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AGENDA

Committee: DEVELOPMENT CONTROL

Date and Time: Thursday 5th December 2013 at 7.30 p.m.

N.B: PLEASE NOTE CHANGE OF DAY

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 5th November 2013 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
1. CPT/347/12/FUL	211-225 High Road, Benfleet (St Mary's Ward)	1
2. CPT/512/13/FUL	Acean Building Formerly the Warehouse, Beech Road, Hadleigh (St James' Ward)	15
3. CPT/532/13/FUL	106 Rectory Road, Hadleigh (Victoria Ward)	46
4. CPT/550/13/FUL	Benfleet Water Tower, 335 Benfleet Road, Benfleet (Boyce Ward)	55
5. CPT/551/13/LBC	Benfleet Water Tower, 335 Benfleet Road, Benfleet (Boyce Ward)	59
Appendix 1	Standard Conditions	64
6. Quarterly Enforcement Update		66
	Report of the Head of Regeneration and Neighbourhoods is attached.	

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DEVELOPMENT CONTROL COMMITTEE

5th NOVEMBER 2013

PRESENT: Councillors Brunt (Chairman), Ladzrie (Vice-Chairman), Anderson, Barrett, Blackwell, Mrs Govier, Hart, Mrs Liddiard, Skipp, Smith, Mrs Wass and Canvey Island Town Councillor Greig.

Councillors Howard, Tucker and N. Watson also attended.

Apologies for absence were received from Councillors Cross, Mrs King, and Canvey Island Town Councillor Ms Swann.

20. MEMBERS' INTERESTS

There were no disclosures of interest.

21. MINUTES

The Chairman reported that there was an error in the list of those present at the meeting on the 1st October 2013 and that Cllr King's name would be removed as she had not been in attendance. Subject to that amendment the Minutes of the meeting were taken as read and signed as correct.

22. DEPOSITED PLANS

(a) CPT/424/13/HAZ – OIKOS TERMINAL, HAVEN ROAD, CANVEY ISLAND (WEST WARD) – VARIATION OF HAZARDOUS SUBSTANCES CONSENT ("HSC") – OIKOS STORAGE LTD

The application sought to vary the 2012 Hazardous Substance Consent (HSC) to enable the storage of substances, not within the remit of the current HSC, to be stored on the site. It was not concerned with the principle of the use of the site for hazardous substance storage. It was emphasised that refusal of this application would not expunge the existing HSC on the site.

The proposed HSC variation was thought to be appropriate when considered against relevant local policies, societal risk, and environmental protection and adjoining land uses. The proposed amendments to the HSC sought by the application would not affect the use of the site or adjoining land or increase societal or environmental risk. It enabled Oikos to respond to market and regulatory changes and maintain its role in the local and regional economy.

Mrs Balsara, a local resident, spoke in objection to the application.

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

Councillor Howard, a Ward Member, spoke on the application.

During discussion some Members stated that they did not feel sufficiently qualified to consider this application because of its technical nature and raised concerns about agreeing to the proposal. However, other Members felt that, in light of the advice provided by officers and that the Health and Safety Executive (HSE) and the Environment Agency had raised no objection to the proposal, there were no sufficient grounds to refuse the application.

Following detailed discussion it was:-

Resolved – That a variation to the extant Hazardous Substance Consent as identified in application CPT/424/13/HAZ be granted subject to the condition advised by the HSE, as set out in the Planning Officer's report.

(Councillors Anderson, Barrett, Blackwell and Mrs Liddiard requested that their vote be recorded against the above decision).

(b) CPT/446/13/FUL – LAND ADJ TO 134 CEDAR ROAD, CANVEY ISLAND (CENTRAL WARD) – ERECTION OF 1 NO. 3 BED CHALET AND TWO DETACHED GARAGES – MR RAY CROSS

The application sought permission for a detached two bedroomed chalet. The dwelling was of an acceptable design and met the criteria set out in the Residential Design Guidance. Furthermore, it would contribute in a small way towards the housing needs of the Borough. The proposal was therefore recommended for approval.

The application was presented to the Committee at the request of Councillor Blackwell.

During consideration of the item the Committee expressed that it was in favour of the proposal as it was felt that it would be an improvement to the area.

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

(c) CPT/459/13/FUL – 'BONHOLM', 'BONDINA' & FORMER SURGERY, VANDERWALT AVENUE, CANVEY ISLAND – DEMOLITION OF EXISTING BUILDINGS AND CONSTRUCTION OF 8 DWELLINGS – BOWRIDGE HOMES LTD

This item had been withdrawn by the applicant prior to the meeting.

(d) CPT/461/13/FUL – 15-17 RICHMOND AVENUE, BENFLEET (ST MARY'S WARD) – DEMOLITION OF 15 RICHMOND AVENUE AND ERECTION OF

TWO STOREY REAR AND SIDE EXTENSIONS TO AND REFURBISHMENT OF 17 RICHMOND AVENUE TO PROVIDE 14 NO. TWO BED FLATS AND ASSOCIATED PARKING – MARDEN HOMES LTD

The Committee noted that at its Development Control Committee meeting on the 2nd April 2013, permission had been granted for the part demolition and extension and refurbishment of the former care home at 15 – 17 Richmond Avenue to provide 14 two bed roomed flats. The permission was subject to conditions which required, inter alia, the submission of details of the materials and landscaping to be submitted prior to commencement of development.

The applicant had submitted details of materials and landscaping for approval to which there was no objection in visual terms, however submission appeared to have been post commencement and it was not therefore possible for the conditions to be discharged. In order to regularise the situation, the applicant had chosen to submit a new planning application for the development specifying the materials and landscaping.

The application proposed the same size of building and level of accommodation as the approved scheme, save for a change to the layout of flat 2 at ground floor level. The change did not alter the number of bedrooms to this flat which would remain at two. The applicant had now also submitted details of the materials to be used and a partial landscaping scheme.

The Planning Officer advised that, should the Committee wish to approve the application, it was necessary to revise the conditions set out in the report as further details had been submitted since the report had been written. Condition 10 should be amended as drainage details had now been provided. Condition 16 should be removed as it was no longer considered appropriate.

In response to a question from a Member it was confirmed that the scheme did not meet the threshold for affordable housing provision.

A Member questioned whether details of the materials for the roof had now been submitted, as the Committee had previously been concerned about the materials that would be used, and if so, whether these were now considered acceptable. It was confirmed they were acceptable.

Following discussion it was:

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

Chairman

Item No. 1.

Application No.: CPT/347/13/FUL

Address: 211 – 225 HIGH ROAD BENFLEET ESSEX
(ST. MARY’S WARD)

Description of Development: CONSTRUCTION OF MANSARD ROOF TO
FORM NEW FLOOR TO PROVIDE 7 SELF-
CONTAINED FLATS

Applicant: MR N. TSHUVAH

Case Officer: S.ADAMS

Summary

This application seeks consent to form a mansard roof to the existing three storey, flat roofed building located at 211-225 High Road, to provide seven additional self-contained residential units within the roof space.

The proposal would provide a poor form of development with inadequate parking, amenity area and refuse/recycling storage. Furthermore the proposal would increase the bulk and height of the development and result in undue prominence within the street scene. The proposal would also result in poor living standards for the current occupiers of the maisonettes by reason of the substandard internal layout created by the new development. Whilst there is a need for housing within the Borough, this is insufficient to overcome the significant inadequacies within the proposal. The proposal would result in a substandard form of development resulting in a detriment in highway safety, detriment in the visual amenity of the area and detriment in the amenities expected by the future occupiers of the flats and occupiers of the existing maisonettes.

The proposal considered to be contrary to policies H13, H17, EC2 and T8 of the adopted Local Plan and national guidance as contained within the National Planning Policy Framework. The proposal is recommended for REFUSAL.

The proposal is presented to the Development Control Committee at the request of Councillor Partridge in order for the committee to assess the proposal in terms of the traffic, car parking, and access implications on the site and the surrounding area.

Site Visit

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

Introduction

The application relates to a site located on the western side of High Road, on the northern side of its junction with Brook Road. The site is irregular in shape, having a

frontage to High Road of approximately 42m with a return frontage to Brook Road of approximately 31m, increasing to a maximum depth of 44m on the northern boundary.

The site is occupied by a three-storey flat roofed building fronting High Road. The ground floor comprises of a mix of eight commercial units, including takeaways, charity shops, a fruit and vegetable shop, hairdresser and restaurant. The first and second floors are occupied by twelve self-contained residential flats and three self-contained maisonettes. The maisonettes are two-bedroomed and are accessed via an external staircase on the northern elevation. The flats consist of six two bedroomed flats, four one bedroomed flats and two studio apartments. There is a car park and refuse area to the rear, accessed from Brook Road.

The site is located within an area allocated primarily for shopping purposes in the Council's Adopted Local Plan.

The surrounding forms of development are characterised by a mix of commercial and residential uses in predominately single storey and two-storey forms. High Road predominantly consists of ground floor commercial uses with residential above. Brook Road is predominantly residential. Hopes Green Nursing Home adjoins the site to the west. South Benfleet Primary School adjoins the site to the north. A waterway owned by the Environment Agency runs along the northern boundary of the site.

The Proposal

Permission is sought to construct a mansard roof to form a new floor and provide seven self-contained residential flats.

The mansard roof would sit on the existing flat roof behind the existing parapet wall. It would be a maximum of 38.2m wide, 17.2m deep and 2.5m high. This would increase the height of building from 9m to 10.9m at the front of the site and from 11.8m to 13.7m at the rear. There are eight dormer windows proposed to the front elevation, three to the southern elevation and ten to the rear elevation at third floor level. These dormer windows are flat roofed, 1.6m wide, 0.55m deep and 1.6m high.

The proposed mansard roof would provide two studio flats, three one-bedroomed flats and two two-bedroomed flats within the new roof space.

The applicant submits that the parking arrangements will be two per flat and two per commercial unit. The application form states there are 40 spaces within the site.

The mansard roof will be finished in natural slate with lead covering on the flat elements and the dormers.

Supplementary Documentation

The application was supported by a Design and Access Statement, which has been and is available for inspection on the Council's website.

Planning History

Consent was granted in 1974 (BEN/975/72) for the erection of a three-storey block of eight shops with three flats (maisonettes), offices and storage above and car parking and service area at the rear.

A change of use (CPT/139/75) was granted in 1975, from storage to offices on part of the first floor.

A change of use (CPT/754/03/FUL) was granted in 2003, from offices to twelve flats and included the formation of balconies and elevational treatment.

Consent was granted (CPT/364/04/FUL) for a spiral staircase in 2004. There is a metal staircase to the rear of the building in similar position to the spiral staircase consented.

There is extensive planning history for the commercial units at ground floor level, which is not of relevance to this application.

Local Plan Allocation

Shopping.

The site lies within the Benfleet Town Centre.

Relevant Policies and Government Guidance

National

National Planning Policy Framework (NPPF) paragraphs 17, 23, 39, 49, 56, 60 and 64.

Castle Point Borough Council Adopted Local Plan 1998

- EC2 Design
- EC3 Residential Amenity
- H13 Location of Development
- H14 Living over the Shop
- H17 Housing Development – Design and Layout
- S4 Non-retail development
- T8 Car Parking Standards

Residential Design Guidance

- RDG3 Building Lines
- RDG4 Corner Plot
- RDG5 Privacy and Living Conditions
- RDG6 Amenity Space
- RDG7 Roof Development
- RDG12 Parking and Access
- RDG13 Refuse and Recycling Storage

Consultation

Essex County Council – Highway

Does not wish to raise an objection subject to the following conditions:

1. Parking spaces shall be provided in accordance with Parking Standards Design and Good Practice September 2009 (Essex Planning Officers Association/ECC)

REASON: To ensure adequate space for parking off the highway is provided in the interest of highway safety

2. Prior to the commencement of works on site the applicant shall indicate in writing to the Local Planning Authority an area within the curtilage of the site for the reception and storage of building materials clear of the highway

REASON: To ensure that the highway is not obstructed during the construction period in the interests of highway and pedestrian safety

3. Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Travel Information and Marketing Scheme for sustainable transport, approved by Essex County Council.

REASON: In the interests of promoting sustainable development and transport in accordance with policy in F.32 in the Essex Road Passenger Transport Strategy 2006/11

Refuse and Recycling Officer

Please obtain information on how the bin area will be made larger to fully service the new flats to be built

Environment Agency

This site is located in Flood Zone 1, the low risk zone and is less than 1 hectare in area, therefore covered by our standing advice.

Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, EA prior written consent is required for any proposed works or structures in, under, over or within 9 metres of the top of the bank of the main river (Benfleet Hall Sewer).

Public Consultation

Seven responses have been received from surrounding residents with the following objections:

- Block was originally built on foundations for first and second floor, concerned they will not be able to support third floor
- Struggle to currently park with 12 flats and 8 commercial premises. I have two permits and regularly unable to use both my legally permitted spaces. Unless there is an extension to the car park it simply cannot work with a new influx of vehicles.
- Lots of disruption, noise and mess. The balconies will be almost unusable due to dust and debris.
- Fear security will be compromised. Recent break-ins and don't think allowing several non-residents access will help this.
- Whilst the building is different from surrounding properties it sits quite modestly in High Road and has French doors and balconies. It is a nice addition to a main road with an eclectic mix of properties. Adding another

floor will make the building more imposing and lose any appeal the block currently has.

- The residential part is maintained by Sorrell Property Management. The communal areas are fortnightly cleaned to an average standard and fear addition of another floor will decrease the standard of maintenance.
- Squeezing more cars into an already overflowing car park will result in staff parking in side roads
- Paperwork indicates 40 spaces and estimate there is space for 20 vehicles
- Loading bay to rear of shop to load and unload goods, should permission be granted require guarantees that I will retain unrestricted access at all times to the loading bay and allow me to fully reverse and turn my vehicle.
- Must have guarantees that there will be no restrictions on moving my delivery van in and out of car park during the development
- Concerned storage of building materials in car park will reduce parking
- If approved what allowances will be made to allow occupiers to park in side roads without fear of parking fines
- Visibility of my shop must not be reduced in anyway e.g. with erection of scaffold
- Must not give reason for reduction in custom to my shop
- Look out of character with the surrounding area
- Live on top floor and this was dominant factor for purchase of the property
- Only access to the roof is via the fire escape which runs directly past my master bedroom window. Being a shift worker and increased use of this access would mean I could not live in my own home.
- Have a young family and this would result in distress and upheaval for them.
- Issues with the drawings, the extraction units are omitted, what will happen to these and other roof mounted installations?
- No.225a High Road has a rooflight and extraction fan to the bathroom and the mansard roof would sit above this. This will eradicate natural light and block only means of moisture escape
- Postal address in the application form is different which is misleading
- Ongoing issue with the collection of waste, there are not enough existing bins for waste collection and was acknowledged by the management company. What are the proposed arrangements for additional waste? Existing bins overflow on regular basis which has resulted in rat infestation.
- Permits were introduced so that the retail units would free up parking spaces during the evening for residents. This has not solved the parking issue.
- Pizza Hut takeaway blocks the forecourt, public pavement and lay-by during evenings due to lack of existing on-site parking
- Retail units have previously suffered flooding due to poor drainage, what new drainage is proposed?
- Details provided in application are incorrect, there is a brook that runs alongside the north of the building and very large tree and hedges/bushes running along the north side of the building
- Block daylight and overshadow roof terrace
- Base structure of this building is in despair
- Experienced ingress of rain on the corner pillar of the shop
- Drainage was constantly overflowing into the shops due to poor workmanship
- Too crowded and there is no parking, new flats would make this worse

Comments on Consultation Responses

- Disruption during the construction of the proposal is transient and it is not possible to refuse an application on this basis
- It is the responsibility of the applicant to provide satisfactory drainage to the development, this is not covered by planning legislation
- The structural stability of the building would be considered at the Building Regulations and is not a material planning consideration.
- The maintenance and security is undertaken by the management company of the building and is not a material planning consideration.
- The Council is unable to provide guarantees for access this would need to be arranged with the management company or the owner of the building.
- Traffic/parking enforcement is not a material planning consideration.
- It is not possible to refuse an application on the basis that residents of the top floor would no longer be on the top floor of the building.
- The applicant clarified the address as No.211-225 High Road. The application form and design and access statement have been amended accordingly. It is noted that the plans still mention No.209-221 High Road. Since the applicant has clarified the address as No.211-225 this is considered the correct postal address.
- All other comments will be addressed in the evaluation of the proposal

Evaluation of Proposal

Policy S4 of the adopted Local Plan states that proposals for non-retail development falling within Classes A2, A3, B1, D1 and D2 will be permitted within town centres outside primary shopping frontages. With the exception of development that accords with Policy H14 development falling outside these classes will be refused. This policy is considered consistent with paragraph 23 of the National Planning Policy Framework (NPPF).

The application proposal is located within Benfleet Town Centre outside primary shopping frontages but the use does not fall in use Classes A2, A3, B1, D1 or D2. The proposed use is residential (C3) and therefore necessary to consider whether it would meet the exception within Policy H14.

Policy H14 states that where it can be shown that premises above existing commercial properties are unsuitable for commercial/employment purposes, the use of the property for residential purposes shall be granted except where it can be demonstrated that this would give rise to unacceptable overlooking of existing residential properties. This policy is also consistent with paragraph 23 of the NPPF.

The proposal would create residential development at third floor level, above existing commercial properties at ground level. The first and second floors of the building are currently occupied for residential purposes. The creation of additional residential accommodation within a building which already provides residential accommodation would be acceptable in principle, subject to the achievement of all other residential development standards. Subject to the satisfactory achievement of all relevant design guidance no objection is raised under Policy S4 and Policy H14 of the adopted Local Plan.

In terms of the detail of the proposal, Policy H13 of the current Local Plan requires proposals for flats, inter alia, to be located on a main road. The application site is within an area that is both residential and commercial in character and located on a busy stretch of classified highway. In this location it is considered that the proposal satisfies this requirement of Policy H13. Paragraph 49 of the NPPF supports this stance and states that housing applications should be considered in the context of the presumption in favour of sustainable development.

Other aspects of Policy H13 requiring compliance with other policies are discussed later in this report.

Design

Policy EC2 of the adopted Local Plan states that a high standard of design will be expected of all alterations and extensions to existing buildings. Policy H17 states that in assessing the design aspects of the proposals for housing, the Local Planning Authority will have regard to its adopted residential design guidelines, (RDG). This guidance is considered to be in compliance with the NPPF.

RDG4 is concerned with corner plots and states that all elevations that face the public realm must be provided with articulation and fenestration at all floor levels, and should provide good levels of natural surveillance. For new large scale developments a different character can be created but this must be accompanied by a robust design rationale.

RDG8 states that the provision of detailing elements for all developments must be consistent with the overall architectural approach of the dwelling, and their design and siting should be an integral part of the dwelling. Furthermore the design of all development should result in well proportioned and balanced properties.

RDG7 states that the roof design of any development should be compatible with the host dwelling, as well as being informed by the prevailing character of the area and surrounding forms of roof development. The roof either built as new or extended or altered, should be proportionate to the remainder of the dwelling but must not be top heavy, or appear prominent or dominant.

The existing three-storey flat roofed building sits on a prominent corner on the High Road. The proposal seeks to create a fourth storey in the form of a mansard roof. The proposed mansard roof design would add bulk to the property and would increase the roof height from 9m to 10.9m at the front of the site and from 11.8m to 13.7m at the rear. The existing building is set into the ground on the south eastern corner which reduces its bulk when viewed from the south. Therefore whilst the existing building has a different appearance and is a storey higher than the surrounding buildings, the flat roof and the lowered setting allows the building to remain fairly modest within the context of the surrounding development.

The proposal would add a mansard roof to provide third floor residential accommodation to the existing relatively modest building. The design of this roof does not reflect the other buildings in this part of Brook Road and High Road, and with the location of the building on a prominent corner it is considered likely that the visual impact of the fourth storey would result in a building of undue prominence in

the streetscene to the detriment of the visual amenity and character of the surrounding area.

There are flat roofed dormer-styled additions as the windows within the mansard roof. These occupy a significant proportion of the new roof face to the front, side and rear. As a result of the pitch of the mansard face, their projection would be quite limited, nevertheless these dormers would further increase the mass and bulk of the building resulting in an adverse impact to the appearance of the property and wider visual amenity.

A design and access statement has been submitted but does not provide a robust design rationale for the provision of a building which does not sit comfortably within the prevailing character of the area. It is noted that there are two examples of mansard roofs, one 173m southwest of the site on Brook Road and one 86.8m northwest of the site on Thundersley Park Road. Neither of these examples would be viewed in the context of the proposal, sit in a prominent corner location or are located on a classified road. It is considered that such examples provide limited support for the scheme. The proposed new roof would increase the mass and bulk beyond that considered reasonable and would result in an overbearing and prominent feature within the street scene. An objection is raised accordingly under policies EC2, H13 and H17 of the adopted Local Plan.

Paragraph 56 of the NPPF states that the Government attaches great importance to the design of the built environment and that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Furthermore paragraph 60 states that planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.

The proposal is considered to represent poor design by reason of its form combined with the increased bulk and mass. Furthermore the proposal fails to promote or reinforce local distinctiveness. The proposal therefore does not accord with the NPPF and an objection is raised accordingly.

Impact on Neighbours

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

RDG5 deals with privacy and living conditions. A distance of 18m is required to be provided between third floor windows and the boundary of the site. The proposed windows would serve the third floor.

The proposal will increase the height, bulk and mass of the roof at No.211-225 High Road and it is therefore necessary to be considered whether it would impact on residents detrimentally. The existing maisonettes are located to the north of the site and have the benefit of rear roof terraces and rooflights. The rear balconies are located on the northwest corner of the application building and located at first floor

level. The proposal will increase the height of the building to these balconies from 6.1m to 8m. The existing building wraps around the southern and eastern sides of the roof terrace which currently receives limited sunlight as a result. The increase in height will sit behind the existing parapet and the maximum height will be some 1.5m away from the rear terrace. Under these circumstances the proposal is unlikely to result in excessive overshadowing or dominance beyond that existing. The existing flats also have balconies, albeit significantly smaller in size to the roof terrace, to the front (eastern) and southern side elevations. Since the increase in height is minimal (1.9m) and set behind the wall of the existing building the proposed new roof is unlikely to result in excessive overshadowing or dominance to the balconies of the flats.

The application building is set apart from other built forms by the brook to the north, the roads to the east and south and the parking area to the west. Due to the amount of isolation space achieved between the proposed development and the boundaries of adjoining development and the relationship share with adjoining buildings, it is not considered that the proposal would result in excessive overshadowing or dominance to any neighbouring buildings.

There are three rooflights to the maisonettes which are the sole light source to existing bathrooms. The proposed new roof would sit above these maisonettes and would therefore obstruct these rooflights. Whilst this is not ideal, bathrooms can be mechanically ventilated and artificially lit and it is therefore considered that it would be difficult to sustain the loss of the rooflights as a reason for refusal at appeal.

The proposed front windows would be a minimum of 4.4m from the front boundary. The windows would also be a minimum distance of 16.4m and 26.9m to the front boundary and front wall of the opposite properties respectively. Whilst the distance between the proposed windows and the boundary are below the requisite 18m, the proposed windows would not overlook private areas and as such considered unlikely to result in an unacceptable level of overlooking to the detriment of the amenities currently enjoyed by the neighbours opposite.

The proposed side windows are some 2.9m from the boundary and some 12.9m from the boundary with the southern neighbour (No.209 High Road). The 12.9m distance is also the distance to the side wall of No.209. It is noted that the existing second floor windows are 0.9m closer than the proposed windows. RDG5 also states that 15m is required between second floor windows and the boundary they directly face. It is considered therefore that the existing side windows would provide direct overlooking to the side windows in No.209. The proposed windows are considered therefore unlikely to result in any significant additional detriment in the amenities currently enjoyed by No.209.

The proposed rear windows would be a minimum of some 12.15m from the rear boundary. Whilst this is deficient by some 5.85m, these windows would overlook the communal parking area for Hopes Green Nursing Home. Furthermore the distance to the nearest windows at the Nursing Home is beyond 25m. A communal parking area is unlikely to require high levels of privacy and the proposed windows are unlikely to look directly into the windows of the Nursing Home. The rear windows are not considered likely to result in any loss of amenity for the occupiers of the nursing home and no objection is raised to the proposal on this basis.

When considering the living conditions of the future occupiers of the proposal and the occupiers of the existing flats it is necessary to consider the positioning of the proposed flats in relation to the existing residential units on the lower floors. The majority of the rooms within the proposed flats relate to similar rooms in the lower flats, e.g. bedrooms to bedrooms. The main exception is the proposed living/kitchen/dining area in proposed flat 17 would sit above the bedroom and bathroom within two of the maisonettes. A living/kitchen/dining area above a room which requires relative quiet is considered to result in an inappropriate relationship to the potential detriment of the living conditions of occupiers of the lower units, No.225A and No.223A.

One of the core planning principles within the NPPF, paragraph 17, states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. The proposal is considered to provide a poor standard of amenity for the existing and future occupants of maisonettes No.225A and No.223A. An objection is raised accordingly.

Parking and Access Implications

Policy EC2 states that all proposals need to ensure that all modes of movement are made safe and convenient.

RDG12 provides design guidance for parking in residential areas and states that where the provision of in-curtilage surface parking for individual dwellings is visible in the public realm it should be interspersed and mitigated with suitable landscaping and boundary treatment.

Policy T8 of the current Local Plan requires off-street parking to be provided in accordance with the County Parking Standards Design and Good Practice September 2009 which is consistent with paragraph 39 of the NPPF which requires local planning authorities to set such standards reflecting local circumstance. The standards for residential units are set at a minimum and require one space per one bedroom dwelling and two spaces for two or more bedrooms. The standards also state that 0.25 visitor spaces are needed per dwelling.

The proposal would require a minimum of nine spaces for the occupiers and two for visitors to the flats, resulting in a need for eleven new spaces. The proposal does not intend to increase the area available for parking and as such no new parking spaces are provided. It is therefore necessary to consider whether there is any capacity within the existing parking area.

The application form states that there are 40 spaces existing and proposed. Although requested the applicant has not submitted a parking layout plan. The parking layout within the site is not clearly marked. The existing parking area is permit based only. The applicant has confirmed that the parking arrangements will be two spaces per commercial unit and two spaces per flat. In these circumstances the applicant states that the eight commercial units require 16 spaces and the existing flats require 30 spaces. If this was the case the existing units would require 46 spaces. Based on the information submitted by the applicant the site provides a deficiency of 6 parking spaces within the site for the existing development.

However it is necessary to base the parking requirements on the County Standards and not on the spaces specified by the applicant. The existing building has 15 flats (six one-bedroomed properties and nine two-bedroomed properties) and eight commercial units. The flats would require a minimum of 24 parking spaces for the occupiers of the residential units and four spaces for the visitors of the site.

The commercial units are a mix of A1, A3 and A5 uses; one of the units is currently vacant (No.211). The vacant unit has recently gained consent to change the use from A1 to A2 (CPT/351/13/FUL) and work is currently underway on the interior to facilitate the change of use. For commercial units the parking standards are set at a maximum as these are destination uses and based on the gross floor space. For A1, A2 and A5 uses one space is required per 20m² except where the A1 use is a food store and then one space is required per 14m² for food stores. There are four A1 units, (one of which is a food store), two A5 units and one A1/A2 unit. There is one A3 use and for such a use one space is required per 5m². Based on their gross floorspace the commercial units will therefore require a maximum of 52 spaces.

A total of 80 spaces is therefore required for the existing residential and commercial units.

From the site visit and the comments submitted by residents it is unclear how the 40 spaces stated by the applicant are provided within the site. The original consent shows the provision of 30 parking spaces (6 of which are under the maisonettes). The parking layout within the 2003 application shows the provision of 33 parking spaces, although the parking area was not increased. The spaces within the 2003 application are some 2.2m wide and 4.8m deep. Since both of these applications a waste and recycling storage area has been provided within the north western corner of the parking area. As such at least two of the spaces within the parking layouts in the previous applications are unusable. It is further noted that the six spaces provided under the maisonettes on both the previous applications are within three garages and hence reduced by a further three spaces. The site therefore can only provide a maximum of some 28 parking spaces based on these previous layouts. It is unclear where the additional space is to provide the 40 car parking spaces identified by the applicant.

Furthermore since the previous applications, the space standards for parking has increased to 2.9m x 5.5m and therefore under current standards less than 28 spaces could be accommodated within the parking area. Based on the applicants parking arrangements and the standards it is clear that the site provides significantly deficient parking for the existing units. Therefore there is no capacity in the parking area to provide the parking for the proposed units.

The site provides inadequate parking for the current occupiers of the site and inadequate parking for the future occupiers of the proposed flats. It is considered therefore that the proposal, if implemented, would result in conflict within an already overcrowded parking area between occupiers of the existing commercial and residential units with the proposed residential units and would result in an increase in on-street parking to the detriment of highway safety.

It is noted that the standards do state that a reduction to the vehicle parking standards may be considered in main urban areas. The site is within a Town Centre and as such is within walking distance to certain amenities. However the standards

state that a reduction may be considered but does not advocate or support a nil provision for new development.

It is considered that the proposal provides no parking for the new accommodation and no justification is submitted to demonstrate the acceptability of a departure from the adopted parking standards. An objection is raised accordingly.

The Highways Authority has raised no objection to the proposal subject to the achievement of a number of conditions. One condition is the requirement that parking spaces shall be provided in accordance with Parking Standards Design and Good Practice September 2009 (Essex Planning Officers Association/ECC). As stated above the proposal is not in accordance with the Parking Standards Design and Good Practice September 2009. This requirement cannot therefore be achieved.

Other Matters

RDG6 states that amenity space should cater for all the outdoor needs of all occupiers and that development involving flats require an amenity space of 8m² per habitable room, with a minimum of 25m². This area must be a useable shape, provide safe and convenient access for all, be orientated to provide good levels of daylight throughout the day and should not be steeply sloping.

The existing three maisonettes (granted under the original consent) have access to large balcony areas. Whereas the existing twelve flats (granted under CPT/364/04/FUL) are reliant on balconies to the front and side elevations for their outdoor needs. These balconies provide an outdoor space of some 18.2m². Within the determination of the 2004 application the twelve flats required 300m² of private amenity space and therefore were significantly deficient in terms of the policy requirement. However, it was considered that some limited space was available and the site was within walking distance of a significant area of public open space and would contribute to the housing requirement which at the time had not been met over the last five years of the structure period. Also it was considered that the proposal would make the best use of urban land and result in a re-use of an existing building in line with Government guidance at the time (PPG3). Under these circumstances, the proposal was considered acceptable.

The site has a history of significantly deficient amenity space provision. However, this proposal provides no amenity space for the new flats. There is public open space some 200m south (South Benfleet Playing Fields) but this would not provide opportunities for all the outdoor needs of the new flats, such as the drying of clothes, or even access to personal open space, however limited. It is considered that the provision of no form of amenity space for the future occupiers of these flats would result in a substandard form of development, contrary to RDG6 of the adopted Local Plan. An objection is raised accordingly.

The previous application considered the housing need to overcome such an issue. In this case the proposal would provide a poor form of development with inadequate parking and amenity areas. Furthermore the proposal would increase the bulk and height of the development and result in undue prominence within the street scene. Under these circumstances it is considered that the need for housing in the borough is insufficient to overcome the significant inadequacies with the proposal. Therefore an objection still stands to the lack of amenity space.

RDG13 requires all forms of residential development to be provided with safe, adequate and suitable means of refuse and recycling storage for all occupiers.

There is existing waste/recycling storage for the occupiers within the north western corner of the site, within the parking area. The storage area is not ideally located for the waste collectors; however this is an existing situation and it is not possible therefore to seek it's relocation within the context of the current application.

The provision of new flats will require the bin storage area to be enlarged and the waste and recycling officer has requested details of how the bin area will be made larger to fully service the new flats to be built. The applicant has indicated that he does not intend to increase the bin area.

Furthermore comments from local residents indicate that the existing facilities are inadequate to serve the existing units on the site. The application is therefore considered to provide insufficient refuse/recycling area to provide for the proposed development. An objection is raised accordingly.

Conclusion

The proposal would provide a poor form of development with inadequate parking, amenity areas and refuse/recycling storage. Furthermore the proposal would increase the bulk and height of the development and result in undue prominence within the street scene. The proposal would also result in poor living standards for the occupiers of the existing maisonettes by reason of the substandard internal layout. Whilst there is a need for housing within the Borough, this is insufficient to overcome the significant inadequacies with the proposal. The proposal would therefore result in substandard form of development resulting in a detriment in highway safety, detriment in the visual amenity of the area and detriment in the amenities expected by the future occupiers of the flats and occupiers of the maisonettes.

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

My **RECOMMENDATION** is REFUSAL for the following reasons:

1. The proposed development, by reason of the design, height and mass of the third floor mansard roof would result in a building of undue prominence, out of character with, and detrimental to, the visual amenity and character of the surrounding area, contrary to Policies EC2, H13 and H17 of the adopted Local Plan. Furthermore the proposed roof represents poor design and would fail to promote local distinctiveness contrary to National Guidance as contained within the National Planning Policy Framework.
2. The proposal fails to demonstrate the provision of adequate on-site parking provision for the proposed flats and if implemented it is considered that the proposal would result in conflict within the existing parking area and an increase in on-street parking to the detriment of local amenity, highway safety and traffic flows in Brook Road contrary to Policy T8 of the adopted Local Plan.

3. The proposal fails to provide any amenity space for the proposed flats and would result in a substandard form of development to the detriment of the future occupiers of the flats contrary to Policy H17 of the adopted Local Plan.
 4. The proposal by reason of the substandard relationship between flat No.17 and the maisonettes at Nos.225A and 223A, would result in poor living conditions, to the detriment of the amenities currently enjoyed by the occupiers and future occupiers of the maisonettes contrary to Policy H17 of the adopted Local Plan and National Guidance as contained within the National Planning Policy Framework.
 5. The proposal has failed to demonstrate the provision of adequate refuse and recycling facilities to cater for the occupiers of the proposed development resulting in a poor form of development contrary to Policy H17 of the adopted Local Plan.
-

Item 2

Application Number: CPT/512/13/FUL

Address: ACEAN BUILDING FORMERLY THE WAREHOUSE, BEECH ROAD, HADLEIGH. (ST. JAMES WARD)

Description of development: DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF PART THREE/PART FOUR STOREY BUILDING CONTAINING 19 FLATS WITH ASSOCIATED PARKING AND LANDSCAPING

Applicant: DOVE JEFFERY HOMES LTD

Case Officer: A.HARRISON

Summary

The proposed development provides 100% affordable housing meeting an identified need in the Borough. There is no conflict with Council policies or design guidance that would justify a refusal of the scheme and the recommendation is therefore one of **APPROVAL**.

The scheme constitutes a departure from the Development Plan as the site is allocated for shopping purposes in the Adopted Local Plan. As such it is presented to the Committee for determination. However, should Members be minded to grant planning permission for this proposal, it will not be necessary to refer the matter to the Secretary of State since it is not a significant or material departure from the Development Plan.

Site Visit

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

Introduction

The site is irregular in shape and is located to the rear of residential properties in Oak Road South to the east, Beech Road to the south and the flatted development known as 'Wilkinson Drop' to the north. To the west is a vacant commercial business property. The site measures a maximum of 61m from east to west and 47m north to south.

The site is currently occupied by a number of vacant commercial buildings which are in a poor state of repair.

The site is currently provided with two access points, one direct from Beech Road to the south and one from the north across an existing right of way from Oak Road South through 'Wilkinson Drop'.

The Proposal

It is proposed to demolish the existing buildings on the site and construct a part 3 storey, part 4 storey building containing 19 affordable flats. The building is flat roofed having a maximum three storey height of 9.1m and maximum four storey height of 11.9m.

The development will be provided with communal and private amenity space to the rear of the building, together with 3 balconies to the front of the building. 19 car parking spaces are provided on site, to the front, side and partly under the building.

Access to the site is proposed from the north, through the existing Wilkinson Drop development, using the existing right of way across this land.

Planning History:

The site has a history of warehouse and light industrial use, none of which is relevant to the current planning application.

Supplementary Documentation

The application was accompanied by the following supplementary documentation:

- Design and Access Statement.
- Notes of the pre application meetings held.
- Planning Statement
- Tree Survey, Arboricultural Impact Assessment, Preliminary Arboricultural Method Statement and Tree Protection Plan
- Energy Statement
- Drainage Strategy
- Transport Statement
- Ecology Assessment
- Contaminated Land Desk top Survey

All of which have been and are available to view on the Councils website.

Relevant Government Guidance and Local Plan Policies

The site is allocated for shopping purposes and located within the Hadleigh Town Centre boundary as defined on the Proposals Map.

The following policies and guidance is applicable:

National Planning Policy Framework (NPPF)

Paragraphs; 23, 30, 37, 39, 50, 51, 56, 57, 58, 95, 97, 103, 109, 120, 121 and 123.

Castle Point Borough Council Adopted Local Plan 1998

- S4 – Non-Retail Development
- H13 – Location of Development
- H7 – Affordable Housing
- H9 – New Housing Densities
- H17 – Housing Development – Design and Layout
- T8 – Car Parking Standards
- EC2 – Design
- EC3 – Residential Amenity
- EC4 – Pollution
- EC7 – Natural and Semi-Natural Features in Urban Areas
- EC13 – Protection of Wildlife and their Habitats
- EC22 – Retention of Trees, Woodland and Hedgerows

Residential Design Guidance –

- RDG2 – Space Around Dwellings
- RDG5 – Privacy & Living Conditions
- RDG6 – Amenity Space
- RDG8 – Detailing
- RDG9 – Energy & Water Efficiency & Renewable Energy
- RDG10 – Enclosure & Boundary Treatment
- RDG11 – Landscaping
- RDG12 – Parking & Access
- RDG13 – Refuse & Recycling Storage
- RDG16 – Liveable Homes

Essex County Council Parking Standards – September 2009

- Parking Standards for Use Class C3: Dwellinghouses

Consultation

Anglian Water

(Comments Awaited)

Essex & Suffolk Water

Have mains within vicinity of proposed development. Buildings and structures are subject to minimum 3m clearance either side of outside edge of main. There should be no trees, hedges, shrubs or non-boundary fences constructed within 3m on either side of outside edge of water main, nor should level of surface of land be altered.

Environment Agency

- Maps show site located in Flood Zone 1, the low risk zone, and is under 1 hectare. Therefore covered by Flood Risk Standing Advice
- Application form indicates contamination suspected for all parts of site. Consider water environment at site of low priority, therefore will not be providing detailed site-specific advice or comments with regards to land contamination issues for site

- Developer should address risks to water environment from contamination at site following requirements of the NPPF and EA Guiding Principles for Land Contamination

Environmental Health

The Environmental Health Service does not have any objections, in principal, to the proposals submitted. However, the Service does have concerns regarding:

- (1) The remediation of the site during the construction phase;
- (2) The control of dust and noise during the construction phase;

1. The Remediation of the Site During the Construction Phase

This Service recommends the following condition to be attached to any approval notice with regards to land contamination. (See below). This condition has been developed to take into account the site, the proposed development and previous remediation in the local area.

Whilst this Service does not anticipate any land contamination issues, the site adjacent was previously investigated, and subsequently remediated when development works commenced. There is a possibility that land contamination may have spread onto this site, and should this be proven then a remediation scheme will need to be developed and agreed before commencement of works.

Contaminated Land Condition

Site Characterisation

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.

Remediation Scheme

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 any other part of this planning permission (unless the scheme or parts of it require commencement of other parts of the permission). The scheme shall be submitted to the local planning authority for approval prior to commencement of works. This 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.

Unexpected Contamination

Should contamination be found that was not considered in the any remediation scheme, it shall be made safe and reported immediately to the

local planning authority. The site shall be assessed in accordance with condition 1 and remediation scheme shall be submitted for approval by the local planning authority.

Validation of Remediation Scheme

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.

Validation Certificate

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 and plans detailed in Sections 1-4 of condition 1 above.

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 attached to the planning notification.

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.

ADVISORY NOTES (FOR INCLUSION WITH THE DECISION NOTICE)

The phased risk assessment should be carried out also in accordance with the procedural guidance and UK policy formed under the Environmental Protection Act 1990.

The site is suspected to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer.

The local planning authority has determined the application on the basis the information made available to it.

2. The Control of Dust and Noise During the Construction Phase

The applicant has not provided any information to control the emissions of dust and noise during the construction phase of the development. In-order to minimise any potential nuisance to existing residents, this Service requests the following planning condition to deal with this aspect of the development.

Construction Condition

Dust suppression methods to be employed during construction so as to minimize likelihood of nuisance being caused to neighbouring properties.

A scheme of measures for the control and suppression of dust emissions shall be submitted to and approved in writing by the L.P.A. Such agreed works shall be implemented in the approved form prior to the commencement of any use hereby permitted and shall be maintained in the approved form while the premises are in use for the permitted purpose

No materials produced as a result of the site development or clearance shall be burned on site. All reasonable steps, including damping down site roads, shall be taken to minimise dust and litter emissions from the site whilst works of construction and demolition are in progress.

Dust suppression methods to be employed during construction so as to minimize likelihood of nuisance being caused to neighbouring properties.

Advisory Informative for the Control of Pollution during Construction & Demolition Works

The following information is intended as guidance for applicants/developers and construction firms. In order to minimise potential nuisance to nearby existing residents caused by construction and demolition works, it is recommended that the following guidelines are followed. Adherence to this advisory note will significantly reduce the likelihood of enforcement action under nuisance legislation (Environmental Protection Act 1990). The Service will impose controls on working hours under the Control of Pollution Act 1974 should prior consent not be sought.

Noise Control

- 1) Working hours to be restricted between 08:00 and 18:00 Monday to Saturday (finishing at 13:00 on Saturday) with no working of any kind permitted on Sundays or any Public/Bank Holidays unless agreed otherwise in writing by the LPA.
- 2) The selection and use of machinery to operate on site, and working practices to be adopted will, as a minimum requirement, be compliant with the standards laid out in British Standard 5228:1984.
- 3) Prior to the commencement of any piling works which may be necessary, a full method statement shall be agreed in writing with the Planning Authority (in consultation with Environmental Control). This will contain a rationale for the piling method chosen and details of the techniques to be employed which minimise noise and vibration to nearby residents.
- 4) The use of barriers to mitigate the impacts of noisy operations will be used where possible. This may include the retention of part(s) of the original buildings during the demolition process to act in this capacity.

Emission Control

- 1) All waste arising from the ground clearance and construction processes to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.

- 2) No fires to be lit on site at any time.
- 3) On large scale construction sites, a wheel-wash facility shall be provided for the duration of the works to ensure levels of soil on roadways near the site are minimised.
- 4) All bulk carrying vehicles accessing the site shall be suitably sheeted to prevent nuisance from dust in transit.
- 5) All building materials shall be stored within the site.

Essex County Council – Highways Observations

- The onsite parking provision is considered to be acceptable as there will be adequate parking provision due to the town centre location with its proximity of public car parks and sustainable travel
- Essex County Council as the highway authority does not wish to raise objection to the proposals subject to the following conditions:

1. 19 vehicular hardstandings having minimum dimensions of 2.9 metres x 5.5 metres for each vehicle shall be provided

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety.

2. A minimum dimension of 6m shall be provided between the rear of the parking bays within the parking court.

Reason: To allow sufficient space for vehicles to manoeuvre and turn in the interests of highway safety.

3. Prior to commencement of the development, the areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be identified clear of the highway, submitted and approved in writing by the Local Planning Authority.

Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety.

4. Prior to commencement of the 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. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.

5. Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include 10 All Essex Scratchcard tickets.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policy in F.32 in the Essex Road Passenger Transport Strategy 2006/11

- Notes:

I. Headroom requirements at the entrance to parking courts should be a minimum of 2.5 metres and may be reduced to 2.1m provided fire tender access is not required.

II. Under Building Regulations B5, access for fire tenders is required to a point not further than 45 metres from the entrance to the dwelling. Any road or private drive forming part of such a fire access must be no less than 3.7 metres wide between kerbs (this may reduce to 3.1 metres for a gateway or similar short narrowing) and should have a minimum centre line bend radius of 6.55 metres. The access way should be capable of carrying a 12.5 tonne vehicle. A cul-de-sac which is more than 20 metres long must have a turning head of a least Size 3.

III. All works affecting the highway to be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made to Essex County Council on 0845 603 7631.

IV. With reference to the above condition the applicants attention should be drawn to the recent alterations to householder "permitted development" in so far as there is now the need to provide a permeable solution (SUDS) for the hard standing to reduce the cumulative impact of surface water run-off and overloading of sewers. The national advice available may be confusing taking into account the Highway Authority approach to the above conditions and early contact should be made with the Highway Authority to agree an appropriate solution for this site.

V. The above is required to ensure the proposal complies with the County Council's Highways and Transportation Development Control Policies February 2011.

Waste & Recycling Officers

- No objection
- Will service through Wilkinson Drop and be able to reverse close to the bin area
- Bin area fine in size and has good access

Essex County Council Archaeological Observations

- Proposal has no archaeological implications
- No recommendations to make

Essex County Council Education

- Satisfied that there is likely to be sufficient early years and childcare, primary and secondary school places to serve the needs of the proposed development. In the circumstances not seeking a s106 contribution for education purposes.

Essex County Ecologist

- No objection subject to development being undertaken in accordance with mitigation and enhancement measures proposed in sections 'Mitigation Recommendations', 'Ecological Enhancement' and 'Protection of Ecological Features' of the Ecology Assessment (September 2013)
- Given possible use of site by breeding birds recommend following condition:

No removal of trees/hedgerows shall be carried out on site between 1st March and 31st August in any year, unless an ecological assessment has been undertaken, submitted and approved in writing by the Local Planning Authority which confirms that no species would be adversely affected by the works.

County Planner

Comments Awaited.

Public Consultation

The application was advertised in the press as a Major and Departure application, site notices were displayed at the site and individual letters were delivered to the following addresses:-

Beech Road: 44, 46, 48, 50, 52, R J Hill Ltd, The Warehouse, C K G Group
Ltd C K G House

Oak Road South: 22, 24, 26

Wilkinson Drop: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20, 21,
22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38,
39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55,
56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72,
73, 76

Responses to the neighbour letter and to the press advertisement were requested by 8th November 2013. Responses to the site notices were requested by 31st October 2013.

22 responses have been received from the following addresses:

Beech Road: 64, 78, Cherryred Contracts Ltd

Oak Road South: 22, 26

Wilkinson Drop: 9, 11, 18, 25, 27, 29, 32, 43, 47, 51, 52, 54, 58, 62, 67, 70

Anonymous : x 1

Which contain the following comments and objections:

- 3/4 storey building would block out sunlight which could affect communal garden area, which is only small space and situated in car park
- Extra traffic flow and noise would make it feel like sitting on main road
- Over large in height
- Detrimental effect on sunlight reaching ground floor flat in winter
- Fourth storey elevation would encroach on privacy and completely block estuary views and light
- 3 storey elevation would be in keeping with original existing building
- Hadleigh is a town dying, 19 new flats in quiet back road will not help
- Will lower quality of life further
- Hadleigh already overrun with purpose built flats
- Extra noise and nuisance in immediate vicinity

- Whilst do not object to application, own large warehouse and offices next door, which is commercial building. Obviously generate amount of noise, especially early start and late finish time and worry that there will be noise complaints from new residents. Provided development can overcome this then see no problems
- See no reason why there should not be a fence between the two developments
- Access will be inconvenient and cause extra parking, and noise and dirt during building period
- Loss of residential privacy
- Responsible for upkeep of Wilkinson Drop, this will be lost if more traffic
- Wilkinson Drop just been repainted, flats will look unsightly and dirty from construction works
- Impact of noise, dirt and traffic whilst development being built will have profound effect
- Shift worker cannot sleep during day due to noise from building
- Concerns about amount of late night/early morning private vehicle & pedestrian traffic, very disturbing, quite frequent and alcohol fuelled
- Given design of main Wilkinson Drop development noise is funnelled/absorbed by these buildings
- Ensure aren't any asbestos or other potential pollutants likely to be carried across existing site
- Not against development of site, but feel reduction in number of flats would be more appropriate
- Will depreciate value of property
- Surrounding area already well occupied
- Been number of flat developments in Hadleigh since Wilkinson Drop
- Owners of Wilkinson Drop bought them as they were not with courtyard
- Pointless and irrelevant to refer to current commercial site liable to fly tipping
- Would like to know scope and extent of consultation and communication
- Problem with privacy from overlooking windows
- Currently enjoy peaceful, tidy, small community
- Darkness of height of new building
- Where would rubbish be disposed?
- With majority of apartments having 2 bedrooms, assume residents will have more than one car per household
- Currently available visitor parking spaces already oversubscribed at weekends and evenings forcing additional visitors to park in surrounding side roads and unmarked parts of existing car park
- Inadequate parking will lead to cars being parked in surrounding streets
- Too much congestion in already crowded car park
- 19 flats and only 19 parking spaces
- Planning guidelines suggests should have over 30 parking spaces but they consider 19 ok based on local car ownership average
- Two bedroom flats bought by young couples with car each
- On site parking currently not ample
- Visitors parking on yellow lines & in resident bays, this will get worse
- Most households own two cars
- No indication of how overspill parking will be controlled
- Reference to census information to determine car ownership are irrelevant as surrounding area predominantly composed of elderly people who may have no need for car

- Use of public car parks unrealistic as are 10 minutes walk away
- Concern over parking restrictions during demolition and construction
- Lead to much more traffic on one way system
- Motorists will use Oak Road South via Beech Road to avoid A13 traffic, driving down road the wrong way
- Speeding is potential danger to children and other pedestrians
- Amount of traffic generated will exacerbate existing congestion, particularly in rush hour
- When Acean company running all lorries and vans had access in Beech Road, why can't proposed flats have access in Beech Road
- 72 flats already using one entrance/exit
- With only one space allocated to each flat with no available visitor slots would expect outcome to be that Wilkinson Drop visitor spaces also used by sites visitors/second car slots
- Appreciate need for extra housing, but object to car park being used as access to site
- London Road gridlocked both morning and evening
- Rayleigh Road towards A127 even worse
- Trying to turn towards Southend on London Road from south is nightmare already, without extra 30 cars
- Local infrastructure cannot support development
- Adding to ever increasing road and air traffic noise
- Only entrance via Wilkinson Drop car park would have effect on increased traffic in area essentially a cul-de-sac, and number of parking spaces available
- Additional movement in and out of narrow entrance will be major problem with existing parked and trade vehicles
- No vehicular or pedestrian access from Beech Road
- Access from Beech Road would be far better
- Young families with children who play on grass, elderly residents who need time to cross road
- Access problems for large vehicles, narrow at entrance and between existing parking spaces
- Entrance through our driveway
- Vehicular trips in study need reconsidering, additional 15 morning and evening plus taxi collection and drop offs should be considered
- Has road been designed to take additional wear and tear?
- To encourage more cyclists to commute to station along A13 is reckless without provision of adequate cycle paths
- Excess distribution and heavy duty flow during construction
- Heavy traffic flow, with heavy construction vehicles
- See existing trees on boundary to remain, would prefer these fast growing trees be removed and more suitable screening be put in place
- Existing trees spread over into garden and affect growth of plants and damage property. They are over 23ft in height and block light and deprive site of winter sunshine
- Site notice incorrectly applied/erected in Castle Lane, not Beech Road
- Development application not featured in 'masterplan'
- How can access be agreed to development if it passes through private property?

Comments on Consultation Responses:

- Loss of property value is not a material planning consideration
- Loss of view is not a material planning consideration
- There is no right to light under planning legislation
- Site notices were placed around the site, in Oak Road South, Beech Road and Castle Lane and neighbour letters were sent to the adjoining properties in accordance with the Council's Statement of Community Involvement
- The development site benefits from a right a way through the Wilkinson Drop development
- The Local Planning Authority have to consider the scheme as submitted with the planning application
- The application site is located within the study area of the Hadleigh Town centre Masterplan, which identifies the requirement for new homes and the need to make most efficient use of previously developed land within a town centre location as key issues. The provision of more housing to help create greater local demand for shops and services in the town centre and help improve the evening economy is identified as an opportunity in the Masterplan, and one of the themes running through the Masterplan is that Hadleigh needs to provide a mix of housing to suit local needs
- All other relevant planning matters are dealt with in the evaluation of the proposal below.
- Government advice is clear that planning conditions should not duplicate controls available under other legislation. In the light of this advice a number of the conditions recommended by the Environmental Health Officer, particularly in respect of noise and emissions control during the construction process will not be imposed on the grant of any consent, adequate controls being available under other legislation.

Evaluation of Proposal

The principle

The site is allocated for shopping purposes and is located within the town centre, where Policy S4 of the Local Plan seeks to retain town centre uses (A1, A2, A3, A4, A5, B1, D1 and D2). The provision of only residential development on such a site is inconsistent with this policy.

However the NPPF at paragraph 23 supports the allocation of a range of suitable sites to meet a variety of uses, including residential development, needed in town centres, and paragraph 51 encourages local authorities to approve planning applications for the change to residential use from commercial buildings, currently in the B use class, where there is a identified need for housing in that area, provided that there are not strong economic reasons why such development should not be allowed.

This site is not considered to be a particularly attractive retail site being located on the fringe of Hadleigh town centre, some distance from the primary retail frontage of the town centre and adjoined on three sides by residential development. It has a long established history as a warehouse, which was a non-retail use; however this use

has become unattractive to potential users in recent years and as a result the building has been vacant for approximately 3 years. During this period the building has fallen into a state of disrepair and is not now fit for commercial purpose.

The delivery of residential development on this previously developed site would provide an important contribution towards the provision of new homes within the borough, and towards its 5 year housing land supply, particularly the provision of affordable homes.

Given the location and circumstances of the site, the neighbouring forms of development and the important contribution towards the provision of affordable housing in the borough residential development of the site would bring, it is not considered that an objection to the redevelopment of the site for residential purposes could be sustained. The principle of residential development is therefore considered acceptable.

In respect of the location of flatted forms of development, Policy H13 of the Local Plan requires their location to be on, or near, a main road.

This is consistent with paragraph 30 of the NPPF which encourages a pattern of development which facilitates the use of sustainable modes of transport, and paragraph 37 which seeks a balance of land uses so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, education and other activities.

The site is located to the rear of existing residential development, which comprises flats to the north and west, and it is in close proximity to the A13 London Road to the north. Its location provides convenient access to local facilities within the town centre and to public transport. The proposal conforms to the principal requirement of Policy H13, and therefore no objection in principle is raised to the principle of the provision of flats on this site.

Policy H13 is also concerned with ensuring that their location does not adversely affect the amenity of adjoining residents. Detailed matters relating to residential amenity are discussed later in the evaluation of this proposal.

Affordable Housing

Policy H7 of the Adopted Local Plan seeks the provision of affordable housing appropriate to the scale and location of development schemes. This is consistent with paragraph 50 of the NPPF which seeks to deliver a wide choice of high quality homes, to widen opportunities for home ownership and to create sustainable, inclusive and mixed communities.

Paragraph 50 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, to identify the size, type, tenure and range of housing reflecting local demand and where there is an identified need for affordable housing to ensure this is met on site.

The borough has a recognised shortfall in the provision of affordable housing.

The application is for 19 flats all of which are proposed as affordable. The applicant has indicated that the Council will have a Deed of Nomination Rights for the properties and are preparing a Unilateral Undertaking to accompany any planning decision, in order to secure both the Deed of Nomination Rights and the security of the affordable units in perpetuity.

Subject the provision of such a Unilateral Undertaking the development is considered acceptable in policy terms.

Design

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

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

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

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

RDG8 is concerned with the control of the detailing of dwellings, requiring development to be well proportioned and balanced. These are discussed in the overall context of design. Other relevant aspects of the RDG are discussed in detail later in the evaluation.

The surrounding properties are mixed in terms of their size, style, design and materials. To the north are two and four storey blocks of pitched roofed flats of fairly traditional materials and design. These are simple in their design style, comprising cream/white render and red facing brickwork with no outstanding features. Their heights are approximately 9.5m and 16.5m respectively. To the south and east are a collection of single and two storey dwellings with mixed designs and materials,

including light coloured render and low level brickwork. Their heights vary from approximately 5m to 9m. Immediately to the west is a commercial building constructed of industrial materials including a multiple corrugated roof and facing brickwork. This has a height of some 8m. Further to the west are three storey blocks of flats with flat roofs, treated in cream render and light coloured brickwork. These have heights of some 8.5m. In the wider area, to the south and east are further single and two storey residential dwellings, to the north are single, two and three storey flat and pitched roofed commercial buildings and to the west is a modern 3 storey curved roofed block of flats.

There is no strong prevailing character in the vicinity of the site.

The proposed building is described by the applicants as being of a high quality contemporary design that responds to the constraints of the site. It is a part three storey, part four storey flat roofed building, with a modular composition, having maximum heights of 9.1m for the three storey elements and 11.9m for the four storey element.

The applicants have indicated that the development seeks to locate the four storey element to the northern and western boundaries of the site adjacent to the four storey development to the north of the site and the commercial building to the west, with the three storey element providing a transition down towards the two and single storey dwellings adjacent to the south and east.

This, in combination with the Local Plan policy requirements in terms of privacy, as discussed later in the evaluation, has resulted in the building being suitably separated from adjoining residential properties.

The three storey parts of the proposed building with a height of 9.1m are comparable to the existing two storey buildings surrounding the site (9m to 9.5m). The four storey sections at 11.9m are comparable with the eaves height of the four storey flats to the north of the site, and sit some 4.6m below the ridge height of these existing flats.

It is considered that the proposed building and layout respond positively to the context and surroundings, particularly in light of the site's location and irregular shape. Whilst elements of the building are likely to be viewed in part from the surrounding area to the south of the site, given the careful design, layout and orientation of the building and the surrounding forms of development, it is not considered that it would result in the creation of a dominant structure that would result in detriment to the character and appearance of the area or the amenity of surrounding residents.

In respect of the detailed design and materials, the building has a modern appearance exhibiting clean lines and well proportioned and balanced fenestration to all elevations. The inclusion of obscure glazed panelling to elevations impacted on in respect of privacy, together with a number of balconies and a mix of cladding, render and brickwork, all aid in articulating the elevations.

The materials are proposed as a combination of facing brick work, render and cladding. The brickwork is a red/orange colour which reflects the brickwork of 'Wilkinson Drop'. The majority of the render is proposed as white to complement the

cream render and panelling to 'Wilkinson Drop'. The particular product is highly water repellent, weatherproof and resistant to algae and fungus growth, thus not requiring over-painting and resulting in low maintenance. At ground floor level either side of the entrance to the building the render is proposed to be orange in colour to create a focal entrance point. Whilst this is not a colour that the Council would wish to see replicated across the whole building, its use on this small area of the building is considered acceptable, in creating an attractive entrance to the building.

The cladding comprises panels produced from a wood plastic composite using a mix of recycled plastics and hardwood wastes. It has the traditional appearance of wood, but has a long life and low maintenance. The buildings fenestration is proposed as UPVC casement windows and doors in white and grey.

The use of the specifically submitted materials for the development is acceptable and compliance with the submitted schedule of materials can be controlled through the imposition of a condition on the grant of any consent.

The proposed development is considered acceptable in design terms.

Parking & Access

Policy T8 sets out a requirement for developments to make provision for car parking in accordance with the Council's adopted vehicle parking standards. This is consistent with para 39 of the NPPF which requires local planning authorities to set such standards reflecting local circumstance.

The current car parking standards require each one bedroomed dwelling to be provided with one on site parking space and each two bedroomed dwelling to be provided with two on site parking spaces. Each space should be 2.9m wide and 5.5m deep. One secure covered space per dwelling for cycles is also required.

The proposed development has 6 one bedroomed properties and 13 two bedroomed properties, requiring 6 and 26 spaces respectively. The proposal provides 19 spaces and is therefore deficient in parking provision.

However, the parking standards indicate that for urban areas a reduction to these standards may be considered, particularly for residential development, where there is access to public transport, cycling and walking links, as well as local services and facilities.

The proposal indicates a 1:1 provision of parking, with 19 spaces meeting the 2.9m x 5.5m size requirements. The site is immediately adjacent to the town centre which provides good access to public transport and services as well as public car parking spaces and given these circumstances it is considered that flexibility in the application of the parking standards would be appropriate.

The Highway Authority was consulted on the scheme and states that the on site parking provision is considered to be acceptable as there will be adequate parking provision due to the town centre location with its proximity of public car parks and sustainable travel. It does not raise an objection to the scheme. The level of parking provision is therefore considered acceptable.

In respect of cycle parking a fully enclosed building is provided on the site adjacent to the parking area. This is to be finished in the same brick as the main building and will provide space for 19 cycles, which is acceptable in policy terms.

Additional cycle parking is also proposed for visitors. This is currently proposed in front of the bin store building and is considered likely to cause difficulties in accessing this building. It is considered that an alternative location could be provided within the site, and this could be secured through the imposition of a condition requiring the submission, approval and implementation of a suitable location for visitor cycle parking prior to the occupation of the development.

In terms of the location and design of the vehicle parking area, RDG12 requires the siting of parking not to dominate the public realm, and not to have an adverse impact on visual or residential amenity. (Residential amenity is discussed separately in this evaluation).

Parking is required to provide good levels of natural surveillance and must be safe and convenient to use. Communal parking should be integrated into the overall design of the scheme.

The proposed parking within the site varies in location and form with a number of undercroft and surface level parking spaces to the front of the building and further surface parking to the eastern side of the proposed building. The location of the spaces allows for good levels of natural surveillance from within the site and from neighbouring developments.

The parking spaces are clearly distinguished from the tarmaced access and circulation areas being constructed of Marshalls Brindle block paving. Low level planting and timber post and knee rail boundary treatment provides separation between parking areas both within the site and from the neighbouring flatted development at 'Wilkinson Drop'. The planting ensures an element of natural relief and the knee rail ensures that such planting is not damaged by vehicles. It is considered that this combination is suitable to ensure that the scheme is not visually dominated by car parking.

With regard to access to the site, this is shown to utilise the existing right of way to the existing commercial site, taken from Oak Road South through 'Wilkinson Drop'. Within the site adequate turning space is provided for the spaces. The Highway Authority has not raised an objection to the proposed access arrangements.

Privacy

RDG5 requires a distance of 9m to be maintained between any boundary and first floor (2nd storey) windows, 15m to be maintained between any boundary and second floor (3rd storey) windows and 18m to be maintained between any boundary and third floor (4th storey) windows. However if the design/layout of a development does not result in direct views between primary windows, a reduced distance between windows and boundaries may be considered appropriate. The edges of balconies should be treated in the same manner as windows.

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

In respect of the western elevation, the 2 first floor windows are guidance compliant. The 2 second floor windows are approximately 2.4m below the guidance requirement and the 2 third floor windows are approximately 5.4m below the guidance requirement. However these windows overlook an existing open parking area serving the 'Wilkinson Drop' flats. A further third floor window is provided 3.8m from the western boundary of the site, but overlooks the roof of an existing commercial building. In these instances no loss of privacy would occur, and the introduction of windows in this elevation would provide additional natural surveillance to the parking area of Wilkinson Drop. No objection is therefore raised to their presence.

It is noted that beyond the commercial building to the west is amenity space serving existing residential development in Castle Lane, however all windows in the of this amenity area.

In terms of the eastern elevation, the one first, second and third floor window proposed to the northern part of the building are over 18m from the boundary, which is guidance compliant. A further first and second floor window is proposed in the southern part of the building some 13m from the boundary. These provide secondary light and are indicated to be obscure glazed which maintains privacy levels and is guidance compliant.

In respect of the southern elevation, all the first floor windows are guidance compliant. Two of the second floor windows are approximately 0.8m to 1.4m below the requirement. Given the existing and proposed screening, and the minor nature of the deficiency as well as the relatively long gardens of the properties to the south, it is not considered that a refusal on this basis could be successfully sustained.

One of the third floor windows is approximately 0.2m below the requirements. This window is indicated to be a secondary window and is shown as high level.

In respect of the northern elevation, the majority of the windows overlook car parking areas serving Wilkinson Drop. These would not result in any loss of privacy and would provide a further level of natural surveillance to these parking areas.

There are 2 windows shown in the first, second and third floor of this elevation which look out onto the flank wall of a four storey block of flats within the 'Wilkinson Drop' development, which has windows at first, second and third floor level. The submitted plans indicate that careful consideration has been given to the internal layout and positioning of windows on this elevation, in order to avoid the occurrence of any direct overlooking. The provision of a high level window opposite the closest window and a regular window opposite the blank part of the wall of this neighbouring block of flats, is considered an acceptable design solution in this instance.

The three balconies provided to the front of the building either provide in excess of the requisite distance or overlook existing and proposed car parking areas, which

would not result in any loss of privacy, and would result in additional natural surveillance to these areas.

No objection is therefore raised to the provision of these balconies.

Residential Amenity

Policy EC3 of the Local Plan is concerned with ensuring that development does not have a significant adverse impact on residential amenity in respect of traffic, noise, fumes or other forms of disturbance.

This is generally consistent with paragraph 120 of the NPPF which requires development to be appropriate for its location and to take into account the effects of the development on general amenity and paragraph 123 which requires decisions to avoid noise from giving rise to significant adverse impacts on health and quality of life.

The building has been designed and orientated on the site so as to minimise the impact on surrounding residential properties. Matters relating to privacy have been discussed above.

In respect of potential noise and disturbance from car parking, the majority of spaces are proposed adjacent to the car parking areas serving the existing residential development to the north, 'Wilkinson Drop'. This is considered an acceptable location.

There are three spaces shown adjacent to the eastern boundary of the site. This area is currently hardstanding serving the commercial property on site, and was previously utilised for parking purposes. The proposed spaces are shown to be set back from the boundary by some 1.5m to 1.7m. This boundary is currently formed by existing close boarded fencing and conifer trees.

The applicant's tree survey indicates that the retention of these trees can be achieved, however concern has been raised by an adjacent neighbour in respect of the impact these have on natural light. The scheme proposes to replace these trees with alternative trees which offer screening, but at a lower level, in order to improve the amount of natural light. New 1.8m high feather edge fencing is also proposed along this boundary.

Whilst there is no right to light under planning legislation, this approach is welcomed. Such a distance and screening is considered to provide a suitable barrier from the proposed parking spaces, and it is not considered that this would result in a significant detrimental impact on the residential amenity of the neighbouring properties, particularly considering the past utilisation of this space. Further details of the species, height and size of the replacement trees will need to be submitted, approved and planted prior to the occupation of the development. This can be secured through a condition.

It is not considered that the proposed development will have an adverse impact on the amenity of adjoining residents, and with the introduction an alternative means of screening the site may actually have some benefit in terms of the amenity of adjoining residents. No objection is therefore raised to the proposal on this basis.

Pollution

Policy EC4 of the Local Plan states that development which would have a significant adverse effect on health, the natural environment, or general amenity by reason of noise, dust, vibration, light or heat, will be refused. This is generally consistent with paragraph 109 of the NPPF which seeks remediation and mitigation of despoiled, degraded, derelict, contaminated and unstable land, paragraph 120 which requires development to be appropriate for its location in order to prevent unacceptable risks from pollution and land stability, and paragraph 121 which requires decisions to ensure that sites are suitable for their new use taking account of ground conditions, including from pollution arising from previous uses.

Given the past use of the site, there is the potential for contamination to be present. The applicants have submitted a desktop contamination survey which has indicated that potential sources of contamination on site include asbestos containing materials (ACM) within existing buildings, imported engineering materials and localised fuel/oil spills. It recommends further investigation to identify contamination from these potential sources and any unrecorded land use, including soil sampling, chemical analysis and gas monitoring, as well as a further asbestos survey and removal of any identified ACM.

The Council's Environmental Health department have been consulted on the application and has raised no objection to the redevelopment of the site for residential purposes, subject to conditions, as set out above.

In many cases such conditions would normally be required to be discharged prior to the commencement of development, in order to ensure that any contamination of the site could be appropriately mitigated. However in some cases, such as this, where the site contains structures, such works may only be able to be fully undertaken once the existing buildings on site have been demolished and development has commenced.

Under these circumstances it is considered appropriate to require the submission and approval of details of remedial works to be submitted prior to the construction of the approved development, rather than commencement of the development. This would ensure that any development could be appropriately assessed whilst allowing necessary demolition and site investigation to occur.

Subject to such appropriately worded conditions no objection is raised to the proposal on the basis of contamination.

Amenity Space

RDG6 requires the provision of 8m² of amenity space per habitable room for flats. Where flats contain 3 or less habitable rooms a minimum of 25m² of amenity space should be provided for each flat. Such provision can be either private or communal and can include balconies provided they have a minimum depth of 1.5m and a useable floor area of 5m². Habitable rooms do not include bathrooms, en-suites and utility rooms.

19 flats are proposed, each having less than 3 habitable rooms. 25m² of amenity space is therefore required for each flat, resulting in a total requirement of 475m².

The submitted scheme provides a communal area of approximately 401m², four private amenity areas for the ground floor flats totalling 91m² and three balconies to the north facing flats totalling 15m². An overall amenity provision of 507m² is therefore achieved, which is acceptable in policy terms.

The policy also requires the provision of amenity space to be in a useable shape, provide safe and convenient access for all and be orientated to provide good levels of daylight throughout the day. It should be clearly distinguishable from public space and suitable screened from public activities, parking and servicing areas, and neighbouring developments.

The amenity space is provided to the south of the building, in a fairly regular shape, and is well separated from the parking and servicing areas for the development. Existing and proposed timber fences and mature trees provide screening from the neighbouring uses. The ground floor flats are provided with private amenity areas immediately outside their properties and are individually screened off from each other and the communal amenity area by low level planting and fencing. Further details of such landscaping can be submitted, approved and implemented prior to occupation.

Under these circumstances it is considered that the provisions of RDG6 have been met.

Refuse & Recycling

RDG13 requires the provision of safe, adequate and suitable means of refuse and recycling storage. Access to and from such storage must be clear, flat and unobstructed, and there should be adequate space to remove, empty and navigate round the waste receptacles. Suitable landscaping and screening to storage areas is also required. Free standing buildings for such purposes must make a positive contribution and be of a design, material, scale, roof pitch and detailing which integrates with or compliments the main dwelling.

The submitted drawings indicate the provision of a rectangular bin storage building located in the north eastern corner of the site. This will replace an existing sloping roofed building in the same location. It will be single storey in height and flat roofed.

The flat roof will reflect the flat roofed design of the main building proposed on site and will be constructed out of the same brick finish as the main building. This will ensure that the building integrates with the overall design concept for the site. Existing vegetation is located to the north of the building, which aid with its integration with the neighbouring development to the north, 'Wilkinson Drop'.

The Council's Waste Officers were consulted on the application and have indicated that they have no objection to the scheme on refuse and recycling grounds. Collection can take place through Wilkinson Drop, as refuse vehicles currently service this existing residential development. The bin store building and location are considered acceptable. As discussed previously additional cycle parking is proposed for visitors in front of the bin store building. Such a location is likely to

cause difficulties in accessing this building. It is considered that an alternative location could be provided within the site, and this could be secured through the imposition of a condition requiring the submission, approval and implementation of a suitable location prior to the occupation of the development.

Subject to such condition no objection is raised on the matter of refuse and recycling provision.

Other Residential Design Matters

RDG9 requires the design of all development to incorporate measures for achieving high levels of energy and water efficiency, and to demonstrate how its design, siting and layout has maximised the opportunities for solar gain, daylight penetration and the reuse/recycling of water. Their design and siting should be appropriate to the appearance of the building.

This is consistent with paragraph 95 of the NPPF which encourages development which reduces greenhouse gas emissions, and paragraph 97 which requires policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including visual impacts.

The applicants have submitted an energy statement with the application which demonstrates a design reduction of 10% in energy consumption across the whole development.

The scheme has been designed with a fabric first approach, ensuring that the construction of the building has reduced U-values, and that heat loss is reduced from building elements such as openings. This is accompanied by internal measures such as 100% low energy lighting, space heating using a gas condensing boiler with weather compensator and time and temperature zone controls.

The building has been provided with suitable sized windows, with many rooms provided with more than one window to maximise light capture.

The design and measures proposed are considered satisfactory in respect of RDG9.

RDG16 requires all new dwellings to provide appropriate internal space and circulation, and to meet the existing and future needs of occupiers over their lifetime without the need for extensive alteration or adaption.

This is consistent with paragraph 50 of the NPPF which seeks the delivery of a wide choice of high quality homes to meet the needs of different groups in the community including families with children older people, people with disabilities, and service families.

The flats are a mix of one and two bedrooms properties with good sized rooms and suitable turning and circulation space capable of accommodating disability living requirements. It is considered that these are acceptable in respect of RDG16.

Trees and Landscaping

Policy EC7 of the Local Plan seeks the retention and enhancement of natural and semi-natural features. Policy EC22 of the Local Plan seeks the retention of existing trees and hedgerows wherever possible. Policy EC13 of the Local Plan states that development which is prejudicial to the interests of all wildlife and the retention and management of important habitats will be refused

These policies are generally consistent with paragraph 109 of the NPPF which seeks the protection and enhancement of valued landscapes, geological conservation interests and soils, paragraph 118 which aims to conserve and enhance biodiversity and Paragraph 113 which requires distinctions to be made between the hierarchy of international, national and locally designated wildlife or geodiversity sites, so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks.

RDG11 requires the provision of soft and/or hard landscaping, the provision and maintenance of which should be contained in a landscaping scheme.

RDG10 seeks high quality means of enclosure and surface treatment appropriate to its context and ongoing maintenance. It should not dominate the public realm.

The planning application was accompanied by a tree survey which identified a Leyland Cypress and Elder trees on the southern and eastern boundaries of the site. The submitted planning statement indicates that these trees will be retained and supplemented with further planting of native species.

The applicants have provided a high level landscape strategy which sets out in principle the location and general heights of planting to be provided across the site

The retention and enhancement of the established tree screening along the site's eastern and southern boundary is welcomed. Such a screen is expected to maintain an attractive environment for the occupiers of the new development and neighbouring occupiers, as well as maintaining suitable levels residential amenity.

The areas of low level planting proposed to create appropriate separation and natural relief between parking areas both within the site and at Wilkinson Drop, and delineation between the private and communal amenity areas to the rear of the building are considered an appropriate landscape response in these locations.

The proposed development significantly reduces the amount of hardstanding on site with the introduction of the large grassed amenity area provided to the rear of the building and the landscaping buffers provided around the new parking areas.

The detailed nature of the species and the implementation and maintenance of the landscape strategy can be secured by a condition.

With regard to wildlife matters the site is not an international, national or locally designated site. The application was accompanied by an ecology assessment which states that the lack of habitats conducive to protected species means there is minimal ecological interest on the site. Any works to the existing trees within the site are recommended to be undertaken outside of the bird breeding season. The

assessment also recommends that if, in the unlikely event, protected species are found on site during ground clearance and/or construction works should cease and an ecologist contracted to provide advice on the appropriate course of action. This is considered acceptable in policy terms.

In respect of boundary treatment, in addition to the existing and proposed tree and hedge planting, feather edge timber fencing is proposed along the southern and eastern boundaries which abut the existing residential properties. This is consistent with the surrounding forms of enclosure and considered acceptable in this context.

The boundaries with the 'Wilkinson Drop' development to the north are defined by knee rail fencing. Beyond these are areas of low level planting which provide appropriate separation and natural relief between parking areas both within the site and at 'Wilkinson Drop'. This is considered an appropriate form of boundary treatment in this locality.

Consideration also needs to be given to the treatment of the balconies proposed to the front of the building. RDG6 identifies that the use and activities associated with balconies can result in a cluttered and unattractive appearance to properties and the streetscene if not appropriately screened.

The submitted plans indicate the provision of screening as glass infill panels, which reflect the glazing on other parts of the building. It is likely that if these glass panels were to remain as clear glazing such issues as discussed above would occur. It is considered that the most appropriate solution would be to provide the panels as obscure glazed, reflecting other obscure glazed windows proposed on the building. This would provide the screening necessary, but would still retain the overall design and detailing elements of the building. Such screening can be secured through the imposition of a condition attached to any consent granted. Subject to such condition no objection is raised to the proposal on this basis.

Drainage

RDG9 requires the design of all development to incorporate measures for achieving high levels of energy and water efficiency. RDG11 seeks the incorporation of SuDS into landscaping schemes.

This is consistent with paragraph 103 of the NPPF which requires local planning authorities to ensure flood risk is not increased elsewhere when determining planning applications.

The application is accompanied by a high level drainage strategy which outlines the proposed response to both surface and foul water drainage for the site.

In respect of foul drainage the strategy indicates that the proposed development will be connected to the existing main sewer within Beech Road.

Essex & Suffolk Water was consulted on the application and refers to its requirements for 3m clearance of buildings, structures and trees, hedges and shrubs from the outside edge of its mains. The proposed building and majority of landscaping is to be sited in excess of 3m away from any of the mains in the vicinity of the site. The proposed building for the bin store is located partly within a 3m zone,

however it is in the same position as an existing building on site, which is seeks to replace. A single tree and low level landscaping is also shown to be located within the 3m zone. As discussed previously further details of landscaping are to be required to be submitted for approval. The landscaping scheme can therefore address these matters at this stage.

The surface water strategy indicates a preference for surface water drainage to a soakaway but indicates the need for further investigation to ensure that the ground conditions are suitable.

The Highway Authority has requested a condition requiring surface water drainage details to be submitted prior to commencement of development, and the Environment Agency refers to its standing advice relating to surface water drainage.

It is considered that the site response to surface water drainage may be adequately controlled by the imposition of a condition on the grant of any consent. In many cases details of such schemes would normally be required to be submitted prior to the commencement of development, in order to ensure that appropriate drainage could be provided for the development.

Commencement of development however would include the demolition of the existing building. As the surface water drainage strategy requires further investigation of the site before an appropriate scheme can be designed, it is clear that demolition of the building and hence commencement of the development must occur before details of the drainage system can be submitted. Under these circumstances it is appropriate to require submission of the details of the drainage scheme prior to the commencement of construction works on this site. This would enable all appropriate demolition and investigation to be satisfactorily concluded and appropriate drainage provided.

Subject to an appropriately worded condition, no objection is raised in respect of drainage.

Conclusion

The proposed development represents an acceptable use within a primarily residential context, of acceptable design and providing 100% affordable housing, meeting an identified need in the Borough.

There are no conflicts with Council policies or design guidance that would justify a refusal of the scheme.

The scheme constitutes a departure from the Development Plan as the site is allocated for shopping purposes in the Adopted Local Plan and as such it is presented to the Committee for determination. However, should Members be minded to grant planning permission for this proposal, it will not be necessary to refer the matter to the Secretary of State since it is not a significant or material departure from the Development Plan.

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and

subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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 applicants providing a Unilateral Agreement to secure the following:

- The provision of 19 affordable housing units

and subject to the following planning conditions:

1. This permission shall be read in conjunction with the Unilateral Agreement submitted to the Authority under cover of this application and dated contemporaneously with this permission.
REASON: In order to secure the provision of 19 affordable housing units.
2. 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.
3. Prior to the first construction of the development hereby approved a landscaping scheme shall be submitted to and formally approved by the Local Planning Authority. Such a scheme shall include tree and other planting plans, written specifications, including cultivation and other operations associated with tree, plant and grass establishment, schedules of trees and plants, noting species, plant sizes and proposed numbers / densities, and the proposed times of planting.
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.
4. Prior to the first occupation of the development hereby approved all landscaping works shall be carried out in accordance with the approved landscaping scheme.
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.
5. Any tree contained within the approved landscaping scheme dying or being damaged, removed or becoming seriously diseased within 5 years of the date of this permission shall be replaced by a tree of a similar size and species by the applicant or the applicants successor in title, as formally approved by the Local Planning Authority.
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.

6. All trees and shrubs (including hedges) as identified on the plan returned herewith must be protected by chestnut paling fences to BS1722 Part 4, for the duration of the construction period, at a distance equivalent to not less than the spread of the tree from the trunk. No materials are to be stored or temporary buildings erected inside this fence. No changes in ground levels may be made within the spread of any tree or within 1m of any hedge or shrub within the identified areas without the prior formal consent of the Local Planning Authority.
REASON: To preserve the natural amenities of the site.
7. Prior to the first construction of the development hereby approved a scheme of surface water drainage shall be submitted to and formally approved by the Local Planning Authority. Such details shall include measures to prevent the discharge of surface water from the development onto the highway and contaminated water from entering the drainage system.
REASON: To ensure the provision of a satisfactory method of surface water drainage on the site.
8. The surface water drainage scheme as formally approved shall be implemented prior to the first occupation of the development hereby approved.
REASON: To ensure the provision of a satisfactory method of surface water drainage on the site.
9. Prior to the first construction of the development hereby approved a foul water strategy shall be submitted to and formally approved by the Local Planning Authority.
REASON: To ensure the provision of a satisfactory method of foul water drainage on the site.
10. The foul water strategy as formally approved shall be provided prior to the first occupation of the development hereby approved.
REASON: To ensure the provision of a satisfactory method of foul water drainage on the site.
11. 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.
12. 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.

13. 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 11 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.

14. 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.

15. 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 11 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).

16. Prior to the first occupation of the development hereby approved details of the number, location and design of visitor cycle parking facilities shall be submitted to and formally approved by the Local Planning Authority.

REASON: In order to ensure appropriate and conveniently located cycle parking is provided, at a level commensurate with the level of development proposed.

17. The visitor cycle parking as formally approved shall be provided prior to the first occupation of the development hereby approved and permanently retained thereafter.

REASON: In order to ensure appropriate and convenient cycle parking is provided for the development proposed.

18. Within one month of occupation of each residential unit, the developer shall provide and implement a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include 10 All Essex Scratchcard Tickets. Confirmation of the issue of the Residential Travel Information Pack and scratch-cards shall be submitted to the Planning Authority within three months of the date of issue.

REASON: In the interests of encouraging modal shift and reducing the need to travel by car and promoting sustainable development and transport.

19. The car parking and cycling spaces provided on the site shall be retained solely for that use and for no other purpose whatsoever without the formal planning consent of the Local Planning Authority.

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

20. Prior to first use of the balconies, the balcony screening shall be formed of glazed panels obscured to at least Level 3 on the Pilkington Scale and permanently retained as such.

REASON: In the interests of visual amenity.

21. The external surfaces of the development hereby approved shall be treated in accordance with the submitted schedule of finishes from which there shall be no departure without the prior formal consent of the Local Planning Authority.

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

22. No materials associated with the development hereby permitted shall be placed within the highway limits or within the car parking and servicing areas of adjoining development.

REASON: To ensure that the highway and adjoining car parking areas are not obstructed during the construction period in the interest of highway and pedestrian safety and the amenity of adjoining residents, in accordance with Policy EC2 of the adopted Local Plan.

23. Throughout the duration of the demolition and construction phases of the development hereby approved, suitable areas for the purposes of loading/unloading and manoeuvring of all vehicles visiting the site shall be provided within the site for that sole purpose.

REASON: To ensure that appropriate loading/unloading facilities are available within the site in the interest of highway and pedestrian safety and the amenity of the occupiers of the adjoining development.

24. CON 101 APPLICATION APPROVED WITHOUT AMENDMENT

25. CON 100 PARTY WALL etc. ACT NOTE.

ADVISORY NOTES

Contamination

The phased risk assessment should be carried out also in accordance with the procedural guidance and UK policy formed under the Environmental Protection Act 1990.

The site is suspected to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer.

The local planning authority has determined the application on the basis the information made available to it.

Advisory Informative for the Control of Pollution during Construction & Demolition Works

The following information is intended as guidance for applicants/developers and construction firms. In order to minimise potential nuisance to nearby existing residents caused by construction and demolition works, it is recommended that the following guidelines are followed. Adherence to this advisory note will significantly reduce the likelihood of enforcement action under nuisance legislation (Environmental Protection Act 1990). The Service will impose controls on working hours under the Control of Pollution Act 1974 should prior consent not be sought.

Noise Control

1. Working hours to be restricted between 08:00 and 18:00 Monday to Saturday (finishing at 13:00 on Saturday) with no working of any kind permitted on Sundays or any Public/Bank Holidays unless agreed otherwise in writing by the LPA.
2. The selection and use of machinery to operate on site, and working practices to be adopted will, as a minimum requirement, be compliant with the standards laid out in British Standard 5228:1984.
3. Prior to the commencement of any piling works which may be necessary, a full method statement shall be agreed in writing with the Planning Authority (in consultation with Environmental Control). This will contain a rationale for the piling method chosen and details of the techniques to be employed which minimise noise and vibration to nearby residents.
4. The use of barriers to mitigate the impacts of noisy operations will be used where possible. This may include the retention of part(s) of the original buildings during the demolition process to act in this capacity.

Emission Control

1. All waste arising from the ground clearance and construction processes to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.
 2. No fires to be lit on site at any time.
 3. All bulk carrying vehicles accessing the site shall be suitably sheeted to prevent nuisance from dust in transit.
 4. All building materials shall be stored within the site.
-

Item 3

Application Number:	CPT/532/13/OUT
Address:	106 RECTORY ROAD, HADLEIGH
Description of development:	DETACHED TWO BEDROOMED BUNGALOW WITH DETACHED GARAGE AND CAR PORT (VICTORIA WARD)
Applicant:	MR & MRS KING
Case Officer:	MR K. ZAMMIT

Summary

The application seeks outline planning permission for a dwelling to be constructed to the rear of an existing dwelling on Rectory Road and represents the submission of a revised scheme which seeks to overcome earlier objections to a similar proposal on the site.

The proposed revisions to the layout have satisfactorily mitigated the reasons for refusal attached to planning application CPT/33/13/OUT and the development achieves all relevant design guidance and policy requirements.

The proposal is therefore recommended for APPROVAL.

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

Site Visit

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

Introduction

The application site is located on the eastern side of Rectory Road some 28m north of its junction with Scrub Lane/New Road. The application site forms part of what is currently the curtilage of 106 Rectory Road. It has a maximum depth of some 57m, reducing to some 21m at the rear and a maximum width of some 34m. The site is provided with a 5m wide access from Rectory Road. The site is primarily located to the rear of the existing dwelling at No.106 Rectory Road. To its east are the rear aspects of properties in 'Conifers'. To the north are the rear gardens of properties further north in Rectory Road. To the south are the properties at 104 Rectory Rod and 5 Scrub Lane.

The Proposal

Permission is sought for the erection of a detached bungalow. The application is in outline form, with approval of access and layout being sought and appearance, scale and landscaping being reserved for subsequent consideration.

The submitted layout shows a bungalow with a maximum footprint of 11.2m by 13.4m and a garage/carport structure of some 7m by 7.4m. Indicative elevations indicate that the dwelling would be a hipped roofed bungalow.

Supplementary Documentation

The application was accompanied by the following supplementary documents:

- a planning statement,
- noise impact assessment and
- letters of support from neighbouring properties at 7 Scrub Lane and 104 Rectory Road.

All of which have been and are available to view on the Councils website.

Planning History

April 2013 – outline planning permission was refused for the erection of a detached two bedroomed bungalow with a detached garage and carport (CPT/33/13/OUT) for the following reasons:

- The proposed development, due to its backland location, would be out of character with the surrounding area which is characterised by frontage development. The proposal would therefore be contrary to Local Plan Policy EC2, guidance at RDG3 within the Council's Residential Design Guidance SPD and guidance as set out in the National Planning Policy Framework.
- The proposed development, by reason of its reliance on access along a new driveway created immediately adjacent to the rear gardens of the properties to the south, would be likely to result in undue noise and disturbance to those residents, contrary to Policy EC2 of the adopted Local Plan and Government guidance as contained in the National Planning Policy Framework.

Relevant Government Guidance and Local Plan Policies

National Planning Policy Framework – Section 7

Current Local Plan

EC2 – Design

T8 – Car Parking Standards

Residential Design Guidance

RDG1 – Plot size

RDG2 – Space around dwellings

RDG3 – Building lines

RDG5 – Privacy and living conditions

RDG6 – Amenity space

RDG12 – Parking and access

Consultation

Environmental Health

No comment on acoustics report.

Refuse and recycling

The bungalow is too far from the highway for a kerbside collection and will need to present refuse and recycling at a point close to the highway edge. A concrete pad is preferable but at a minimum the developer should confirm where waste will be presented.

Legal

No objection

County Highways

No objection subject to conditions

Public Consultation

Letters have been received from the following addresses:

5 Scrub Lane
1b Conifers and
1a Conifers

All of which support the application.

Comments on Consultation Responses

All relevant matters are discussed in the evaluation of the proposal

Evaluation of Proposal

This proposal is broadly similar to that previously refused although alterations have now been made to the proposed access to the dwelling which places the hardsurfaced area of the drive some 3m from the southern boundary of the site and some 5.4m from the northern flank wall of the adjoining dwelling. In addition the scheme now includes significant planting along the southern boundary to mitigate the noise generated by vehicles accessing a dwelling to the rear of the site.

In addition the proposed garage has been relocated from a position some 0.8m from the southern boundary to some 2m from the southern boundary and from 0.2m to 1m from the eastern boundary with additional planting provided between the garage and the boundary fence.

The issues to be considered are primarily concerned with the principle of residential development on the site and whether the scheme has been sufficiently revised to overcome the earlier concerns as expressed in the previously stated reasons for refusal.

The principle of development

The land is allocated for residential purposes on the proposals map accompanying the Local Plan. Therefore in principle there can be no objection to residential use of the site.

In addition to seeking confirmation that the development of the site for residential purposes is acceptable in principle, the applicant also seeks confirmation that the proposed layout and access to the site is acceptable.

Consideration of these matters must take place within the context of national and local planning policy and local residential design guidance.

Layout and Access

Local Plan Policy EC2 requires all new development to achieve a high standard of design. This is consistent with paragraphs 56 to 58 of the National Planning Policy Framework. The Council's Residential Design Guidance provides guidance on assessing whether or not proposals will integrate satisfactorily into the surrounding area and thus have a satisfactory and acceptable layout.

RDG1 deals with plot sizes and states that within the existing built up area the plot sizes for all new development should be informed by the prevailing character of plot sizes. The proposal is for a dwelling in backland location so will not be viewed in the immediate context of the surrounding dwellings when viewed from the street. The dwelling occupies a plot (excluding access) of some 21m by 34m, which in the context of the surrounding development represents a generous plot. Such a plot would facilitate the provision of a satisfactory layout and no objection is therefore raised to this aspect of the proposal.

RDG2 states that the space around all new development should be informed by the prevailing character of space around dwellings. Where there is a distinct character of development which creates an exceptionally strong pattern, development must not result in disruption to this pattern. The generous nature of the plot enables siting of the proposed dwelling on the plot in a position which would leave at least 1.5m between the dwelling and plot boundaries. This spaciousness is considered to be reflective of the character of development in the surrounding area and is considered to provide an acceptable layout within the plot. No objection is therefore raised to the proposal on this basis.

Concern is raised however in respect of the proposed location of the dwelling within the wider urban fabric which would depart from the established pattern of development in this area. The proposal clearly remains a form of backland development and as such is inconsistent with the form of development which generally characterises this area.

RDG3 states that within the existing built up area all new development should be informed by the prevailing building lines to the public realm it faces, without repeating poor forms of development. In seeking to ensure that all development conforms to existing building lines, this guidance effectively restricts the opportunity for backland development and the disadvantages that poorly executed backland development can bring.

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

In considering the previous application the location of a dwelling to the rear of the site was considered unacceptable because it was not be consistent with the overall character of the surrounding area but more importantly because in this location the proposal introduced residential development into an area where no such development has occurred in the past and where development was considered likely to result in noise and disturbance as well as visual intrusion.

The revised proposal remains a form of backland development and in policy terms such development remains unacceptable, however, in all proposals it is necessary to demonstrate that the proposed development is harmful to interests of acknowledged importance. In this instance it is considered that the most relevant interests are the amenity of the adjoining residents and the character and appearance of the area.

The remainder of this report will assess whether the proposed revisions to the scheme are sufficient to adequately mitigate the harm previously identified.

(i) The amenity of the adjoining residents.

In determining the previous application, it was concluded that the proposal was acceptable in terms of its impact on the amenity of adjoining residents in all respects other than the potential for noise and disturbance generated primarily by the need for vehicles to access the rear of the site. Concern was particularly raised in respect of the impact of such noise on the occupiers on the dwelling to the south.

In seeking to address this concern, the applicant has now realigned the proposed drive so that it is located at least 3m from the southern boundary of the site and has indicated the provision of a substantial planted strip between the drive and the boundary. It is considered that the new clarity on the alignment of the drive and the substantial planting are sufficient to satisfactorily mitigate the impact of the passage of vehicles to the rear of the site.

In addition, the relocation of the proposed garage is considered to similarly mitigate the impact of noise and disturbance in terms of the occupiers of the dwellings to the east of the site.

The proposed revisions are therefore considered sufficient to overcome this earlier reason for refusal.

(ii) The character and appearance of the area.

The National Planning Policy Framework (NPPF) states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF goes on to state that it is proper to seek to promote or reinforce local distinctiveness.

It is highly desirable that development contribute towards making the urban environment better for people. Concern over the impact of noise and disturbance on adjoining residents in the previous scheme led to the conclusion that the proposal

would not make a positive contribution to the area and consequently planning permission was refused.

In revising the scheme, the applicant has demonstrated that harm to local amenity can be mitigated and that whilst the proposal may not make the local area a better place for people, it will not have an adverse impact. The proposal would therefore be neutral in its impact.

Under these circumstances, it is no longer considered that an objection to the proposal based on conflict with the provisions of the NPPF can be sustained.

In terms of layout, it must be acknowledged that the area around the application site is characterised by frontage development. This form of layout is typical of most urban areas and as such the frontage development character does not serve to create a specific local distinctiveness which must be reinforced.

The siting of a dwelling to the rear of the site, whilst unusual in the context of the surrounding development, does not, in this instance cause any particular harm to the character and appearance of the area, or as stated above the amenity of adjoining residents. In this instance the proposed dwelling would not be visible in the street scene and would not therefore introduce a visually jarring feature into the street scene. The only part of the development being potentially visible from the street would be the proposed garage, the presence of which would not be unusual in a domestic curtilage and would not harm the character or appearance of the area.

Under these circumstances it is considered that the proposed revisions have adequately mitigated the disadvantages usually associated with backland development, and as such it is no longer considered that an objection to the proposal on the basis of Local plan Policy EC2, guidance at RDG3 or the provisions of the NPPF can be maintained.

Other matters

RDG 3 is also concerned with overshadowing and dominance of adjoining development. Given that the development is for a bungalow and given the size of the plot it is considered that it would be possible to design a dwelling that did not cause significant overshadowing of, or dominance towards, existing residential properties. No objection is therefore raised to the proposal on this basis.

RDG5 deals with privacy and living conditions. It states that primary windows should be provided to the principal elevations of dwellings and that obscure glazed or fixed windows will only be acceptable where the windows do not form primary light sources.

Although the proposal is in outline form the application makes it clear that it is intended to construct a bungalow. There are no significant changes in levels between the application site and neighbouring sites, so this form of development would be unlikely to cause undue loss of privacy to surrounding residents if all windows were provided at ground floor level only. It is considered that conditions could be imposed on the grant of any consent to ensure that no windows or glazed/opening areas were created at first floor level. Subject to such condition, no objection is raised to the proposal on the basis of RDG5.

RDG6 requires the provision of private amenity space in proportion to the size of the dwelling. 15m² per habitable room is suggested as an appropriate level of amenity space provision. Although the number of habitable rooms is not known at this stage, the layout shows that an amenity area of some 280m² would be provided which is likely to be sufficient for the scale of accommodation indicated.

The proposal would significantly reduce No.106's amenity space. That dwelling is believed to have nine habitable rooms which would require an amenity area of 135m². The property would have a retained amenity area in excess of this requirement which is considered to provide adequate levels of amenity for the retained dwelling. Therefore there is no objection to this aspect of the proposal.

Policy T8 of the current Local Plan requires the provision of car parking in accordance with adopted parking standards. These require the provision of two car parking spaces for properties with two or more bedrooms. RDG12 requires the car parking not to dominate the public realm.

The application shows car parking to the rear of the site which is considered to be adequate for at least two cars. The location of parking would be at the rear of the site and it is not considered that parking in this area would appear dominant in the public realm.

The host dwelling at No. 106 would similarly retain adequate parking provision within the site. Whilst this would be visible in the street scene, it is not considered that it would dominate the retained plot or the streetscape.

The Highway Authority has recommended that several conditions be imposed should planning permission be granted. Were permission granted, the local planning authority would not require the developer to implement a Travel Information and Marketing Scheme for sustainable travel due to the limited scale of the proposed development. Such a requirement is considered unreasonable in the context of a single dwelling. All other necessary conditions could however be attached to the grant of any consent.

RDG13 deals with refuse and recycling storage. Although this is a property with a garden so a facility for storage of refuse materials is not required, a location will need to be identified where the occupiers can present their refuse and recycling for collection without obstructing the highway. Were permission granted, a condition could be attached requiring details to be submitted showing where refuse materials will be presented for collection.

It is noted that the applicant has advanced arguments relating to housing land supply. It is accepted that the Council does not have a five year supply of housing land as required by the NPPF and that this proposal would provide an additional dwelling, which would contribute towards meeting identified need.

Conclusion

The proposed revisions to the layout have satisfactorily mitigated the reasons for refusal attached to planning application CPT/33/13/OUT and the development achieves all relevant design guidance and policy requirements.

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. The development hereby permitted may only be carried out in accordance with details of the scale and external appearance of the building(s) and the landscaping of the site, (hereinafter called "the reserved matters"), the approval of which shall be obtained from the Local Planning Authority before development is begun.
2. Application for the approval of the reserved matters shall be made to the local planning authority within three years beginning with the date of this outline permission.
3. The development hereby permitted shall be begun on or before whichever is the latter of the following dates- (a) the expiration of three years beginning with the date of the outline permission; or (b) the expiration of two years from the final approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.
REASON: The particulars submitted are insufficient for consideration of the details mentioned, and also pursuant to Section 92 of the Town and Country Planning Act 1990.
4. CON5
5. Prior to the commencement of the development hereby approved a detailed landscaping scheme shall be submitted to, and formally approved by, the Local Planning Authority. Such a scheme shall include planting plans, written specifications, including cultivation and other operations associated with plant and grass establishment, schedules of plants, noting species, plant sizes and proposed numbers / densities.
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.
6. Prior to the first occupation of the development hereby approved all landscaping works shall be carried out in accordance with the approved landscaping scheme.
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.
7. CON11
8. CON19
9. CON20
10. No development of the type specified in Classes A, B or C of Part I of Schedule 2 of the Town and Country Planning General Permitted Development Order 1995, as amended, shall be carried out without the formal planning consent of the Local Planning Authority.
REASON: In view of the relationship of the development hereby permitted with the adjoining properties and the need to ensure that control is exercised over any future extension of the development now approved in the interests of the amenities of the occupiers of those adjoining properties.
11. CON28
12. CON51

13. Prior to first occupation of the dwelling hereby approved details of the proposed location of a refuse collection point shall be submitted to, and approved by the Local Planning Authority.

REASON: In order to ensure the provision of appropriate on site refuse collection facilities.

14. Prior to the first occupation of the dwelling hereby approved, details of a vehicular turning facility within the application site shall be submitted to and approved by the Local Planning Authority. Such turning facility as is approved shall be constructed and surfaced prior to the first occupation of the dwelling and thereafter maintained free of obstruction at all times for that sole purpose.

REASON: To ensure the vehicles can enter and leave the site in forward gear, in the interests of highway safety.

15. Prior to the commencement of development on the site two vehicular hardstandings, each having dimensions of 2.9m by 5.5m shall be provided within the curtilage of No.106 Rectory Road and shall thereafter permanently maintained as such.

REASON: In order to ensure the provision and retention of appropriate parking provision to serve the needs of No 106 Rectory Road.

16. No unbound material shall be used in the surface treatment of the vehicular access within 6m of the highway boundary.

REASON: To avoid the displacement of loose material onto the highway in the interests of highway safety.

17. CON100

18. CON101

Item 4

Application Number:	CPT/550/13/FUL
Address:	BENFLEET WATER TOWER, 335 BENFLEET ROAD, BENFLEET (Boyce Ward)
Description of development:	INSTALLATION OF TWO 600mm DIAMETER TRANSMISSION DISHES
Applicant:	AVIAT NETWORKS
Case Officer:	MR K. ZAMMIT

Summary

The proposed development involves the installation of new telecommunications apparatus to an existing water tower.

It is considered that the proposal would not have an adverse impact on the appearance of the building and the wider area and it is recommended that permission be APPROVED.

An application for Listed Building Consent is at Item 5 of this agenda.

Site Visit

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

Introduction

The application relates to the Benfleet Water Tower, which no longer serves the purpose of water supply infrastructure and now hosts business uses and telecommunications apparatus.

The structure is located at the junction of Benfleet Road and Essex Way. It is a Grade II Listed Building, and located within the Green Belt.

The Proposal

Permission is sought for the installation of two new 600mm diameter dishes to the roof of the Water Tower. One dish would be located at the north western corner of the roof of the Tower and the other would be located on the southern side, about a quarter of the way from the western end to the eastern end. The dishes would be mounted on poles set approximately 900mm from the edge of the roof.

Supplementary Documentation

The application was accompanied by the following supplementary documentation:

- a design and access statement and
- a statement of conformity with ICNIRP public exposure guidelines.

All of which have been and are available to view on the Councils website.

Planning History

There is an extensive history of applications for telecommunications apparatus on this building, much of which is of no relevance to this case. It is worth noting, however, that two proposals for planning permission and listed building consent for the installation of antennas and equipment cabinets (CPT/467/05/FUL, 468/05/LBC, 442/06/FUL and 443/06/LBC) were refused and then subsequently dismissed on appeal, for eroding the building's special interest and being harmful to the openness, character and appearance of the landscape and the visual amenity of the surrounding area. In these cases the proposals included the provision of equipment on the face of the building and added considerably to the visual clutter of communications equipment on the structure which was considered unacceptable.

In January 2012, planning permission and listed building consent were granted for the replacement of 3 No. existing pole-mounted antennas with 3 No. new pole-mounted antennas and ancillary works, on the basis that the proposed installation would not have a significantly different visual impact on the area than the existing structure.

In April 2012, planning permission and listed building consent were refused for the replacement of 3 pole mounted antennas with 6 new pole mounted antennas and ancillary works, due to the detrimental impact on the special architectural interest of the water tower and the wider area.

In June 2012, planning permission and listed building consent were granted for a 600mm dish that was installed in place of what should have been a 300mm diameter dish. It was considered that the change from a 300mm to 600mm diameter dish did not give the tower or the equipment on it significantly greater prominence in the local area.

In April 2013, planning permission and listed building consent were refused for the replacement of three antennas with six antennas and installation of new 600mm diameter dish due to the detrimental impact on the special architectural interest of the water tower and the wider area.

In June 2013, planning permission and listed building consent were refused for the installation of 1 No. 1.2m diameter dish and 1 No. 0.6m diameter dish at a height of 30m and internal equipment cabinet (CPT/157/13/FUL, CPT/159/13/LBC) and granted for replacement of three antennas an installation of internal equipment cabinet (CPT/186/13/FUL, CPT/187/13/LBC)

From the history it can be seen that proposals which sought to increase the amount of equipment on the Tower were resisted, whilst proposals for the replacement of equipment were generally considered acceptable, where the proposal had no greater impact on the character and appearance of the Tower.

Relevant Government Guidance and Local Plan Policies

National Planning Policy Framework

Paras 42-46

Current Local Plan

CF16 – Telecommunications

Consultation

County Historic Buildings Adviser

Comments awaited.

Public Consultation

No responses received to neighbour notification, press and site notices.

Evaluation of Proposal

The main issue for consideration is the visual impact of the proposed installation, taking into account the site's location within the Green Belt.

Comment will also be made in respect of the health implications of the proposal.

Consideration of the implications of the proposal on the listed building can be found in the report attached to application CPT/551/13/LBC (item 5 on this agenda).

Visual impact

Paragraph 42 of the NPPF states that advanced, high quality communications infrastructure is essential for sustainable economic growth. The development of high speed broadband technology and other communications networks also plays a vital role in enhancing the provision of local community facilities and services.

Paragraph 46 of the NPPF states that local planning authorities must determine applications on planning grounds. They should not seek to prevent competition between different operators, question the need for the telecommunications system or determine health safeguards if the proposal meets International Commission guidelines for exposure.

Local Plan Policy CF16 states that in considering such proposals the Council will have regard to the visual impact of the structure on adjacent land uses, the impact on the landscape and the availability of alternative sites. Consideration will be given to the provision of large masts shared by several operators that would avoid the need for the erection of a multiplicity of smaller structures. This is generally consistent with paragraphs 43 to 46 of the NPPF.

The NPPF is silent on the provision of telecommunications apparatus in Green Belts.

The existing Tower is viewed from the nearby highways and the surrounding area and is a prominent feature in the landscape. The proposed two additional dishes would represent new items of telecommunications infrastructure, which would add to 'clutter' on the tower, however following negotiations the applicant has been able to

identify antennas and dishes currently located on the tower and the rooftop mast that are redundant and can be removed. This redundant equipment is considered to be more prominently located than the new dishes, which would be at parapet level and set back 900mm from the roof edge, thereby minimising their prominence when viewed from street level. Provided that the applicant removes the existing redundant equipment from the roof top, the proposal will improve the appearance of the building as a whole.

Subject to a condition requiring the removal of the equipment identified as being removed on the submitted drawings, it is considered that the proposal would represent betterment over the existing situation and no objection is raised on visual grounds.

Health

Paragraph 46 of the NPPF states that local planning authorities should not seek to determine health safeguards if the proposal meets International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines.

The application is accompanied by certification that the installation is designed to be in full compliance with ICNIRP guidelines. Accordingly, there can be no objection to the proposal on the basis of its perceived health impacts.

Conclusion

The proposed installation including the removal of existing equipment is considered to result in an improvement to the appearance of the water tower and accordingly no objection is raised to 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, subject to the following conditions

1. CON2 – Time limit
 2. The equipment identified for removal on drawing numbers SBW-09 and SBW-10 shall be removed from the structure prior to installation of the equipment hereby approved.
REASON: To prevent an excessive amount of telecommunications equipment being located on the building in the interest of the visual amenity of the area.
 3. CON102 – Application approved following revisions.
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Item 5

Application Number:	CPT/551/13/LBC
Address:	BENFLEET WATER TOWER, 335 BENFLEET ROAD, BENFLEET (Boyce Ward)
Description of development:	INSTALLATION OF TWO 600mm DIAMETER TRANSMISSION DISHES
Applicant:	AVIAT NETWORKS
Case Officer:	MR K. ZAMMIT

Summary

The proposed development involves the installation of replacement and additional telecommunications apparatus to an existing water tower.

It is considered that the proposal would not have an adverse impact on the appearance and special interest of this listed building and it is recommended that listed building consent be GRANTED.

An application for planning permission is at item 4 of this agenda.

Site Visit

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

Introduction

The application relates to the Benfleet Water Tower, which no longer serves the purpose of water supply infrastructure and now hosts business uses and telecommunications apparatus.

The structure is located at the junction of Benfleet Road and Essex Way. It is a Grade II listed building and located within the Green Belt.

The Proposal

Listed Building Consent is sought for the installation of two new 600mm diameter dishes to the roof of the water tower. One dish would be located at the north western corner of the roof of the tower and the other would be located on the southern side, about a quarter of the way from the western end to the eastern end. The dishes would be mounted on poles set approximately 900mm from the edge of the roof.

Supplementary Documentation

The application was accompanied by the following supplementary documentation:

- a design and access statement and
- a statement of conformity with ICNIRP public exposure guidelines.

All of which have been and are available to view on the Councils website.

Planning History

There is an extensive history of applications for telecommunications apparatus on this building, much of which is of no relevance to this case. It is worth noting, however, that two proposals for planning permission and listed building consent for the installation of antennas and equipment cabinets (CPT/467/05/FUL, 468/05/LBC, 442/06/FUL and 443/06/LBC) were refused and then subsequently dismissed on appeal, for eroding the building's special interest and being harmful to the openness, character and appearance of the landscape and the visual amenity of the surrounding area. In these cases the proposals included the provision of equipment on the face of the building and added considerably to the visual clutter of communications equipment on the structure which was considered unacceptable.

In January 2012, planning permission and listed building consent were granted for the replacement of 3 No. existing pole-mounted antennas with 3 No. new pole-mounted antennas and ancillary works, on the basis that the proposed installation would not have a significantly different visual impact on the area than the existing structure.

In April 2012, planning permission and listed building consent were refused for the replacement of 3 pole mounted antennas with 6 new pole mounted antennas and ancillary works, due to the detrimental impact on the special architectural interest of the water tower and the wider area.

In June 2012, planning permission and listed building consent were granted for a 600mm dish that was installed in place of what should have been a 300mm diameter dish. It was considered that the change from a 300mm to 600mm diameter dish did not give the tower or the equipment on it significantly greater prominence in the local area.

In April 2013, planning permission and listed building consent were refused for the replacement of three antennas with six antennas and installation of new 600mm diameter dish due to the detrimental impact on the special architectural interest of the water tower and the wider area.

In June 2013, planning permission and listed building consent were refused for the installation of 1 No. 1.2m diameter dish and 1 No. 0.6m diameter dish at a height of 30m and internal equipment cabinet (CPT/157/13/FUL, CPT/159/13/LBC) and granted for replacement of three antennas an installation of internal equipment cabinet (CPT/186/13/FUL, CPT/187/13/LBC).

From the history it can be seen that proposals which sought to increase the amount of equipment on the Tower were resisted, whilst proposals for the replacement of

equipment were generally considered acceptable, where the proposal had no greater impact on the character and appearance of the Tower.

Relevant Government Guidance and Local Plan Policies

National Planning Policy Framework

Paras 131, 133, 134 and 140.

Current Local Plan

EC33 – Alterations to Listed Buildings

Consultation

County Historic Buildings Adviser

Comments awaited

Public Consultation

No responses received to neighbour notification, press and site notices.

Evaluation of Proposal

The NPPF defines a heritage asset as a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage assets include designated heritage assets and assets identified by the local planning authority (including local listing).

A designated heritage asset is defined as a World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield or Conservation Area designated under the relevant legislation.

Paragraph 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to, or loss of, a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

Paragraph 133 states that where a proposed development will lead to substantial harm to, or total loss of significance of, a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and

- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use.

Paragraph 134 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Local Plan Policy EC33 states that additions or alterations to listed buildings will not be permitted if they would adversely affect the character, setting, architectural or historic interest of a listed building. This is generally consistent with paragraphs 131 to 134 of the NPPF.

There is already a significant level of telecommunications apparatus on the roof of this building. Previous decisions by this Authority and appeal decisions have highlighted that the existing telecommunications development on the building has eroded the building's special interest and that it would be undesirable to permit the installation of additional equipment that would further erode that interest.

The proposed two additional dishes would represent new items of telecommunications infrastructure, which would add to 'clutter' on the tower, however following negotiations the applicant has been able to identify antennas and dishes currently located on the tower and the rooftop mast that are redundant and can be removed. This redundant equipment is considered to be more prominently located than the new dishes, which would be at parapet level and set back 900mm from the roof edge, thereby minimising their prominence when viewed from street level. Provided that the applicant removes the existing redundant equipment from the roof top, the proposal will improve the appearance of the building as a whole.

Subject to a condition requiring the removal of the equipment identified as being removed on the submitted drawings, it is considered that the proposal would represent betterment over the existing situation and no objection is raised to the proposal on the basis of its impact on the building's special interest.

Conclusion

The proposed installation including the removal of existing equipment is considered to result in a less prominent array of telecommunications equipment on the building and therefore would have a positive effect in terms of the building's special interest as an item of water supply infrastructure.

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: GRANT LISTED BUILDING CONSENT, subject to the following conditions

1. The works to which this consent relates must be begun not later than the expiration of five years beginning with the date on which the consent is granted.
REASON: Imposed pursuant to Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
 2. The equipment identified for removal on drawing numbers SBW-09 and SBW-10 shall be removed from the structure prior to installation of the equipment hereby approved.
REASON: To prevent an excessive amount of telecommunications equipment being located on the building in view of its special interest as an item of water supply infrastructure.
 3. Upon completion of the works hereby approved, any damage caused to the building by the works shall be made good within three months in accordance with a scheme which shall first have been submitted to, and approved in writing by, the local planning authority.
REASON: In the interest of preserving the historic character of the building in accordance with Policy EC33 of the Borough Local Plan.
 4. CON102
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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
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

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

DEVELOPMENT CONTROL COMMITTEE

3rd DECEMBER 2013

Subject: Quarterly Enforcement Update
Report of the Head of Regeneration and Neighbourhoods
Case Officer Robert Davis

Introduction

This is the tenth quarterly enforcement report presented to the Development Control Committee in order to ensure that Members are aware of all formal planning enforcement action and investigations that have been undertaken by the Council's Planning Enforcement Officer.

The report commences with cases resolved informally and formally, follows this with cases where new enforcement action has been undertaken since the last quarterly enforcement update and concludes with those cases still outstanding.

Cases resolved informally and formally.

Shisha Lounge, 370 London Road, Hadleigh

The appeal in respect of the above site has now been determined and the enforcement notice upheld. The requirements of the enforcement notice have been fully met and the case is closed.

Orchard Place, Arterial Road, Thundersley

Members will recall that a breach of condition notice was issued on 23rd August 2013 in respect of the number of caravans on this site, which exceeded the levels permitted by the permission granted on appeal by the Planning Inspectorate. The number of caravans on the site has now been reduced in accordance with the requirements of the notice and the case is closed.

201 Cumberland Avenue, Thundersley

An enforcement notice in respect of the storage of vehicles and parking of commercial vehicles at the above residential property was issued on the 4th October 2012. An appeal against the notice was dismissed on 6th August 2013. The requirements of the notice have now been fully met and the case is closed.

638 High Road, Benfleet

The appeal decision in respect of an enforcement notice alleging a change of use of the above property from residential to use as a security system business has been determined. The Inspector supported the Council in considering that the business use had become the primary use of the property but as a matter of fact and degree concluded that the use of the property had been a mixed use for both residential and business purposes.

The Inspector felt that the notice could not be corrected to reflect this mixed use without risking prejudice to the appellant and therefore quashed the notice. However, he stated that it would be open to the Council to take further enforcement action if expedient to do so. When the appeal site visit took place the property was no longer being used in the manner that prompted enforcement action. The case is therefore now closed.

New Enforcement Action

Land east of Lychgate Farm, Arterial Road, Thundersley

An enforcement notice in respect of Green Belt land used for the storage of a static home, touring caravan, container and other miscellaneous items was issued on 7th November 2013. The notice requires the land to be cleared and the hard surfacing and fencing to be removed. The occupier has until 13th December 2013 to lodge an appeal.

Thistleyfield, r/o Orchard Place, Arterial Road, Thundersley

An enforcement notice was issued on 3rd October 2013 in respect of the use of this Green Belt site for the storage of vehicles, caravans, plant, containers and building materials. The notice requires the unauthorised use of the land to cease and all items stored on the land to be removed. No appeal has been lodged. The requirements of the notice must be met by 18th December 2013.

43 Ivy Road, Benfleet

An enforcement notice in respect of a storage container installed in the front garden of this residential property was issued on 5th November 2013. The notice requires the occupiers to remove the storage container by 6th February 2014 unless an appeal is lodged beforehand.

Outstanding Notices

48 High Road, Benfleet

Members will recall that the internal works required by the enforcement notice in respect of this premises have not been satisfactorily carried out. Negotiations failed to resolve the matter and a summons was duly issued. The Council presented its case on 18th October 2013 at Basildon Magistrates Court and the defendant pleaded not guilty. The defendant has requested that the case is heard in the Crown Court. A trial date has been set for 13th January 2014.

396 London Road, Thundersley

Members will recall that in recent years this site has been the subject of extensive enforcement action. Further breaches of the notice issued in December 2008 have been noted and legal proceedings against the individual responsible for the breach have commenced. The defendant pleaded not guilty at the initial hearing and a date for the trial was initially set for 30th September 2013.

However, the trial was deferred to enable the defendant to submit an application to vary his planning permission to allow more cars to be sold from the site. A payment of £2450.00 towards the Council's costs was also paid by the defendant.

The application for the variation of the condition has now been refused consent and the trial is set to proceed on 9th December 2013.

2 Waterside Cottages, Canvey Road

An enforcement notice in respect of a concrete base, outbuilding and high fence in the front garden of the above property, which is located in the Green Belt, was issued on the 22nd October 2012. The appeal was determined on 23rd October 2013 and the notice upheld. The occupiers have until 23rd January 2014 to comply with its requirements.

30 The Crescent, Benfleet

An enforcement notice in respect of an external staircase located to the side of a rear extension and first floor balcony was issued on 25th June 2013. No appeal has been lodged however in response to the notice two planning applications for alternative schemes were submitted for consideration.

The scheme that omitted the external staircase has been approved whilst the scheme that included an amended external staircase has been refused permission. An appeal in respect of the refused scheme has now been lodged. Further enforcement action in respect of the staircase has been suspended pending the outcome of this appeal.

Acres Way Great Burches Road, Thundersley

An enforcement notice in respect of an unauthorised residential use of part of the commercial kennels operating at this site was issued on 7th August 2013. The notice requires the residential use to cease, internal works within the building occupied to take place and several surrounding structures associated with the use to be removed. No appeal has been lodged and the occupiers are in the process of complying with the notice.

In the course of the enforcement investigation several structures erected without permission were noted on the site. Many of these are now immune from enforcement action. Action in respect of one large isolation block not immune from enforcement action has been deferred in order to allow the occupiers an opportunity to submit an application for its retention and the Council to consider this matter more fully.

1 Point Road, Canvey Island

An enforcement notice in respect of a change of use from residential to office (B1) at the above site was issued on 12th February 2013. No appeal has been lodged however a planning application for an alternative scheme has been approved. The applicant has until 18th March 2014 to comply with the notice or carry out the permitted works.

Yard off Fane Road, south of Lychgate Farm, Thundersley

On 10th April 2013 an enforcement notice was issued in respect of the storage of vehicles and the depositing, sorting and processing of materials at the above site. No appeal has been lodged. A site visit in September confirmed that good progress was being made in remediating the land and to assist the occupier in completing these works the compliance date was extended to 18th January 2014.

However, recent monitoring has indicated that the condition of the land has deteriorated. The occupier has been reminded that the requirements of the notice must be met and that failure to do so will result in legal action to secure compliance.

'Reditus', Keswick Road, Benfleet

An enforcement notice in respect of a material change of use of this land to a mixed use for the storage of commercial and domestic items and the stationing of a trailer for residential use was issued on 24th October 2011. The requirements of the notice were not met and the Council undertook legal proceedings against the occupier. The case was heard in the Crown Court and for technical reasons the defendant was found not guilty. A revised enforcement notice was issued on 13th June 2013. The occupier has appealed against the fresh notice and the matter is to be heard at Inquiry on the 9th June 2014.

Janda Field, Fane Road, Thundersley

Members will recall that planning permission for a change of use of this land to three Traveller pitches was refused consent at the Development Control meeting of 4th December 2012. An enforcement notice for the cessation of the use was subsequently issued on 5th December 2012. Appeals were lodged in respect of both the enforcement notice and the refusal of planning permission and a hearing took place on 1st May 2013. On 9th July 2013 the Secretary of State advised that he would be determining these appeals rather than an Inspector. The decision was expected on or before 28th October 2013 but to date no determination has been made.

'Danebury', Rhoda Road, Thundersley

An enforcement notice in respect of land used for the purposes of conducting a limousine hire business within the curtilage of a residential property in the Green Belt was issued on the 10th April 2012. The notice was appealed and dismissed. The operation of the limousine hire business has ceased to operate from the premises but the hardstanding and building associated with this use still remain. The period for compliance has now passed and the Council's next course of action in this matter is under review.

34 Crescent Road, Benfleet

An enforcement notice in respect of the construction of an outbuilding in the rear garden of the above property for residential use was issued on 7th December 2012. The notice required the unauthorised use to cease and the building to be removed. An appeal against the notice was dismissed on 9th October 2013. The residential use has now ceased and the occupier has until 9th February 2014 to remove the building.

196 High Road, Benfleet

An enforcement notice in respect of a barbers shop and a self contained two-bedroomed residential unit of accommodation was issued on 25th March 2013. An appeal has been lodged and the Inspector's site visit has taken place. A decision is awaited.

571 London Road, Hadleigh

Enforcement action in respect of three unauthorised dormers was upheld on appeal and successfully concluded in April 2012. However, the use of the site in connection with the motor trade and the stationing of a mobile home in the rear garden were not part of this action. These matters have now become the subject of a fresh notice issued on 28th January 2013. The vehicles have now been removed. The compliance date for the removal of the mobile home is 4th March 2014.

Land at Keswick Road, Benfleet

This site is located at the junction of Keswick Road and Church Road Benfleet. An enforcement notice for the removal of gates and a fence to the boundary of the site with Keswick Road was issued on the 9th March 2011. The notice was not complied with and legal proceedings to secure compliance were commenced. However, in the course of these proceedings interested parties the Council was not previously aware of came to light. The notice was therefore withdrawn. A fresh notice in respect of the fencing and gates was issued on the 11th July 2012.

A second notice in respect of the use of the land for the deposition and storage of materials and various items was also issued at that time. No appeals against these notices have been lodged and the notices have not been complied with.

Investigation of this matter has revealed that one of the land owners has died. Details of the executors of her estate have been obtained. The executors are cooperating with the Council and it is hoped that progress in this matter can now be made.