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AGENDA

Committee: DEVELOPMENT CONTROL

Date and Time: Tuesday 2nd October 2018 at 7.30 p.m.

Venue: Council Chamber

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

Membership: Councillors Hart (Chairman), Mumford (Vice Chairman), Acott, Anderson, Blackwell, Cole, Cross, Mrs Haunts, Johnson, Ladzrie, Sharp, Taylor and Mrs Wass.

Substitutes: Councillors Mrs Blissett, Dick, Palmer and Mrs Sach

Canvey Island Town Councillors : Greig and TBC

Officers attending: Rob Davis - Planning Development and Enforcement Manager
Kim Fisher-Bright – Strategic Developments Officer
Fiona Wilson – Head of Legal Services

Enquiries: Cheryl Salmon, ext. 2454

PART I (Business to be taken in public)

1. Apologies

2. Members' Interests

3. Minutes

A copy of the Minutes of the meeting held on 4th September 2018 is attached.

4. Public Speakers

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

5. Deposited Plans

The reports are attached.

	Application No	Address	Page No
1.	18/0531/FUL	92 High Road, Benfleet, Essex, SS7 5LG (Boyce Ward)	1
2.	18/0733/FUL	38 Atherstone Road, Canvey Island, Essex, SS8 7DE (Canvey Island South Ward)	9
3.	18/0039/FUL	Briar Cottage, Leige Avenue, Canvey Island, Essex, SS8 9PL (Canvey Island Winter Gardens Ward)	13
4.	18/0382/OUT	Chase Nurseries, The Chase, Thundersley, Benfleet, Essex (Cedar Hall Ward)	33
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DEVELOPMENT CONTROL COMMITTEE

4th SEPTEMBER 2018

PRESENT: Councillors Hart (Chairman), Mumford (Vice Chairman), Acott, Anderson, Blackwell, Mrs Blissett*, Cross, Dick*, Mrs Haunts, Johnson and Palmer*.

***Substitute Members Present:** Councillor Mrs Blissett for Councillor Cole, Councillor Dick for Councillor Sharp and Councillor Palmer for Councillor Taylor.

Also Present: Councillor Riley.

Apologies for absence were received from Councillors Cole, Ladzrie, Sharp and Taylor.

10. MEMBERS' INTERESTS

Councillor Acott declared a non-pecuniary interest in Agenda Item 5(b) as he knew the applicant's family however he did not know the applicant.

Councillor Mrs Blissett declared a non-pecuniary interest in Agenda Item 5(b) as she had previously considered the application as a member of the Canvey Island Town Council Planning Committee.

Councillor Cross declared a non-pecuniary interest in Agenda Item 5(b) as the applicant was known to him socially having attended a number of social occasions at which they had both been present. The applicant was regarded as an acquaintance and not a friend or close associate.

Councillor Dick declared a non-pecuniary interest in Agenda Item 5(b) as he knew the applicant's family however he did not know the applicant.

Councillor Mrs Haunts declared a non-pecuniary interest in Agenda Item 5(b) as the applicant was known to her socially having attended a number of social occasions at which they had both been present. The applicant was regarded as an acquaintance and not a friend or close associate.

Councillor Hart declared a non-pecuniary interest in Agenda Item 5(b) as the applicant was known to him socially having attended a number of social occasions at which they had both been present. The applicant was regarded as an acquaintance and not a friend or close associate.

Councillor Johnson declared a non-pecuniary interest in Agenda Item 5(b) as the applicant was known to him socially having attended a number of social

occasions at which they had both been present. The applicant was regarded as an acquaintance and not a friend or close associate.

Councillor Mumford declared a non-pecuniary interest in Agenda Item 5(b) as the applicant was known to him socially having attended a number of social occasions at which they had both been present. The applicant was regarded as an acquaintance and not a friend or close associate.

11. MINUTES

The Minutes of the meeting held on 7th August 2018 were taken as read and signed as correct.

12. DEPOSITED PLANS

(a) 18/0584/FUL – 65 HAWKESBURY ROAD, CANVEY ISLAND, ESSEX, SS8 0EY (CANVEY ISLAND WEST WARD) – SINGLE STOREY REAR/SIDE EXTENSION AND ALTERATIONS TO FRONT PORCH AND FENESTRATION – MR AND MRS MALCOLM PRICE

Permission was sought for a single storey rear/side extension and alterations to the front porch and fenestration. It was considered that the proposal was acceptable and the application was therefore recommended for approval

The application was presented to the Committee because the applicants were related to a member of staff.

Following consideration of the item it was:-

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

(b). 17/1063/OUT – GARDEN WORLD PLANTS LTD, CANVEY ROAD, CANVEY ISLAND, ESSEX, SS8 0QD (CANVEY ISLAND WEST WARD) – DEMOLITION OF EXISTING BUILDINGS AND CONSTRUCTION OF RESIDENTIAL CARE HOME COMPRISING OF 57 NO. UNITS – S HOWARD

The application sought outline permission for the erection of a part two storey, part three storey, 57 bedroomed nursing home with associated parking.

Consideration of the proposal under the provisions of the National Planning Policy Framework (NPPF) and adopted Local Plan identified that the proposal constituted inappropriate development in the Green Belt, which could only be justified if Very Special Circumstances could be identified, either individually or cumulatively, which outweighed the harm to the Green Belt.

The need for specialist residential accommodation had been identified as a circumstance to which consideration should be given; however, there had been no demonstration that this need could only be met on the application site. In the absence of a clear demonstration that the identified need could not be met

elsewhere it was not considered that this circumstance nor any others suggested by the applicant or identified by the Planning Authority either individually or cumulatively would justify inappropriate development in the Green Belt.

The proposal was therefore contrary to Government guidance as contained in the NPPF.

Furthermore, in the context of Government advice and the continuing work on the preparation of a new Local Plan, the proposal was considered to be premature.

In considering the principles embedded within the scheme, whilst the proposed materials and general form of development was considered acceptable in principle, it was considered that the specific scale of development proposed was excessive, resulting in a building of mean and cramped appearance and lacking the ability to satisfy the requirements of the Residential Design Guidance.

The proposal was therefore recommended for refusal.

The application was presented to the Development Control Committee as the applicant was related to a Member of the Council. Such action was in accordance with the provisions of the Council's adopted Constitution.

During debate Members generally disagreed with the Planning Officer's recommendation for refusal as they considered that the proposal was in accordance with the NPPF as it was on previously developed land. Furthermore the proposal was not considered to be premature in the context of the Local Plan as the site had consistently been included in previous draft versions of the Local Plan. The development was not considered excessive or over dominant to the surrounding area and Members felt that there was a need for this type of accommodation in the local area.

A Member expressed his agreement with the Planning Officer's recommendation as he felt that the development was against planning policy and was premature in the context of the Local Plan.

Following debate it was:-

Resolved - That the application be approved as it is on previously developed Green Belt land in accordance with the National Planning Policy Framework 2018 and because it is not considered to be premature as it has been recognised in previous draft versions of the New Local Plan and met an identified housing need.

Councillor Blackwell requested that his vote be recorded against the decision.

Chairman

ITEM 1

Application Number:	18/0531/FUL
Address:	92 High Road Benfleet Essex SS7 5LG (Boyce Ward)
Description of Development:	Demolish existing buildings and erect three storey building comprising 13No. flats
Applicant:	Jefferies Solicitors
Case Officer:	Mr Keith Zammit
Expiry Date:	5.10.2018

Summary

The application seeks permission for a redevelopment of this site with 13 flats. Having considered the proposal in the light of all relevant policies and guidance it is felt that there remains a number of shortcomings and the applicant is trying to squeeze too much development on the site. The application is therefore recommended for **REFUSAL**.

The application is presented to the committee at the request of Councillor Smith, due to possible concerns of overdevelopment of the site, overlooking of neighbouring properties and a lack of car parking.

Site Visit

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

Introduction

The application relates to a demolished former police station and its grounds located on the eastern side of High Road, between its junctions with Hillside Road and Queens Road. The site has a parallelogram shape with a frontage to High Road of approximately 43m and a depth of roughly 30m. The site is largely hard surfaced and rises to the rear. There is also a gentle rise to the north. There are two existing vehicular access points to High Road.

The site is in a mixed residential and commercial area. There are residential properties to the rear and sides of the former police station, with commercial premises to the west on the opposite side of High Road.

There is a zebra crossing outside the site, approximately three-fifths of the way between its northern and southern boundaries.

The Proposal

Permission is sought for a revised scheme for the redevelopment of the site with a three storey block of 13 flats (9No. 2 bed and 4No. 1 bed). The proposed building would have a width of approximately 33.8m and depth of approximately 13.8m with a staggered footprint.

The building would have a height of some 8.2m with an off-centre entrance feature to a height of some 9m.

A brick finish is proposed for the lower floors, with man-made slate for the upper floors and detailing elements in aluminium cladding (RAL 8028 – Terra brown)

Supplementary Documentation

A Design and Access statement and a Flood Risk Assessment have been submitted which are available to view on the council's website.

Planning History

February 2018 – permission refused to demolish existing buildings and erect three storey building comprising 13No. apartments (17/0968/FUL)

Relevant Government Guidance and Local Plan Policies

National Planning Policy Framework (July 2018)

Paragraphs 108-110, 127-130

Local Plan (1998)

EC2 – Design

T8 – Parking standards

Residential Design Guidance (January 2013)

RDG2 – Space around dwellings

RDG3 – Building lines

RDG5 – Privacy and living conditions

RDG6 – Amenity space

RDG11 – Landscaping

RDG12 – Parking and access

RDG13 – Refuse and recycling storage

Consultation

Anglian Water

Benfleet Sewage Works and the sewerage network have available capacity for foul flows. Discharge to Anglian Water's surface water network must be restricted to 5 litres per second (l/s). Request condition that surface water management strategy is submitted for approval.

Environmental Health

Informatives suggested relating to noise and dust control and noxious wastes.

Refuse and Recycling

No comments received

Essex County Council (SuDS)

Conditions requested relating to drainage

Essex County Council (Education)

No comments received

Essex County Council (Highways)

No objection subject to conditions

NHS England

No comments received

Public Consultation

Neighbour notification, press and site notices – the following comments have been made:

- o loss of light to properties across the road
- o loss of privacy to properties across the road
- o will construction noise be limited overnight or at weekends?
- o loss of privacy from roof terrace
- o increased parking in surrounding streets due to lack of on-site parking
- o local shops will suffer due to short stay spaces being used for parking
- o noise from future occupants of flats
- o protruding windows will worsen overlooking of nearby properties
- o overall size of building is overdeveloped and obtrusive, should be ground and first floor only
- o number of dwellings is excessive
- o lack of parking spaces
- o not in keeping with the area
- o would add to traffic in the area
- o problems with dust from the demolition work

Comments on Consultation Responses

- o the parking provision and impact of the development on surrounding residents is considered in the evaluation of the proposal
- o the proposal meets the council's design guidance with regard to levels of privacy and light across the road
- o Problems with dust from construction work is not a material consideration and is controlled under other legislation

Evaluation of Proposal

The main issue with this application is whether it overcomes the previous reasons for refusal, together with any new issues raised.

Reason 1

The proposed building, due to its bulk and mass, would appear out of keeping with the neighbouring form of residential development, would lack adequate setting and space around it, and due to the staggered building line in this location would appear unduly prominent in views from the north, to the detriment of the street scene, contrary to Policy EC2 of the Local Plan, RDG2 and RDG3 of the council's Residential Design Guidance and government guidance in the National Planning Policy Framework.

The design and access statement for this application mentions a 250mm height reduction of the proposal from that of the previous scheme, but this is not reflected in the submitted elevations which are notated with an overall height of 8.2m for the proposed building, rising to 9m for the off-centre entrance 'tower'.

A reduction in overall width of the building of approximately 1m is noted, and this now provides it with isolation spaces of 3.5m and 4.5m to each side. However, this is still short of the 8.5m required by RDG2 on space around buildings and, as its name suggest, this is guidance rather than policy and there will be other considerations to take account of when judging whether an acceptable form of development on the site has been achieved.

The design and access statement also mentions that the front roof terraces have been deepened, thereby setting the top storey slightly further back. Whilst it is acknowledged that this will slightly

lessen the presence of the top storey when viewed from ground level on the street in front of the building, the basic form of the structure has not altered.

The previous concerns remain in that the mass of the building would be too great and would represent an unacceptable contrast to the rhythm of neighbouring semi-detached houses. It is not considered that the proposal has changed enough to overcome this reason for refusal.

A particular concern of the previous scheme was that when viewed from the north, travelling south along High Road, the flank wall of the proposed building would be a highly prominent feature and unduly imposing in the street scene. It is accepted that there is a staggered building line on this side of High Road but the sides of the existing semi-detached houses that are visible in the street scene do not appear unduly prominent.

The current proposal, as with the previous scheme, would project 6m forwards of the front wall of the dwelling to its north. Whilst the side isolation space has been improved by 0.5m it would be located only 3.5m away from the boundary, which is 3m closer than the former building. Combined with its angular three storey design the massing of the proposal would be significantly greater than a traditional two storey pitched roof building and appear poorly integrated with the area.

Reason 2

The proposal would lead to overlooking of the properties to the rear of the site from the second floor roof terraces and would lead to overlooking of the adjoining garden to the south from the Juliet balcony to bedroom 2 of flat 13. It would not be possible to mitigate this overlooking in a satisfactory manner and the proposal would therefore be contrary to RDG5 of the council's Residential Design Guidance and government guidance in the National Planning Policy Framework.

The balconies and rear windows of the second floor flats have been modified. The two roof terraces would now be enclosed by walls with obscure glazed screens inserted, but still open to the sky. This would provide outdoor amenity space without leading to overlooking of surrounding properties. As roof terraces go, it is considered that these would offer a reasonable outdoor space for occupants. However, it is not normal for outdoor terraces to be completely enclosed without any outlook or view and it is felt that such an arrangement is an indication of too much development being proposed on the site.

The rear fenestration of the second storey of the building has been altered so that the windows are now angled across the site in order to achieve the 15m distance to the rear boundary required by the council's design guidance. If the windows faced directly towards the rear boundary only a distance of some 9m to 10m could be achieved.

This is an interesting design solution however the arrangement is felt to be somewhat contrived resulting in several unattractive second floor projections from the main elevation of the building. Furthermore the bedroom window to flat 13 is still not capable of complying with the design guidance which has led to it being shown as fixed shut and obscure glazed.

RDG5 advises that obscure glazing is not suitable for primary windows such as a bedroom as this is a contributory factor to poor living conditions for occupiers. This represents an objection to the proposal.

The combination of the convoluted rear window design, enclosed outdoor amenity space and need for obscure fixed shut glazing to a bedroom window is considered to be indicative of the overdevelopment of the site.

Whilst there is no objection in principle to the use of angled window designs on buildings, in this particular case it was not part of an original design concept and has been introduced in an attempt to make the proposal comply with design guidance in response to a previous objection. Its introduction is also an indication that the developer is simply trying to get too many units of accommodation on the site.

The site was identified in the 2017 Strategic Housing Land Availability Assessment (SHLAA) as being suitable for approximately six flatted units. Following recent revisions in the 2018 NPPF it is now considered that the site might be capable of providing 10 units.

Whilst the new NPPF places greater emphasis on the effective use of land for housing and advises that decisions should ensure that developments make optimal use of the potential of each site, it is still a requirement of the NPPF that decisions makers take into account the importance of securing well-designed, attractive and healthy places. Paragraph 123 c) of the framework clearly states that when considering applications for housing, authorities should take a flexible approach in applying policies or guidance as long as the resulting scheme would provide acceptable living standards. It is not considered that 13 units can be satisfactorily accommodated on the site.

Reason 3

The proposed first floor flats and flat 11 on the second floor are not considered to have access to satisfactory outdoor space either in the form of balconies or a communal garden. The proposed development is not located in close proximity to any public open space that occupants might make frequent use of and as a consequence the proposal would offer a poor level of amenity for future occupiers and is contrary to RDG6 of the council's Residential Design Guidance.

The current proposal, in comparison to the refused scheme, has reduced private spaces for some flats, increased provision for others, and increased communal provision.

The current breakdown of amenity space is now as follows:

Apartment 1:	25m ² private garden	Ground floor
Apartment 2:	25m ² private garden	
Apartment 3:	27m ² private garden	
Apartment 4:	54m ² private garden	
Apartment 5:	3m ² balcony	First floor
Apartment 6:	5m ² balcony	
Apartment 7:	5m ² balcony	
Apartment 8:	5m ² balcony	
Apartment 9:	5m ² balcony	
Apartment 10:	5m ² balcony	
Apartment 11:	6m ² balcony	Second floor
Apartment 12:	20m ² roof terrace and 16m ² roof terrace	
Apartment 13:	18m ² roof terrace and 21m ² roof terrace	

Apartments 1 to 4 on the ground floor are considered to be well-served by private amenity areas, as are apartments 12 and 13 on the second floor. Apartments 5 to 11 have smaller balconies but these would be supplemented by communal space of some 150m². Whilst a communal area for seven flats would normally be expected to be at least 175m², the fact that the apartments additionally have balconies is considered to reduce communal need and therefore the proposed arrangement is acceptable and the apartments are considered to have adequate outside space.

Reason 4

The application proposes attenuated discharge of surface water to the surface water sewer, however there is no evidence of permission in principle from the relevant water authority to connect to the surface water sewer. Furthermore, no drainage plan has been provided to show the location and sizing of any drainage features and any exceedance routes. The local planning authority are not satisfied that the development could be carried out without leading to the inappropriate discharge of surface water and the proposal would therefore be contrary to government guidance in the National Planning Policy Framework.

The Lead Local Flood Authority (LLFA), who in this case is Essex County Council, have not raised an objection to the current scheme but have requested conditions requiring submission of a surface water drainage scheme for the finished development and a scheme to minimise risk of off-site flooding from surface water and ground water during construction works. Additionally, conditions have been requested requiring details of maintenance arrangements for the surface water drainage.

This is considered to be a valid request as otherwise the development could lead to flooding of surrounding land or a degradation with time of the efficiency of any drainage system. Subject to the conditions requested by the LLFA it is considered that the proposal overcomes this objection.

In addition to the above it is also necessary to consider whether any other issues require evaluation against the rest of the council's policies and guidance.

RDG11 requires developments of flats to be provided with appropriate hard or soft landscaping, including native species suitable to the location and climatic conditions, or promoting biodiversity, and appropriate in respect of growth habits.

The external areas appear to be laid to lawn bound by hedging. Five cherry trees would be planted in the communal amenity space and six birch trees to the site frontage, which is an improvement on the previous proposal and would provide visual relief from the built form. Were permission granted, a condition would be imposed to require the implementation of a tree planting scheme. Subject to such a condition there is no objection on the basis of RDG11.

Policy T8 requires the provision of parking in accordance with the council's adopted standards. The currently adopted standards are the 2009 County Parking Standards which require the provision of one space for one-bedroomed properties and two spaces for properties with two or more bedrooms. Parking spaces should have dimensions of 2.9m by 5.5m. Unallocated visitor parking should be provided at a rate of 0.25 spaces per dwelling, rounded up to the nearest whole space.

RDG12 requires parking not to be visually dominant or have an adverse impact on residential amenity. All forms of parking should allow for space to move around vehicles facilitating access for loading and unloading, cleaning and repair of vehicles. Access to all forms of development must be safe and convenient for all users, and the design, size, orientation and location of parking spaces should enable the spaces to be utilised conveniently and must not deter vehicles from using them. The size and layout of all forms of parking should reflect current adopted vehicle parking standards.

Application of the parking standards to this development is as follows:

4 x 1 bed flats = 4 spaces

9 x 2 bed flats = 18 spaces

Visitors $0.25 \times 13 = 3.25 = 4$ spaces

Total 26 spaces

The application proposes a 13-space car park. The proposal is therefore providing one space per flat with no visitor parking, which is half the figure of 26 spaces derived from application of the council's parking standards.

However, in sustainable locations with good access to public transport and services the planning authority usually takes a more flexible approach and allows one parking space per flat (any number of bedrooms) and no visitor parking.

The site is 0.4 miles/0.65km from Benfleet Railway Station, is served by bus and is located within walking distance of local shops. This is therefore considered to be a sustainable location where non-car owners could live and reduced amounts of off-street parking would be appropriate.

In visual terms the parking provision for this development is mostly underneath and to the rear of the building so it would not have any detrimental impact on the streetscene. The layout of the car park is broadly in accordance with the council's adopted parking standards and acceptable. It is not considered that the parking would adversely affect the amenity of surrounding residents.

There is therefore no objection to the proposal on the basis of Policy T8 and RDG12.

RDG13 requires the provision of safe, adequate and suitable means of refuse and recycling storage. The council's refuse and recycling service previously commented that the area for bins would not be large enough and it was not clear how collection crews would have accessed bins behind the garage door.

The proposed storage is now outside which overcomes the matter of the garage door being in the way. Comments are awaited on the adequacy of the size of the store.

Conclusion

The proposal has been found to overcome reasons 3 and 4 of the previous refusal, but not reasons 1 and 2, which remain as objections to the development. Whilst the proposal would provide housing on a brownfield site it is not considered that the apartment block would integrate satisfactorily with its surroundings and too many units are being proposed.

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 building, due to its bulk and mass, would appear out of keeping with the neighbouring form of residential development, would lack adequate setting and space around it, and due to the staggered building line in this location would appear unduly prominent in views from the north, to the detriment of the street scene, contrary to Policy EC2 of the Local Plan, RDG2 and RDG3 of the council's Residential Design Guidance and government guidance in the National Planning Policy Framework.
- 2 The lack of outlook from bedroom 1 of apartment 13, in combination with the contrived rear window design of the other rear facing bedrooms, and the need for the second floor rear roof terraces to be completely enclosed, is considered to be indicative of overdevelopment of the site and contrary to RDG5 of the council's Residential Design Guidance and government guidance in the National Planning Policy Framework.

Informatives

- 1 The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal.

ITEM 2

Application Number:	18/0733/FUL
Address:	38 Atherstone Road Canvey Island Essex SS8 7DE (Canvey Island South Ward)
Description of Development:	Demolition of existing conservatory and construction of a single storey rear extension
Applicant:	Mr & Mrs Tom Skipp
Case Officer:	Miss Genny Middlemast
Expiry Date:	11.10.2018

Summary

Permission is sought for a single storey rear extension. It is considered that the proposal is acceptable and the application is therefore recommended for **APPROVAL**.

The application is presented to committee because the applicant is an elected member of the Council.

Site Visit

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

Introduction

The application site is located on the northern side of Atherstone Road, some 125m west from its junction with Labworth Road. It is occupied by a semi-detached bungalow that has been extended with a conservatory across the width of the rear elevation. The frontage of the property is partially hard surfaced and provides two parking spaces with satisfactory vehicular access to the highway.

The Proposal

Permission is sought for the demolition of the existing rear conservatory and construction of a single storey rear extension to serve as a kitchen/diner. The proposal measures 5.2m deep, 4.2m wide and has a hipped roof 4.6m high. The existing kitchen is to become a bathroom and the existing bathroom a utility room. The exterior of the extension is to be finished with magnolia rendering to the walls and plain brown concrete roof tiles to match the existing property. Windows and doors are to be white UPVC.

Supplementary Documentation

This application is not accompanied by any supplementary documentation.

Planning History

No Relevant History

Local Plan Allocation

Residential

Relevant Policies and Government Guidance

National Planning Policy Framework

Local Plan (Adopted 1998)

EC2	Design
H17	Housing Development – Design and Layout
T8	Car Parking Standards

Residential Design Guidance (Adopted 2013)

RDG2	Space Around Dwellings
RDG3	Building Lines
RDG6	Amenity Space
RDG8	Detailing
RDG12	Parking and Access

Consultation

No responses have been received from statutory consultees or neighbours.

Comments on Consultation Responses

None

Evaluation of Proposal

This proposal raises no significant issues however the key considerations are its design, impact on neighbours and whether it provides enough amenity space and parking provision.

Design

Policy EC2 of Castle Point Borough Council's Adopted Local Plan explains the high standards of design expected in relation to existing buildings within the Borough. Particular attention is paid to the scale, density, siting, design, layout and materials of any development which shall be appropriate to its setting and which should not harm the character of its surroundings. This policy is consistent with paragraphs 126 – 127 of the National Planning Policy Framework.

RDG2 requires development to be informed by the prevailing character of space around dwellings and where there is no clear pattern of development provide at least 1m between properties and the boundary.

RDG8 requires all detailing elements to be consistent with the overall approach of the dwellinghouse. Developments must not be prominent, dominant, alien or incongruous which detract from the visual appearance of the dwelling.

The northern side of Atherstone Road's streetscene is predominantly made up of semi-detached bungalows. Opposite the application property, on the southern side of Atherstone Road, are a row of three detached dwellings. Many of these dwellings have been extended up to the boundary at ground floor level.

The proposal does not extend past the flank wall of the property and would not be capable of being viewed from the street. The design of the hipped roof reflects that of the existing dwelling.

The exterior of the extension is to be finished in materials to match the existing property with magnolia rendering for the walls, plain brown concrete roof tiles and white UPVC windows and doors.

No objection is raised to the proposal on the basis of its design.

Amenity Space

Policy RDG6 in the Residential Design Guidance Policy states that amenity space should cater for all the outdoor needs of all occupiers and that development involving individual dwellings should be provided with at least 15m² amenity space per habitable room.

The existing dwelling has 4 habitable rooms requiring a minimum of 60m² of amenity space. Whilst extending the footprint of the dwelling the proposal would not increase the number of habitable rooms.

The application property provides well in excess of 60m² amenity space and is fully compliant with RDG6.

Neighbour impacts

The Residential Design Guidance policy RDG3 requires proposals to respect established building lines whilst not resulting in excessive overshadowing or dominance to any elevation of an adjoining dwelling.

The attached neighbour has a staggered rear wall and the proposal would extend past this by between 5.2m and 2m. The proposed extension is set back from the party boundary by 3.7m which is sufficient to mitigate any concerns officers have over its impact on this neighbour.

To the east the proposal extends 1.4m beyond the rear wall of the neighbouring property, which is satisfactory in terms of RDG3.

Parking

Policy T8 of the current Local Plan requires off-street parking to be provided in accordance with County parking standards, which require a minimum of two spaces, having a bay size of 5.5m by 2.9m each, to be provided for properties with two or more bedrooms. Garaging will only be considered as part of the provision where they measure 7m x 3m internally. This information is consistent with paragraph 105 of the NPPF which requires local planning authorities to set such standards to reflect local circumstances.

RDG12 in the Residential Design Guidance policy explains that parking must not dominate the public realm or have an adverse impact on the visual or residential amenity.

The site currently has a partially paved frontage with vehicular access to the highway and provides two parking spaces. The proposal has no impact on the existing parking situation and therefore no objection is raised to the proposal under Policy T8.

Conclusion

The proposal is consistent with all relevant national and local planning policies and meets the requirements of the council's Residential Design Guidance. It is therefore recommended that permission be granted.

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

My Recommendation is Approval with the following conditions

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

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

- 2 The materials used in any exterior work shall be of similar appearance to the materials used in the construction of the exterior of the existing dwellinghouse.

REASON: In the interest of visual amenity.

- 3 Finished ground floor levels within the extension shall be set no lower than finished ground floor levels within the existing building.

REASON: To ensure that occupiers of the dwelling are not placed at increased risk given that the site is liable to flood.

Informatives

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

ITEM 3

Application Number:	18/0039/FUL
Address:	Briar Cottage Leige Avenue Canvey Island Essex SS8 9PL (Canvey Island Winter Gardens Ward)
Description of Development:	Demolition of existing cottage and erection of 11No. self-contained flats and car-parking
Applicant:	Homestead PLC
Case Officer:	Ms Kim Fisher
Expiry Date:	09.11.2018

Summary

The proposal seeks outline consent for the provision of 8 two bedroomed maisonettes and 3 two bedroomed flats, arranged over three-floors with associated parking, refuse and cycle storage facilities, on land at the southern end of Leige Avenue and west of the junction of Central Wall Road and Meppel Avenue.

The proposed development of the site with flats is acceptable in principle, however the proposal is considered to represent overdevelopment of the site, by reason of its scale, and form, which results in a visually cluttered and unduly prominent feature on the street, of mean and cramped appearance and likely to have an adverse impact on the amenity of adjoining residents, by reason of undue overshadowing and dominance.

Site Visit

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

Introduction

The site is located on the southern side of Leige Avenue, immediately to the north of Central Wall Road and west of Meppel Avenue. The site currently hosts a detached chalet bungalow and an area of open land originally acquired by Essex County Council for highway purposes but later sold to the owner of the dwelling on the site 'White Lilacs'.

The site has an irregular shape with a maximum width of some 84m to Central Wall Road and a depth of some 17m. It is served by an unadopted private road some 4m in width.

Immediately to the north of the site is detached house on the west side of Leige Avenue, with a detached Chalet on the east side. To the west the site is abutted by the curtilage of a detached house.

The western and part of the northern boundary of the site is bounded by tall Leylandii trees whilst the southern boundary is lined by a row of shrubby deciduous trees, all of which will be removed to facilitate the proposed development.

The Proposal

The proposal seeks consent for a part pitched roofed, part flat roofed, three storey building comprising eight two storey maisonettes with three flats in the roof.

The proposed building would have a width to Central Wall Road of some 38m and a depth of some 15m. It would be set a minimum of 2.2m from the southern (highway) boundary of the site, some 3.5m from the western boundary and approximately 40m from the eastern boundary.

The scheme would provide 17 car parking spaces. A bicycle store is shown close the southern boundary of the site but no details of the number of bicycle parking spaces to be provided has been submitted.

A bin store is located adjacent to the northern boundary of the site.

Vehicular access to the development will be obtained from Leige Avenue with pedestrian access also available for Central Wall Road.

Surface water is proposed to be directed using gullies and falls to an attenuation tank below the car park with controlled flow to the existing surface water system.

Supplementary Documentation

The applicant has submitted the following supplementary documentation:

- Design and Access Statement
- Flood Resistant Design and Construction Statement
- Structural Design Summary (Hydrodynamic and Hydrostatic analysis),
- Flood Risk Assessment
- Groundsure Flood Report
- Materials Schedule
- Sequential Test Report
- Flood Response Plan
- SuDS Checklist

All of which are available to view on the Council's website.

Planning History

Planning permission for the construction of a two storey block of flats providing 2 one bed roomed flats and 4 two bed roomed flats was refused on the 1st April 2013 (Reference CPT/606/13/FUL). The subsequent appeal was however allowed on September 2nd 2014.

Planning permission for the construction of a two storey block of flats providing 4 flats (application number: CPT/498/12/FUL) was refused but subsequently allowed on appeal on the 29th May 2013.

Planning permission was refused in March 2006 for 10 two bed and 2 one bed flats in 2 three storey blocks under planning reference CPT/626/05FUL. The grounds of refusal related to the height, mass and bulk of the proposal' and the likely loss of amenity that would occur to neighbours resulting from increased traffic movements along Leige Avenue. The subsequent appeal was dismissed.

In dismissing the appeal the Inspector made specific reference to the characterisation of the adjoining area by two storey development and the detrimental impact that the proposed three storey development would have on the character and appearance of the area.

Planning permission was refused in November 2004 for 6 two bedroomed flats and 6 one bed roomed flats in 2 two storey blocks, under Reference CPT/664/04/FUL. The grounds of refusal related to highway matters only.

Essex County Council approved planning permission for a single detached dwelling and garage, car parking and associated landscaping, under Reference CPT /798/91 & CC/CPT /12/91, on the eastern side of the current application site in 1991.

The remainder of the history relates mainly to extensions and alterations to the existing property, Briar Cottage, which is located on the western side of the site. This is of no relevance to the current application.

Local Plan Allocation

The site is allocated for residential purpose on the adopted Local Plan.

Relevant Policies and Government Guidance

National Planning Policy Framework (NPPF)

Introduction:

Paragraphs 2, 3, 6

Achieving sustainable development:

Paragraphs 7, 8, 10, 11, 12

Decision Making:

Paragraphs 38, 47, 54, 55, 56

Delivering a sufficient supply of new homes:

Paragraph 62,

Promoting sustainable transport:

Paragraphs 105, 106, 108, 109, 110, 111

Making effective use of land:

Paragraphs 117, 118, 121, 122, 123

Achieving well-designed places:

Paragraphs 124, 127, 130

Meeting the challenges of climate change, flooding and coastal change:

Paragraphs 150, 153, 155, 158. 159, 160, 161, 163

Ecology:

Paragraphs 170, 175, 177, 178, 180, 181

Castle Point Borough Council Local Plan (Adopted November 1998)

- EC2 Design
- EC3 Residential Amenity
- EC4 Pollution
- EC5 Crime Prevention
- H9 New Housing Densities

H10 Mix of Development
H11 Accessible and Wheelchair Housing
H13 Location of Development
H17 Housing Development – Design and Layout
T8 Car Parking Standards
CF14 Surface Water Disposal

Residential Design Guidance (Adopted January 2013)

RDG2 Space around Dwellings
RDG3 Building Lines
RDG5 Privacy and Living Conditions
RDG6 Amenity Space
RDG7 Roof Development
RDG8 Detailing
RDG10 Enclosure and Boundary Treatment
RDG12 Parking and Access
RDG13 Refuse and Recycling Storage
RDG15 Design Codes
RDG16 Liveable Homes

Other Guidance/Policy

Essex Planning Officers Association Vehicle Parking Standards September 2009 (Adopted June 2010)

Developer Contributions Guidance Supplementary Planning Document (Adopted October 2008)

Strategic Housing Market Assessment (May 2016 Addendum 2017)

Strategic Housing Land Availability Assessment Update (March 2017)

Planning Minister Statement (25th March 2015)

Written Ministerial Statement (WMS), 'Planning for Growth' (March 2011)

Technical Housing Standards (March 2015)

DEFRA Non-statutory technical standards for sustainable drainage systems (March 2015)

Consultation

Environmental Health Officer

No objection subject to conditions

Street Scene/Recycling Officer

No objection subject to the door of the bin store being a minimum of 1m wide to facilitate removal of bins.

Canvey Island Town Council

Objects to the proposal for the following reasons:

- The restricted entrance and exit to the site by means of a small road, detrimental to the surrounding residents

- Impeding of traffic movement due to the potential volume of additional vehicles.
- Overdevelopment of the site.
- Inadequate parking spaces and the subsequent impact to the surrounding area.

Essex County Council - Lead Local Flood Authority

No Objection. Requests advisory be appended to the grant of any consent in respect of a discharge agreement with Anglian Water and subject to conditions.

Environment Agency

No objection subject to conditions. Proposal provides refuge above the 1:1000 flood event level. High confidence site is not vulnerable to flood risk from a main river watercourse.

Anglian Water

Adequate capacity within foul drainage system.
No comment in respect of surface water discharge.

Essex County Council – Education

Below threshold for contribution.

Essex County Council – Highways

No objection subject to conditions.

Environmental Health

No objection. Informatives suggested.

Public Consultation

Responses have been received from the following addresses:

Gainsborough Avenue:	16
Haven Road:	34
Link Road:	130
May Avenue:	18D
Fenwick Way:	3, 7, 11 (x3), 15, 18
Leige Avenue:	Rose Cottage, 2,

These raise the following issues:

- Overdominance
- Out of character
- Loss of privacy
- Loss of light
- Lack of accessible shops
- Lack of public transport
- Site is located within a flood zone
- Inadequate highway infrastructure
- Inadequate access for emergency vehicles
- Inadequate drainage
- Inadequate parking
- Increased traffic and congestion
- Concerns over safety arising from increased on street parking and greater use of Leige Avenue
- Increased pollution
- Inadequate social infrastructure to support new residents

Comments on Consultation Responses

All relevant comments will be considered in the evaluation of the proposal.

Evaluation of Proposal

The issues to be considered are the principle of a flatted development on this site, the density and mix of proposed housing, design and layout (including consideration of highways and car parking), drainage and flood risk, ecology and trees, amenity, social infrastructure and pollution.

The Principle of Development

The site is located within an area allocated primarily for residential purposes in the adopted Local Plan. There can therefore be no objection to the principle of residential development on this site.

Consideration must however be given to the question of whether the form of development proposed is acceptable.

The proposal comprises 8 two storey dwellings which in isolation would constitute a development of terraced properties. However, the Building Regulations 2000 (SI 2000 no.2531) define flats as follows:

‘A flat is a separate and self-contained premises constructed or adapted for use for residential purposes and forming part of a building from some other part of which it is divided horizontally.’

In other words, flats have to be contained within a dwelling with at least two storeys. Flats include maisonettes; maisonettes are flats containing more than one storey. (Source: Definition of general housing terms: DCLG 2012).

Within the proposed scheme, the third floor is comprised of three flats. The provision of these flats has the effect of converting the accommodation on the lower floors to maisonettes, which are defined by the Government as flats.

All policies applicable to proposals for flats are applicable in this case.

Policy H13 of the Adopted Local Plan considers the principle and location of flatted development and provides criteria on design, scale and siting. This policy is considered generally consistent with the NPPF.

The policy specifically states that proposals for flats should be located on main roads.

Whilst the proposed development would be served from Leige Avenue. The scheme has been designed to relate to Central Wall Road which is a main road and one of the major distributors on Canvey Island.

Whilst it is recognised that the proposed development would also share a frontage with Leige Avenue, which is a residential street and not a major route the existence of flats in such context is not unusual, indeed flats fronting Central Wall Road exist to the west of the application site which are served from minor residential roads and adjacent to two storey development at the rear. As such it is not considered that an objection based on the relationship between flats and development on adjoining frontages can be sustained on appeal.

Furthermore it should be noted that the principle of flats has twice been approved on this site by the Planning Inspectorate, in 2013 and 2014.

There has not been a material change in the planning circumstances of the site in the intervening five years and it is therefore considered that these approvals represent a material consideration in the determination the current application to which some weight must be attached.

Under the circumstances it is not considered that an objection to the principle of flats on this site can be sustained. No objection is therefore raised to this form of development on the site.

Whether the scale of the development proposed is equally acceptable will be determined in an assessment of the proposal against all other relevant policies of the adopted Local Plan and the associated guidance

Density and Mix of Housing

The NPPF now exhorts Local Planning Authorities to achieve higher densities, in appropriate circumstances and consistent with the character of the area, in order to achieve the effective use of land and contribute towards satisfying the need for housing.

Policy H9 of the current Local Plan, requiring the optimum density of development to be achieved on any site, is considered to be broadly consistent with this requirement. The optimum number is generally defined as the quantum of development that can be achieved whilst providing an attractive layout and without causing harm to the surroundings.

Whilst broadly consistent with paragraph 127 bullet c of the NPPF, Policy H9 is somewhat vague and a better test of whether the density of the development is appropriate is assessment of the proposal against the Council's Residential Design Guidance, which will be undertaken later in this report.

Policy H10 of the adopted Local Plan states that in all residential developments the Council will seek an appropriate range of dwelling types. This also a vague policy which is inconsistent with the requirements of paragraph 122 of the NPPF which requires local planning authorities to identify the need for different types of housing to current and future demographic trends, market trends and the needs of different groups in the community.

The most up to date local evidence of need in respect of the mix of development on sites is the 2017 Addendum to the 2016 Strategic Housing Market Assessment (SHMA May 2016). This identified that for the Castle Point area, in the period 2014 – 2037, 32% of new dwellings should be 1 and 2 bedroomed properties and 68% of new dwellings should be 3 and 4+ bedroomed properties.

The proposed development consists of a mixture of one and two bedroomed units, the provision of which will meet an identified need.

Under the circumstances the proposal is considered to satisfy the requirements of Policy H10 of the adopted Local Plan.

Design and Layout

Policy EC2 of the current Local Plan requires a high standard of design in all new buildings. This is consistent with paragraphs 124 and 127–128 and 130 of the NPPF.

EC2 specifically states that the scale, density, siting, design, layout and external materials of any development, shall be appropriate to its setting and should not harm the character of its

surroundings; that the appearance and treatment of spaces around buildings should be enhanced by appropriate hard and soft landscaping and all modes of movement are to be safe and convenient.

In terms of scale, the proposed flats would be part two storey and part three storey in form with a maximum ridge height of some 11.5m, reducing to 8.6m on the western wing and 7.2m to the east.

Whilst the two storey elements are broadly similar in height to adjoining two storey development, the larger three storey element is substantially larger than the development immediately adjoining and would appear as a somewhat incongruous and overdominant feature in the street scene, the impact of which would be exacerbated by the length of the building and its proximity to the southern boundary of the site.

Whilst it is acknowledged that a three storey building incorporating flats at first and second floor level are present to the north-east of the application site, within St Paul's Court, that building is less embedded amongst smaller buildings than that proposed on the application site and shares a much more spatially generous relationship with its neighbours. Within the more constrained limits of the application site the proposed building appears overly dominant of the street scene, out of character with, and detrimental to, the character and appearance of the area, contrary to both national guidance and local policy. An objection is raised accordingly.

It may be recalled that in dealing with a proposal for 3 storey flats on this site in 2006, the Inspector also considered the provision of a three storey building to be overdominant and inconsistent with the character of the surrounding area. He subsequently dismissed the appeal.

Policy H17 states that in assessing the design aspects of proposals for housing, the Local Planning Authority will have regard to its adopted Residential Design Guidance. This guidance is considered to be in compliance with the NPPF.

RDG2 requires space around new development to be informed by the prevailing character of space around dwellings. Dwellings should be provided with at least 1m between the properties and adjoining boundaries and flatted development should be provided with space equivalent to 25% of the width of the building.

Within the context provided by the Central Wall Road frontage, the proposed building would have a width of some 38m. Isolation space equivalent to 9.5m would be required.

The site achieves isolation space of some 3.5m between the western elevation and the western boundary of the site and some 40m between the eastern elevation and the eastern boundary of the site. RDG2 is therefore satisfied in this respect.

In terms of the frontage to Leige Avenue, the building has a width of some 19m and would attract a requirement for isolation spaces equivalent to 4.75. The proposal achieves 1.25m to the northern boundary and an average of 3m (ranging from 3.8m to 2.2m) to the southern boundary. Total isolation space averaging some 4.25m is achieved. This is substantially below the requirement and is considered to illustrate the cramped setting of the development. The proposal is considered to represent overdevelopment of the site on this basis and an objection is raised accordingly.

Guidance at RDG3 requires proposals to respect established building lines. The submitted layout indicates that the proposed buildings would be located between 2.2m and 3.8m from the highway boundary.

In spatial terms generally within the area, the degree of isolation achieved between buildings and the highway boundary is limited, this part of Central Wall Road being characterised by buildings located within 1m of the highway boundary, and as such closer proximity to the highway boundary may be considered acceptable. However, the adjoining buildings are primarily single storey in nature at the closest point to the highway boundary, rising to a maximum of 2 storey in height some 2m – 3m from the boundary.

The proposed development seeks to provide a three storey building a minimum of some 2.2m from the highway boundary. Such disposition is considered likely to result in the creation of an obtrusive and unduly prominent feature in the street scene.

An objection is raised accordingly.

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

The proposed flats would extend some 9.5m beyond the rear elevation of the adjoining dwelling on Leige Avenue and would be located to the south of that dwelling. As a consequence it is considered that the occupiers of the dwelling would experience significant overshadowing and dominance at the rear of the property, to the detriment of the amenity of those occupiers.

Furthermore, the proposed flats would extend some 17m beyond the front elevation of the adjoining dwelling to the north. This is again considered likely to result in significant overshadowing and dominance, to the detriment of the occupiers of that dwelling.

An objection is therefore raised to the proposed development under RDG3.

RDG5 provides guidance on privacy and living conditions; and states that for all development above ground floor level a distance of 9m shall be provided between the first floor opening and the boundary it directly faces. For development at second floor level a distance of 15m shall be provided. It also considers that all new dwellings should be provided with windows to ensure adequate natural light and ventilation to the rooms they serve.

Windows are provided to all elevations. On the front elevation, first floor doors are associated with Juliet balconies.

The first and second floor windows and balconies provided to the front elevation would be located some 2m – 4m from the highway boundary and some 15m – 19m from the amenity area associated with the dwelling located on the south side of Central Wall Road. The level of isolation achieved is considered sufficient to ensure that occupiers of dwellings to the south do not experience undue overlooking or loss of privacy.

Windows provided in the western (wall) elevations would serve a stairwell and bedrooms at first floor level. The stairwell window would be located some 3.5m from the western boundary of the site and affords an opportunity for future occupiers to overlook the adjoining dwelling from close proximity to the detriment of the privacy and amenity of existing residents. This opportunity can however be removed by requiring this window to be obscure glazed and fixed to 1.7m above finished floor level. Such treatment would not result in unacceptably poor living conditions within the proposed development.

The bedroom windows at first floor level would be located some 13.25m from the boundary and would therefore satisfy RDG5 in this respect.

At second floor level, windows in the western elevation (roof plane) serve two bedrooms. These windows are located 15.4m from the western boundary of the site and therefore satisfy RDG5.

Windows in the northern elevation, across all floors, serve bathrooms and WCs. These windows are located approximately 1.15m from the northern boundary of the site and offer considerable potential for overlooking and loss of privacy to the occupiers of the dwelling the north. However all of these windows may be obscure glazed and fixed to 1.7m in order to mitigate such impact. Subject to an appropriate condition to secure this situation no objection is raised to the proposed windows in the northern elevation.

With one exception, windows in the eastern elevation achieve isolation distances in excess of 40m. The northern most window at second floor level only achieves some 14m to the boundary, however at this point, the access road enters the site. No overlooking or loss of amenity occurs as a result of this minor transgression and no objection is raised to the proposal on this basis.

Guidance at RDG6 requires appropriate amounts of amenity space to be provided to ensure the outdoor needs of the occupiers are met. For flats, a minimum of 25m² is required for each unit either privately or communally. Balconies can be included in this requirement if they provide a floor space of at least 5m².

The flats generate a requirement for the provision of an amenity space of some 275m². Three amenity areas are identified within the site providing a total of some 300m² of useable amenity space. RDG6 is therefore satisfied.

RDG7 is concerned with roof development and seeks to ensure that roofs are proportionate and that any dormers or similar features do not dominate the roof plane.

The proposed development exhibits dormers in the eastern and western roof planes of the northern wing of the block. A larger and smaller dormer is provided to each plane and these essentially dominate the roof slope on both elevations.

Whilst the larger dormer aligns successfully with windows in the first floor elevation, the smaller dormer is less successfully aligned, although it does reflect the scale and alignment of the windows provided at ground floor level.

By virtue of the somewhat sprawling form of the proposal and the desire to achieve three stories on part of the site, the roof treatment is somewhat cluttered and the dormers add to this visual clutter, particularly when the building is viewed from the east or west. The variety of roof forms and roof heights suggests that too much accommodation has been sought within the building and this has resulted in a visually poor form of development which detracts from the character of the area.

Paragraph 130 of the NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of the area.

It is not considered that this proposal does result in an improvement in the quality and character of the area and an objection is raised accordingly.

RDG8 requires that all development is designed to provide well-proportioned and balanced properties which complement the surrounding area.

The elevations of the proposed development are reasonably articulated and the fenestration is generally aligned and balanced, however, the central element of the front elevation, by virtue of

the recessive ridge height presents a weak core, whilst the multiplicity of roofs and lack of strong integration between the elements presents a visually poor and rambling structure, the purpose of which is clearly to achieve the maximum number of units on the site rather than a building appropriate to this prominent site. The visual impression gained is one of a cramped and contrived design, overly fussy on the eastern and western wings and bland and austere on the northern elevation.

The unmatched and misaligned dormers within the northern projection adds further to the unsatisfactory and cluttered appearance.

It is not considered that the proposed development achieves the high quality design sought by EC2 and RDG8 of the adopted Local Plan or the provisions of the NPPF. An objection is raised accordingly.

The building is to be finished in buff coloured Hurstwood multi stock bricks with blue/black textured slate on the roof and charcoal coloured Omega block paving to the hardsurfaced areas. Whilst the predominant brick colour locally is red with red-brown roof tiles, there are a few lighter coloured buildings in the area and the use of a buff coloured brick on this site would not be entirely objectionable. On balance no objection is raised to the palette of materials proposed.

RDG9 is concerned with energy and water efficiency and renewable energy. No details of any energy and water efficiency measures have been submitted, however the building demonstrates the potential for passive solar gain by virtue of its orientation and setting and details of further measures can be secured by the imposition of conditions on the grant of any consent. No objection is raised to the proposal under RDG9.

RDG10 is concerned with the appropriate treatment of enclosure and boundary treatments.

The application form states that a 1.8m high close boarded fence will be located on the eastern and northern boundaries and a 0.9m high black metal railing will be placed on the western and southern boundaries. This however has been revised to place a 0.9m black metal railing across the front of the building with 1.8m high metal railings around the proposed car park and eastern amenity area and a 1.8m high fence between the application site and the rear gardens of the dwellings to the north. The existing brick wall at the entrance to the site will be retained.

At the present time most of the site is enclosed by a 1.8m high fence. This is currently unattractive but has the advantage of screening the site from public view.

Whilst no objection is raised to the provision of a 0.9m high railing in front of the building, it is not considered that the provision of a 1.8m railing around the car park would present an acceptable view of the site from Central Wall Road, nor is it considered that it would provide a private amenity area for the enjoyment of future residents. This element of the proposal is therefore considered unacceptable; however an alternative boundary treatment can be required by condition in the event of permission being granted.

Concern is also raised in respect of the retention of the brick wall at the access to the site which is considered potentially liable to give rise to conflict between vehicles by obscuring visibility at the junction of two access points. This issue too may be resolved by conditions attached to the grant of any consent.

RDG11 is concerned with landscaping. All schemes for flats are required to be provided with an appropriate landscaping scheme containing both hard and soft landscape features. No landscaping scheme has been submitted with the current proposal, however a condition requiring a suitable landscaping scheme can be attached to the grant of any consent.

RDG12 is concerned with the provision of appropriate access and parking arrangements. The proposed development seeks to take all access from Leige Avenue as is currently the case. The Highway Authority has raised no objection to this arrangement.

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

The currently adopted standards are the 2009 County Parking Standards which require the provision of one space for one bedroomed properties and two spaces for properties with two or more bedrooms, plus visitor parking at a rate of 0.25 spaces per dwelling, rounded up to the nearest whole space.

The maximum parking requirement for this development is therefore as follows:

11 x 2 bed apartments:	22 spaces
Visitors 0.25 x 11:	3 spaces
Total	25 spaces

The proposed development provides 17 spaces and is therefore deficient in parking provision and ordinarily would attract a recommendation of refusal.

However, the County Council has confirmed that the site is in a sustainable location, being close to shops, educational establishments and a public transport network, and that within such locations parking standards may be applied flexibly.

The Highway Authority has raised no objection to the proposal on the basis of parking and it should be noted that in the earlier appeals for the redevelopment of the site with flats, both inspectors considered that the provision of parking on the basis of 1:1 was acceptable (with no visitor provision). The current scheme achieves 1.5:1. In the light of the Highway Authority comments and the findings of Inspectors on previous proposals on this site, it is not considered that an objection to the proposal based on inadequate parking could be sustained on appeal.

The currently adopted parking standards require minimum bay sizes of 2.9m by 5.5m. The proposed spaces meet this requirement.

The residential cycle parking requirement is one space per dwelling plus one space per eight dwellings for visitors. 13 residents' cycle spaces are needed.

Cycle parking facilities are identified within the scheme however no indication of the capacity of the facility has been provided. Details of the cycle parking provision can however be required by condition attached to the grant of any consent.

RDG13 is concerned with the provision of appropriate refuse and recycling facilities. The proposal shows the provision of a residential bin store at the entrance to the site which will be accessible by the Council's refuse operatives on a normal domestic round.

Concern is however raised in respect of the relationship between the bin store and the adjoining dwelling. The bin store would be located approximately 3.5m in advance of the front elevation of the adjoining dwelling, immediately abutting the site boundary. In this location it is considered that use of the store could result in noise, disturbance and nuisance to adjoining residents.

An alternative location is considered necessary for this element of the scheme. It is considered that this can be secured by condition.

Drainage and Flood Risk

Canvey Island lies within an area identified as falling within Flood Zone 3a. Within such areas there is an identifiable risk of flooding. For Canvey this risk takes the form of both fluvial and pluvial inundation.

Under the provisions of the NPPF, all proposals for new dwellings in areas at risk of flooding are required to be accompanied by a site-specific Flood Risk Assessment (FRA) in order to demonstrate that the occupiers of the proposed development would not be placed at unacceptable risk in the event of a flood.

Proposals are also required to pass the sequential and exception tests as set out in the NPPF and the Planning Practice Guidance (PPG), in order to determine whether sites of lower flood risk probability exist which may be more suitable for the type of development proposed.

The applicant has submitted a FRA. The Environment Agency (EA) has stated that sequential and exception tests must be considered before any grant of planning permission.

With regard to the sequential test, the proposal seeks to provide dwellings on Canvey Island. For residential development to serve the community of Canvey Island it is considered that it would need to be located within, or immediately adjacent to, that settlement.

Since the settlement of Canvey Island is located entirely within Flood Zone 3 it is not considered that there are reasonably available alternative sites within the area with a lower probability of flooding that could accommodate the proposed development. Under the circumstances it is considered that the proposal passes the sequential test.

Having passed the sequential test, the proposal must then pass the exception test. In order to meet the requirements of the exception test as described in paragraphs 159 and 160 of the NPPF the proposal must demonstrate that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

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

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

In terms of the residual risk, the applicant has provided a FRA which states that should the defences breach during a 1 in 200 year plus climate change storm event the depth of flood water on site would be between 0.3m and 0.45m deep.

For a 1 in 1000 year plus climate change storm event this would increase to about 0.6m.

The submitted drawings indicate that ground floor level for the proposed development would be set some 0.2m above natural ground level. The proposed development would therefore experience inundation in a 1:200 plus climate change breach event.

In order to mitigate the impact of such inundation the applicant's consultants have recommended that floor levels be raised from 2.03maOD to 2.91maOD. This increase in height would have implications for the development resulting in an even more dominant and prominent feature in the street scene.

Not raising the ground floor level, as indicated in the submitted drawings, will result in flood damage and risk to occupiers in the event of a relevant breach event, however, the two storey nature of the properties is such that refuge can be achieved at first floor level which is above the 1:1000 year with climate change breach event flood level and consequently the level of risk associated with the development is considered acceptable.

This assessment is supported by the Environment Agency which has raised no objection to the proposal, although it does recommend the use of flood resistance/resilience measures in the design of the building in order to limit flood damage and speed recovery in the event of a flood.

A condition requiring the introduction of such measures can be attached to the grant of any consent.

In terms of pluvial flooding, (surface water), the site has been identified as being at low risk.

The site has also been identified as being at low risk from reservoir flooding.

In both instances the level of risk has not been quantified, however, it is considered unlikely to exceed levels likely to be experienced in a 1:1000 breach event, which as stated above, poses an acceptable risk to the site.

To safeguard residents in the event of a flood the applicant has provided a Flood Response Plan, the content of which is considered adequate in terms of its response to a flood event.

Paragraph 163 of the NPPF seeks to ensure that new development does not increase flood risk off-site.

Redevelopment of the site will result in a reduction in the permeable area of the site and will therefore increase the risk of surface water runoff onto adjoining sites.

In recognition of this the applicant has submitted a surface water drainage strategy which seeks to retain excess surface water within an attenuation tank provided beneath the proposed car park. Water will be retained within the tank during periods of excessive rainfall and then pumped into the existing surface water drainage system at a controlled rate, in order to prevent surcharging within the system. The submitted scheme had been reviewed by consultants acting on behalf of the LLFA and found to be acceptable.

Conditions securing details of implementation and maintenance have been requested and can be attached to the grant of any consent.

Under the circumstances, no objection is raised to the proposal on the basis of flood risk.

Other Matters

Ecology and Trees

Policy EC13 states that the Council will refuse development which is prejudicial to the interests of all wildlife and the retention and management of important habitats.

Policy EC14 encourages proposals to promote the creation of new wildlife habitats. It further states that the Council will take into account the potential for the creation of wildlife habitats, particularly where these would enhance and complement existing elements of nature conservation on adjoining land.

Policy EC14 is considered consistent with the NPPF, particularly in respect of paragraph 174. In respect of Policy EC13 it is considered more expedient to consider the proposal in the context of paragraph 175 of the NPPF.

The site has no significant trees and no ecological designation but is within the zone of influence associated with the Ramsar site (Benfleet and Southend Marshes), Special Protection Area and Ramsar site. As a consequence the ecological implications of the proposal for the designated site must be considered.

Consideration of the development of the site has identified that it would have no direct impact on priority habitat and is not required to be retained in its current state in the interests of maintaining the integrity or facilitating the management of the designated site. No objection is therefore raised to the proposal on that basis.

Assessment of the site has confirmed that whilst the site provides some vegetation and therefore has the potential for habitat provision, the site is located within an urban area with development in close proximity and unlikely as a consequence to have any particular ecological value. No badger setts or habitat likely to support any protected species is identified on the site.

Assessment of the building on the site also failed to identify any opportunity for bat roosts and whilst foraging may occur across the site it is not considered that the proposed development would adversely impact on this.

The existing site may therefore be concluded to have no significant ecological value and no objection is therefore raised to the proposal on the basis of its impact on local ecology.

It is however considered that the redeveloped site could offer the potential for habitat creation and it is therefore considered that any future landscaping scheme should be focused on native wildlife friendly species.

Subject to such an appropriate landscaping scheme being prepared and implemented no objection is raised to the proposal on the basis of its impact on ecology.

Amenity

The effect of development on residential amenity is an important planning consideration. Policy EC3 of the adopted Local Plan states that development proposals which would have a significant adverse effect upon the residential amenity of the surrounding area by reason of traffic, noise, fumes or other forms of disturbance will be refused.

The proposal seeks to redevelop the site of a single dwelling with a complex of 11 residential units. Local residents have expressed concern that such an intensification of occupation will lead to a significant increase traffic on Leige Avenue, to the detriment of the amenity of the adjoining residents, during both the construction and operational phases of development.

With regard to construction traffic, it is noted that access to the site is available from Central Wall Road. Whilst long term the use of this access is undesirable because of the potential for the

disruption of traffic flows on the main distributor, the temporary use of the access during the construction phase is considered appropriate and would avoid the need for heavy construction traffic to access Leige Avenue. To secure such use a condition could be attached the grant of any consent.

Following construction of the development, this crossing would become redundant and a condition securing its removal, in accordance with the Highway Authority recommendation, should be appended to the grant of any consent.

In terms of the operational phase of the development, it is clear that the proposal is likely to result in additional traffic on Leige Avenue.

Leige Avenue is a single lane road with extremely limited opportunities for vehicles to pass each other. The road already serves four dwellings (including the application site).

The issue of traffic has previously been considered by two Inspectors. In the latest statement, which gave consent for a total of ten flats on the site in two, two storey blocks), the Inspector was of the view that whilst the additional traffic would result in some harm to the living conditions of adjoining residents, this was insufficient to justify refusal of the proposal.

The current scheme seeks to provide eleven dwellings on the site. It is not considered that the noise and disturbance generated by movement associated with one additional dwelling would exacerbate the previously identified harm so significantly to justify refusal.

Concern has also been raised in respect of the potential for the development to lead to greater on street parking. As set out above, the proposal is considered to achieve an adequate level of parking provision on site. In terms of the potential for greater on-street parking, Leige Avenue is of limited width and it is not considered that the opportunity for on street parking exists. Given the isolation of the site from Fenwick Way, it is not considered that this represents a realistic alternative to parking on the site.

Under the circumstances it is not considered that an objection can be raised to the proposal on the basis of the potential for on-street parking in the surrounding area.

Concern has also been raised in respect of the potential for the proposed development and associated vehicles to impede access to the site by emergency vehicles.

This matter was also considered by the Inspector in the previous appeal when he concluded that although the provision of additional dwellings would potentially result in additional emergency vehicle movements in Leige Avenue, the likelihood of such instances occurring was rare. There was (and is) no evidence to suggest that the proposed development would result in a greater need for emergency service provision than other development in the area and as a consequence, he did not consider that the proposal should be refused on this basis.

There has been no material change in the circumstances of the site since that determination.

In terms of the occupation of the proposed development, the Inspector was of the view that whilst it was likely that there would be more noise and disturbance audible from adjoining dwellings, of the type normally associated with domestic use, given the location of the site adjacent to a busy main road, the increase in such noise levels, compared to current background noise levels, was likely to be low and unlikely to cause unreasonable harm to the living conditions of neighbours.

No objection is therefore raised to the proposal on the basis of impact on the amenity of adjoining residents.

Social Infrastructure

The Town Council has objected to the proposal on the basis that there is inadequate social infrastructure to support future residents. No definition of social infrastructure has been provided, however, it is considered likely that this is a reference to education and health facilities and specifically the availability of access to GPs.

In terms of education, Essex County Council has stated that it does not wish to impose requirement for a contribution towards educational provision on the development of this site. From this it may be concluded that the County Council considers that sufficient capacity exists to satisfy the needs of the proposed development. In the absence of support from the Education Authority it is not considered that an objection based on a lack of access to educational opportunities could be sustained on appeal.

In terms of the availability of GPs it should be noted that access to GP provision in Castle Point is not affected by the distribution of growth. There is an existing deficit of GP provision across the borough that is a result of the recruitment and retention of GPs as opposed to the amount of facilities available. Growth will exacerbate this deficit. NHS England and the Castle Point and Rochford Clinical Commissioning Group are seeking to address this deficit in two ways. Firstly, they are seeking to recruit more GPs into the local area through the promotion and development of 'Training Practices'. They are also putting together a Primary Care Strategy which will seek special clinics developed for older people with complex care needs. This will relieve pressure on GPs to treat the remainder of the population.

Under the circumstances it is not considered that an objection to the proposal on the basis of inadequate GP availability would be sustained on appeal.

Pollution

Noise can have a significant effect on the environment and on the quality of life enjoyed by individuals and communities. Noise can interfere with residential and community amenity and the utility of noise-sensitive land uses. Noise exposure can have effects including sleep disturbance and annoyance. Recent evidence shows that noise can impair cognitive learning in school children. It is also agreed by many experts that environmental noise can lead to chronic health effects. For example, associations have been found between long term exposure to some types of transport noise, particularly from aircraft and road traffic, and an increase in the risk of cardiovascular effects (heart disease and hypertension).

For these reasons, noise is a material consideration in the planning process and a key aspect of sustainable development.

PPG Paragraph 001 (reference ID: 30-001-20140306) states that noise needs to be considered when new developments may create additional noise and when new developments would be sensitive to the prevailing acoustic environment. In determining applications opportunities should be taken to consider improvements to the acoustic environment.

PPG Paragraph 003 (reference ID: 30-003-20140306) states that local planning authorities' plan-making and decision taking should take account of the acoustic environment and in doing so consider:

- whether or not a significant adverse effect is occurring or likely to occur;
- whether or not an adverse effect is occurring or likely to occur; and
- whether or not a good standard of amenity can be achieved.

In line with the Explanatory Note of the Noise Policy Statement for England, this would include identifying whether the overall effect of the noise exposure (including the impact during the

construction phase wherever applicable) is, or would be, above or below the significant observed adverse effect level and the lowest observed adverse effect level for the given situation.

Paragraph 170 of the NPPF also states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to, or being put at, unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability.

Paragraph 178 states that in order to prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account.

The Noise Statement for England (2010) seeks to promote good health and a good quality of life through the effective management of noise within the context of Government policy on sustainable development and through the effective management and control of environmental, neighbour and neighbourhood noise.

Policy EC4 of the adopted Local Plan states that development which would have a significant adverse effect on health, the natural environment, or general amenity by reason of releases of pollutants to water, land or air or by reason of dust, vibration, light or heat will be refused.

It is inevitable that the development of the application site will generate noise and disturbance during the constructional phase. Such noise is transitory and rarely provides a robust reason for refusal of an application for development of the type proposed. However, development of large sites can extend over significant periods and it is therefore incumbent upon the Planning Authority and the applicant to ensure that the levels of noise generated during the constructional periods are kept as low as practically possible, in the interests of the amenity of local residents, wildlife and the wider environment. No demonstration of the satisfaction of this objective has been submitted to date however a condition requiring the submission of such details as part of a Construction Environment Management Plan can be appended to the grant of any consent.

In terms of the operational phase of the development, there is no evidence to suggest that the noise generated by the occupiers of these dwellings would be significantly different from that generated by the occupiers of the existing dwellings. It is not considered that an objection can be raised to the proposal on the basis that neighbours may be noisy. Should this situation arise in the future, appropriate legislation exists to deal with the matter.

With regard to traffic noise, it is inevitable that the development will attract vehicles and that these vehicles will generate noise. No information has been submitted in respect of noise generated by the development; however recent draft guidance suggests that whilst noise may be noticeable following development of a site, it is not likely to be so intrusive that an objection on this basis could be sustained on appeal.

The proposed development would be located close to Central Wall Road which is a busy local distributor. The impact of this road on the amenity of future occupiers of the flats must be considered.

It should be noted that eight flats would be located in close proximity to the highway and the occupiers of these flats may experience high levels of noise and disturbance as a result of this relationship.

In order to determine the extent of such disturbance and the appropriate remediation of such disturbance it is considered that an acoustics report identifying the level of harm and appropriate mitigation should be submitted to and approved by the Planning Authority prior to the commencement of development on the site.

Such submission can be secured by the imposition of a condition the grant of any consent. Development of the site also has the potential to result in dust nuisance. Details of the means to mitigate this impact can be required as part of a Construction Management Plan, the submission of which can be secured by condition.

Whilst no evidence currently exists to support the contention that the site may harbour contaminants, should the works unearth any contaminated land, or asbestos containing materials, it must be correctly handled and disposed of. An informative reminding the applicant/developer of the obligations of the Environmental Health Act can be appended to the grant of any consent.

Conclusion

The proposed development of the site with flats is acceptable in principle, however the proposal is considered to represent overdevelopment of the site, by reason of its scale, and form, which results in a visually cluttered and unduly prominent feature on the street, of mean and cramped appearance and likely to have an adverse impact on the amenity of adjoining residents, by reason of undue overshadowing and dominance.

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 its mass, height, length, scale and proximity to the front and western boundaries of the site represents overdevelopment of the site and would present an overdominant and unduly prominent feature in the street scene, out of character with the adjoining development and detrimental to the character and appearance of the area and the amenity of adjoining residents, contrary to Policy EC2 and H17 RDG3, of the adopted Local Plan and Government guidance as contained in the National Planning Policy Framework.
- 2 The proposed development, by reason of the excessive projection of the building beyond the front and rear elevations of the dwelling to the north, would result in unacceptable overshadowing and overdominance of the occupiers of the adjoining dwelling, contrary to Policy H17 RDG3 and Government guidance as contained in the National Planning Policy Framework.
- 3 The proposed building presents a visually poor addition to the streetscape, lacking a strong focal feature and marred by a multiplicity of roof forms, with limited integration and poorly appointed dormers which combine to create a visually cramped and cluttered appearance, out of character with, and detrimental to, the character and appearance of the area, contrary to Policy H17 RDG3 and Government guidance as contained in the National Planning Policy Framework.

Informatives

- 1 The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal.

ITEM 4

Application Number:	18/0382/OUT
Address:	Chase Nurseries The Chase Thundersley Benfleet Essex (Cedar Hall Ward)
Description of Development:	Outline - Demolition of existing buildings and erection of eleven houses with determination of access, scale and layout
Applicant:	Mr & Mrs Pettifor
Case Officer:	Ms Kim Fisher
Expiry Date:	5.10.2018

Summary

The application site is located on the northern side of The Chase, opposite the junction with Wensley Road. It is allocated for Green Belt purposes in the adopted Local Plan.

Within the context provided by the NPPF residential development of the site has been identified as inappropriate development, which by definition is harmful to the Green Belt and should therefore attract a recommendation of refusal.

Inappropriate development in the Green Belt can however, be exceptionally justified by the existence of very special circumstances.

A number of factors have been identified which the applicant believes justifies the proposed development, however, it is the view of the Planning Authority that the identified features either in combination or isolation, do not create the very special circumstances required to justify inappropriate development in the Green Belt.

The proposal therefore attracts an objection in principle.

Were Members nevertheless minded to approve the proposed development, the low density achieved the site is considered to result in a form of development which fails to achieve the effective use of the land, contrary to Government guidance as set out in the NPPF, which represents a further objection to the proposal.

Consideration of the proposal is considered premature in the light of work currently being undertaken in respect of the preparation of the new Draft Local Plan which will consider the future pattern of development, including, if necessary, release of Green Belt within the Borough. Consideration of the release of this site in advance of comprehensive consideration of all strategic sites is considered likely to prejudice the potential achievement of a comprehensive and efficient form of development, should this site be released from the Green Belt as part of the emerging Local Plan.

In terms of the reserved matters, whilst some minor deficiencies have been identified, it is considered that sufficient scope exists within the site to satisfy all spatial requirements.

Notwithstanding this statement however, the proposed development remains contrary to Green Belt policy and my recommendation is therefore **REFUSAL**

This application is presented to the Development Control Committee at the request of Councillor Dick, in accordance with the adopted Call-in protocol.

Introduction

The application site is a former Nursery, irregular in shape and located on the northern side of the Chase, immediately opposite the junction with Wensley Road.

The site has a maximum width of some 52m and a depth of approximately 174m. The site has a stated area of 0.943ha and exhibits a fall of some 3.7m from south to north.

The site is currently occupied by a detached bungalow with associated outbuildings.

To the west is the curtilage of a detached house whilst to the north are the playing fields associated with the Cedar Hall School. To the north-west is the Kingsley Park Homes site.

Immediately to the south is residential development on the Chase and within the Long term Housing Area located to the south of the Chase and east of Wensley Road, whilst to the east is open land.

The site boundaries are heavily treed with a low brick wall with railings and tall leylandii conifers across the front boundary. Trees on the western, northern and on part of the eastern boundary are the subject of a Tree Preservation Order (TPO 8/92) comprising a group of trees mainly Oak and Hornbeam.

A main river defines the northern boundary of the site and flows east wards.

The Proposal

This is an application for outline consent for 11 detached dwellings.

Whilst appearance is a reserved matter, the indicative drawings suggest a traditional design providing 2 and 3 storey properties with detached, attached and integral garages.

The scheme also seeks to provide an area of some 1600m² of Public Open space located at the northern end of the site.

The application seeks approval of the principle of development and access, scale and layout only.

Site Visit

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

Submitted Documentation

The application is accompanied by the following documentation, copies of which are available to view on the Council's website.

- Planning Statement
- Design and Access Statement
- Conceptual SuDS Design Statement and associated data.
- Phase 1 Desk Study
- Preliminary Ecological Appraisal incorporating a Bat Inspection
- Hydro-Brake® Flow Control Maintenance And Safety Data Sheet and Technical Specification

- Landscape & Visual Appraisal & Landscape Strategy
- Borehole Data
- Transport Statement
- Tree Report

Relevant Planning History

In 1972 and 1973 planning permission for the residential development of land on the northern and southern sides of the Chase, including the application site were refused on the basis of the allocation of the land for Green Belt purposes.

No other applications have been received in respect of the redevelopment of the site for residential purposes.

The site does however have history in the context of the Local Plan, which it is considered appropriate to recount.

The Draft 2014 Local Plan identified land to the west of Rayleigh Road and north of the Chase for residential purposes, but made specific provision for some 8ha of land, including the land the subject of the current application, to be held for long term housing needs, post 2031. The policy made clear that land within this area would not be made available for development unless a review of the Local Plan indicated that it was necessary to release further land for housing and it could be demonstrated that proposals for the land would not result in a net loss in biodiversity.

Until such time as a review of the Local Plan indicated that the area of safeguarded land should be made available for development, any proposals for development in this area would be treated in accordance with the Green Belt policies

However, following consideration of the responses to the 2014 Plan, Members resolved to prioritise the protection of the Green Belt over meeting the Borough's objectively assessed housing needs and deleted all undeveloped Green Belt sites that did not benefit from an extant planning permission from further consideration. The wider site, including the application site, was therefore deleted from the list of sites proposed for housing.

A revised New Local Plan was subsequently prepared and agreed by the Council for consultation and submission purposes on the 23rd March 2016. This Plan identified the retention of the application site within the Green Belt however, for technical reasons this Plan was formally withdrawn from further consideration on the 29th March 2017. No weight may therefore be attached to its policy statements or guidance, although it is considered that the evidence base underpinning the Plan remains capable of being relevant and valid.

In June 2018 the Planning Authority launched a public consultation exercise in respect of the preparation of a further Local Plan. Associated with the launch was the publication of a Map identifying previously considered housing sites in Benfleet and Thundersley which were potentially still available. The site the subject of the current application is identified within site 12.

The New Draft Plan will be published in November 2018 and will identify all sites considered suitable for release for development purposes.

Relevant Government Guidance and Local Plan Policies

National Policy Planning Framework

Paragraphs: 2, 7-10, 11, 12, 14, 47, 49, 50, 54, 61, 105, 106, 117, 118, 123, 124, 127, 133, 143, 145, 150, 158-160, 163, 170, 175, 178, 180, 182.

Castle Point Borough Council Adopted Local Plan 1998

This identifies the site as being allocated for Green Belt purposes.

Relevant Policies include:

EC2	Design
EC3	Residential Amenity
EC13	Protection of wildlife and their habitats
EC14	Creation of new wildlife habitats.
EC22	Retention of trees, woodlands and hedgerows
H9	New housing densities
H10	Mix of development
H12	Comprehensive development
H13	Location of Development
H17	Housing development – design and layout
T7	Unmade Roads
T8	Car parking
CF1	Social and physical infrastructure and new developments
CF14	Surface water disposal

Policy H7 will also be referred to within the evaluation of the proposal.

Residential Design Guidance

The proposal is for outline consent with appearance and landscaping reserved for later consideration. Under such circumstances it is considered that a detailed assessment of the proposed development against the Council's adopted Residential Design Guidance can be achieved. Where possible advice based on the provisions of the RDG is offered within this report.

Guidance of relevance is:

RDG2	Space around Dwellings
RDG3	Building Lines
RDG5	Privacy & Living Conditions
RDG6	Amenity Space
RDG7	Roof Development
RDG9	Energy & Water Efficiency & Renewable Energy
RDG10	Enclosure & Boundary Treatment
RDG12	Parking & Access
RDG13	Refuse & Recycling Storage

Other Relevant Documents

Essex Planning Officers Association Vehicle Parking Standards – C3 (August 2009)

Developer Contributions Guidance SPD – Adopted 1st October 2008

Thames Gateway South Essex Strategic Housing Market Assessment 2016

Castle Point Green Belt Landscape Assessment September 2010

Castle Point Green Belt Function Assessment September 2010

Castle Point Green Belt Sustainability Assessment 2011

Castle Point Open Space Appraisal Update 2012

Safer Places: The Planning System and Crime Prevention 2004

Consultation

Highway Authority

No objection, subject to conditions.

Essex County Council: Infrastructure

No response received

Anglian Water

No objection. Request informative be added to decision.

Lead Local Flood Authority

No objection, subject to conditions.

Environment Agency

Returned with no comment

NHS England

No response

Natural England

No comment.

CPBC Environmental Health

Potential for contamination. No objection subject to conditions.

CPBC Street Scene

No objection

Public Consultation

Five consultation responses have been received from the following addresses:

Hart Road: Cedar Hall School

The Chase: 293,299

Wensley Road: 1

which make the following objections and comments:

Objections:

- Loss of Trees on northern boundary
- Inadequate access

Comments:

- (a) No objection subject to the removal of leylandii at the front of the site, and the making up of the unadopted section of the Chase to an adoptable standard.

(b) No construction traffic to be permitted to use Wensley Road.

Comments on Consultation Responses

All relevant comments will be addressed in the evaluation of the proposal.

Evaluation of Proposal

The application seeks outline consent with only appearance and landscaping reserved for later consideration.

The primary issues to be considered are therefore (i) the principle of development.

In view of the strategic aspects of the proposal consideration will also be given to (ii) the issue of prematurity when considering the principle of development.

Consideration will then be given to the reserved matters of access, layout and scale (iii).

In addition, consideration will also be given, inter alia, to:

- (viii) The Mix of Housing
- (ix) Car and Cycle Parking
- (vi) Ecology
- (vii) Trees
- (viii) Landscaping
- (ix) Flood Risk
- (x) Infrastructure
- (xi) Provision of Children's Playspace, and
- (xii) Construction Noise and Traffic.

The Principle of Development

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise (paragraph 11 of the NPPF). The Development Plan is the starting point for decision making. Development that accords with the Local Plan should be approved and proposals which conflict with the Plan should be refused unless material considerations indicate otherwise.

Where the Development Plan is absent, silent or relevant policies are out of date, the Planning Authority should grant planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework or specific policies in the Framework indicate that development should be restricted (paragraph 14 of the NPPF).

Footnote 6 to the NPPF identifies that land allocated for Green Belt purposes is an example of where development should be restricted. The footnote does not however state that development in such areas is prohibited.

The Development Plan for Castle Point is the adopted Local Plan (1998). The Proposals Map associated with this identifies the site as Green Belt.

The NPPF states that the fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open. Within the Green Belt there is a general presumption against

inappropriate development. Such development should not be approved, except in very special circumstances.

The first matter to determine in the consideration of this proposal is whether the proposed development represents inappropriate development.

Paragraph 145 of the NPPF states that Local Planning Authorities should regard the construction of new buildings as inappropriate within the Green Belt unless they qualify for consideration under one of the stated exceptions. The final exception identified within the paragraph identifies limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land) whether redundant or in continuing use, (excluding temporary buildings) which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development: or not cause substantial harm to the openness of the Green Belt, where the development would reuse previously developed land and would contribute towards meeting an identified affordable housing need within the area of the Local Authority.

The site currently hosts a large, detached, four bedroomed bungalow, stable block and outbuilding. These buildings have a combined footprint of some 800m² and a maximum height of some 4.2m. All of the buildings are located within the southern half of the site, the northern part being currently free from development.

It is intended to replace the single storey structures present on the site with 11 two and three storey, detached, four and five bedroomed dwellings with associated garaging and parking.

Given the presence of development on the site it is considered that, in part at least, the site represents previously developed land, the redevelopment of which would be appropriate in the Green Belt provided the development proposed had no greater impact on the openness of the Green Belt and the purpose of including land within it, than that which it sought to replace.

The applicant suggests that as a consequence of the presence of buildings on the site, and more significantly, the screening provided by trees primarily on the boundary of the site, the application site does not contribute towards the openness of the Green Belt and the redevelopment of the site in the manner proposed, as a consequence of being 'hidden' by the trees, can have no impact on the openness of the Green Belt.

It is the view of the Planning Authority that openness can be defined in both perceptual and physical terms. It has a spatial and a visual aspect (J. Turner v. Secretary of State Communities and Local Government and East Dorset Council, 2016). Both need to be considered in the determination of the proposal.

In terms of the spatial impact of the proposal, it should be noted that at the present time the buildings on the site are contained within the first 100m depth of the site and cover approximately 800m² (footprint of buildings). Whilst it is acknowledged that the site also hosts areas of hardstanding and a swimming pool, these features, whilst affecting the appearance of the Green Belt, do not detract from its openness, being essentially surface treatments, although they do add to the urbanisation of the site.

At the present time the built form on the site extends across approximately 52% of the depth of the site, with an area some 75m deep retained at the northern end of the site, free from development.

The proposed development seeks to provide dwellings across approximately 86% of the depth of the site, retaining only some 30m of open land at the northern end and covering approximately 1546m² of the site with built development (footprint).

The increased coverage of the site and consequent urbanisation of its appearance, coupled with the encroachment on previously undeveloped land, represents inappropriate development which has a significant adverse impact on the openness of the Green Belt.

An objection is raised to the proposal accordingly.

It should be noted that the Glossary of the NPPF makes it clear that even in proposals for the redevelopment of previously developed land it should not be assumed that the whole of the curtilage should be developed. It is noted that the applicant has chosen to retain an area of undeveloped land at the northern end of the site and thus it may no doubt be argued that the proposal does not seek to develop the whole of the curtilage, however, it is clear that the proposed development extends significantly beyond the area of developed land and encroaches into undeveloped areas, to the detriment of the open character of the Green Belt in this area.

As such the proposal is considered to result in significant harm to the Green Belt to which substantial weight is given in the determination of the application, in accordance with the provisions of paragraph 144 of the NPPF.

In terms of the visual aspect, it would appear to be the applicant's position that as the site is shrouded by trees, the proposal can have no adverse impact on the openness of the Green Belt.

It is the view of the Planning Authority that hiding a development from view and suggesting that as a consequence the proposal has no impact on openness, fails to consider the spatial aspect of the Green Belt and its functions of preventing urban sprawl by keeping land permanently open, checking the unrestricted sprawl of large built up areas and assisting in safeguarding the countryside from encroachment. Such objectives strongly suggest that land allocated for Green Belt purposes, should as far as possible be retained free from development.

In this particular case, whilst it is acknowledged that the development may be hidden in longer views as a consequence of the preservation of trees on the site, it would be highly visible in local views, where the alteration of the character of the site from a low-key impact occasioned by a single bungalow and associated outbuildings, to a much higher impact development of a housing estate comprised of large two and three storey dwellings, located much closer to the public highway and public vantage points would be significant and would result in a loss of openness.

Furthermore, it is considered likely, as a consequence of the orientation of the site and the relationship indicated between the proposed dwellings and the Leylandii provided on the southern boundary, pressure is likely to be brought to bear to secure the removal of these trees, thus 'opening up' the site still further to views and thus exhibiting the loss of openness and exacerbating the impact on this area of Green Belt.

Whilst it is noted that the Landscape Strategy does recommend the reduction in height of the Leylandii to some 8m in order to improve daylighting to the southern boundaries, it is not considered that such action would be sufficient to remedy the extent of overshadowing or reduce the likelihood of the removal of these trees.

Given these considerations, it is the view of the Local Planning Authority that the proposed development will have a greater impact on the perceived openness of the Green Belt in this location and on this basis the proposal is considered to represent inappropriate development.

On the basis of the analysis set out above, it is considered that by reason of the adverse impact of the proposal on the spatial and visual aspects of the Green Belt, the proposed development represents inappropriate development.

Paragraph 143 of the NPPF clearly states that inappropriate development in the Green Belt is by definition harmful to the Green Belt and paragraph 145 of the NPPF states that when considering any planning application, planning authorities should ensure that **substantial** weight is given to **any** harm to the Green Belt.

Prima facie, given the identified harm to the Green Belt, the proposal should attract a recommendation of refusal; however, the Local Planning Authority is required to consider whether there are any very special circumstances, either in isolation or combination, which would justify a departure from the policy requirements.

The Authority must also consider whether there are other material considerations which would justify inappropriate development in the Green Belt.

Whether such very special circumstances and material considerations exist will be examined in the following sections of this evaluation.

Very Special Circumstances

There is no statutory definition of the term 'very special circumstances' as the Courts have held that very special circumstances will be specific to the particular scheme under consideration. However in order to be 'very special,' the circumstance identified is unlikely to be widely replicated.

The Planning Authority has previously defined a 'very special circumstance' as one which is unique to the site or, at the very least, incapable of frequent repetition. This definition was not supported at a recent appeal on land off Jotmans Lane and has no statutory or judicial basis, but has been applied by the Planning Authority for some 35 years and is considered to represent a sensible starting point for the consideration of what constitutes a very special circumstance.

It is the view of the Planning Authority that circumstances which occur frequently can be considered commonplace and as such, in isolation are unlikely to be special, let alone very special. It must be conceded however that a combination of commonplace features may be capable of creating special circumstances. Whether these circumstances then provide very special circumstances is a matter of planning judgement and the conclusion of that judgement will be highly dependent on the case under consideration.

The applicant has identified the following factors as justification for the redevelopment of the site:

- The site comprises previously developed land and has previously been identified as suitable for release
- The site does not contribute to wider views and has no impact on the openness of the green belt
- The wider Green Belt areas of which the site forms part does not perform one of the wider green belt functions
- The proposed development is sustainably located and
- The proposed development would make a meaningful contribution towards housing provision.

Each statement will be considered in turn.

- Site previously identified for release

Whilst it is acknowledged that the release of the site was considered in the draft 2014 Local Plan, this allocation was not pursued in the 2016 draft Local Plan following reprioritisation of the need to protect the Green Belt.

This change in circumstances was not restricted to the application site, in fact many other sites located within the Green Belt were similarly deleted from further consideration in the redrafting of the emerging Local Plan. Whilst interesting therefore, it is not considered that a deleted policy provision within an unadopted Plan represents the very special circumstances necessary to justify inappropriate development in the Green Belt.

- Impact on wider views and openness

The applicant suggests that the proposed development would not be visible in wider views and would have no greater impact on the openness of the Green Belt.

As stated above, it is the view of the Planning Authority that development of the site will result in a diminution of the openness of the Green Belt at this location. Whilst it is acknowledged that the site is somewhat hidden and its openness is not perhaps widely appreciated in visual terms as a consequence of its location, there is no requirement with the NPPF that Green Belt must be seen in order to contribute to openness.

The applicant's assertion that development of the site would not have an adverse impact on openness is rejected as simply wrong. Development of the site would replace the existing development with a greater quantum of development and would encroach on previously undeveloped parts of the site, which would reduce the openness of the site and would thus have an adverse impact on its openness contrary to the provisions of the NPPF.

- Wider Green Belt does not perform a Green Belt function

The applicant asserts that the application site, as part of the wider parcel of land to the north of the Chase, does not perform a Green Belt function and thus the site may be released without harm.

Paragraph 134 of the NPPF sets out the five main purposes of Green Belts:

- (i) to check the unrestricted sprawl of large built-up areas;
- (ii) to prevent neighbouring towns from merging into one another;
- (iii) to assist in safeguarding the countryside from encroachment;
- (iv) to preserve the setting and special character of historic towns; and
- (v) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

As part of its Local Plan preparation work the Council undertook a Green Belt Functions Assessment in 2010 to ensure that land designated as Green Belt continued to fulfil the purposes of the Green Belt. This analysis identified the application site as part of 'Parcel 6' which was concluded to have the functions of checking unrestricted sprawl, ensuring that the settlements of Hadleigh and Thundersley did not merge with each other and restricting urban encroachment into the countryside.

The assessment also identified that the parcel of land formed a link between two areas of Green Belt, the fragility of which made the area particularly sensitive to encroachment, reinforcing the need to maintain the site free from development.

The Castle Point Green Belt Boundary Review (November 2013) however considered that the removal of Parcel 6 from the Green Belt, would have no impact on the ability of the Green Belt in Castle Point to fulfil its strategic function. It was suggested that in the light of the need for housing, the boundaries of the Green Belt could be adjusted at this location without impairing the strategic function of the wider Green Belt and the site was subsequently identified as a potential housing site in the 2014 Draft Local Plan as a long term housing site, post 2031.

However, following consideration of the responses to that Plan, on the 23rd March 2016, as previously stated, Members resolved to prioritise protection of the Green Belt over meeting objectively assessed housing needs and the allocation was not carried forward in the 2016 Draft Local Plan.

The position of the Council is that the site still performs at least three Green Belt functions, and that whilst it acknowledges that the release of this site would not harm the wider strategic function of the Green Belt in this broad area, such release would conflict with the Green Belt functions of preventing sprawl, protecting the countryside from encroachment and maintaining the openness of the Green Belt. Development of the site in isolation would contribute to urban sprawl, encroach on the countryside and diminish the openness of the Green Belt and would consequently have an adverse impact on the openness and character of the Green Belt. As such the proposal constitutes harm which in accordance with paragraph 144 of the NPPF is given substantial weight.

- Sustainability

The applicant suggests that the site is sustainable and therefore suitable for development.

The Castle Point Sustainability Assessment of Sites in the Green Belt (2011) identified that for the wider site (Parcel 6), the nearest local shopping areas were very small and the town centre was over 800m away, as were GP services, primary schools, and large employment sites. The nearest secondary school is some 650m from the application site as the crow flies and 1.2km by road.

Access to bus routes is limited and the site is over 3km from a railway station. Occupants of the site are therefore likely to remain reliant on private vehicles for transportation.

On balance, it is not considered that the application site represents a particularly sustainable site, the value of which, in isolation, outweighs the harm to the Green Belt.

No information has been provided in respect of sustainability of construction. The applicant is advised that should an application for reserved matters come forward such submission should include consideration of the incorporation of energy and water efficiency measures.

Materials can have a significant impact on environmental performance, both in construction, but also in ongoing use. Where materials are sourced, the means of extraction and manufacture, how far they travel and so forth; all have varying effects on the environment. Should an application for reserved matters come forward such submission should include consideration of these matters.

Consideration should also be given to the submission of a Construction Method Statement and Site Waste Management Plan.

- Contribution towards housing provision

The applicant opines that development of the site will make a useful contribution to the satisfaction of local housing needs.

The Planning Authority has long recognised that housing land availability within the Borough is limited and that this impacts on its satisfaction of its housing needs.

In order to ensure a five year housing land supply, the Council undertook work in 2012 to identify additional housing sites to meet the requirements of paragraph 47 of the NPPF. It was clear from a review of the Strategic Housing Land Availability Assessment (SHLAA) that there was

insufficient land within the existing urban area (non-Green Belt) to accommodate any significant increase in the provision of housing and as a consequence it was necessary to consider the appropriateness of bringing forward sites within the Green Belt to meet housing needs. This work culminated in the Council agreeing a list of 9 strategic sites for the provision of housing in December 2012, of which 4 were within the Green Belt.

The capacity of the identified sites, when combined with capacity within the existing urban area, could accommodate in excess of 1,200 homes.

As a consequence the 2014 Draft Local Plan identified the application site as being suitable for release for housing post 2031 however, this provision was deleted following a reprioritisation of objectives by the Council in March 2016 which identified that the Council would seek to protect the Green Belt over meeting objectively assessed housing needs, following consideration of responses to the 2014 Draft New Local Plan.

The application site is allocated for Green Belt purposes in the adopted 1998 Local Plan, which remains the Development Plan for the Borough.

Whilst it is undoubtedly the case that development of this site with 11 dwellings would make a contribution towards meeting housing needs, the level of provision is inconsequential and does not make a significant contribution towards meeting identified needs. Furthermore, the residential development of any site in the Green Belt is likely to make a contribution towards housing provision. As such the contribution offered is not considered to represent a very special circumstance which would justify inappropriate development.

It should be noted that paragraph 34:3-034-20141006 of the NPPG states that 'Unmet housing need (including for traveller sites) is unlikely to outweigh the harm to the Green Belt and other harm to constitute the "very special circumstances" justifying inappropriate development on a site within the Green Belt' (2014).

Government policy as set out in a letter dated 31st August 2015 and followed up in a Written Ministerial Statement on 17th December 2015 and the 7th June 2016 have also made clear that the single issue of unmet need is unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.

It is a point stated yet again in *Hunston v Secretary of State for Communities and Local Government* (2016), where the Court ruled that very special circumstances are not automatically demonstrated simply because there is less than a 5 year land supply, and since repeated in the recently issued Government White Paper 'Fixing our broken Housing Market' (March 2017).

In terms of the satisfaction of specific housing need the most up to date local evidence of need is the 2017 Addendum to the 2016 Strategic Housing Market Assessment (SHMA May 2016). This identifies that for the Castle Point area, in the period 2014 – 2037, 32% of new dwellings should be 1 and 2 bedroomed properties and 68% of new dwellings should be 3 and 4+ bedroomed properties.

The proposed development provides 4 and 5 bedroomed units only, the provision of which will meet an identified need.

Such provision will not however assist in the satisfaction of the need for smaller dwellings, and in particular for affordable units. The applicant has however indicated that they are willing to enter into negotiations with the Council to agree an appropriate level of contribution towards off-site affordable housing provision.

Policy H7 of the adopted Local Plan advises that where appropriate, the Council will seek to negotiate a proportion of affordable housing for rent, shared ownership or outright sale, where appropriate to the scale of development schemes. The number of affordable dwellings to be provided will be dependent on the size of the site, its location, and any substantial costs associated with the provision of other necessary infrastructure and will be determined by the Council, following negotiation with the applicant.

The Developer Contributions Supplementary Planning Document makes it clear that a contribution towards affordable housing will only be sought in schemes of 15 or more units.

The current scheme seeks to provide 11 units and would not therefore attract a requirement for the provision of affordable housing under Policy H7.

It is noted however that paragraph 145(g) of the NPPF identifies that development which contributes towards the provision of affordable housing may be considered appropriate in the Green Belt, provided it did not cause substantial harm to the Green Belt.

The statement appears to apply a less rigorous test to the provision of development in the Green Belt, where the provision of affordable housing is concerned, reducing the consideration from 'no greater impact' to 'no substantial harm', the implication being that the impact on openness may be greater than that engendered by the existing development, but provided there was no substantial harm to the openness of the Green Belt such development would not be inappropriate.

Members should also be aware that the NPPF states at paragraph 64 that 'where major developments involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable ownership'.

The proposal represents a major application and if the provisions of paragraph 64 were to be applied to this case one of the proposed dwellings would need to be made available for affordable home ownership.

The applicant has offered to provide a contribution towards the provision of off-site affordable housing.

Such a contribution is not considered appropriate in the context of Policy H7 of the adopted Local Plan, and the provision of a contribution towards off site provision would be inconsistent with the provisions of the NPPF which clearly identifies that dwellings within the scheme should be made available for home ownership.

Furthermore, it must be recalled that an obligation may only be imposed on an applicant where it is necessary to make the proposed development acceptable in planning terms, is directly related to the development and is fairly and reasonably related in scale and kind to the development. (Paragraph 54 of the revised NPPF)

It is not considered that the imposition of a requirement for a contribution towards the provision of on or off-site affordable housing would make the proposal acceptable in planning terms, as the development would remain detrimental to both the spatial and visual attributes of the openness of the Green Belt and given the current adopted policy position in respect of the thresholds for contributions, nor is it considered that a contribution would be fairly and reasonably related in scale and kind to the development.

Under the circumstances it is not therefore considered that a contribution towards affordable housing represents a material consideration in the determination of this application and no weight is ascribed to its offer.

Conclusion on the existence and weight to be attached to identified 'Very Special Circumstances' – The Balancing Exercise

The application site is allocated for Green Belt purposes in the adopted Local Plan.

Residential development of this site represents inappropriate development in the Green Belt. It would permanently reduce openness and conflict with the purposes of designation, namely the prevention of sprawl and encroachment and the protection of the countryside. These harmful impacts on the Green Belt attract substantial weight and suggest prima facie that planning permission should be refused.

Government guidance, ministerial statements, recent appeal decisions and a recent judicial judgement however make it clear that circumstances and material considerations may, either in isolation or combination, provide an argument of sufficient weight, the 'very special circumstances', to set aside the harmful impacts on the Green Belt and allow the release of land for development purposes.

There can be no denial of the fact that within the context of the Strategic Housing Land Availability Assessment Castle Point is unable to identify a five year housing supply and that the development of this site could make a minor contribution to the satisfaction of housing need. This consideration would therefore appear to carry some limited weight in favour of the proposal.

It is clear however that the weight that may be attached to unmet housing need, either market or affordable, is unlikely, in isolation, to clearly outweigh the harm to the Green Belt and any other harm so as to establish very special circumstances.

Furthermore it is considered that development of the site at a low density of some 11.6 dwellings to the hectare, as proposed, would be contrary to the provisions of the NPPF concerning the effective use of land.

There can further be no denial that the site the subject of the current application was identified in the Draft 2014 Local Plan as a site which, subject to appropriate mitigation, was suitable for release from the Green Belt post 2031. This allocation was not pursued in the 2016 New Local Plan which has now been withdrawn. As the applicant states in paragraph 3.14 of the submitted Planning Statement, no weight can be attached to either Plan in the consideration of this application.

It is not considered that the site represents a particularly sustainable site, the value of which, in isolation outweighs the harm to the Green Belt.

On the basis of the significant increase in site coverage and encroachment onto undeveloped land the applicant's argument that development of the site would have no impact on the openness of the Green Belt is considered to carry no weight.

In isolation none of the identified circumstances are considered to carry sufficient weight to outweigh the harm to the Green Belt.

Looking at the circumstances identified in combination it is considered that insufficient weight is attracted by the combined circumstances to outweigh the harm to the Green Belt.

An objection is therefore raised to the proposal on the basis of its inconsistency with Green Belt policy.

- **Prematurity**

While emerging plans may acquire weight during the plan-making process, in the context of the National Planning Policy Framework and in particular the presumption in favour of sustainable development arguments that an application is premature are unlikely to justify a refusal of planning permission other than in exceptional circumstances (where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account). Such circumstances are likely to be limited to situations where both:

a. the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or neighbourhood plan; and

b. the emerging plan is at an advanced stage but has not yet been adopted (or, in the case of a neighbourhood plan, been made)

Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a neighbourhood plan, before the end of the local planning authority publicity period.

Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process.

The Council is currently preparing a further Local Plan with consultation under Regulation 18 on the issues being undertaken in July 2108. This Local Plan will overlap with a South Essex overarching Joint Strategic Plan (JSP) to be published for consultation in Spring, 2019 under Regulation 19. The JSP will describe how South Essex will meet its housing and employment needs at a strategic scale to 2037.

Both this Local Plan and the JSP, will determine the location of future housing growth within Castle Point.

Whilst these plans have not yet been published for consultation purposes, both are nevertheless at a critical stage, which could be disrupted/prejudiced by proposals seeking to undermine established Green Belt.

The new Local Plan will be published in November 2018 for consultation in Spring 2019, under Regulation 19, and will identify areas to be released from the Green Belt to meet the development needs of the Borough.

The current proposal seeks to provide housing in an area which whilst identified as potentially available for housing in the 2018 Consultation has not been confirmed as a housing site.

The application site represents a small area within a much larger potentially available site, the future of which should, in the view of the Planning Authority, be determined within the confines of an Examination in Public of the new Local Plan.

It is considered that the current proposal by seeking the redevelopment of the site at this time, prior to consideration of the 2018 Local Plan, represents an attempt to circumvent the Local Plan process and, if allowed, it is considered that the 'piecemeal' release of this site for residential development, before consideration of the wider strategic issues or consideration of a more

comprehensive approach, would establish a precedent which would prejudice the ability of the Council to achieve a high level of sustainability and effectiveness in meeting its housing needs.

It is considered therefore that the current proposal has the capacity to undermine the Council's New Local Plan for the development of Castle Point and as such it is considered that the future of this land should be determined within the context of the Local Plan, when all relevant factors can be considered, and not in isolation.

As such an objection is raised to the proposal on the basis of prematurity.

- **Consideration of the Reserved Matters**

Whilst an objection has been raised to the proposal on the basis of Green Belt policy, there are other considerations, associated with the nature of the application and other policy provisions of the Local Plan and the environmental impact of the proposal which require consideration. These are set out below.

Access

Policy T2 of the adopted Local Plan states that proposals which would result in the intensification of the use of existing accesses or the creation of new accesses onto any trunk, principal or other classified road will, in appropriate cases, require the submission of a traffic impact study demonstrating the ability of the highway network to accommodate the proposed development. Where such demonstration cannot be shown, or where there is a Policy objection from the highway authority, permission will be refused.

Policy T7 of the adopted Local Plan states that in all applications for the intensification of development served by unmade roads, the Council will seek appropriate improvements to the highway.

The proposed development seeks to provide 11 dwellings and may reasonably be expected to generate movements associated with at least 22 vehicles.

The Highway Authority has raised no objection to the proposal subject to conditions and it must therefore be assumed that the proposed access is acceptable in principle and that capacity exists within the highway network to accommodate the development proposed.

In terms of the details of the access, the submitted drawings indicate the retention of the existing access point from the unmade Chase. In principle such provision is acceptable, but it should be noted that The Chase adjacent to the site is not maintained by the Highway Authority, which has consequently made no comment in respect of its use/condition. Local residents however have expressed concern in respect of the use of the Chase by traffic accessing the site.

In order to appropriately serve the proposed development, ensure pedestrian safety and limit any undue damage to the road surface, it is considered that The Chase should be appropriately upgraded across the entire site frontage, to secure an appropriate drained and finished surface, adequately robust to accommodate traffic routinely entering the site (including refuse vehicles) and appropriate segregated pedestrian access, and measures put in place for its subsequent maintenance.

Such provision would necessitate the applicants entering into a S106 Agreement with the Authority, however subject to a satisfactory specification being achieved no objection is raised to the proposal on the basis of access.

The route is gated and 'closed' with little opportunity with little opportunity for the scheme to be integrated into a larger development should the release of the land formerly known as 'Parcel 6' be considered at any time in the future.

Layout and scale

In terms of layout, Policy EC2 of the Adopted Local Plan relates to design and requires a high standard of design in relation to new buildings. It requires development to be of a scale, density, siting, design and layout and of external materials which are appropriate to its setting and do not harm the character of its surroundings. It further requires the appearance and treatment of spaces around buildings to be enhanced by appropriate hard and soft landscaping.

Policy H12 of the adopted Local Plan states:

'Where it appears to the council that the comprehensive development of a large site or development in depth would be prejudiced by piecemeal development proposals, planning permission will be refused'.

The National Planning Policy Framework similarly seeks well designed development and encourages Local Planning Authorities to achieve effective use of land. Paragraph 123 of the NPPF states that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes at low densities and ensure that developments make optimal use of the potential of each site.

The submitted plans identify the provision of 11 detached dwellings of which all but two are provided with accommodation arranged over three floors, on an isolated site within an area allocated for Green Belt purposes.

The submitted drawings indicate the provision of a single sinuous access road/private drive through the centre of the site, from which all dwellings will gain access. The applicant has indicated that the layout owes much to the linear nature of the site and the location of the access point which it is proposed to retain and enhance. A sinuous access road leading to a private drive at the northern end of the site is indicated.

In principle the submitted scheme is considered to demonstrate the prematurity of the proposal. The limited, linear nature of the site fails to achieve an effective use of land which might more easily be achieved if a larger area were to be available and fails to provide opportunities for integration with adjoining development, should this area be released as part of the Local Plan Review. In addition the scheme achieves only a low density of development and an ineffective use of land which is contrary to the provisions of the NPPF.

This ineffective use of land represents a further objection to the proposal.

In terms of the detail of the proposed layout, and again, notwithstanding the principle objections, compliance with the provisions of the Residential Design Guidance would be sought in all residential schemes.

RDG1 of the adopted Residential Design Guidance states that within the existing built up area the plot sizes for new development should be informed by the prevailing character of plot sizes.

The surrounding area is transitional in character with more suburban development located to the east of the application site and a more rural character, typical of plotland development, and exhibited in development to the west. Dwellings are predominantly detached and set on plots some 9m – 20m wide and approximately 20m deep.

The proposed development, as represented in the illustrative drawings exhibits a variety of plot sizes with those at the centre of the site being more limited and those at the entrance to the site and at the northern edge benefitting from much more generous plot sizes. Notwithstanding the provisions of the NPPF in respect of density and the effective use of land, the proposal is considered to be broadly consistent with the provisions of RDG1 and in the current context no objection is raised to the proposal on this basis.

Such consistency is however insufficient to outweigh the principle objection to the proposal.

RDG2 states that the space around all new development should be informed by the prevailing character of space around the dwellings. Where there is a distinct character of development which creates an exceptionally strong pattern, development must not result in disruption to this pattern.

In forms of development where there is no clear pattern of development the space around a dwelling should be proportionate to the size of the dwelling. It should seek to provide at least 1m between properties and the boundary.

The area of land to the east of the development site is characterised by dwellings which generally maintain isolation spaces of 1m or more on one side with garages generally extending up to the boundaries.

The proposed development achieves greater isolation in most instances, and this reflects the transitional stance adopted by the applicant, between the suburban and more rural development located to the east and west respectively.

In this context the setting of the buildings is considered acceptable, albeit the scheme only achieves a low density of development on the site.

This lack of objection does not however outweigh the principle objection to the proposal.

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, however it must not repeat poor forms of development. Where there is a distinct pattern of development which creates an exceptionally strong building line, development must not result in disruption to this pattern.

In all cases projections into building lines which face the public realm must make a positive contribution to the streetscape.

Paragraph 5.5.2 of the preamble to RDG3 states that the setback of dwellings from the street, both on primary and return frontages, is a key consideration in terms of defining the character of the street, determining the degree of privacy to ground floor rooms and accommodating the storage and service requirements of the properties.

Paragraph 5.5.3 of the preamble states that such spaces can provide a buffer from the activities of the neighbouring public areas, such as the street or parking or servicing areas, as well as from neighbouring developments.

The application site is not within the built up area and by virtue of the undeveloped nature of the land around the development site, the proposed dwellings as shown in the illustrative layout have no strong relationship with the established building lines of the surrounding area and as such, with the currently identified layout RDG3 would appear to be irrelevant, however its content is made known to the applicant in the event of an alternative layout being considered.

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

The proposed dwellings would be located sufficiently distant from any existing adjoining development to avoid any significant overshadowing or domination of adjoining development.

Based on the indicative layout, no objection would be raised to the proposal on the basis of dominance or overshadowing.

RDG4 states that development on corner plots should be designed to turn corners. It also states that all new or replacement dwellings on corner plots should provide active frontages to all elevations that face the public realm.

All elevations that face the public realm must be provided with articulation and fenestration at all floor levels, and should provide good levels of surveillance. Blank elevations in these locations are unlikely to be acceptable.

Corner Plots should also be designed to limit the length of high level garden screening, particularly along return frontages.

The submitted layout does not provide any traditional corner plots, although the arrangement of dwellings within the site does give rise to the opportunity for extensive lengths of fencing and blank elevations adjacent to public vantage points. The applicant is asked to consider the provisions of RDG4 in the submission of any reserved matters application.

RDG5 states that for all development above ground floor level a distance of 9m shall be provided between windows, edges of balconies or raised amenity space and the boundary it directly faces at first floor level and 15m at second floor level.

The proposed layout indicates a number of situations where the achievement of these requirements may not be possible, however, in the absence of any detailed drawings of the appearance and internal layout of the proposed dwellings it is not possible to comment in detail on this matter. The applicant is however advised that any residential development on the site will be required to satisfy the provisions of RDG5.

RDG6 is concerned with the provision of private amenity area so that the outdoor needs of occupiers are provided for. It states that for each habitable room at least 15m² of amenity space should be provided.

Whilst the submitted drawings suggest that this provision can be achieved, no information is provided in respect of the number of habitable rooms to be provided. The applicant is therefore advised that this level of provision will be required to be fully satisfied in the preparation of any detailed drawings of the proposed development.

It should be noted that communal areas, small areas located at the sides of dwellings and areas located between the front elevation of dwellings and the highway, are excluded from any calculation of private amenity space.

RDG8 requires the design of all development to result in well-proportioned and balanced properties. Fenestration should be aligned both vertically and horizontally.

No details of the proposed elevations have been submitted, however the applicant is advised that full consideration should be given to RDG8 in the event of a detailed scheme being submitted.

RDG9 requires all development to demonstrate energy and water efficiency and the potential for the use of renewable energy systems. No comment has been made in respect of energy and water efficiency and renewables. The applicant is advised that full consideration should be given to RDG9. A condition requiring such consideration can be attached to the grant of any planning consent.

RDG10 states that the means of enclosure and surface material should be informed by the prevailing character of the area and that any means of enclosure should not dominate the public realm. It also states that in all cases the means of enclosure and surface treatment must be of high quality materials, appropriate in terms of appearance and ongoing maintenance to the location.

The application does not identify boundary and surface treatments. It is not therefore possible to comment on these aspects of the proposal. The applicant is however advised to consult the Residential Design Guidance prepared by the Planning Authority if an application for reserved matters is pursued on this site.

RDG13 states that all forms of residential development must be provided with safe, adequate and suitable means of refuse and recycling storage to cater for all occupiers. All communal waste points and waste storage facilities should be provided with suitable landscaping and screening.

Residents should not have to transport refuse and recycling unreasonable distances from their dwelling to the communal waste collection points or storage facilities. Such areas should be accessible for waste collectors from the point at which refuse vehicles can receive waste.

The illustrative drawing does not indicate the provision of refuse storage. This should be addressed in any future submission. However the applicant has stated in the submitted Design and Access Statement that storage areas will be provided in curtilage.

Such an arrangement would be considered satisfactory, provided the access road and drive serving the site are adequate to accommodate the weight and movements of a 32 tonne refuse collection vehicle. A condition to this effect can be attached to the grant of any consent.

Policy H11 of the Adopted Local Plan is concerned with accessible and wheelchair housing. It states that the Council will encourage all dwellings to be designed so that they are accessible for visitors in wheelchairs and capable of adaptation for occupation by most people with disabilities. In large residential developments, the Council will seek to negotiate a proportion of dwellings specifically designed to be capable, without further structural alterations, of being occupied by independent wheelchair users.

No information on accessible housing provision has been provided as part of the application; however the Planning Authority would expect any application for reserved matters to demonstrate the potential for the accommodation of persons with locomotive disability.

Policy EC5 of the Adopted Local Plan relates to crime prevention. It states that the Council will expect new development schemes to have regard to the desirability of minimising the risk of crime and maximising security by virtue of their design, layout and landscaping.

The 'Safer Places - The Planning System and Crime Prevention' guidance document recommends that seven attributes of sustainable communities are particularly relevant to 'crime prevention'. These include:

- Access and Movement
- Structure

- Surveillance
- Ownership
- Physical Protection
- Activity
- Management and Maintenance

Were permission to be granted for the residential development of the site it is considered that the applicant should be required to demonstrate achievement of the seven attributes.

Overall in terms of layout and design, the illustrative layout indicates a form of development, which would appear capable of demonstrating compliance with all relevant policy and guidance and would thus be acceptable in the context of the adopted Residential Design Guidance.

Such acceptance does not however outweigh the principle objection to the proposal.

Consideration of other matters

• Mix of Housing

Paragraph 159 of the NPPF states that Planning Authorities should have a clear understanding of the mix of housing required to meet local needs and plan to meet those needs.

Policy H10 of the Adopted Local Plan is concerned with providing a mix of development. It states that in all proposals for residential development, the Council will expect the provision of an appropriate range of dwelling types in order to satisfy a variety of housing requirements. This policy is considered inconsistent with the requirements the NPPF which further states that Local Planning Authorities should plan for a mix of housing based on current and future demographic trends, market signals and the needs of different groups in the community and should identify the size, type, tenure and range of housing reflecting local demand. (Paragraphs 60 and 61).

The most up to date local evidence of need in respect of the mix of development on sites is the 2017 Addendum to the 2016 Strategic Housing Market Assessment (SHMA May 2016). This identified that for the Castle Point area, in the period 2014 – 2037, 32% of new dwellings should be 1 and 2 bedroomed properties and 68% of new dwellings should be 3 and 4+ bedroomed properties.

The applicant has identified that the scheme will comprise large four and five bedroomed dwellings only. Whilst a need for dwellings of this size has been identified, the proposed development would not contribute significantly towards satisfying those areas of need where there is the greatest demand, specifically affordable family homes.

Whilst the applicants offer of a contribution towards the provision of affordable housing is acknowledged, for the reasons already stated such provision is considered inappropriate.

(v) Car/cycle parking

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

RDG12 states that the provision of all forms of parking must not dominate the public realm. All parking provision should be sited to avoid an adverse impact on visual or residential amenity. Access to all forms of development must be safe and convenient for all users, and the design,

size, orientation and location of parking spaces should enable the spaces to be utilised conveniently and must not deter vehicles from using them.

Policy EC2 of the Adopted Local Plan highlights the need to ensure that all modes of movement are safe and convenient.

The currently adopted standards are the 2009 County Parking Standards which require the provision of two spaces for properties with two or more bedrooms.

The submitted layout identifies the provision of two parking spaces and a double garage for all of the dwellings. The applicant is advised that such provision is acceptable in principle, however, it should be noted that all garages are required to be a minimum of 7m deep. The submitted drawings do not indicate that this is achieved in all cases, however, a condition requiring the provision of 7m deep garages can be appended to the grant of any consent.

The parking standards also require the provision of visitor parking at a ratio of 0.25 per dwelling. 11 dwellings would generate a requirement for 3 spaces. These spaces would, if provided parallel to the highway, be required to be 2.9m wide and 6m deep.

It is noted that the proposed scheme seeks to provide two visitor parking spaces only and that those identified have a width of 2m only. Such provision is inadequate, however, it is considered that scope exists within the layout to accommodate visitor parking to the requisite standard. A condition requiring such provision may be attached to the grant of any consent.

The required cycle parking standard is one space per dwelling plus one space per eight dwellings for visitors. 11 residents' cycle spaces are needed with 2 visitor spaces, making a total of 13 cycle spaces.

It is considered that both resident and visitor cycle parking can be provided within the curtilage of individual dwellings.

A condition to secure such provision can be appended to the grant of any consent.

• **Ecology**

Policy EC13 states that the Council will refuse development which is prejudicial to the interests of all wildlife and the retention and management of important habitats.

Policy EC14 encourages proposals to promote the creation of new wildlife habitats. It further states that the Council will take into account the potential for the creation of wildlife habitats, particularly where these would enhance and complement existing elements of nature conservation on adjoining land.

Paragraph 109 of the NPPF states that "The planning system should contribute to and enhance the natural and local environment by:

- protecting and enhancing valued landscapes, geological conservation interests and soils;
- recognising the wider benefits of ecosystem services;
- minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures".

In paragraph 118 it states: “When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site’s notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impact that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest;
- development proposals where the primary objective is to conserve or enhance biodiversity should be permitted;
- opportunities to incorporate biodiversity in and around developments should be encouraged;
- planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss”.

The application site is located within the Zones of Influence associated with Thundersley Great Common (SSSI) and the Southend and Benfleet Marshes SSSI, Special Protection Area and Ramsar site.

In addition the site is in close proximity to Great Wood and Dodds Grove, some 2.2km to the southeast of the site, Garrolds Meadow, some 2.2 km to the east and Belfairs Local Nature reserve, some 2km to the east.

In addition the site also abuts part of Local Wildlife Site CPT23 Thundersley Plotlands which is part of the last remaining blocks of old plotland habitat within urban Thundersley. This habitat is characterised by a mosaic of grassland, woodland and scrub and provides a significant green space resource to the local population and an ecological stepping stone between the Daws Heath woodlands to the east and the LoWS complex to the south of Kiln Road.

Given the proximity of the site to such statutorily and locally designated sites, it is essential that the ecological value of the site be assessed and any impact of development either on or off site be considered.

At the present time the character of the site may be said to comprise of two elements: the southern part of the site is currently managed as a residential curtilage, whilst the northern part of the site is less managed, although still maintained to a reasonable standard.

The consequence of such management is that neither part of the site has been identified as having any significant ecological value. Redevelopment of the site in the manner proposed, retaining all of the perimeter trees, is considered unlikely to have a significant adverse impact on biodiversity on or off the site, or on any protected species.

Whilst it is recognised that the site directly abuts a Local Wildlife site which could be adversely affected by the Construction Programme, it is considered that adequate measures could be introduced to mitigate such impact satisfactorily.

In terms of the potential impact on statutorily designated sites, the isolation retained between the site and the designated areas and the limited extent of the development is such that it is considered highly unlikely that the proposed development would impact on those sites.

This assessment is supported by Natural England.

No objection is therefore raised to the proposal on the basis of ecology, subject to the imposition of appropriate conditions on the grant of any consent to secure the submission, approval and implementation of an appropriate Construction Management Plan, and Landscaping Scheme and the retention of all suitable boundary trees.

- **Trees**

Policy EC22 of the adopted Local Plan states that in schemes for new development, existing trees, hedgerows and woods shall be retained wherever possible. Where development takes place, loss of existing tree cover and hedgerows shall be kept to a minimum. All trees and shrubs to be retained after development shall be suitably protected throughout the duration of construction.

Policy EC23 states that encouragement will be given to the planting of native trees and shrubs in appropriate cases, in order to improve the physical environment.

The site is currently bounded along the on the western, northern and on part of the eastern boundary by preserved trees which the submitted layout seeks to largely retain.

In addition, part of the eastern and all of the Southern boundary is bounded by Leylandii which the applicant also states will be retained, although the landscape strategy identifies that these may be reduced in height to some 8m.

The retention of these trees will assist in screening the development from adjoining properties and will maintain the ecological value of the site, however, as previously stated, concern is raised in respect of the longevity of the trees at the front of the site given their capacity to dominate and overshadow the proposed properties which may give rise to pressure to remove these trees, to the detriment of the character and appearance of the area.

Having said that however, Leylandii are not an indigenous or particularly attractive species and their loss would have minimal impact on biodiversity.

As previously identified however, the loss of these trees would open the development to view and would diminish the applicant's argument that development of the site is acceptable because of the capability of these trees to hide the development from view.

- **Landscaping**

Landscaping is to be determined at Reserved Matters stage and no details of the proposed landscaping scheme are therefore available for consideration at this time. The applicant is however advised that any landscaping scheme submitted should be heavily biased towards the provision of indigenous and wildlife friendly species, in order to enhance the biodiversity of the site.

- **Flood risk and drainage**

Paragraph 163 of the NPPF states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere. To this end the Planning Authority requires applicants to demonstrate the flood risk associated with the development of their site.

The application site is bounded to the north by a main river but has been identified as falling within Flood Zone 1 as defined by the Technical Guide to the National Planning Policy Framework (NPPF) and is therefore concluded to have a low fluvial flood risk.

In terms of surface water flooding, the proposed development represents a significant diminution in the permeable area of the site and an increased risk therefore of surface water runoff and flooding.

The applicants have submitted a Conceptual Sustainable Drainage scheme which has been assessed by consultants on behalf of the Lead Local Flood Authority and found to be acceptable, subject the imposition of conditions on the grant of any consent.

Subject to such conditions, no objection is raised to the proposal the basis of flood risk.

(x) Infrastructure

Policy CF1 of the Adopted Local Plan is concerned with social and physical infrastructure and new developments. It states that where the infrastructure requirements generated by development cannot be met by the existing provision the Council will require developers to provide appropriate highway and drainage improvements and appropriate improvements to social infrastructure to serve the needs of the new development.

Reference to the provision of appropriate vehicular and pedestrian access has already been made in the section entitled ' Access' in this report and no further comment is offered on this aspect the proposal.

In terms of health and education infrastructure, neither the NHS or Essex County Council have requested contributions towards the provision of enhanced facilities and it must therefore be concluded that sufficient capacity exists to meet the needs of the proposed development.

(xi) Provision of Children's Playspace

Policy RE4 of the Adopted Local Plan is concerned with the provision of children's playspace and parks. It states that the Council will seek to provide and facilitate the provision of additional children's playspace and parks in areas of identified need. Where possible and appropriate, such provision shall be made in association with new development.

Thundersley has not been identified as an area which experiences a deficiency in children's playspace and parks.

No additional facilities will therefore be sought as a result of the proposed development.

It is noted however that the applicant has identified an area of open space within the site which is identified as public open space. Whilst the Authority recognise the identification of the land as public open space within the application, it is considered unlikely that the general public would in fact make use of this space, as a consequence of its isolation from the public highway and lack of appropriate parking facilities. The fact that the space also appears to be set within a gated development is considered to further discourage public use.

Despite the lack of public access, it is considered that this area of open space, which would also function as a flood plain, (given the location a main river on the northern boundary of the site), would provide an attractive private open space.

It should be noted that the Council will not adopt the identified land as open space and that future management and maintenance of this land will be the responsibility of the land owner(s). Such management is usually secured through the formation of a Management Company. This can be secured through the provisions of a S106 Agreement.

(xii) Construction Noise and Traffic – Impact on residential amenity

Comment has been received that traffic associated with the construction and operational phases of the development should not be permitted to gain access to the site via Wensley Road. It is assumed that such comments are concerned with the potential for noise and general disturbance for adjoining residents and the potential for damage to Wensley Road, which is a road, not maintained by Essex County Council.

In terms of the construction phase, noise and disturbance associated with construction traffic is transient in nature and whilst the potential for nuisance may exist, it is relatively short lived and cannot therefore provide a robust objection to development.

The use of Wensley Road by such traffic could however have long lasting and significant adverse consequences for adjoining residents in terms of the potential for damage to the road surface and it is therefore considered appropriate to limit as far as possible heavy construction traffic on roads not suited to such vehicles.

To this end it is considered that a condition should be imposed on the grant of any consent requiring construction traffic to access the site from the east only, via the surfaced section of The Chase.

In terms of operational traffic, Wensley Road is a public highway and as such its use by residents may not be unreasonably restricted. No sustainable objection can therefore be raised to the proposal on the basis of the likelihood of vehicles associated with the residential use of the site accessing the site via Wensley Road.

Conclusion

The application site is allocated for Green Belt purposes in the Local Plan.

Within the context provided by the NPPF residential development of the site has been identified as inappropriate development.

Inappropriate development in the Green Belt can exceptionally be justified by the existence of very special circumstances.

A number of factors have been identified which the applicant believes justifies the proposed development, however, it is the view of the Planning Authority that the identified features either in combination or isolation, do not create the very special circumstances required to justify inappropriate development in the Green Belt.

The proposal therefore attracts an objection in principle.

Were Members nevertheless minded to approve the proposed development, the low density achieved the site is considered to result in a form of development which fails to achieve the

effective use of the land, contrary to Government guidance as set out in the NPPF, which represents a further objection to the proposal.

Consideration of the proposal is considered premature in the light of work currently being undertaken in respect of the preparation of the new Local Plan which will consider the future extent of the Green Belt within the Borough. Consideration of the piecemeal release of this site in advance of comprehensive consideration of all potential strategic sites is considered likely to prejudice the achievement of a more comprehensive and efficient form of development.

In terms of the reserved matters, whilst some minor deficiencies have been identified, it is considered that sufficient scope exists within the site to satisfy all spatial requirements should consent be granted.

Nevertheless, to ensure that such provisions can be achieved, it is considered that layout should be specifically excluded from the grant of any consent.

Notwithstanding this statement however, the proposed development remains contrary to Green Belt policy and my recommendation is therefore **REFUSAL** for the reasons set out below.

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 Within the context of Government guidance it is considered that the current proposal is premature in that it seeks to determine the location of future development outside the confines of the Examination in Public of the New Local Plan. The release of land for development on the basis of individual applications would lead to poorly planned growth and would fail to deliver development in an effective and managed way. To achieve sustainable growth within the borough the decision on which sites to allocate for development should be taken at a strategic level as part of the Local Plan process, which this application seeks to circumvent. The site is allocated as Green Belt where national planning policy as set out in the National Planning Policy Framework states that development of this nature is not appropriate and will only be permitted if very special circumstances exist to justify its inappropriateness. It is not considered that any very special circumstances exist or have been demonstrated to justify the proposed development which would be detrimental to the openness of this part of the Green Belt, contrary to national planning policy.

Informatives

- 1 The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal.
- 2 The applicant is advised that the proposed layout fails to meet all of the requirements of the Planning Authority's adopted Residential Design Guidance and adopted parking standards and is therefore unacceptable.

The applicant is advised that full compliance with all elements of the relevant SPD should be achieved.

ITEM 5

Application Number:	18/0661/OUT
Address:	Warehouse 54 Beech Road Hadleigh Benfleet Essex (St. James' Ward)
Description of Development:	Demolition of existing warehouse and construction of three/four storey building comprising twelve 2 bedroom apartments and two 3 bedroom apartments and gym
Applicant:	Mr & Mrs R J Hill
Case Officer:	Ms Kim Fisher
Expiry Date:	07.11.2018

Summary

This application seeks outline consent for the demolition of an existing commercial building and its replacement with a flat roofed, part three storey, part four storey building providing 12 two bedroomed flats and 2 three bedroomed flats with a gym and associated parking and amenity space on land at 54 Beech Road, Hadleigh.

Whilst all matters are reserved the applicants have submitted detailed drawings demonstrating how the site could be developed. These drawings are considered to be indicative only, but are acknowledged to represent the form of development likely to feature in any reserved matters application, in order to achieve the quantum of development sought.

This application follows the submission of two previous applications for flats on the site which were refused in 2017.

For the avoidance of doubt it should be noted that, in accordance with member' comments in respect of the consideration of the previous application received for this site, the current scheme does not include a commercial element.

The proposed scheme constitutes a departure from the Development Plan as the site is allocated for shopping purposes in the Adopted Local Plan.

No objection is raised to the principle of a residential development on this site. However, inadequate revision to previously rejected schemes has been undertaken to achieve an appropriate scheme on this site. Many of the issues identified in applications 17/0143/OUT and 17/0778/OUT have not been adequately addressed and the proposal by reason of its excessive scale, prominent siting, poor relationship with the adjoining development, obtrusive, dominant and cramped setting and adverse impact on the privacy and amenity of adjoining residents, is considered to represent overdevelopment of the site, contrary to Government guidance as expressed within the NPPF, Policies H9 and EC2 of the adopted Local Plan and RDG3 and 5.

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

The application is presented to the Committee in view of its previous consideration of the proposal.

Introduction

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

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

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

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

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

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

Site Visit

Members have previously visited the site, however, given the length of time that has elapsed since that visit it is considered appropriate for Members to revisit the site prior to determination of the application.

The Proposal

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

In summary it remains the applicant's intention to demolish the existing buildings on the site and construct a part 3 storey, part 4 storey building providing twelve 2 bedroom apartments and two 3 bedroom apartments, plus a gym on part of the ground floor.

The revised illustrative drawings indicate the provision of a flat roofed building having a maximum width of 19.8m (the same as the original submission), a maximum depth of 52.5m (compared to a previous depth of 49m) and a maximum four storey height of some 12.2m (the same as the original submission).

The building remains located on the western and northern boundaries of the site and some 1.3m from the eastern boundary. The ground floor of the building is located some 5.2m from the front boundary of the site, with the first floor over-sailing the ground floor by some 2m.

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

Vehicular access remains located in the position of the current access, leading to an undercroft parking area exhibiting 12 parking bays of the requisite width, (although not the appropriate depth in the majority of the spaces). A further 3 parking spaces are located at the front of the site.

Pedestrian access to the flats would be via the undercroft car parking. Both stair and lift access would be available. The flats are identified as being accessible to persons in wheelchairs.

Planning History

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

Members will recall that at the meeting of the Development Control Committee held on the 6th June 2017, outline consent for the provision of 14 two bedroomed flats arranged across three floors above a commercial unit at ground floor at 54 Beech Road was refused for the following reasons:

- The proposed development, as shown on the submitted illustrative drawings, by virtue of its mass, scale and prominent siting would present an overdominant and incongruous feature in the street scene, alien to the character and appearance of Beech Road contrary to the provisions of paragraphs 56 - 58 of the NPPF and policies EC2 and H9 of the adopted Local Plan.
- The proposed development, as shown on the submitted illustrative drawings, by virtue of its mass and proximity to the western and southern boundaries of the site, fails to achieve an appropriate setting for the building and results in a building of cramped appearance, out of character with the setting of adjoining development, including adjoining flatted development. The inability of the scheme to demonstrate an appropriate setting for the quantum of development sought demonstrates that the scheme represents overdevelopment of the site contrary to paragraph 58 of the NPPF, Policy EC2 of the adopted Local Plan and RDG2 and 3.
- The proposed development, by reason of the provision of a first floor garden terrace and windows and balconies in the eastern elevation at second and third floor level and a window in the western elevation at second floor level, would result in significant overlooking of the adjoining properties to the detriment of the privacy and amenity of the adjoining residents, contrary to Policy EC2 and RDG5. It is considered that the need to rely on a significant number of windows and balconies in the side elevations of the proposed building, overlooking adjoining properties demonstrates that the proposal represents overdevelopment of the site.
- The proposed development fails to make adequate provision for on-site servicing of the commercial element of the proposed scheme. As such it is considered that commercial vehicles visiting the site would be likely to stop on the highway, to the danger and inconvenience of local residents and the detriment of traffic flows, contrary to Policy EC2 of the adopted Local Plan. The inability of the proposal to satisfactorily accommodate servicing arrangements is considered to demonstrate that the scheme represents overdevelopment of the site
- The proposal fails to demonstrate the provision of adequate, safe and convenient refuse and recycling storage facilities for the residential and commercial elements of the proposal, contrary to RDG13.

- The proposed scheme is clearly capable of providing 15 units which would attract a requirement for a contribution towards affordable housing provision in accordance with Policy H7 of the adopted Local Plan. The applicant has however amended the scheme through the device of removing a number of internal walls to secure 14 units on the site. Such amendment is considered to be an attempt to avoid the payment of an appropriate contribution. The lack of affordable housing provision is contrary to Policy H7 of the adopted Local Plan.

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

The applicant submitted a revised scheme for outline consent in August 2017. This submission was not subject to Member engagement. Whilst the application was for outline consent only with all matters reserved, in order to achieve the quantum of development sought the applicant again indicated the potential scale and form of development likely to be provided on the site.

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

Whilst some amendments had been made to the proposal, the proposed development was considered to remain out of scale with the adjoining area and represented overdevelopment of the site, contrary to the provisions of paragraphs 56 – 58 of the NPPF and policies EC2 and H9 of the adopted Local Plan.

The proposal was therefore refused for the following reasons:

- o The proposed development, as shown on the submitted illustrative drawings, by virtue of its mass, scale and prominent siting would present an overdominant and incongruous feature in the street scene, alien to the character and appearance of Beech Road contrary to the provisions of paragraphs 56 - 58 of the NPPF and policies EC2 and H9 of the adopted Local Plan.
- o The proposed development, as shown on the submitted illustrative drawings, by virtue of its mass and proximity to the western and southern boundaries of the site, fails to achieve an appropriate setting for the building and results in a building of cramped appearance, out of character with the setting of adjoining development, including adjoining flatted development. The inability of the scheme to demonstrate an appropriate setting for the quantum of development sought demonstrates that the scheme represents overdevelopment of the site contrary to paragraph 58 of the NPPF, Policy EC2 of the adopted Local Plan and RDG2 and 3.
- o The proposed development, by reason of the provision of a first floor garden terrace and windows and balconies in the eastern elevation at second and third floor level and a window in the western elevation at second floor level, would result in significant overlooking of the adjoining properties to the detriment of the privacy and amenity of the adjoining residents, contrary to Policy EC2 and RDG5. It is considered that the need to rely on a significant number of windows and balconies in the side elevations of the proposed building, overlooking adjoining properties demonstrates that the proposal represents overdevelopment of the site.

- o The proposed development fails to make adequate provision for on-site servicing of the commercial element of the proposed scheme. As such it is considered that commercial vehicles visiting the site would be likely to stop on the highway, to the danger and inconvenience of local residents and the detriment of traffic flows, contrary to Policy EC2 of the adopted Local Plan. The inability of the proposal to satisfactorily accommodate servicing arrangements is considered to demonstrate that the scheme represents overdevelopment of the site.
- o The proposal fails to demonstrate the provision of adequate, safe and convenient refuse and recycling storage facilities for the residential and commercial elements of the proposal, contrary to RDG13.
- o The proposed scheme is clearly capable of providing 15 units which would attract a requirement for a contribution towards affordable housing provision in accordance with Policy H7 of the adopted Local Plan. The applicant has however amended the scheme through the device of removing a number of internal walls to secure 14 units on the site. Such amendment is considered to be an attempt to avoid the payment of an appropriate contribution. The lack of affordable housing provision is contrary to Policy H7 of the adopted Local Plan.

In refusing this application Members again confirmed that whilst there was no objection to the principle of the provision of flats on this site, the proposal before them was inappropriate for the reasons set out above and an alternative scheme should be prepared. Members advised that they would be happy to consider a proposal which met their original objection to the proposal and deleted commercial units from the scheme.

Supplementary Documentation

- Drainage Check list

A copy of this document is available to view on the Council's 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 accompanying the adopted Local Plan.

The following policies and guidance is applicable:

National Planning Policy Framework (NPPF 2018)

Introduction:

Paragraphs 2, 3, 6

Achieving sustainable development:

Paragraphs 7, 8, 10, 11, 12

Decision Making:

Paragraphs 38, 47, 54, 55, 56

Delivering a sufficient supply of new homes:

Paragraph 62,

Promoting sustainable transport:

Paragraphs 105, 106, 108, 109, 110, 111

Making effective use of land:

Paragraphs 117, 118, 121, 122, 123

Achieving well-designed places:

Paragraphs 124, 127, 130

Meeting the challenges of climate change, flooding and coastal change:

Paragraphs 150, 153, 155, 158, 159, 160, 161, 163

Ecology:

Paragraphs 170, 175, 177, 178, 180, 181
123.

Castle Point Borough Council Adopted Local Plan 1998

Policy S4	Non-Retail Development
Policy S5	Parking and Servicing
Policy H13	Location of Development
Policy H7	Affordable Housing
Policy H9	New Housing Densities
Policy H17	Housing Development – Design and Layout
Policy T8	Car Parking Standards
Policy EC2	Design
Policy EC3	Residential Amenity
Policy EC4	Pollution
Policy EC7	Natural and Semi-Natural Features in Urban Areas
Policy EC13	Protection of Wildlife and their Habitats
Policy EC22	Retention of Trees, Woodland and Hedgerows
Policy EC38	Archaeological Sites and Monuments

Residential Design Guidance –

RDG2 –	Space around Dwellings
RDG3 –	Building Lines
RDG5 –	Privacy & Living Conditions
RDG6 –	Amenity Space
RDG9 –	Energy & Water Efficiency & Renewable Energy
RDG10 –	Enclosure & Boundary Treatment
RDG11 –	Landscaping
RDG12 –	Parking & Access
RDG13 –	Refuse & Recycling Storage
RDG16 –	Liveable Homes

Additional Guidance/Policy

Essex Planning Officers Association Vehicle Parking Standards September 2009 (Adopted June 2010)

Developer Contributions Guidance Supplementary Planning Document (Adopted October 2008)

Addendum to the 2016 Strategic Housing Market Assessment (2017)

Strategic Housing Land Availability Assessment Update (31st March 2017)

Planning Minister Statement (25th March 2015)

Written Ministerial Statement (WMS), 'Planning for Growth' (March 2011)

Technical Housing Standards - nationally described space standard (March 2015)

DEFRA Non-statutory technical standards for sustainable drainage systems (March 2015)

Consultation

Environment Health

Concerns raised in respect of potential noise nuisance emanating from use of Gym.

Informatives requested.

Street Scene

No response received

Anglian Water

The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable. Condition required to secure appropriate scheme.

Essex Highways

No objection subject to conditions.

Lead Local Flood Authority

It is anticipated that the development is unlikely to impact on surface water drainage and therefore no comments are provided in respect of this application.

Essex Infrastructure

No response received

Essex Police

Would like to see this developer seek to achieve a Secured by Design award.

CPBC Emergency Planning Officer

No response received

Public Consultation

One response received raising the following issues:

Building too tall
Inadequate on-site parking
Loss of privacy and overlooking
No need for more flats
Loss of view
Loss of value

Comment on Public Consultation responses

Loss of view and value are not material planning considerations and cannot be taken into account in the determination of the application.

All other relevant considerations will be considered in the evaluation of the proposal.

Press Notice

The proposal represents a major application and a departure from the Development Plan and it was therefore necessary to place a Public Notice in the Press. The closing date on this notice was the 28th September 2018. Any responses received pursuant to this Notice will be verbally at the Development Control Committee meeting.

Evaluation of Proposal

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

In the interests of presenting a comprehensive analysis of the proposal and in view of the length of time that has passed since the development of this site was first considered and the recent revisions to the NPPF, it is considered appropriate to undertake a comprehensive analysis of the proposal rather than a simple comparison with the previously submitted scheme as was the case with the previous application.

The main issues to be considered are:

- The principle of residential development and flats on the site
- The loss of commercial activity from the site.
- Indicative scale, appearance, layout, access and landscaping
- Other material considerations including
 - Residential amenity
 - Pollution
 - Energy and water efficiency
 - Internal space provision
 - Drainage
 - Archaeology and
 - Affordable housing
- The principle of residential development and flats on the site

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 proposal seeks to provide residential accommodation over four floors. The provision of residential accommodation would, prima facie, appear inconsistent with this policy provision and should therefore attract a recommendation of refusal.

However, paragraph 118 of the NPPF states that Local Authorities should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively.

The site is considered to represent a brownfield site in the urban area and as such its development for residential purposes would be consistent with the provisions of the NPPF.

Furthermore, the delivery of residential development on this previously developed site would provide an important contribution towards the provision of new homes within the Borough which exhibits a significant deficiency in housing land supply.

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

In respect of the provision of flats, Policy H13 of the adopted Local Plan requires their location to be on, or near, a main road. This is to ensure that the higher levels of activity usually generated by such intensive forms of development do not have an adverse impact on the character of the area or amenity of occupiers in more traditional forms of residential development and to encourage sustainable patterns of development.

This is consistent with paragraph 104 of the NPPF 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.

Policy H9 of the Local Plan requires the optimum density of housing to be achieved on any site, whilst ensuring that the proposal does not harm the character of the surrounding area, provides a functional and attractive layout with adequate building lines, landscaping, setting and space around the building and ensuring that the proposal accords with all appropriate policies. This is broadly consistent with para 122 of the NPPF which requires local authorities to support development which makes efficient use of land, taking into account:

- a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;
- b) local market conditions and viability;
- c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;
- d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and
- e) the importance of securing well-designed, attractive and healthy places.

Paragraph 123 states that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities.

The application site is not located on or near a main road and as such the proposed development may be considered to be inconsistent with the Policy provision. However, the site is located immediately adjacent to existing flats to the north and west, and is in reasonable proximity to the A13 London Road to the north.

Furthermore the location of the site provides convenient access to local facilities within the town centre and to public transport. As such it is considered that the site conforms to the principal requirements of Policy H13.

Given the location of the site, the neighbouring forms of development, the contribution the site could make towards the provision of housing in the Borough and the provisions of the revised

NPPF, it is not considered that an objection to the redevelopment of the site for residential purposes could be sustained on appeal. The principle of flats is therefore considered acceptable.

Members have previously confirmed, in their consideration of applications 17/0143/OUT and 17/0778/OUT that they have no objection to the principle of flats on this site.

Flatted developments will inevitably be likely to achieve a higher density of development than would be achieved through the development of the site with individual dwellings and in the context of the site, given its location and proximity to other flatted developments and the Town Centre, the principle of higher density development is acceptable. However it remains the case that increased density should not be pursued at the expense of good design, the character and appearance of the area or the amenity of future and existing residents. These issues will be explored later in this report.

One resident has objected to the proposal on the basis that there is no need for further flats in Hadleigh, which is described as 'an already densely developed area'. Government guidance is clear that in order to contribute towards meeting housing need, it will be necessary to consider more intensive forms of development on appropriate sites. This site has been identified as a site which is, in principle, suitable for such development.

A need for two and three bedroomed properties has also been identified within the Strategic Housing Market Assessment.

No objection is therefore raised the proposal on the basis of a lack of need.

- The loss of commercial activity from the site.

Whilst the site does represent an employment opportunity, it is not considered to be a particularly attractive commercial site being located on the fringe of Hadleigh town centre, some distance from the primary commercial frontage and adjoined on all sides by residential development. The site has for many years performed a warehouse/storage function with limited employment potential and no demonstrated links to uses within the Town Centre. The loss of this use is therefore considered unlikely to have a significant adverse impact on the viability or vitality of the Town Centre. No strong economic reason why the redevelopment of the site for residential purposes should not be allowed can be identified.

- Indicative scale, appearance, layout, access and landscaping.

Although the application is in outline form only with all matters reserved, the illustrative drawings indicate the form of development likely to be favoured by the applicant and required to achieve the quantum of development proposed on this site.

In order to assist the applicant in the preparation of future applications for the site the following advice is offered based on the illustrative drawings submitted.

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 paragraphs 124 - 127 of the NPPF which require development to contribute positively to making places better for people, achieve high quality and inclusive design, 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 effective landscaping.

Paragraph 130 of the NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

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

In the context created by the above policies and guidance consideration will be given to the scale, appearance, layout, access and landscaping.

- Scale

In order to achieve the quantum of development proposed, the applicant has suggested the provision of a part three storey, part four storey building. The inspiration for a building of this scale appears to have been drawn from the flatted development located immediately to the north and west of the site, which is three and four storeys in height. In such a context the provision of a similar scale of development would appear, prima facie, acceptable.

However in considering the scale of development, consideration of all aspects of context is critical. In the case of the flatted development to the north and west, the development is seen in the context of the Town Centre, being immediately adjacent to the active commercial frontages, which themselves exhibit three-storey elements. The proposed development however would be more closely associated with the smaller scale domestic character of the residential area around the Town Centre. Beech Road is dominated by single and two storey dwellings, and in this context the provision of a three/four storey building which extended across almost the full width and full depth of the site and above the height of the adjoining development by some 6m, dominating the skyline, when viewed from the east in particular, would present an overdominant and incongruous feature in the street scene, completely alien to the character and appearance of Beech Road.

Whilst it is acknowledged that a four storey development adjoins the rear of the site, it is not considered that the impact of this development on Beech Road is so significant as to create an environment for development of the scale now proposed in the street frontage. A more sensitive approach which paid greater attention to the Beech Road context and was perhaps graded to provide two storey development at the southern end of the site perhaps rising to four storey development at the northern end of the site has previously been commended to the applicant but has failed to result in any significant changes to the scale of the proposed development. In terms of scale, it is considered that the proposed development remains inconsistent with, and detrimental to, the character and appearance of Beech Road.

In order to disguise the mass of the building, the applicant has retained a gradation in the colour of materials used on the building, as suggested with the second scheme submitted, with darker materials used at ground floor level and lighter colour materials on the upper levels, however, as previously opined, the contrivance of graduating colour horizontally across the building is not considered effective in reducing the mass of the building or adequately disguising the incongruity it represents in the context of Beech Road.

In its current form the proposed development is considered to be out of scale with the adjoining area and represents overdevelopment of the site, contrary to the provisions of paragraphs 127 and 130 of the NPPF and policies EC2 and H9 of the adopted Local Plan. An objection is raised accordingly.

The proposed scheme is not considered to have overcome the objection raised to the proposal on this basis in either of the previous iterations.

- Appearance

The proposal is in outline form with all matters reserved. Detailed consideration of design is therefore inappropriate at this time. However, the applicant has provided an indication of the style of development likely to be provided on the site and some comment is therefore possible.

The provision of a flat roofed, modular style building, whilst inconsistent with the majority of the development on Beech Road, is consistent with the character of other flatted developments in the area. Notwithstanding the comments made in respect of the scale and siting of the development, the modular appearance of the building is considered acceptable, if disappointing, given its context. No objection is therefore raised to this aspect of the proposal.

- Layout, access and landscaping

Assessment of the layout of the proposed development as indicated on the illustrative drawings will be against the provisions of the Council's adopted Residential Design Guidance.

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

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

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

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

Immediately to the north and west of the site, the landscape is dominated by three and four storey flatted development. These structures are significantly larger in scale than the domestic dwellings on Beech Road and the space retained around the buildings is similarly increased in scale. Castle Court, to the west is located some 11m – 14m from the boundary it shares with the application site and some 24m from the southern boundary, creating a spacious setting when viewed in the context of the surrounding streetscape. To the north of the site, new flats at Poppy Meadows exhibit a tighter grain which reflects the more tight-knit character of the development of which it forms part, but even here, side isolation spaces of at least 1m are achieved at ground floor level and 3.5m at third floor level.

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

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

The proposed flats are shown to have a width of some 19.8m. Isolation spaces the equivalent of at least 4.95m are therefore required, with at least 1m required between the flank elevations and the boundary of the site.

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

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

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

The proposed development, as shown on the submitted illustrative drawings, by virtue of its mass and proximity to the western and southern boundaries of the site, fails to achieve an appropriate setting for the building, and results in a building of cramped appearance, out of character with and unsympathetic to, the setting of adjoining development, including adjoining flatted development. The inability of the scheme to achieve an appropriate setting for the building demonstrates that the scheme represents overdevelopment of the site and an objection is therefore raised to the proposal on this basis under the provisions of paragraph 127 of the NPPF and RDG2.

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

Castle Court is located immediately to the west of the application site and is set back some 24m from the Beech Road frontage. Whilst it is acknowledged that garages are provided between the building and the highway, these are single storey buildings which have limited impact on the street scene, being low level and set some 6m from the highway boundary. The overall impression gained is one of a spacious setting to the existing flats, which is currently reflected in the setting of the building on the application site, which is some 17m from the highway boundary. The existing dwellings located to the east of the application site are much smaller in scale than their neighbours and are set some 6m from the highway boundary. These establish a relatively strong building line to Beech Road which is only marginally disturbed by the dwelling located at the junction of Beech Road and Oak Road North.

In order to achieve the quantum of development proposed the applicants seek to locate the proposed building some 5.8m from the highway boundary. Whilst it is acknowledged that the front elevation of the ground floor of the building is set some 7.5m from the highway boundary, this recessive element is dominated by the over-sailing stories above and by the pillars providing visual support to the stories above, which are set some 6m from the highway boundary. The structure as a whole would project some 0.8m in advance of the front elevation of the adjoining bungalow.

Whilst this represents an improvement over the initially submitted scheme, in which the proposal extended some 2m in advance of the front elevation of the adjoining bungalow, the prominent siting, combined with the mass of the building is considered to result in the creation of an obtrusive and overdominant feature in the street scene, detrimental to the character and appearance of the area contrary to the provisions of paragraph 127 of the NPPF, Policy EC2 of the adopted Local Plan and RDG3. An objection is raised to the proposal accordingly.

The proposed scheme is not considered to have overcome the objection raised to the proposal on this basis in either of the previous iterations.

RDG5 is concerned with the ability of any proposed residential development to secure the privacy and amenity of both existing and proposed occupiers. In order to achieve this RDG5 requires a distance of 9m be maintained between any boundary and first floor (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 guidance is clear that edges of balconies should be treated in the same manner as windows.

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

The proposed development provides windows to all elevations. Six of the flats would overlook the street, the remaining 8 would overlook the garden area which is shown to be located on the eastern side of the building at first floor level. Almost taking the form of a large balcony, the edge of the proposed garden area would be located approximately 1.5m from the eastern boundary of the site.

Those windows provided within the development's internal southern and northern elevations will directly overlook opposing flats within the same development at a distance of some 17m. Whilst this is not ideal, future residents will be aware of this situation prior to determining occupation and will make any decision to occupy accordingly.

The inability of the proposed development to achieve the minimum isolation distances is however considered to indicate the cramped nature and inappropriate scale of the development.

Whilst the windows in the internal northern and southern elevations are capable of achieving oblique views across adjoining private amenity areas this cannot be controlled. No objection is therefore raised to the proposal on this basis.

Windows overlooking the street would not normally lead to a loss of privacy or amenity, however in this case, the height of the proposed building, its siting on the plot and the narrow width of Beech Road combine to create a situation where second floor accommodation will be located less than 18m from the amenity areas of properties on the other side of the road, leading to significant potential for overlooking and loss of privacy.

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

In the eastern elevation, all windows provided at first floor level (excluding high level windows) are located some 9.6m from the opposing boundary of the site which satisfies the requirements of RDG5, however the windows located at second floor level are also located 9.6m from the opposing boundary. As such the requisite levels of isolation are not achieved.

Furthermore, it should be noted that the edge of the first floor garden would be located some 1.5m from the boundary of the site. Users of this space could therefore stand at the edge of the garden and directly overlook the adjoining amenity area. This situation is considered unacceptable and prima facie should attract an objection.

The applicant has suggested that the privacy and amenity of adjoining residents to the east could be protected through the device of providing planting between the building and the boundary in order to create a screen at first floor level.

It is the intention of the applicant to provide solid trellising and a green wall at first floor level along the eastern edge of the proposed roof terrace.

The submitted details identify the provision of seven 3.8m posts erected on the flat roof of the undercroft parking area, some 4m above natural ground level to which a stainless steel wire grid would be attached as a framework for the growth of Honeysuckle and Virginia Creeper.

In addition it is proposed to provide 10m high Fastigate Oaks along the boundary of the site, at 3m - 4m centres.

Whilst it is acknowledged that a screen some 7m – 8m high would be effective in shielding adjoining residents from direct overlooking from the terrace and from first floor windows, such a screen would be less effective in preventing overlooking from windows in the side elevation at second floor level.

Furthermore it should be noted that Fastigate Oak, honeysuckle and Virginia creeper do not retain their leaves over winter and all will take several years to produce an impermeable screen. It is clear therefore that whilst the vegetation is establishing there would be considerable opportunity for overlooking of the adjoining properties, with a consequent loss of privacy.

Even when established, the deciduous nature of the proposed planting means that for at least four months of the year the planting would be bare branched and therefore of limited value in the achievement of an effective screen.

As such it is not considered that the provision of a green wall and Fastigate Oak represents an appropriate response to the objective of protecting the privacy and amenity of adjoining residents and its use in this situation is considered contrived and impractical. It is not considered that the proposed planting would satisfactorily secure the privacy of adjoining residents.

Furthermore it is considered that the provision a wall some 7m -8m high, along the entire length of the rear garden of the adjoining bungalow would result in an overdominant and oppressive feature, detrimental to the amenity of the adjoining occupier and likely to lead to considerable overshadowing, particularly during the afternoons.

An objection is therefore raised to the proposal on this basis.

The revised scheme has not satisfactorily addressed earlier concerns in respect of overlooking and lack of privacy.

No windows are now provided on that part of the western elevation of the building which is aligned on the western boundary of the site, the illustrative drawings now suggest the replacement of the previously proposed obscure glazed screen at first and second floor levels with aluminium cladding.

Windows less than the requisite distance from the boundaries are provided in the remainder of the western elevation. The majority of these appear to serve communal areas and may therefore be obscure glazed and fixed, thus avoiding the potential for overlooking the development to the west, however units 7 and 13, located to the rear of the site have windows some 6.5m from the western boundary serving living accommodation. In the case of Unit 7, the windows would look out onto a 5m high brick wall and whilst not perhaps providing the best outlook to future occupiers, would not

result in any loss of privacy, however those provided to Unit 13 would be set above the retained wall and in the previously submitted scheme would have provided views across the adjoining site potentially into windows in the rear elevation the adjoining flats. Such a relationship was considered likely to result in a loss of privacy and amenity on the part of the occupiers of Castle Court and represented a further objection to the proposal. In the current scheme, the applicants have included the provision of a screen on the boundary at second floor level, to avoid overlooking. Consideration of the screen however indicates that it is comprised of a mesh fence with slats to provide a maximum of 50% clear area view past the boundary. It is clear therefore that this screen does not provide an impermeable barrier and that overlooking of the adjoining properties and loss of privacy can still occur.

Furthermore, it is considered that the provision of a screen extending to a height of some 10m, on the boundary of the site, would represent an oppressive and overdominant feature, detrimental to the amenity of the adjoining residents.

With the exclusion of the ground floor flat, all of the flats have private terraces/balconies, which have the capability of providing vantage points across adjoining land. Whilst many of these may be screened to limit direct overlooking, several, including those serving the penthouse, would require extensive screening that would unacceptably add to the mass of the building.

The continued inability of the illustrative scheme to meet the requirements of RDG5 and the reliance placed on contrivances in an attempt to secure the privacy of adjoining residents strongly suggests that the site cannot satisfactorily accommodate the quantum of development sought. The proposal represents overdevelopment of the site and an objection is therefore maintained under RDG5.

RDG6 is concerned with the provision of amenity space and 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.

12 flats are proposed, each having 3 habitable rooms and 2 flats each provide four habitable rooms, thus 364m² of amenity space is required.

The proposed first floor landscaped garden has an area of some 136m² and is therefore significantly smaller than the level of amenity area usually sought for a development of this size. This communal area is supplemented by eligible terraces and balconies which provide a further 200m² of amenity area, however such provision is still deficient of the requirement. Furthermore, it should be noted that some 136m² of this space is provided within the private terraces and garden serving the penthouse. If this is deducted from the communal provision, some 200m² is provided to meet the needs of all other residents. This is equivalent to the provision of some 16.6m² per flat. Whilst this is below the requisite level, given the form of development and the proximity of the site to large areas of open space at the John Burrows Recreation Ground and the Hadleigh Castle Country Park, it is not considered that an objection based on inadequate amenity space provision would be supported on appeal.

The inability of the site to provide adequate private amenity space does however support the contention that the proposal represents overdevelopment of the site.

(It should be noted that areas of open space provided at ground floor level between any building and the highway boundary is considered to represent part of the setting of the building and is

excluded from consideration as private amenity area by virtue of the inability of users to reasonably make the area secure from public view and therefore private).

A significant element in the layout of any scheme is the provision of adequate, safe and convenient car parking.

RDG12 is concerned with the provision of appropriate access and parking arrangements.

Access to the development is proposed to be taken the existing access point from Beech Road.

The vehicular access to the site is provided on the eastern boundary and has a width at the highway boundary of some 5.5m in order to allow a vehicle traffic to egress from the site without requiring incoming vehicles to wait on the public highway.

Essex County Council as Highway Authority has considered the proposed layout and found it to be generally acceptable, subject to conditions.

No objection is therefore raised to the proposed access to the site.

In terms of parking, Policy T8 of the Local Plan requires the provision of car parking in accordance with adopted standards. This is consistent with paragraph 105 of the NPPF which requires local planning authorities to set such standards reflecting local circumstances.

The currently adopted standards are the 2009 County Parking Standards.

The current car parking standards require each dwelling having two or more bedrooms 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 provides 14 two or more bedroomed properties which would require the provision of 28 car parking spaces.

In addition visitor parking at a ratio of 0.25 spaces per dwelling (rounded up) is required, thus the total parking requirement for the development would be 32 spaces. (No parking provision is identified for the proposed gym as it is assumed that this will be for the use of residents only – and indeed could be conditioned as such. It should be noted that operated as a commercial gym available to the general public the gym would attract a requirement for 4 car parking spaces which cannot be accommodated on the site.).

It is the practice of this Authority to apply parking standards flexibly in locations which offer good access to public transport and services. The proposal site is considered appropriate for consideration in this context and would therefore attract a requirement of one parking space for every residential unit. This would equate to the provision of 14 spaces.

No visitor parking would be required given the proximity of the site to public car parks within the adjoining residential area, however three visitor spaces are provided within the scheme.

Car parking spaces are required to be 2.9m wide and 5.5m deep. Detailed consideration of the indicative layout identifies that one of the bays proposed on the western side of the car park is less than the requisite 2.9m wide and the disabled bay is significantly less than 5.5m deep. Furthermore all of the bays on the eastern side of the car park are less than the requisite 5.5m deep, however it is considered that sufficient space is available within the proposed arrangement to accommodate these spatial deficiencies. No specific objection is therefore raised to the quantum or size of parking bays provided.

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.

Parking areas are expected to be provided with ample opportunity for the exercise 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 residential parking is provided in the form of an undercroft located centrally under the residential accommodation. In this location the parking area would have no adverse impact on the character and appearance of the surrounding area.

In terms of surveillance, the current proposal now provides a dwelling at ground floor level, the access to which is provided from the car park. This offers some limited opportunity for surveillance.

Whilst planting is indicated within the parking area, the undercroft nature of the parking area and the limited space available suggests that such planting is unlikely to thrive.

The residential cycle parking requirement for flats is one secure space per dwelling, cycle storage for 14 bicycles is therefore required. A cycle storage facility is shown within the undercroft parking area, however the number of cycles which may be accommodated is not identified. The provision of the requisite number of cycle parking spaces can be secured by the imposition of a condition on the grant of any consent.

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.

The submitted drawings indicate the provision of a rectangular bin storage building located adjacent to the access to the undercroft parking. This remains unchanged from previous applications where the opinion was offered that conflict could arise between operatives emptying the bins and drivers entering and exiting the site as a result of its siting.

This remains a cause for concern and represents an objection to the layout.

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 170 of the NPPF which seeks the protection and enhancement of valued landscapes, geological conservation interests and soils, paragraph 175 which aims to conserve and enhance biodiversity and Paragraph 171 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 site is completely hard surfaced and currently provides no opportunity for landscaping or biodiversity.

The redevelopment of the site affords an opportunity for the introduction of landscaping and the Planning Authority would expect the submission of a detailed landscaping scheme biased towards indigenous and wildlife friendly species, as part of any reserved matters application.

Other Material Considerations

- 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 the provisions of the NPPF which require development to be appropriate for its location and to take into account the effects of the development on general amenity.

RDG12 seeks to ensure that parking provision is sited so as to avoid adverse impact on visual or residential amenity.

Concern was previously raised that the passage of vehicles along the proposed access to the undercroft car park would result in undue noise and disturbance. Despite the fact that the access remains in the same location as previously proposed no comments have been received in respect of this aspect of the proposal at this iteration, however, the impact of development on adjoining residents remains a material consideration in the determination of the application and should therefore be considered.

Whilst it is recognised that the passage of vehicles immediately adjacent to a garden fence could potentially result in noise and disturbance, such activity in the future must be considered in the context of past and current activity levels on the site.

The site represents an operational warehouse facility with no limitation on the number of vehicles which may access the site or the hours of operation. At the present time therefore large vehicles may enter the site at any time. Such vehicles are required to manoeuvre within the open areas of the site in order to exit in forward gear thus resulting in noise and disturbance.

The proposed development will attract movements from potentially fourteen cars. It is not considered that the noise and disturbance generated by such activity would be significantly different from that currently experienced and as such it is not considered that an objection can be raised the proposal on the basis of such disturbance.

The impact of the proposal in terms of loss of privacy and overlooking has already been discussed in the context provided by RDG5 and is not revisited here.

(b) 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 paragraphs 178 to 183 of the NPPF

which seek to ensure that ground conditions and pollution sources are adequately considered in the determination of applications.

The site has most recently been used for warehouse purposes and does not display any evidence of contaminative uses on the site, nevertheless, the potential for contamination is considered to exist and the applicant is therefore advised to consult the Council's Environmental Health Officer in the preparation of any future applications for this site.

(c) Energy and Water Efficiency

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 150 of the NPPF which encourages development which reduces greenhouse gas emissions, and paragraph 151 which requires policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including visual impacts.

No information has been submitted in respect of these aspects of the proposed development. The Planning Authority would expect these matters to be addressed in any application for reserved matters.

(d) Internal Space Provision

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 paragraphs 59 – 61 of the NPPF which seek 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 proposed appear to have good sized rooms with suitable turning and circulation space capable of accommodating disability living requirements. The accessibility of the flats is also attested to by the provision of disabled parking facilities.

It is considered that a scheme providing units of the size currently proposed would be acceptable in the context of RDG16.

(e) 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 160 of the NPPF which requires local planning authorities to ensure flood risk is not increased elsewhere when determining planning applications.

The submitted proposal gives no consideration to the provision of a sustainable drainage system and indicates that all surface water runoff will be directed to the main sewer.

The Lead Local Flood Authority (LLFA) has identified that the site is a largely impermeable brown field site, the redevelopment of which is unlikely to impact on surface water drainage. Unlike the previous schemes, no objection is now raised to the proposal by the LLFA.

Anglian Water however has stated that the preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. It has objected to the proposal on the basis of the lack of consideration of a sustainable drainage system and sought the imposition of a condition on the grant of any consent to secure the submission of an appropriate scheme, or justification for the lack of such provision and details of the means of connection the sewer system.

Whilst it is acknowledged that the site is currently completely hardsurfaced with limited opportunity for the permeation of surface water on site, it is recognised that the proposal represents an opportunity to consider the installation of a sustainable drainage scheme, in the interests of ensuring that surface water from this site does not give rise to the potential for increased off site runoff and flooding.

A condition to secure such an outcome may be attached the grant of any consent.

(f) Archaeology

Policy EC38 of the adopted Local Plan is concerned to ensure that the archaeological record of the Borough is not diminished by insensitive development in zones of identified interest.

The application site lies within an Archaeological Consultation Zone and a number of monuments and spot finds have been recorded within the area which attest to Hadleigh being a site of continuous human occupation since the Neolithic period (circa 4000 -2500BC), examination of the Historic Environment Records however has failed to reveal any finds on or within the immediate environs of the site. Under the circumstances archaeological investigation of the site cannot be justified and no objection may be raised to the proposal under the provisions of EC38.

(g) Affordable Housing

Policy H7 seeks to secure affordable housing on sites of fifteen or more units. In its original form the proposal sought to provide 15 units, however following discussions in respect of the scale of development proposed on the site the applicants reduced the number of units to 14. This reduction was primarily secured through the removal of a number of internal walls and resulted in a situation where the floor space of one of the penthouse units was some 2 – 3 times larger than all other units within the development and clearly capable of providing two units. Under the circumstances, it was considered that the developer was deliberately trying to avoid contributing to the provision of affordable housing, and a contribution towards the provision of affordable housing was considered appropriate regardless of the number of units identified.

The current scheme secures an additional unit a ground floor level but has reduced the number of penthouses from two, to one, thus maintaining 14 units on the site.

Whilst this redistribution of the units could be considered a further attempt to avoid the need for a contribution towards affordable housing, the reduction in mass at fourth floor level achieved as a consequence of the loss of a penthouse unit is a positive feature of the scheme which would invalidate any claims of deliberate avoidance.

No contribution towards affordable housing provision is therefore considered appropriate in the current scheme.

Conclusion

Whilst the application has been submitted for outline consent only with all matters reserved, in order to achieve the quantum of development sought the applicant has indicated the potential scale and form of development likely to be provided on the site. The submitted scheme is very similar to that which was refused planning permission on two occasions in 2017.

Inadequate revision has been undertaken to achieve an appropriate scheme on this site. Many of the issues identified in applications 17/0143/OUT and 17/0778/OUT have not been adequately addressed and the proposal remains unacceptable within the context provided by national and local planning policy and guidance.

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

My Recommendation is Refusal for the following reasons

- 1 The proposed development, as shown on the submitted illustrative drawings, by virtue of its mass, scale and prominent siting would present an overdominant and incongruous feature in the street scene, alien to the character and appearance of Beech Road contrary to the provisions of paragraphs 127 of the NPPF and policies EC2 and H9 of the adopted Local Plan.
- 2 The proposed development, as shown on the submitted illustrative drawings, by virtue of its mass and proximity to the western and southern boundaries of the site, fails to achieve an appropriate setting for the building and results in a building of cramped appearance, out of character with the setting of adjoining development, including adjoining flatted development. The inability of the scheme to demonstrate an appropriate setting for the quantum of development sought demonstrates that the scheme represents overdevelopment of the site contrary to paragraph 127 of the NPPF, Policy EC2 of the adopted Local Plan and RDG2 and 3.
- 3 The proposed development, by reason of the provision of a first floor garden terrace and windows and balconies in the eastern elevation at second floor level and a window in the western elevation at second floor level, would result in significant overlooking of the adjoining properties to the detriment of the privacy and amenity of the adjoining residents, contrary to Policy EC2 and RDG5. It is considered that the need to rely on a significant number of windows and balconies in the side elevations of the proposed building, overlooking adjoining properties demonstrates that the proposal represents overdevelopment of the site.
- 4 The proposal fails to demonstrate the provision of adequate, safe and convenient refuse and recycling storage facilities, contrary to RDG13.

Informatives

- 1 The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal.

- 2 Please note that a site notice was displayed in a publicly visible location at the site. Castle Point Borough Council would appreciate your co-operation in taking the site notice down and disposing of it properly, in the interests of the environment.