providing an attractive layout and without causing harm to the surroundings. Whilst broadly consistent with para 58 bullet 3 of the NPPF a better test of whether the density of development is appropriate is assessment of the proposal against the Council's Residential Design Guidance as discussed below.

Policy H10 of the current Local Plan states that in all residential developments the Council will seek an appropriate range of dwelling types. This policy is inconsistent with para 50 of the NPPF which requires local planning authorities to plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community.

The most up to date local evidence of need in respect of the mix of development on sites is the 2008 Strategic Housing Market Assessment. This identified that in the Thames Gateway South Essex the focus of demand was on entry-level and mid market family housing (2/3 bed), particularly to the south of the A127. The proposed development of two bedroomed flats is not considered to provide the family housing that there is considered to be the greatest demand for; however, it is recognised that on sites such as this, in constrained urban locations, it will not always be appropriate to provide single family dwellinghouses.

The provision of two bedroomed flats would clearly contribute towards meeting housing need where a historic deficiency in the provision of housing has been identified.

Under the circumstances no objection is raised to the proposal on this basis.

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

The proposed building would be two and three storeys in height, with the three storey element located on the southern (front) part of the site and the two storey element located on the northern (rear) part of the site.

The nearby flats at Holmes Court on the High Street are three storey in height and a three storey block of flats is located on the corner of High Street and Normans Road. In the context of these developments it is not considered that there can be any objection to the principle of a three storey development in this area.

Following initial concerns with the vertical emphasis of the front elevation of the proposed development and the prominent use of flats roofs, amendments have been made to the scheme to improve its appearance. As now submitted, the proposal is

considered to represent an acceptable form of development, which is traditional in appearance, reasonably articulated and varied in scale to reflect the adjoining development. No objection is therefore raised to the general design of the proposed building.

Consideration must however be given to the acceptability of the scheme in terms of the Council's detailed design guidance (RDG).

RDG2 requires space around new development to be informed by the prevailing character of space around dwellings. Buildings containing flats should provide space equivalent to 25% of the width of the building.

The proposed building would have a width of some 10m at the High Street frontage and isolation spaces totalling some 6.5m. This level of isolation space would provide an adequate setting for the building which would not lead to the building appearing unduly cramped in this frontage.

At the Barnards Avenue frontage, the situation is a little different as the development turns a corner, however the isolation spaces of 2.5m and 16m are considered to provide the building with an adequate setting. No objection is therefore raised to the proposal on the basis of RDG2.

Guidance at RDG3 requires proposals to respect established building lines. The proposed building would be set approximately 7m from the boundary with the High Street. This is consistent with the setting of nearby buildings on the High Street.

The building would be set approximately 2.9m to 4.7m from the Barnards Avenue frontage, which is closer to the highway than the dwellings to the north of the site; however the generous isolation space provided in proximity of the site means that this transition could be absorbed into the streetscene without causing undue visual detriment to the area. The petrol filling station to the east of the site is an isolated building that is not considered to form a strong building line. Under these circumstances it is not considered that there can be an objection to the proposal on the basis of the building lines in the area.

RDG3 also requires proposals not to cause excessive overshadowing or dominance to adjacent properties. The proposed building has been designed to have a lower height of two storeys at the rear, where it is in proximity to existing dwellings. It would be located some 9m to 16m from the site boundaries which is considered sufficient to prevent undue dominance or overshadowing occurring. The flats at Holmes Court are separated from the development by an existing car repair garage. Other neighbouring properties are considered too remote to be significantly affected by the proposal. Therefore no objection is raised on the basis of RDG3.

Guidance at RDG5 deals with privacy and overlooking. A distance of 9m is required to be provided between first floor windows or balconies and the boundary of the site, to prevent excessive overlooking. This is increased to 15m at second floor level.

The proposed development would provide adequate separation distances between the proposed building and the northern and eastern boundaries to avoid undue

overlooking of dwellings on Gills Avenue and Barnards Avenue. However the building would be located only 4.3m from the eastern boundary where it abuts the adjoining commercial use. Whilst this level of isolation is lower than would normally be required, the dwelling units overlooking this part of the site would overlook the roof of the adjoining commercial premises. It is not considered that this relationship would lead to an undue loss of privacy and no objection is therefore raised to the proposal on this basis.

The proposed development would provide a significant number of primary windows and balconies on the eastern side elevation which would overlook the adjacent petrol filling station at a distance of at most 2.5m. Whilst this degree of isolation would not normally be considered acceptable. in this case, it is considered unlikely that the proposal would result in any loss of amenity in respect of the users of the adjoining petrol filling station and it is not therefore considered that an objection to the proposal on the basis of loss of privacy could be sustained on appeal.

A more significant issue for consideration is whether or not future redevelopment of the petrol filling station site would be prejudiced by the provision of windows in such close proximity to the boundary.

Whilst a future redevelopment of the adjoining site would undoubtedly change the outlook from the proposed flats, it is considered that the petrol filling station site is large enough that any new development could be designed so as to avoid excessive overlooking or dominance being caused. On balance, it is not considered that an objection to the scheme on the basis of prejudicing the potential redevelopment of the adjacent site at some unspecified point in the future would be supported on appeal, particularly in light of the Governments exhortation of Planning Authorities to exercise a presumption in favour of sustainable development.

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

Guidance at RDG6 requires appropriate amounts of amenity space to be provided for all residential development. For flats, 8m² of communal amenity space should be provided per habitable room, with a minimum of 25m² provided for each dwelling unit. Balconies with a floor area of 5m² and depth of 1.5m may be included in the calculation of amenity area provision.

The scheme generates a requirement for 350m² of amenity space.

The areas of landscaping around the building are narrow, located between the building and the boundary or adjacent to car parking and cannot be considered usable amenity space. A roof terrace is proposed which would have an area of some 58m². This represents the only significant area of amenity space on the site and is significantly below the level of amenity space usually required for such development. The proposal should therefore attract a recommendation of refusal. However, it is incumbent on the Planning Authority to consider the specific circumstances of each case in order to determine whether there are any factors which might make the acceptance of a lesser level of amenity space acceptable.

It must first be recognised that the proposal seeks to provide residential accommodation within the Town Centre boundary. In such locations it is not unusual for flats to have little or no amenity area.

Furthermore, with the exception of one ground floor flat, there would be balconies or ground level enclosures, each providing some 3m² to 7m² of private amenity area. Whilst in some instances the level of provision would be below the requisite 5m², these areas would nevertheless provide usable private space for sitting out, which would arguably be of greater value than communal space.

Both of these considerations weigh heavily in favour of the development and in addition it should be noted that the proposal is in close proximity to a significant area of public open space.

In schemes elsewhere in the Borough where objections have been raised in respect of the limited provision of private, on site amenity space, Inspectors have given considerable weight to the availability of public open space in close proximity and have not supported the Council in refusing applications on this basis. Under the circumstances it is not considered that an objection to the current proposal on the basis of inadequate amenity space would be supported on appeal. No objection is therefore raised to the proposal on the basis of inadequate amenity area.

Guidance at RDG10 requires means of enclosure not to dominate the public realm and be of high quality materials. The application form states that boundary treatments would be a 1.8m high screen fence and 900mm high picket fence, and these are mentioned in the Design and Access Statement, although the locations of these are not marked on the site plan. Were permission granted, it should be subject to a condition that the location and types of boundary treatments be agreed separately, to ensure that the placement of boundary treatments is appropriate to the location and secures the amenity of adjoining residents.

Guidance at RDG11 requires buildings containing flats to be provided with suitable landscaping. The proposed building is considered to have adequate areas around it that could be used for planting to provide visual softening. Subject to a condition requiring details of planting to be submitted for approval, there is no objection to the proposal on the basis of landscaping.

A local resident has objected to the proposal on the basis of the loss of an important tree.

The tree in question is located to the rear of 4 Gills Avenue, within the curtilage of the industrial units.

The tree is approximately 6m high and has been the subject of earlier pruning works which have resulted in a somewhat truncated form.

Whilst the tree is visible in limited views from Gills Avenue and Barnards Avenue, it is not considered that the tree is of such significance to wider public amenity that it merits the imposition of a Tree Preservation Order or would justify the refusal of consent for the development of the site.

No objection is therefore raised to the proposal on the basis of the loss of the tree.

Guidance at RDG13 requires suitable refuse and recycling storage to be provided. Three storage areas are proposed throughout the site. Whilst the Recycling and Refuse Officer had commented that the central of the three refuse stores was too remote from the highway to be serviced by the Council refuse collection service the applicant has stated that it is anticipated that refuse vehicles would access the site which would alleviate the concerns in this respect.

The Refuse and Recycling Officer has confirmed that this would be acceptable.

Policy T8 of the current Local Plan requires car parking to be provided in accordance with adopted parking standards. The currently adopted parking standards published by Essex County Council require the provision of two spaces for properties with two or more bedrooms. Within Town Centres this standard may be reduced.

Visitor parking should be provided at a rate of 0.25 spaces per dwelling.

Application of the parking standards to this development of two bedroomed flats generates a requirement of 32 parking spaces (28 for the flats and 4 visitor spaces). The proposal would provide 15 spaces and should therefore attract a recommendation of refusal, however, in locations within town centres, where there tends to be better access to public transport, shops and services, the Planning Authority exercises a more flexible approach and has previously taken the view that the provision of one space per dwelling is appropriate and the need for visitor parking can be dispensed with. On this basis, the level of parking provision is deemed appropriate for the development.

The parking space dimensions are in accordance with adopted standards and no objection is raised to the proposal on the basis of the car park layout.

The proposal seeks to provide a 'one-way' traffic flow through the site with vehicles accessing the site from the High Street and egressing to Barnards Avenue.

Direction of traffic flow will be controlled by the use of surface mounted flow plates which will prevent egress from the site onto High Street, or access from Barnards Avenue. It is considered that this mechanism, coupled with appropriate warning signage would be adequate to prevent conflict between vehicles at the sites access points.

Guidance at RDG12 requires parking provision not to dominate the public realm. The parking provision for this scheme would be primarily located within the development and so would not appear unduly dominant in the streetscene. No objection is therefore raised to the proposal on this basis.

Policy EC3 of the current Local Plan seeks to protect residents from disturbance from neighbouring development caused by noise, traffic or fumes. The car parking for this development would be located adjacent to the boundaries with adjoining residential properties in Barnards Avenue and Gills Avenue, in place of light

industrial units. It is noted that the provision of car parking adjacent to residential gardens has the potential to cause some disturbance through vehicular movement, and that the parking spaces would now be located adjacent to the site boundary whereas currently buildings separate parking areas from the boundary. However in comparison to the existing situation whereby use of the light industrial units could be resumed without further permission from the Council, and taking into account that the usage of residential car parking spaces is likely to be lighter than for a commercial use, it is not considered that existing residents would be likely to experience significantly greater levels of noise and disturbance during the operational phase of the development. Whilst some disturbance maybe experienced during the construction period, such disturbance is transitory and cannot provide a robust reason for refusal.

It is also noted that this development would be located between an existing car repair garage and petrol filling station which are potential sources of noise to new residents. Whilst this is noted, it is also considered that any potential occupiers of the new flats would be fully aware of the presence of neighbouring land uses before deciding to take up occupancy. No objection is therefore raised to the proposal on the basis of impact of adjoining uses on future occupiers.

It should be noted that local residents have objected to the proposal on the basis of the potential impact of traffic on Barnards Avenue and highway safety.

At the present time the site is operated in part as a car wash, which discharges vehicles out onto Barnards Avenue. The operation is popular with local residents and generates a significant level of traffic.

Furthermore the six or so light Industrial units located at the rear of the site are also served from Barnards Avenue.

Under the circumstances it is not considered that a significantly increased level of traffic would be generated by the redevelopment of the site for residential purposes and no objection is therefore raised to the proposal on the basis of traffic flows.

It should be further noted that the Highway Agency has raised no objection to the proposal on the basis of traffic flows or impact on highway safety.

The Highway Authority has however requested that a number of conditions be imposed on the grant of any consent.

The first requires provision of visibility splays at the vehicular access points which is considered a reasonable requirement.

The second requires provision of 15 vehicle parking spaces of dimensions in accordance with the adopted parking standards. The parking spaces shown meet the adopted dimension standards therefore a condition that these spaces be provided and retained would suffice.

The third requires a distance of 6m to be provided between the rows of parking bays. Spaces 6 and 7 have a distance of approximately 5.8m between them and the

opposite wall, but it is not considered that this deficiency is so great that the parking layout would become unworkable. The other spaces are provided with the requisite manoeuvring space so a condition requiring such space to be provided is unnecessary.

The fourth requires the provision of an appropriate width dropped kerb access to Barnards Avenue which is considered a reasonable requirement.

The fifth requires closure of redundant vehicular accesses which is also considered a reasonable requirement.

The sixth requires approval of details of cycle parking facilities. The scheme includes the provision of a bicycle store. A condition requiring provision and retention this facility would be sufficient to meet the Highway Authority's needs.

The seventh requires submission of details of an area for the storage of building materials, parking of vehicles etc. during the construction phase, to ensure that the highway is not obstructed. This is considered a reasonable requirement.

The eighth requires submission of details of the method of controlling the one way system. Details have now been submitted and a condition requiring implementation and retention should be sufficient to meet the needs of the Highway Authority.

The ninth requires that no unbound material be used in the surface treatment of vehicular access within 6m of the highway boundary. It is recognised that loose materials such as stones or gravel can be transferred to the highway leading to poor conditions on the highway. Such a condition is therefore considered reasonable.

The tenth requires submission of details of the means to prevent discharge of surface water onto the highway. The submission mentions that a Sustainable Drainage System (SuDS) will be installed; however, there is no demonstration that the system will be able to cope with predicted volumes of water or that the soil conditions are suitable for SuDS. A condition requiring submission of details of the proposed scheme, including demonstration that the soil conditions are appropriate, is therefore necessary.

The eleventh requires the developer to provide a Travel Information Pack to new residents including a number of free Essex wide bus tickets, in order to encourage usage of public transport and discourage car use. Given the limited provision of parking provision on the site, such a condition is considered appropriate.

Conclusion

The submitted scheme is considered acceptable in the context of the provisions of the NPPF, adopted Local Plan and Residential Design Guidance.

Furthermore the proposed development is considered to offer a reasonable standard of residential accommodation that could be constructed without undue loss of amenity to existing residents.

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:

1. CON2 – Start within three years
2. The building hereby approved shall only be constructed in accordance with the approved materials.
Reason: In the interest of visual amenity.
3. CON62 – Development to be carried out in accordance with approved scheme of flood resistance and resilience measures
4. CON52 – Submission of flood response plan
5. CON53 – Enactment of flood response plan
6. CON60 – Demonstration of the ability of the proposed development to withstand hydrostatic and hydrodynamic pressure
7. Details of any boundary treatments, with reference to an accurately scaled plan, shall be submitted to and formally approved by the Local Planning Authority prior to their installation.
Reason: In the interests of visual amenity and the amenity of surrounding occupiers.
8. The proposed refuse storage facilities shall be provided prior to occupation of the development hereby approved and thereafter retained for that use unless otherwise formally consented to by the local planning authority.
Reason: To ensure the retention of appropriate refuse storage facilities.
9. The proposed surface mounted flow plates, to be located at the entrance to the site from the High Street and the exit of the site onto Barnards Avenue, shall be installed prior to occupation of the development.
Reason: To prevent traffic conflict in the interest of highway safety.
10. The proposed surface mounted flow plates shall, once installed in accordance with the provisions of condition 9 above, be permanently retained unless otherwise formally consented by the local planning authority.
Reason: To prevent traffic conflict in the interest of highway safety.
11. Before the vehicular accesses are brought into use, a 1.5m x 1.5m pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of each vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.
Reason: To provide adequate inter-visibility between users of the access and pedestrians in the adjoining public highway in the interest of highway safety.
12. Prior to occupation of the development the car parking area shall be provided, surfaced and drained. Thereafter this area shall be retained for the parking and manoeuvring of vehicles and not used for any other purpose, without the formal consent of the Local Planning Authority.
Reason: To ensure the provision of satisfactory off-street parking facilities.
13. Prior to occupation of the development, the vehicular access onto Barnards Avenue shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be greater than 6m and shall be provided with an appropriate dropped kerb crossing of the footway.

- Reason: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety.
14. The redundant vehicle crossings onto High Street and Barnards Avenue shall be closed and the footway kerbing reinstated to full height concurrently with the provision of the proposed new vehicle crossings.
Reason: To ensure the removal of, and to preclude the creation of, unnecessary points of traffic conflict in the highway in the interest of highway safety.
15. The proposed bicycle store shall be provided prior to first occupation of the development approved and thereafter retained for the storage of bicycles belonging to occupiers of the development hereby approved and for no other purpose, without the formal consent of the Local Planning Authority.
Reason: To ensure that appropriate cycle parking facilities are provided and retained within the development.
16. Prior to commencement of development, details of areas within the curtilage of the development for the purpose of loading/unloading/reception and storage of building materials and manoeuvring of construction vehicles shall be submitted to and approved in writing by the Local Planning Authority. Such areas as may be approved shall be retained for their specified purpose throughout the construction of the development.
Reason: To ensure that appropriate loading/unloading facilities are available and to ensure that the highway is not obstructed during the construction period, in the interest of highway safety.
17. No unbound material shall be used in the surface treatment of the vehicular access within 6m of the highway boundary.
Reason: To avoid displacement of loose material onto the highway in the interest of highway safety.
18. Prior to commencement of development, details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority.
Reason: To prevent hazards caused by water flowing onto the highway, to avoid the formation of ice on the highway and in the interest of sustainable drainage.
19. CON59 – Travel Information Pack.
20. Prior to the construction of development on the site the applicant shall undertake and submit a detailed contamination investigation and risk assessment undertaken by competent persons. This investigation shall be undertaken in accordance with the “Essex Contaminated Land Consortium’s *Land Affected by Contamination: Technical Guidance for Applicants and Developers*” document. It shall, where necessary, identify required remediation measures and programmes along with consequent impacts on development phasing.
Reason: To ensure that the site is currently in or is brought to a condition that poses an acceptable risk to future occupants, users, controlled waters, property and the greater environment from contamination in the soil and controlled waters. It also ensures that the site workers are not exposed to unacceptable risks from contamination during construction.
21. A scheme to bring the site to a suitable condition in that it represents an acceptable risk will be implemented prior to the commencement of construction works on the site. The scheme shall be submitted to the local planning authority for approval prior to commencement of construction works and shall be undertaken by competent persons and in accordance with the “Essex

Contaminated Land Consortium's *Land Affected by Contamination: Technical Guidance for Applicants and Developers*" document.

Reason: To ensure that the site is currently in or is brought to a condition that poses an acceptable risk to future occupants, users, controlled waters, property and the greater environment from contamination in the soil and controlled waters. It also ensures that the site workers are not exposed to unacceptable risks from contamination during construction.

22. Should contamination be found that was not considered in the remediation scheme, it shall be made safe and reported immediately to the local planning authority. The site shall be assessed in accordance with condition 20 and a remediation scheme shall be submitted to, and approved by the local planning authority, prior to further works being undertaken in the area of identified contamination.

Reason: To ensure that the site is currently in or is brought to a condition that poses an acceptable risk to future occupants, users, controlled waters, property and the greater environment from contamination in the soil and controlled waters. It also ensures that the site workers are not exposed to unacceptable risks from contamination during construction.

23. The developer shall notify the local planning authority in writing of impending completion of the remediation works within one month of the completion of the said works. Within 4 weeks of completion of such works a validation report undertaken by competent persons in accordance with the Essex Contaminated Land Consortium's *Land Affected by Contamination: Technical Guidance for Applicants and Developers* document, related to the agreed remediation measures shall be submitted to the local planning authority for approval.

Reason: To ensure that the site is currently in or is brought to a condition that poses an acceptable risk to future occupants, users, controlled waters, property and the greater environment from contamination in the soil and controlled waters. It also ensures that the site workers are not exposed to unacceptable risks from contamination during construction.

24. The developer shall submit to the Local Planning Authority a signed certificate to confirm that the remediation works have been completed in accordance with the documents detailed in condition 20 above.

Reason: To ensure that the site is currently in or is brought to a condition that poses an acceptable risk to future occupants, users, controlled waters, property and the greater environment from contamination in the soil and controlled waters. It also ensures that the site workers are not exposed to unacceptable risks from contamination during construction.

(Note: This certificate is found in Appendix 3 of the Essex Contaminated Land Consortium's *Land Affected by Contamination: Technical Guidance for Applicants and Developers* document).

25. CON102 – Application approved following revisions.

APPENDIX 1

Standard Conditions

| | |
|---------------|---|
| CON1 | Outline Time Limit and Reserved Matters |
| CON2 | Full Application Time Limit |
| CON3 | Vehicular Access Visibility Splay |
| CON4 | Junction Visibility Splay |
| CON5 | Screen Wall / Fencing |
| CON6 | Submission of Evergreen Hedge details |
| CON7 | Implementation of Evergreen Hedge |
| CON8 | Retention of Trees |
| CON9 | Submission of Landscaping Scheme |
| CON 10 | Implementation of Landscaping Scheme |
| CON 11 | Maintenance of Landscaping Scheme |
| CON 12 | Submission of Tree Planting Scheme |
| CON 13 | Implementation of Tree Planting Scheme |
| CON 14 | Maintenance of Tree Planting Scheme |
| CON 15 | Schedule of External Surfaces |
| CON 16 | Materials to Harmonise With Existing |
| CON 17 | Submission of Materials |
| CON 18 | Implementation of Materials |
| CON 19 | Submission of Hardsurfacing Details |
| CON 20 | Implementation of Hardsurfacing |
| CON 21 | Pd Rights Removed Small Site |
| CON 22 | Pd Rights Removed Relationship With Other Buildings |
| CON 23 | Pd Rights Removed Green Belt |
| CON 24 | Demolition of Existing Dwelling |
| CON 25 | Forecourt Depth Unclassified Roads |
| CON 26 | Forecourt Depth Classified Roads |
| CON 27 | Protection of Trees |
| CON 28 | Retention of Parking Spaces |
| CON 29 | Obscure Glazed Non Opening Windows |
| CON 30 | Luminance Control Highway Safety |
| CON 31 | Luminance Control Residential Amenity |
| CON 32 | Levels Submission |
| CON 33 | Levels Implementation |
| CON 34 | Filter Details Submission |
| CON 35 | Filter Details Implementation |
| CON 36 | Ecological Survey Submission |
| CON 37 | Ecological Survey Implementation |
| CON 38 | Badger Survey Submission |
| CON 39 | Badger Survey Implementation |
| CON 40 | Bat Survey Submission |
| CON 41 | Bat Survey Implementation |
| CON 42 | Balcony Terrace Screen |
| CON 43 | Annexe Only Not Independent Dwelling |
| CON 44 | Extension Only Not Independent Dwelling |
| CON 45 | Vehicular Crossover Widening |
| CON 46 | New Vehicular Crossover |

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| CON 47 | Tree Works In Accordance With British Standards |
| CON 48 | Tree Works Supervision |
| CON 49 | Environment Agency Desktop Study |
| CON 50 | Environment Agency Implementation of Pollution Control |
| CON 51 | Storage of Building Materials within the site. |
| CON52 | Submission Of Flood Response Plan. |
| CON53 | Enactment Of Flood Response Plan |
| CON54 | Provision Of Badger Ramp. |
| CON55 | Badgers - Hand Digging Of Foundations. |
| CON 56 | Protection Of Badgers - Changes In Levels. |
| CON57 | Badgers – Pathways. |
| CON58 | Badgers - Security Fencing. |
| CON59 | Travel Scratch cards. |
| CON60 | Hydrodynamic and Hydrostatic Pressure |
| CON61 | Flood resistant and resilient construction |
| CON62 | Flood resistance and resilience measures – Implementation |

Informatives

| | |
|----------------|---|
| CON 100 | Party Wall Etc. Act Note. |
| CON101 | Application Approved Without Amendment |
| CON102 | Application Approved Following Revisions |
| CON103 | Application Refused Following Discussion - No Way Forward |
| CON104 | Application Refused With Discussion - With Way Forward |
| CON105 | Application Refused Without Discussion |