



Council Offices, Kiln Road,
Thundersley, Benfleet,
Essex SS7 1TF.
Tel. No: 01268 882200
Fax No: 01268 882455



David Marchant LLB (Hons) BSc (Hons) CEng FICE FCMI
Chief Executive

AGENDA

Committee: DEVELOPMENT CONTROL

Date and Time: Tuesday 2nd December 2014 at 7.30 p.m.

Venue: Council Chamber

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

Membership: Councillors Ladzrie (Chairman), Smith (Vice Chairman), Anderson, Barrett, Blackwell, Burch, Cross, Hart, Mrs King, Varker, Mrs Wass, N. Watson and Wood

Canvey Island Town Councillors : Acott and Greig

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

Enquiries: Cheryl Salmon, ext. 2454

PART I (Business to be taken in public)

1. Apologies

2. Members' Interests

3. Minutes

A copy of the Minutes of the meeting held on 4th November 2014 is attached.

4. Public Speakers

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

5. Deposited Plans

Report of the Head of Regeneration and Neighbourhoods is attached.

	Application No.	Address	Page
1.	14/0497/FULCLC	Land R/O 37-46 St Christopher's Close, Canvey Island (Canvey Island West Ward)	1
2.	14/0548/FUL	44 London Road, Benfleet (Appleton Ward)	12
3.	14/0557/FUL	23 Roggel Road, Canvey Island (Canvey Island South Ward)	38

Agendas and Minutes can be viewed at www.castlepoint.gov.uk
Copies are available in larger print & audio format upon request
If you would like a copy of this agenda in another language or alternative format:
Phone: 0207 520 1431 or email translations@languageline.co.uk

DEVELOPMENT CONTROL COMMITTEE

4th NOVEMBER 2014

PRESENT: Councillors Ladzrie (Chairman), Smith (Vice-Chairman), Anderson, Barrett, Blackwell, Burch, Cross, Hart, Varker, Mrs Wass and Canvey Island Town Councillors Acott and Greig.

Apologies for absence were received from Councillors Mrs King, N. Watson and Wood.

Councillor Letchford also attended.

18. MEMBERS' INTERESTS

Councillor Smith declared an interest in Agenda Item 5(2), as shown under Minute No. 20(b).

19. MINUTES

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

20. DEPOSITED PLANS

(a) 14/0474/FUL – ST JOHNS AMBULANCE CENTRE, EASTERN ESPLANADE, CANVEY ISLAND (CANVEY ISLAND SOUTH WARD) – ERECTION OF NEW FIRST AND SECOND FLOORS AND CHANGE OF USE TO COASTWATCH STATION – MR PAUL ROBERTS

The application sought permission for the creation of a new Coastwatch Station through the extension of an existing building on the south side of Eastern Esplanade. The provision of a Coastwatch Station within the seafront entertainment area was considered to be inconsistent with the regeneration ambitions for the area, and the Planning Officer advised that the specific design and location of the proposal would result in an unattractive, obtrusive and dominant feature in the street scene which would be out of character with its context and detract from the low rise and more open character of development in this location. The proposal was therefore recommended for refusal.

The application was presented to the Committee as the application site was within the control or ownership of the Local Authority.

Mr Blissett, a member of Coastwatch, spoke in support of the application.

Councillor Acott, Canvey Island Town Council, spoke in support of the application.

During discussion a Member stated that whilst he was supportive of a new building in this location he did not consider that the design of the proposal was acceptable and agreed with the Planning Officer's recommendation.

Other Members felt that the design was acceptable and was not out of character with the area. It was not considered that the application would compromise the future regeneration of the seafront area particularly as plans for the areas were unlikely to happen for a number of years. However it was felt that, if agreed, it should be specified that the building should only be used as a Coastwatch Station and that it should be constructed in the form stated in the proposal with no variations.

Following detailed discussion it was:-

Resolved – That the application be approved with the following conditions:

1. That the building shall only be used by the National Coastwatch Institution as a Coastwatch Station.
2. That the development is constructed in the form stated with no variations.

(b) 14/0499/REM – 56 STADIUM WAY, THUNDERSLEY (VICTORIA WARD), REMOVAL OF CONDITION 2 OF SECTION 106 AGREEMENT ATTACHED TO APPLICATION CPT/75/01/FUL – MR BERNARD LITMAN

(Councillor Smith disclosed a non pecuniary interest in the above application as the applicant was known to him and remained in the Chamber during discussion of the item).

In September 2002 retrospective planning permission had been granted by the Committee for the change of use of premises at 56 Stadium Way, to warehousing, ancillary office and ancillary retail sales (CPT/75/01/FUL). The consent had been subject to four planning conditions which related to the commencement of development, provision of sight splays, car parking and external storage and a legal agreement, Condition 2, which had the effect of limiting the use of the unit to that of a Retail Warehouse Club, with requirements for purchasers to be Members of the Club and pay a Membership fee in order to purchase goods.

The owner of the property now wished to be released from the restrictions imposed on the original consent and had stated that the requirements of Condition 2 of the legal agreement had never been implemented and that no harm had been caused as a result of the non implementation.

A Member requested to know why the applicant now felt these restrictions should be removed and the specific reason the Committee had decided to impose them in 2002. The Member did not concur with the Planning officer's recommendation of approval and strongly felt that not only should the conditions remain but that they should have been implemented in the first instance. The Planning Officer explained that the specific reason for imposing the restrictions had not been recorded however it was considered that the restrictions were primarily imposed in order to limit the expansion of retail activity within an area of the estate allocated for employment purposes. The applicant was not required to provide a specific reason for discharging the requirements of the S106 Agreement and none had been provided.

During discussion Members generally felt that the proposal was acceptable particularly as the site was now in a predominantly retail area and considered that the restrictions should be removed.

Following discussion it was:-

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

(c) CPT/327/11/FUL – 4-12 PARK CHASE, HADLEIGH, BENFLEET (ST JAMES' WARD) – ERECTION OF PART 3/PART 4 STOREY BLOCK OF 25 FLATS WITH PARKING AND REFUSE STORAGE – TRINITY VIEW HOMES

The Committee was informed of the progress made since the resolution in September 2011 to grant planning permission subject to a Planning Obligation.

On that occasion the Committee had resolved that in respect of the application for 25 units, outline planning permission should be granted subject to a Section 106 Agreement covering the following Heads of Terms:

- contribution of £20,000 towards public transport infrastructure improvements along the A13 adjacent to the site, improvements to include real time information and appropriate bus stop infrastructure considered necessary by the Engineer.

Since the resolution the developer had shown limited interest in completing the Agreement however following contact by the planning authority in August 2014 the developer had now responded that they would like to progress the scheme and complete the Agreement. Given the length of time that had now passed since the original resolution of the Committee it was necessary to consider whether any policy or guidance changes since the resolution might influence development of the site and seek fresh instructions from the Committee in respect of the legal agreement.

The Planning Officer advised that a detailed re-assessment of the proposal in light of National Planning Policy Framework (NPPF) was not considered necessary given the resonance of Local Plan policies against which the proposal

was judged with the NPPF; an assessment of the proposal against the Residential Design Guidance had not revealed any deficiencies in the scheme which would lead to a recommendation of refusal. However, the planning conditions that were originally recommended would need to be updated, particularly the condition that no construction work take place during or prior to the Olympic Mountain Bike Event which had finished in 2012. Following the re-assessment it was considered that the Agreement as originally drafted remained consistent with Government advice and it was in accordance with Essex County Council's "Developers Guide to Infrastructure Contributions 2010".

In conclusion, the proposed development remained appropriate in policy terms and made a valuable contribution to housing provision within the urban area. Therefore there was no objection to the proposal being brought forward subject to the applicant being willing to complete a varied S106 Agreement with conditions as set out in the Planning Officer's report.

A Member raised concern about the design of the development and felt that it did not conform to National Planning Policy. It was confirmed that the NPPF, at paragraph 60, stated that planning policies and decisions should not impose particular designs on developers and in this context the proposal was considered acceptable.

A Member questioned whether the contribution of £20,000 was still sufficient to provide the public transport infrastructure improvements that were considered necessary. The Planning Officer advised that Essex County Council had been consulted again but had made no comment that the amount was insufficient. Furthermore the amount was consistent with other similar agreements that been made recently.

During discussion Members indicated that they were in favour of the proposal and it was therefore:-

Resolved – That subject to the completion of a satisfactory S106 Agreement covering the following Heads of Terms:

- contribution of £20,000 towards public transport infrastructure improvements along the A13 adjacent to the site, improvements to include real time information and appropriate bus stop infrastructure considered necessary by the Engineer.

The Head of Regeneration and Neighbourhoods be authorised to grant permission with the conditions as set out in the Planning Officer's report.

Chairman

ITEM 1

Application Number:	14/0497/FULCLC
Address:	Land R/o 37- 46 St Christopher's Close Canvey Island Essex SS8 9NG (Canvey Island West)
Description of Development:	Demolition of existing garages and construction of 3 No. three bedroomed houses and associated works
Applicant:	Castle Point Borough Council
Case Officer	Mr Keith Zammit

Summary

The proposal is for the redevelopment of a redundant Council-owned garage site with three dwellings. The site represents the redevelopment of previously developed land within the residential area and satisfactorily conforms with all relevant planning policy and guidance.

The proposal is therefore recommended for **APPROVAL**, subject to conditions.

The application is presented to Committee as the Council is the applicant for the development.

Site Visit

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

Introduction

The application site comprises Council-owned garages and associated hard standing, located to the rear of residential properties in St Christopher's Close, St. Luke's Close and Second Avenue. Vehicular access to the site is from St. Agnes Drive on the western side of the site, with pedestrian access from St Christopher's Close on the northern side.

The site originally contained 26 garages, some of which have been removed. None of the remaining garages appear to be in use.

An electrical substation is located within the site.

The Proposal

Permission is sought for the clearance of the site and the erection of three houses comprising of one detached house and a pair of semi-detached houses. Each of these would be three bedroomed, with a roof height of some 7.7m. A rendered finish with brick detailing is proposed, with concrete interlocking roof tiles.

Seven parking spaces are proposed in a communal parking area.

Supplementary Documentation

The application is accompanied by the following documents which are available to view on the Council's website:

- Flood Risk Assessment and
- Design and Access Statement.

Planning History

None of relevance to this proposal.

Relevant Government Guidance and Local Plan Policies

National Planning Policy Framework

Paragraphs 56 to 58

Current Local Plan

EC2 – Design

T8 – Parking standards

Residential Design Guidance

RDG1 – Plot size

RDG2 – Space around dwellings

RDG3 – Building lines

RDG5 – Privacy and living conditions

RDG6 – Amenity space

RDG12 – Parking and access

Consultation

Legal Services

No objection

Refuse and Recycling

No objection, properties will be part of kerbside refuse collection scheme

County Highways

No objection subject to conditions

Canvey Town Council

Application should be deferred pending investigation into July 2014 flooding.

Environment Agency

Object: The FRA fails to fully consider the effect of a range of flooding events including extreme events on people and property and does not provide GPS verified topographic levels for the development site.

UK Power Networks

No comments received

Public Consultation

Two objections received from the following properties:

6 St. Luke's Close
130 Second Avenue

Making the following comments:

- o additional noise from people and traffic
- o loss of privacy
- o refuse collection problems, more refuse will be left in the streets
- o loss of access to nearby properties
- o impact on water pressure, flooding

Comments on Consultation Responses

- o There is no evidence to suggest that future occupiers of the site would be unusually noisy. However, were that to be the case, such activity would be subject to control under other legislation.
- o The Council's refuse and recycling service has stated that these properties will be part of the kerbside refuse collection scheme
- o Water pressure in the area is a matter for the water supply provider
- o There is no mechanism by which the application may be deferred or held in abeyance following recent surface water flooding experienced on the Island
- o Other matters raised are dealt with in the evaluation of the proposal

Evaluation of Proposal

Principle

The site is allocated for residential purposes on the proposals map accompanying the adopted Local Plan. Accordingly, there is no objection in principle to the site being developed for residential purposes.

Flood Risk

Government guidance as contained in the NPPF requires all proposals for new dwellings in areas at risk of flooding to be accompanied by a site-specific Flood Risk Assessment in order to demonstrate that the occupiers of the proposed development would not be placed at unacceptable risk in the event of a flood. The proposal is also required to pass the sequential and exception tests as set out in the National Planning Policy Framework and associated Practice Guidance, in order to determine whether sites of lower flood risk probability exist which may be more suitable for the type of development proposed.

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

accommodate the proposed development. Under the circumstances it is considered that the proposal passes the sequential test.

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

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

The second criterion requires that the applicant demonstrates that the development is safe, will not increase flood risk elsewhere and where possible will reduce flood risk overall.

The applicant has provided a Flood Risk Assessment (FRA). The FRA identifies that during a 1 in 200 year event inclusive of climate change, if there was a breach of sea defences the site would be flooded up to a depth of 0.5m, which when the 300mm freeboard allowance is added gives a depth of 0.8m. The finished ground floor level of the properties would be raised by 0.8m above external ground levels and would therefore be likely to remain dry under such circumstances.

During a 1 in 1000 year event inclusive of climate change, flood depths on site could be as much as 2m. The ground floor of the property would therefore be liable to flooding; however, with the first floor set some 3m above adjoining ground level, it would appear likely that there would be refuge available above flood water levels. In order to confirm this, additional information has been requested from the applicant clarifying finished floor levels. Once this has been received the further comments of the Environment Agency will be sought. Subject to the EA being satisfied as to the information provided it is considered that the holding objection currently lodged by the EA can be removed.

In terms of the response of occupiers to a flood event, provided the response is managed by a Flood Response Plan, it is not considered that there would be undue risk posed by the development.

Paragraphs 3.40-3.43 of the FRA discuss flood warning and safe refuge. The basic points of the Environment Agency's Flood Warnings Direct service are covered, but mention is made at 3.42 of individual occupiers having a flood *evacuation* plan which is not appropriate. The Council's advice to residents is to 'go in, stay in and tune in' (to local radio/TV) during a flood warning or event. This section of the plan is therefore not adequate as a Flood Response Plan as it encourages evacuation which would represent a potentially high risk strategy. Were planning permission granted, a condition would be necessary to require submission and approval of a new Flood Response Plan which omitted reference to self evacuation.

It is noted that there is the possibility of incorporating flood resistance and resilience measures into the construction of the building in order to minimise damage to the building during a flood event and to enable a faster recovery once floodwaters have subsided. The Flood Risk

Assessment contains a section relating to the incorporation of flood resistance and resilience measures into the proposed construction at 3.44-3.45. There are, however, only examples given and the submission does not state whether a water exclusion or water entry strategy is to be adopted, or what measures will be incorporated into the proposed construction. Were permission granted, a condition would be necessary to require submission and approval of a scheme of flood resistance and resilience measures.

The National Planning Practice Guidance states at paragraph 054, Reference ID: 7-054-20140306, that when considering safety, the depth and velocity of flood water and the structural safety of buildings needs to be considered. The FRA provides only a brief mention of this issue at 3.46. A condition is therefore required to ensure that details demonstrating the structural stability of the buildings under flood conditions are submitted for separate consideration.

The NPPF requires that development does not increase flood risk elsewhere. Sustainable management of surface water from the development is therefore required in order to minimise the risks to surrounding development from surface water flooding. The submitted FRA deals with surface water at paragraphs 4.5-4.8. This indicates that properties would be connected to the existing surface water drainage system in the area and that the site will have lower runoff rates than at present. The submission has not, however, followed the SuDS hierarchy of on-site management of surface water through infiltration in the first instance, and if this is not possible then through disposal off-site. Examples of SuDS measures are given, but no commitment is made to the utilisation of such measures. Were permission granted, a condition would be necessary to require submission and approval of surface water drainage details, to ensure that the SuDS hierarchy is followed.

Subject to an amended FRA being received and that amended FRA attracting no adverse comments from the Environment Agency, there is no objection to the proposal on the basis of flood risk.

Other matters of detailed design

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

The proposed dwellings would be of two storey design with gabled roofs; it is considered that this would be broadly in keeping with the character of development locally. The use of render as the main external finish could be said to be out of keeping with the surrounding area, where there are no dwellings with wholly rendered front elevations, however there is render used to the rear elevations of dwellings in St Christopher's Close and in this context, it is not considered that the proposal, which would create its own enclave and therefore has the capacity to develop its own individual character, would be so injurious to the visual amenity of the area that an objection on such grounds could be sustained on appeal.

The raised ground floor levels of the dwellings have the unfortunate consequence of necessitating raised entrances to the dwellings with associated steps and hand-railings which are not considered to be attractive features. However, the public impact of this would be limited and under the circumstances it is not considered that an objection to this aspect of the proposal could be sustained.

Within the Council's Residential Design Guidance SPD, guidance at RDG1 requires the plot sizes for new development to be informed by the prevailing character of the area. This guidance has been prepared in accordance with section 7 of the NPPF.

The plots are not uniform in shape however they generally have a width of some 8.5m to 9m which is considered reflective of the character of the surrounding area. The plots would be around 20m deep which is not considered to be out of keeping with nearby development.

RDG2 requires the space around new development to be informed by the prevailing character of space around dwellings. The dwellings would be provided with isolation spaces of approximately 2.6m and 3m to the side boundaries of the site, adjoining the existing residential development, with a gap of some 1.2m between the buildings at their front elevations. In respect of the side isolation gaps, these are considered to be generous compared to surrounding development so no objection is raised. In respect of the gap between the buildings, this is less generous, although the dwellings 'open out' at the rear. Furthermore, being in a backland location the development would not be viewed in the context of the existing street scene, and on this basis it is not considered that the visual harm caused would be so great that an objection on this basis could be robustly defended at appeal.

RDG3 requires proposals to respect established building lines. The proposal would be backland development and would not be read in the context of an existing building line. Therefore there is no objection to the proposal on the basis of this part of the guidance at RDG3.

RDG3 also requires proposals not to cause excessive overshadowing or dominance to adjacent dwellings. The proposed dwellings are considered to be sufficiently well separated from existing dwellings that there would be no significant adverse impact to existing residents through overshadowing or dominance.

It is considered, however, that given the constrained nature of the site and the elevated nature of the development, extensions to the properties could adversely affect the amenity and privacy of adjacent residents. Therefore, a condition should be imposed on the grant of any planning permission withdrawing permitted development rights under Classes A, B and C of the General Permitted Development Order.

RDG5 deals with privacy and living conditions. A distance of 9m is required to be provided between first floor windows and the boundary of the site. Where this is not achieved, the use of obscure glazed and fixed windows may be employed to overcome privacy concerns, but only where the windows concerned are secondary windows.

Such guidelines are not normally applied to ground floor development, but given the elevated nature of the ground floor accommodation, it is considered that the ground floor windows have the potential to lead to loss of privacy to adjacent residents and therefore should be subject to consideration in the same way as first floor windows.

The proposed semi detached properties would not have 9m deep rear gardens, however, bearing in mind that there is a public footpath providing additional separation from dwellings at the rear, which increases the distance between proposed rear windows and the rear boundaries of the adjoining properties to some 10.5m, it is not considered that the proposal would give rise to undue overlooking.

The detached house has the potential to cause loss of privacy to adjoining residents as its rear windows would be less than 9m from an adjoining garden, however such overlooking would only be of the very rear portion of the garden of 35 St Christopher's Close at an acute angle, which is not considered to cause undue loss of amenity. No objection is therefore raised to the proposal on this basis.

The front facing windows would overlook the parking area which is acceptable in policy terms. The electrical substation would, unfortunately, dominate the outlook from the ground floor front window of the southernmost house, but it is an existing item of infrastructure that is present on site and potential occupiers of the dwelling would be able to assess the level of amenity and quality of the outlook available before deciding to take up occupancy. Under such circumstances it is not considered that the amenity of occupiers could be said to be harmed by the layout of the site.

Some side facing windows are proposed, but these are all secondary windows so a condition requiring these windows to be obscure glazed and fixed to 1.7m from floor level would protect adjacent residents' privacy without leading to unsatisfactory living conditions within the dwellings.

Raised amenity terraces are proposed to the rear of the dwellings. These have the potential to cause significant loss of privacy to nearby residents.

As originally submitted the terraces were of a size capable of being used for sitting out, with a consequent detrimental impact on the privacy and amenity of adjoining residents, however, following discussion with the applicant the terraces have been reduced in size and now provide only access to the amenity area. As such the presence of the terraces is considered acceptable and no objection is raised to this element of the proposal.

RDG6 requires appropriate amounts of outdoor amenity space to be provided in proportion to the size of the dwelling. 15m² per habitable room should be provided. The proposed dwellings would each have five habitable rooms requiring an amenity area of 75m². The rear garden areas would range from 90m² to 142m² in area which satisfies this requirement.

Policy T8 of the 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.

RDG12 requires car parking not to be visually dominant or have an adverse impact on residential amenity.

The current standards require the provision of two off-street parking spaces for properties with two or more bedrooms, with 0.25 visitor spaces per dwelling, rounded up. The proposed development would therefore require the provision of seven spaces. These are proposed in a shared parking area. This is considered sufficient for the development, and no objection is raised to the parking provision on numerical grounds.

It is of course acknowledged that the loss of the garage court would result in the loss of a parking facility for existing residents, however these garages would appear to have been unused for some time and were not large enough to accommodate modern cars therefore it is not considered that an objection on the basis of loss of parking would be supported on appeal.

The dimensions of the proposed parking spaces meet current standards.

The parking layout shows parking spaces along the rear boundaries of properties in St. Christopher's Close. This has the potential to lead to disturbance to those residents whose properties back onto the site. However, the use of the garage court would also have caused some disturbance. Whilst it is acknowledged that the garages have fallen out of use, when they were in use they would have generated vehicular activity in this area, and on this basis, it is not considered that the impact of the proposal on the amenity of nearby residents would be significantly different to the former situation. No objection is therefore raised to this aspect of the proposal.

It is also noted that rights of access may still be available to adjoining residents across the application site. This has implications for the layout of the parking area and is currently under consideration by the applicant. It is anticipated that a revised plan will be received prior to the Committee meeting. A verbal report on this element of the proposal will therefore be made at the meeting.

The Highway Authority has requested that several conditions be imposed should permission be granted.

The first states that there shall be no discharge of surface water onto the highway. Imposition of a condition requiring submission of surface water drainage details following the SuDS hierarchy would satisfy this requirement.

The second requires public footpath No.15 to be maintained free of obstruction at all times. The Planning Authority has no powers to require the removal of obstructions from the footpath; such responsibility rests with the Highway Authority, which has powers to require removal of obstructions that may occur. A planning condition to this effect would therefore be unenforceable.

The third requires provision of Residential Travel Information Packs to new occupiers, to include six one-day travel vouchers. Whilst such provision may be justified in the case of large scale development where the impact of new residents to an area could be significant, it is not considered that there is the potential for the occupation of three new dwellings to significantly impact upon the local highway network, and such a condition would therefore not be justified.

Conclusion

Subject to the submission of a new Flood Response Plan to the satisfaction of the Environment Agency, it is considered that the development would be capable of being carried out without undue risk to future occupiers or harm to the amenity of surrounding residents.

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

Recommendation

That subject to the receipt of a new Flood Response Plan, to the satisfaction of the Environment Agency, the Head of Regeneration and Neighbourhoods be authorised to **APPROVE** the proposal, subject to the following conditions:

- 1 The development hereby permitted shall be begun on or before the expiration of five 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 Prior to the commencement of the development hereby approved details or samples of all materials to be used on the external surfaces shall be submitted to, and formally approved by the Local Planning Authority.

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

- 3 The development hereby approved shall be built wholly in accordance with the approved materials.

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

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, as amended, no development of the type specified in Classes A, B or C of Part 1 of the Second Schedule to that Order (or the equivalent provisions of any statutory instrument revoking, amending or re-enacting that Order) shall be carried out without the formal consent of the Local Planning Authority.

REASON: In view of the constrained nature of the site and the elevated nature of the development, the Local Planning Authority considers that the uncontrolled exercise of permitted development rights could lead to unacceptable overlooking of or dominance towards surrounding residential properties.

- 5 The finished habitable ground floor levels shall be set at a level to be agreed with the Environment Agency prior to the commencement of development on the site.

REASON: To reduce the risk of flooding to the proposed development and future occupants.

- 6 Prior to the commencement of development, a Flood Response Plan for the dwellings shall be submitted to, and formally approved by, the Local Planning Authority.

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

- 7 Upon occupation of either dwelling, the approved Flood Response Plan for that dwelling shall be enacted and thereafter maintained at all times that the dwelling is occupied. Any revisions to the Plan shall be submitted to and formally approved by the Local Planning Authority.

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

- 8 Prior to commencement of development, a scheme of flood resistant and resilient construction for the approved dwellings shall be submitted to and formally approved by the

Local Planning Authority. Any flood resistance and resilience measures shall be in accordance with the 2007 CLG publication "Improving the Flood Performance of New Buildings" or such other guidance as may supersede it.

REASON: To minimise damage to the building caused by floodwater and to enable faster recovery following a flood.

- 9 The approved dwelling shall be constructed and fitted out in accordance with the approved scheme of flood resistance and resilience measures.

REASON: To minimise damage to the building caused by floodwater and to enable faster recovery following a flood.

- 10 Prior to the commencement of development, a scheme demonstrating the ability of the proposed structure(s) to withstand the hydrostatic and hydrodynamic pressures likely to be acting on the buildings in a 1 in 200 year and 1 in 1000 year flood event shall be submitted to the Local Planning Authority.

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

- 11 The development shall be constructed in accordance with the scheme approved in relation to condition 10.

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

- 12 Prior to the commencement of development, details of the means for the disposal of surface water from the development shall be submitted to and approved in writing by the Local Planning Authority. Only if it can be demonstrated that disposal of surface water on site through infiltration techniques is not possible shall there be disposal of surface water off site through connection to existing sewers.

REASON: In the interest of sustainable drainage and because the submission does not demonstrate that disposal of surface water on site has been considered.

- 13 Prior to occupation of the dwellings, the approved car parking areas shall be provided, hard surfaced and drained. Thereafter, these areas shall be retained for the purpose of vehicle parking and not used for any other purpose unless otherwise agreed in writing with the Local Planning Authority.

REASON: In order to make and retain satisfactory provision for off-street parking.

- 14 The windows in the side elevations of the proposed dwellings shall be obscure glazed to at least Level 3 on the Pilkington Scale and non-opening to a height of 1.7m above the finished floor level of the room in which the window(s) is installed, and permanently retained as such thereafter.

REASON: In order to protect the privacy of the occupiers of the adjoining properties.

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 2

Application Number:	14/0548/FUL
Address:	44 London Road Benfleet Essex SS7 5TJ (Appleton Ward)
Description of Development:	Demolition of existing dwelling and construction of 6 No. 3 bedroomed houses, 1 No. 2 bedroomed bungalow, 2 No. 1 bedroomed flats and 4 No. 2 bedroomed flats and communal amenity space, landscaping, parking and associated works, to provide 100% affordable housing
Applicant:	Dove Jeffery Homes Ltd
Case Officer	Miss K. Fisher

Summary

The proposed development provides 100% affordable housing meeting an identified need in the Borough. There is no significant conflict with Council policies or design guidance that would justify a refusal of the scheme and the recommendation is therefore one of **APPROVAL** subject to the applicant being willing to enter into a S106 agreement to ensure the disposal of the development to a Registered Provider and a Deed of Nomination Rights between the Council and the Registered Provider.

Introduction

The application concerns a site located on the southern side of London Road, some 100m west of its junction with Homefields Avenue. The site is allocated for residential purposes in the Council's Adopted Local Plan and is 'T- shaped', having a frontage to London Road of approximately 24.3m, a frontage to Romsey Drive of some 21.4m, a maximum depth of 86.9m and a maximum width of some 58.5m

The site is currently occupied by a detached bungalow.

Semi-detached houses and chalets are located to the east of the application site and semi-detached houses and flats are located to the west of the application site. Semi detached houses are also located to the south of the site whilst a detached house is located to the north.

The Proposal

Demolition of the existing detached bungalow and provision a new residential development comprising of 2 No. 3 bedroomed semi-detached houses, 1 No. 2 bed bungalow, 4 No. 3 bedroomed terraced houses and a two storey block of six flats; comprising 2 No. 1 bedroomed and 4 No. 2 bedroomed flats. The proposed development is to be 100% affordable housing.

The pair of 3 bedroomed semi-detached houses is located towards the London Road frontage; the one bedroomed bungalow is located to the rear of these houses. The block of flats is located

on the Romsey Drive frontage and the four terraced houses are located in the wider middle section of the site, to the rear of the properties at 48, 50 and 54 London Road and 41, 43 and 45 Romsey Drive.

The proposed three bedroomed semi-detached houses would have a footprint of some 10.5m by 11m and a maximum height of some 8.5m.

The proposed detached bungalow would have a footprint of some 10.65m by 8.5m and a maximum height of some 5.2m.

The proposed three bedroomed terraced houses would have a footprint of some 10.5m by 22m and a maximum height of some 8.2m.

The proposed block containing the flats would have a footprint of some 15.7m by 19m and a maximum height of some 9m.

A parking court is proposed towards the centre of the site providing 8 car parking spaces; 6 for the flats, 1 for the bungalow and 1 for visitors. A second visitor parking space has been provided to the east of the proposed block of flats. The proposed three bed semi-detached houses would have allocated spaces along the eastern boundary of the site adjacent to the proposed entrance drive. The proposed terraced houses would have private drives.

Materials to be used in the development include:

Elevations

Buff, wire cut bricks, timber effect cladding, through colour render and Trespa cladding panels.

Windows

Grey UPVC Casement

Roofs

Flat concrete interlocking tiles – Sandtoft Calderdale slate or similar

Parking Area

Block paved

Pathways

Paving slabs or block paved.

Details of all materials are to be agreed with the Planning Authority.

Enclosure

Brick walls are to be provided along the eastern boundary of Plots 2 and 3; elsewhere 1.8m fences are to be provided, some with additional trellis for security and screening purposes.

Hedges are to be provided along the Romsey Drive and London Road frontages, with an additional 1.5m railing provided to the Romsey Drive frontage to prevent access from that frontage.

Supplementary Documentation.

The following documents accompanied the planning application and are available for inspection on the Council's website:

- Design and Access Statement
- Planning Statement
- Noise Assessment
- Arboricultural Impact Assessment
- Ecological site appraisal and Code for Sustainable Homes Ecology Assessment
- Bat Survey
- Transport Statement
- Energy and Sustainability Statement
- Contamination Desk Study
- Air Quality Assessment
- Drainage Strategy

Planning History

CPT/639/02/OUT (part of current application site):-

3 Storey block of flats comprising 8 units and 2 bungalows. Refused 1/10/2002 on the basis of intensification of access use and consequent adverse impact on highway safety, the prejudicing of the comprehensive development of a wider site and adverse impact on the amenity of adjoining residents arising from the location of the proposed access road adjacent to the boundary of the adjoining property.

The current proposal has been the subject of pre application discussion.

Local Plan Allocation

Residential

Relevant Policies and Government Guidance

National Planning Policy Framework (NPPF)

Paragraphs:50, 51, 56, 57, 58, 60, 61, 64, 95, 98, 103, 109, 118, 120, 121 and 123.

Castle Point Borough Council Adopted Local Plan 1998

- EC2 Design
- EC3 Residential Amenity
- EC4 Pollution
- EC7 Natural and Semi Natural Features in the Urban Area
- EC13 Protection of Habitats and Wildlife
- EC22 Retention of trees, Woodland and Hedgerows
- H9 New Housing Densities
- H13 Location of Development
- H17 Housing Development – Design and Layout
- T8 Car Parking Standards

Residential Design Guidance

- RDG2 Space Around Dwellings
- RDG3 Building Lines
- RDG5 Privacy and Living Conditions
- RDG6 Amenity Space
- RDG8 Detailing
- RDG9 Energy & Water Efficiency & Renewable Energy
- RDG10 Enclosure & Boundary Treatment
- RDG11 Landscaping
- RDG12 Parking & Access
- RDG13 Refuse & Recycling Storage
- RDG16 Liveable Homes

Essex County Council Parking Standards – September 2009

- Parking Standards for Use Class C3: Dwellinghouses

Consultation

Essex County Council – Highway

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

1. Prior to commencement of the development, the road junction at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4m metres by 43m metres to the East and West, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the road junction is first used by vehicular traffic and retained free of any obstruction at all times.

Reason: To provide adequate inter-visibility between vehicles using the road junction and those in the existing public highway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

2. The existing access at London Road shown on the site layout plan shall be suitably and permanently closed incorporating the reinstatement to full height of the highway verge/footway and kerbing immediately the proposed new access is brought into first beneficial use.

Reason: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

3. Prior to occupation of the development a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.

Reason: To provide adequate inter-visibility between the users of the access and pedestrians in the adjoining public highway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

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

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

5. Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety to ensure accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

Additional Note:

With reference to the above condition the applicants attention should be drawn to the recent alterations to householder "permitted development" in so far as there is now the need to provide a permeable solution (SUDS) for the hard standing to reduce the cumulative impact of surface water run-off and overloading of sewers.

6. The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

7. Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

8. Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, (to include six one day travel vouchers for use with the relevant local public transport operator)

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011

9. No development shall take place, including any ground works or demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and under-body washing facilities

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM1 of the Highway Authority's Development Management Policies February 2011.

10. The any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

Reason: To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety and in accordance with Policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

Environmental Health

Environmental Health Services do not have any objections with the proposals submitted. The applicant has undertaken assessments with regards to (a) Air Quality; (b) Contaminated Land; and (c) Noise; and comments are as follows;

- (a) Air Quality – no issues with regards to air quality have been raised. Therefore have no observations regarding air quality.
- (b) Contaminated Land – the report submitted has recommended that further investigations are necessary. Therefore recommends attaching the "Contaminated Land" conditions below.
 1. A scheme to bring the site to a suitable condition in that it represents an acceptable risk will be implemented prior to the commencement of development. The scheme shall be submitted to the Planning Authority for approval prior to commencement of works. This shall be undertaken by competent persons and in accordance with the Essex Contaminated Land Consortium's Land Affected by Contamination: Technical Guidance for Applicants and Developers.

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

2. Should contamination be found that was not considered in the remediation scheme it shall be made safe and reported immediately to the Local Planning Authority. The site shall be assessed in accordance with Condition ** and the remediation scheme shall be submitted for approval by the Planning Authority.

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

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

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

4. The developer shall submit to the Local Planning Authority a signed certificate to confirm that the remediation works have been completed in accordance with the documents and plans detailed in Conditions * and * above.

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

ADVISORY NOTES:

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

- (c) Noise – the report which is attached to this email outlines a number of recommendations with regards to noise controls and the levels within the proposed dwellings. Recommends conditions specifying part 5 of this report is complied with. Also requests that any windows installed have the facility to be opened.

Refuse and Recycling Officer

If applicant is able to confirm that the road will be suitable and are happy for us to drive on it, then we can service the flats easily and the houses can be kerbside.

It should be noted that the applicant has amended the plan to show that the road would accommodate refuse vehicles.

County Education

Does not require a S106 contribution for education purposes on this development.

Legal Services

[This development] appears to be similar to the Beech Road development whereby the developer and owners entered into a Section 106 Agreement for the delivery of affordable housing as well as

provision for the RP (Registered Provider) to enter into a Deed of Nomination Rights with the Council.

As it is a private developer and I assume the developer does not yet own the land it would be appropriate to enter into a Section 106 Agreement rather than using a Grampian condition with a requirement for a Deed of Nomination Rights. I would need to investigate title in the usual way, which would not usually happen when using conditions to control development.

A section 106 Agreement runs with the land whereas a Deed of Nomination Rights would only be binding on those who are party to it.

Also considering NPPG 21a-010-20140306 it appears that using a Grampian condition “not to occupy any of the dwellings until the Applicant has entered into a Deed of Nomination Rights with the Council” may not meet the test of necessity or be sufficiently transparent, whereas the terms of the S106 Agreement and Deed of Nomination Rights will have been agreed with the developer prior to the grant of planning permission.

Would suggest therefore that the recommendation requires the applicant to enter into a Section 106 Agreement for the disposal of the development to an RP and Deed of Nomination Rights between the Council and the RP.

Public Consultation

Responses have been received from the following addresses:

London Road: 43, 47, 48, 50, 60 and Flat 4, Forest Glade Court 32-36 London Road

Romsey Drive: 29, 31, 33, 41, 45

which make the following comments and objections:

- Concerned about formation of new access onto London Road and highway safety
- Inadequate parking
- Location of proposed car park will result in noise and disturbance
- Proposal too close to adjoining dwellings and will adversely impact on natural light received and overshadowing
- Adjoining properties have a civil ‘Right to Light’.
- Proposal will result in greater parking on Romsey Drive
- Loss of privacy
- Proposal will encourage trespass over the ‘ransom strip’.
- Previous application refused. What has changed?
- Loss of wildlife – site has been cleared.
- Site would be opened up leading to a loss of security to adjoining residents.
- Construction phase will create a safety hazard for pedestrians
- Proposal fails to maximise use of land
- New access road will cause noise and disruption
- Flats do not reflect context of Romsey Drive
- Proposal represents overdevelopment of the site.
- Proposal will result in noise and light pollution
- Drainage system is under pressure
- Sites adjoining are prone to flooding during heavy rainfall.

Comments on Consultation Responses

- The conditions recommended by the Highway Authority can be attached to any consent granted.
- Concern has been expressed in respect of the potential for subsidence to occur as a result of the removal of trees from the site. Such concerns are a civil matter which cannot be taken into consideration in the determination of the planning application.
- All relevant planning considerations will be addressed in the evaluation of the proposal

Evaluation of Proposal

Principle

The site is allocated for residential purposes in the adopted Local plan. There can therefore be no objection to the principle of residential development on this site.

The development will however be required to conform to the more detailed policy requirements of the adopted Local Plan and Residential Design Guidance.

Policy H13 of the adopted Local Plan is concerned with the appropriate location of flats and requires that such development should not adversely affect the amenity of the adjoining residents. Policy H13 states that proposals for flats should be located on, or near, a main road.

Whilst the proposed flats will have a frontage to Romsey Drive, the clear intention is that the site should be served from the North, from London Road. In this context it is considered that the flats may be said to be on or near a main road and as such the provision of flats in this location would be consistent with policy. Whilst several residents have objected to the proposal on the basis that Romsey Drive is characterised by family dwellings rather than flats, the dwellings are essentially two storey, semi detached pairs which in scale and mass are not dissimilar the proposed flats which in elevational terms appear like a pair of large two storey houses. In the context of the surrounding development, it is not considered that the proposed flats will be so alien in character that a reason for refusal based on dwelling type would be supported on appeal. No objection is therefore raised to the principle of the provision of flats on this site.

Policy H13 also requires proposals not to adversely affect the amenity of adjoining residents or the character of the area by reason of traffic generation, not have an adverse effect on the character or appearance of the area, provide appropriate building lines, setting and space around the building, car parking, access, amenity space and landscaping provision as well as according with all other policies in the Local Plan. These matters will be discussed in the following sections.

Provision of Affordable Housing

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

Paragraph 50 requires local planning authorities to plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community, to

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

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

The application is for 6 houses, 1 bungalow and 6 flats, all of which will be provided, in association with a registered provider, as affordable housing units. The properties will comprise affordable rented and shared ownership dwellings.

The applicant has indicated that a Deed of Nomination Rights will be prepared in order to secure access to the affordable units by local people.

The Council's Legal Officer has identified that the site is not currently within the control and ownership of the applicant and there can therefore be no certainty at this time that the whole of the site will be brought forward under the currently proposed arrangement. Under these circumstances it would appear that the use of conditions to secure the provision of affordable housing would not appear to be appropriate. Indeed Government guidance as set out in the NPPG suggests that negatively worded conditions may not meet the test of necessity or be sufficiently transparent in this case, whereas the terms of the S106 Agreement and Deed of Nomination Rights will have been agreed with the developer prior to the grant of planning permission.

Furthermore a Section 106 Agreement runs with the land whereas a Deed of Nomination Rights would only be binding on those who are party to it.

In order to ensure delivery of the affordable housing on this site it is therefore considered that the applicant should enter into a Section 106 Agreement for the disposal of the development to a Registered Provider and Deed of Nomination Rights between the Council and the Registered Provider. Subject to such provisions the development is considered acceptable.

Design

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

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

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

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

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.

RDG8 is concerned with the control of the detailing of dwellings, requiring development to be well proportioned and balanced. These are discussed in the overall context of design.

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

Other relevant aspects of the RDG are discussed in detail later in the evaluation.

In terms of their appearance the proposed dwellings on the London Road frontage are considered to integrate successfully into the street scene reflecting the roof pitch and style of the adjoining buildings and providing adequate isolation to the side boundaries. The terraced dwellings provided in the centre of the site are less consistent with the character of the surrounding area, but these dwellings have been designed to reduce their impact on the adjoining residents in terms of dominance and overshadowing and stand alone within the site. They are appropriately isolated from the boundaries of the site and within their own context the design of the terraced dwellings is considered acceptable. No objection is raised to the proposal on this basis.

The proposed flats to Romsey Drive are of slightly greater mass than the adjoining dwellings but the divergence is not so significant as to make the proposal so visually discordant as to form a robust reason for refusal. The flats are relatively simple in the facade fronting Romsey Drive and will integrate satisfactorily into the street scene. No objection is therefore raised to the proposed flats on the basis of their design, character or appearance.

The proposed block of flats would be broadly consistent in alignment with the pair of dwellings to the east. However, due to the orientation of the flats relative to the site boundaries, the block would project some 1.8m beyond the front wall of the dwelling immediately to the west and would therefore be inconsistent with the established building line at this point. However, the building line along Romsey Drive is not strong with significant variations occurring along its length. In this context it is not considered that a reason for refusal based on deviation from the building line on Romsey Drive could be sustained on appeal. No objection is therefore raised to this element of the proposal on this basis.

Isolation spaces of approximately 1.2m and 1m are achieved to the boundaries. Whilst this is less than would normally be sought in flatted development, the spacing is consistent with that exhibited by adjoining dwellings and assists in integrating the flats successfully into an environment dominated by more traditional family dwellings. In the context of the particular site, no objection is raised to this element of the proposal under RDG2 or RDG3.

The proposed dwellings fronting London Road were initially located in advance of the buildings located to either side, thus deviating from the building line and creating an unduly prominent feature in the street scene, however following discussion the forward-most pair of dwellings have been resited to achieve a more satisfactory setting. No objection is therefore raised to the proposal on the basis of RDG3.

In terms of their detailing, the scheme is considered to be satisfactorily arranged in its elevations, exhibiting balanced and attractive elevations. No objection is therefore raised under RDG8.

RDG10 seeks high quality means of enclosure and surface treatment appropriate to its context and ongoing maintenance. It should not dominate the public realm. Enclosure within the site comprises a mix of fences, walls and railings. Each is considered appropriate in its context. No objection is therefore raised to the proposed means of enclosure on the site.

Impact on Neighbours

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

By virtue of the relationship created between existing and proposed dwellings it is not considered that the proposal would have an adverse impact on adjoining residents in terms of overshadowing or dominance, the new dwellings all being sited some considerable distance from adjoining properties, or in a relationship where overshadowing and dominance cannot occur. Whilst several local residents have objected to the proposal based on loss of light, it should be noted that a right to light cannot be protected under the Planning Act.

No objection is therefore raised to the proposal under RDG3.

RDG5 deals with privacy and living conditions. A distance of 9m is required to be provided between first floor windows and the boundary of the site and a distance of 15m is required to be provided between second floor windows and the boundary of the site.

The proposed first and second floor windows in the front elevations of the dwellings on the London Road frontage would overlook the highway and would not result in any issues in respect of loss of privacy and overlooking.

The proposed first floor windows in the rear elevation achieve a distance of a minimum of some 11.5m. These would therefore be in compliance with the adopted residential guidance.

The terrace of dwellings would have first floor windows in the rear elevation, set some 16m from the rear boundary. Those in the front elevation would be set some 32m from the boundary.

No windows are provided in the side elevations.

The proposed flats have windows in the front elevation which overlook the highway whilst those in the rear elevation overlook the car park. Some 25m is maintained to the front elevation of the opposing proposed bungalow.

One window is provided in the side elevation at first floor level. This serves a stairwell and may be obscure glazed and fixed to 1.7m without adversely impacting on the amenity of the occupiers of the flats.

Subject to a condition to this effect no objection is raised to the proposal on the basis of overlooking or loss of privacy.

Parking and Access Implications

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

RDG12 provides design guidance for parking in residential areas and states that where the provision of in-curtilage surface parking for individual dwellings is visible in the public realm it should be interspersed and mitigated with suitable landscaping and boundary treatment. Parking is required to provide good levels of natural surveillance and must be safe and convenient to use. Communal parking should be integrated into the overall design of the scheme.

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

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

The parking spaces are clearly distinguished from the tarmaced access and low level planting provides separation between parking areas and dwellings. The planting ensures an element of natural relief in the parking areas and this combination is considered suitable to ensure that the scheme is not visually dominated by car parking.

In terms of the quantum of parking provided, in locations where flats are proposed in close proximity to services and public transport networks, the Planning Authority has exercised a flexible approach to parking provision and has accepted the provision of one space per flat.

In this case the application site is considered to be in close proximity to the Tarpots retail area and the public transport network and it is therefore considered appropriate to accept the provision of one parking space for each flat proposed within the scheme.

Family dwellings will however be required to be provided with two parking spaces each.

Calculated on this basis the proposal would require the provision of 20 parking spaces for residents and 5 visitor spaces.

The proposal seeks to provide 19 resident car parking spaces and 2 visitor spaces.

This does not meet the parking standard for the site, although it is clear that an acceptable level of residents parking could be achieved. A deficiency would exist however in the provision of visitor parking spaces.

Whilst the deficiency in visitor parking is regrettable, it is not considered to constitute a robust reason for refusal. Government guidance seeks to limit the use of the private car where possible and encourage the use of public transport. The site is located on a bus route with a frequent service. Under these conditions it is not considered that an objection based on lack of visitor parking would be supported on appeal. No objection is therefore raised to the proposal on this basis.

Local residents have objected to the proposal on the basis that visitors, unable to park on the site, or on London Road, will park on Romsey Drive and access the site from the rear. The applicant is aware of this concern following local engagement and has submitted revised plans showing the provision of a 1.5m railing along the Romsey Drive frontage in order to prevent pedestrian access from this road and trespass across the existing ransom strip. Such a device will dissuade visitors from parking in this area because of the long walk that would then need to be taken to the front of the site and should therefore prevent extraneous parking in this road. Subject to a condition requiring the provision and retention of such a means of enclosure, no objection is raised to the proposal on the basis of inadequate parking provision.

It is noted that the Highway Authority has raised no objection to the proposal.

Residential Amenity

Policy EC3 is concerned with residential amenity. It 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.

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

Whilst it is not considered that the use of the site for residential purposes would of itself give rise to significant noise and disturbance for adjoining residents, it is clear that the intensive redevelopment of the site will attract more traffic than is currently the case and that this movement of vehicles within and from the site could have an adverse impact on adjoining residents.

The greatest potential for noise and disturbance is considered to exist adjacent to the western boundary of No. 48 London Road, where it is proposed to provide four parallel parking spaces. These would be located immediately adjacent to the boundary with potential for noise and disturbance arising from vehicles being manoeuvred into and out of these spaces, which extend the full depth of the adjoining garden. However, for the majority of the time it is considered that these spaces will either be empty or occupied and thus not generating noise. Noise will only occur during periods of manoeuvring and this is considered likely to be a very limited period of activity.

This limitation, coupled with the provision of a robust means of enclosure along the eastern boundary of the site is considered adequate to satisfactorily mitigate any adverse impact. No objection is therefore raised to the proposal on this basis.

A second area where vehicle movement may give rise to noise and disturbance is within the proposed car park serving the bungalow and flats. This is located centrally within the site but is located immediately adjacent to an adjoining car park and access road. In this location it is not

considered that the proposal would give rise to undue noise and disturbance to existing residents and no objection is therefore raised to the proposal on this basis.

Local residents have also objected to the proposal on the basis that it would lead to light pollution.

Whilst the introduction of further dwellings on the site will result in greater light sources being present on the site it is not considered that the site is so light sensitive that the introduction of such light sources represents a robust reason for refusal. No objection is therefore raised to the proposal on this basis.

Loss of wildlife

Policy EC13 of the adopted Local Plan states that development which is prejudicial to the interests of wildlife and the retention and management of important habitats will be refused.

Policy EC14 seeks to promote the creation of new habitat within development schemes.

Local residents have expressed concern that the site has been cleared of vegetation and that this has resulted in a loss of wildlife.

It should be noted that none of the trees present on the site were the subject of preservation orders. As such the removal of these trees did not require the formal consent of the Planning Authority.

Similarly the removal of shrubs and other plants would not have required the consent of the Planning Authority.

The Planning Authority could not therefore prevent the clearance of the site and no objection can be raised to the proposal on the basis of earlier tree and shrub clearance.

The site is not an international, national or locally designated site. The application was accompanied by an ecology assessment and bat survey which confirm a lack of habitats conducive to protected species. This means there is minimal ecological interest on the site. Any works to any retained trees within the site are recommended to be undertaken outside of the bird breeding season. This is an acceptable approach.

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

The proposal seeks to provide new planting on the site. In particular it is proposed to provide native hedges along suitable boundaries and to plant at least 10 native trees within the site. This would assist in improving the ecological value of the site in accordance with Policy EC14.

Whilst the loss of habitat prior to the submission of the application is unfortunate, it does not provide a robust objection to the proposal.

No evidence exists to demonstrate the presence of any protected species on the site. Under the circumstances, no objection is raised to the proposal on the basis of Policy EC13.

Other Matters

Amenity Space provision

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

Family dwellings are required to provide 15m² of amenity pace per habitable room.

The proposal seeks to provide 6 flats, each requiring the provision of 25m² of amenity space. A total of some 150m² of amenity space is required. Some 162m² is achieved. It will be noted however that some 86m² of this area is provide between the southern elevation of the flats and Romsey Drive. Ordinarily space provided between a front elevation of a building and the highway would not be considered to contribute to the private amenity space of the scheme, however, in this case it is proposed to enclose the entire area with a 1.5m railing, thus facilitating the use of the area as amenity space. Under the circumstances it is considered reasonable to include this area within the amenity space calculation and on that basis no objection is raised to the proposal on the grounds of inadequate private amenity area to serve the proposed flats.

The proposal also seeks to provide 7 family dwelling units.

Private amenity area requirements and provision is set out in the table below

Plot No.	Area required	Area provided
1 – Five habitable rooms	75m ²	6.0mx12.43m = 74.6m ²
2 - Five habitable rooms	75m ²	6.2mx11.92m = 74.29m ²
3 - Four habitable rooms	60m ²	4.86mx6.08m = 59.2m ²
4 - Five habitable rooms	75m ²	14.6mx5.8m = 84m ²
5 - Five habitable rooms	75m ²	5.4mx14.6m = 78.8m ²
6 - Five habitable rooms	75m ²	15.6mx5.4m = 84.2m ²
7 - Five habitable rooms	75m ²	6.6mx15.4m = 101m ²

As can be seen from the table Plots 1, 2 and 3 are below the level of provision that should be achieved, however, the deficiency is considered marginal and unlikely to represent a robust reason for refusal.

No objection is therefore raised to the proposal on the basis of RDG6

Refuse and recycling

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

The proposal seeks to provide a bin store to the rear of the proposed block. The Refuse and Recycling Officer has commented that such provision is acceptable with appropriate access provided for vehicles. This has been achieved in the revised plans. No objection is therefore raised to e proposal under RDG13.

Pollution

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

The proposal represents the construction of a small residential estate. Whilst some noise and general disturbance may occur during the construction phase it is not considered that the development, once occupied would give rise to unusual levels of noise, dust, vibration, light or heat sufficient to have a significant adverse effect on health, the natural environment, or general amenity. No objection is therefore raised to the proposal on this basis.

There is no evidence available to suggest that contaminative uses have taken place on the site, although it is noted that a number of potentially contaminative uses have occurred on sites in the locality.

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

The Council's Environmental Health Officer has also made comment in respect of the relationship between proposed dwellings on the site and their proximity to traffic on the London Road. Whilst the proposed relationship is no different to that exhibited by adjoining residential properties, it is considered that an opportunity exists to mitigate the impact of traffic on future occupants. To this effect it is proposed to impose a number of conditions on the grant of any consent requiring appropriate levels of sound insulation, to the dwellings on Plots 1 – 3.

Subject to such conditions no objection is raised to the proposal on the basis of EC4

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

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

The scheme has been designed with a fabric first approach, ensuring that the buildings have reduced U-values. This is accompanied by internal measures such as 100% low energy lighting, thermal bridging and double glazing. The elevations also show the installation of solar panels to the roofs.

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

Liveable Homes

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 adaptation.

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

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

Trees and Landscaping

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

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

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

The planning application was accompanied by an arboricultural implications assessment Statement which identified 9 individual trees and 4 groups of trees on the site. In order to accommodate the development 6 trees and three groups would need to be removed. The trees identified for removal have been categorised as being of low quality. A landscaping scheme incorporating the provision of suitable replacement trees can be required by condition.

Any trees to be retained will need to be protected during the construction period. This can also be achieved by condition.

The submitted layout plans show areas of low level planting proposed to create appropriate separation and natural relief between parking areas both within the site and on the London Road frontage. Such planting is considered an appropriate landscape response in these locations.

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

Drainage

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

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

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

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

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

The Highway Authority has requested a condition requiring surface water drainage details to be submitted prior to commencement of development.

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

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

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

Local resident's additional concerns

Local residents have raised a number of other concerns which are dealt with below:

Security

Local residents have expressed concern that the development of the site would be opened up leading to a loss of security to adjoining residents.

It is proposed however to enclose the developed site with fencing to at least 1.8m in height, which would result in a similar level of security to that which currently exists on the site, but supplements

this by introducing significant potential for natural surveillance. As a consequence it is not considered that the redevelopment of the site will result in significant security issues. No objection is therefore raised to the proposal on this basis.

It should be noted that windows and doors provided within the site will be provided to 'Secured by Design' standards.

Safety

Concern has been raised that the construction phase of the proposal will result in the creation of a safety hazard for pedestrians. There is no evidence to support this suggestion and the obligations placed on developers by other legislation will ensure that an appropriate level of care is exercised in the development of the site. No objection can therefore be raised to the proposal on this basis.

Concern has also been raised to the effect that the intensification of the use of the site will intensify traffic movements in this area, to the detriment of highway safety, contrary to Policy T2.

It should be noted that the advice of the Highway Authority has been sought on this application and no objection has been received to the proposal on the basis of intensification.

It is not therefore considered that an objection to the proposal on this basis could be sustained on appeal. Accordingly no objection is raised to the proposal under Policy T2.

Maximisation of the use of land

Policy H12 of the adopted Local Plan states that 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.

Concern has been expressed that the proposal fails to make the best use of land. This appears to suggest that adjoining land should be incorporated into the scheme. Whilst a comprehensive scheme involving additional sites might achieve a different form of development on the site, such additional land would not appear to be currently available to the developer. The scheme as submitted achieves an acceptable level of development on the site and is not considered to prejudice the development of adjoining land in the future. It is not therefore considered that an objection can be raised to the scheme on its failure to make best use of urban land under Policy H12.

Overdevelopment of the site.

Concern has also been raised on the basis that the proposal represents overdevelopment of the site. As can be seen from the detailed analysis of the site against the adopted Local Plan policies and design guidance, the scheme satisfactorily achieves the adopted requirements. It is not therefore considered that an objection based on overdevelopment can be supported in this instance.

Conclusion

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

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

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

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

That subject to a Section 106 Agreement between the applicant and the Council to ensure delivery of 13 affordable housing units on this site and to secure the disposal of the development to a Registered Provider and a Deed of Nomination Rights between the Council and the Registered Provider, then the Head of Regeneration and Neighbourhoods be authorised to **APPROVE** the proposal, subject to 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 Prior to the first construction of the development hereby approved a landscaping scheme shall be submitted to and formally approved by the Local Planning Authority. Such a scheme shall include tree and other planting plans, written specifications, including cultivation and other operations associated with tree, plant and grass establishment, schedules of trees and plants, noting species, plant sizes and proposed numbers / densities, and the proposed times of planting.

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

- 3 Prior to the first occupation of the development hereby approved all landscaping works shall be carried out in accordance with the approved landscaping scheme.

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

- 4 Any tree contained within the approved landscaping scheme dying or being damaged, removed or becoming seriously diseased within 5 years of the date of this permission shall be replaced by a tree of a similar size and species by the applicant or the applicants successor in title, as formally approved by the Local Planning Authority.

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

- 5 All trees and shrubs (including hedges) as identified on the plan returned herewith must be protected by chestnut paling fences to BS1722 Part 4, for the duration of the construction period, at a distance equivalent to not less than the spread of the tree from the trunk. No materials are to be stored or temporary buildings erected inside this fence. No changes in ground levels may be made within the spread of any tree or within 1m of any hedge or shrub within the identified areas without the prior formal consent of the Local Planning Authority.

REASON: To preserve the natural amenities of the site.

- 6 Prior to the first construction of the development hereby approved a scheme of surface water drainage shall be submitted to and formally approved by the Local Planning Authority. Such details shall be prepared in accordance with SuDS principles to include measures to prevent the discharge of surface water from the development onto the highway and contaminated water from entering the drainage system.

REASON: To ensure the provision of a satisfactory method of surface water drainage on the site.

- 7 The surface water drainage scheme as formally approved shall be implemented prior to the first occupation of the development hereby approved.

REASON: To ensure the provision of a satisfactory method of surface water drainage on the site.

- 8 Prior to the first construction of the development hereby approved a foul water strategy shall be submitted to and formally approved by the Local Planning Authority.

REASON: To ensure the provision of a satisfactory method of foul water drainage on the site.

- 9 The foul water strategy as formally approved shall be provided prior to the first occupation of the development hereby approved.

REASON: To ensure the provision of a satisfactory method of foul water drainage on the site.

- 10 Prior to the commencement of development on the site the applicant shall undertake and submit a detailed contamination investigation and risk assessment undertaken by competent persons. This investigation shall be undertaken in accordance with the "Essex Contaminated Land Consortium's Land Affected by Contamination: Technical Guidance for Applicants and Developers" document. It shall, where necessary, identify required remediation measures and programmes along with consequent impacts on development phasing.

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

- 11 A scheme to bring the site to a suitable condition in that it represents an acceptable risk will be implemented prior to the commencement of development. The scheme shall be submitted to the Planning Authority for approval prior to commencement of works. This shall be undertaken by competent persons and in accordance with the Essex Contaminated Land Consortium's Land Affected by Contamination: Technical Guidance for Applicants and Developers.

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

- 12 Should contamination be found that was not considered in the remediation scheme it shall be made safe and reported immediately to the Local Planning Authority. The site shall be assessed in accordance with Condition 10 and the remediation scheme shall be submitted for approval by the Planning Authority.

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

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

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

- 14 The developer shall submit to the Local Planning Authority a signed certificate to confirm that the remediation works have been completed in accordance with the documents and plans detailed in Conditions 10 and 12 above.

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

ADVISORY NOTE:

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

- 15 Prior to commencement of the development, the road junction at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4m metres by 43m metres

to the East and West, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the road junction is first used by vehicular traffic and retained free of any obstruction at all times.

REASON: To provide adequate inter-visibility between vehicles using the road junction and those in the existing public highway in the interest of highway safety in accordance with Policy EC2 of the adopted Local Plan.

- 16 The existing access at London Road shown on the site layout plan shall be suitably and permanently closed incorporating the reinstatement to full height of the highway verge/footway and kerbing immediately the proposed new access is brought into first beneficial use.

REASON: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety in accordance with Policy EC2 of the adopted Local Plan.

- 17 Prior to occupation of the development a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.

REASON: To provide adequate inter-visibility between the users of the access and pedestrians in the adjoining public highway in the interest of highway safety in accordance with Policy EC2 of the adopted Local Plan.

- 18 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with Policy EC2 of the adopted Local Plan.

- 19 Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.

REASON: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety in accordance with Policy EC2 of the adopted Local Plan.

- 20 The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy EC2 of the adopted Local Plan.

- 21 Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.

REASON: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy EC2 of the adopted Local Plan.

- 22 Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, (to include six one day travel vouchers for use with the relevant local public transport operator)

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with Policy EC2 of the adopted Local Plan.

- 23 No development shall take place, including any ground works or demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and under-body washing facilities

REASON: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety transport in accordance with Policy EC2 of the adopted Local Plan.

- 24 The any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

REASON: To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety and transport in accordance with Policy EC2 of the adopted Local Plan.

- 25 Full details of the materials to be used on the external surfaces of the development hereby approved shall be submitted to and approved by the Local Planning Authority prior to the commencement of development on the site.

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

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

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

- 27 Plots 1 and 2 at the north end of the site shall be provided with sound insulating glazing with a minimum performance of 35dB Rw and acoustically attenuated ventilators with a minimum performance of 42dB Dne, w on the facades with a view of the road.

REASON: In order to protect the amenity of future occupiers of the site, in accordance with Policy EC4 of the adopted Local Plan.

- 28 Plot 3 in the centre of the site will require sound insulating glazing with a minimum performance of 30dB Rw and acoustically attenuated ventilators with a minimum performance of 38dB Dne, w on the facades with a view of the road.

REASON: In order to protect the amenity of future occupiers of the site, in accordance with Policy EC4 of the adopted Local Plan.

- 29 The proposed development shall be enclosed in accordance with the details submitted on Plan No 205 B, dated 29th September 2014, from which there shall be no deviation without the former consent of the Local Planning Authority.

REASON: In the interests of securing appropriate boundary treatments on the site.

Informatives

- 1 In undertaking the works hereby approved you are advised to satisfy yourself of your obligations to occupiers of adjoining properties in accordance with the Party Wall etc. Act 1996, details of which can be inspected at these offices or you may obtain details free of charge from the Planning Portal website (www.planningportal.gov.uk) under Building Regulations.
- 2 The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

ITEM 3.

Application Number:	14/0557/FUL
Address:	23 Roggel Road Canvey Island (Canvey Island South)
Description of Development:	Rear conservatory
Applicant:	Mr Les Clark
Case Officer	Mr Keith Zammit

Summary

The application seeks permission for a conservatory to the rear of the property. The proposed conservatory is of an acceptable design and would have no adverse impact on the amenity of adjoining residents or the character and appearance of the surrounding area. Whilst the proposal would reduce the level of open garden available to the occupiers of the dwelling, it is not considered that this would necessarily result in a loss of amenity for the occupiers and it is not therefore considered that an objection to the proposal on this basis could be sustained on appeal.

The proposal is therefore recommended for APPROVAL.

The case is presented to Committee as the agent for the application is related to a Council employee.

Site Visit

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

Introduction

The application concerns a detached bungalow on the east side of Roggel Road, some 70m south of its junction with Delder Avenue. It has a bungalow to the north, a house to the south and bungalows to the rear.

The Proposal

Retrospective permission is sought to facilitate the completion of a partially constructed conservatory to the rear of the dwelling. This would be some 5.7m deep, 4m wide with a maximum height of some 3.6m. It would be located some 0.6m from the southern boundary and approximately 1.3m from the eastern boundary of the site.

The southern wall would be solid whilst the eastern wall would be solid save for high level windows, with full height doors to the north side. The roof would be glazed. White UPVC framing is proposed for the glazed areas, with block and render elsewhere.

The applicant states that the conservatory is required for use as a dining area and would therefore fulfil the role of an extension to the dwelling rather than the more traditional concept of a conservatory as a garden room.

The applicant has submitted a letter stating that they believed the works to constitute permitted development and expressing apologies for commencing works before consent was obtained.

Supplementary Documentation

There are no reports or technical documents accompanying the case.

Planning History

None

Relevant Government Guidance and Local Plan Policies

National Planning Policy Framework
Paragraphs 17, 56 to 58.

Local Plan
EC2

Residential Design Guidance
RDG3 – Building lines
RDG6 – Amenity space

Consultation

Canvey Town Council
No response received

Public Consultation

No representations have been received from adjoining occupiers.

Evaluation of Proposal

The main issues here are whether the proposed conservatory is of an acceptable design, whether it would have a tolerable impact on adjacent residents and whether there would be adequate outdoor amenity space provision for the property as a result of the development.

Policy EC2 of the Local Plan seeks a high standard of design in all alterations to existing buildings. This is consistent with paragraphs 56 to 58 of the National Planning Policy Framework (NPPF).

The proposed extension is of reasonable proportions, reflecting the form of the host dwelling and would be of fairly typical appearance. By virtue of its location to the rear of the site, it would have little impact on the street scene. As such no objection is raised to the proposal on design grounds.

Within the Council's Residential Design Guidance SPD, guidance at RDG3 requires proposals not to cause excessive overshadowing or dominance towards adjacent properties. This guidance has been prepared in accordance with section 7 of the NPPF.

The proposed conservatory would be located approximately 0.6m from the southern boundary of the site. The eaves height would be some 2.5m. The adjacent property has a single storey extension that is roughly half as deep as the proposed conservatory. The portion of the conservatory that would be visible from the rear garden area of the neighbouring dwelling is therefore limited, and given the limited height of the extension it is not considered that the proposal would be unduly oppressive or likely to cause significant overshadowing being located to the north of the adjoining residence.

The conservatory's rear elevation would be approximately 1.3m from the rear boundary and with an eaves height of 2.5m it is not considered that this would offer significant potential for loss of amenity to be caused to neighbours at the rear by way of obtrusiveness, dominance, or by virtue of the relative orientation of the properties and the presence of a glazed roof rather than a more solid roof structure, overshadowing.

Other neighbouring properties are too remote to be significantly affected.

As a single storey structure, the conservatory is not considered to offer significant opportunities for overlooking of neighbouring properties, however, it is noted that high level windows are located on the eastern elevation. These provide some opportunity for overlooking, however, this deficiency in the scheme may be simply remedied through the use of obscure glazing and the fixing of these windows. Subject to such a condition, no objection is raised to the proposal on the basis of overlooking.

No objection is therefore raised to the proposal on the grounds of neighbour impact.

In order to ensure that the occupants of dwellings have adequate amenity space to accommodate household activities, provide sunlight and visual benefits the Council has adopted private amenity space standards found at RDG6 of the Residential Design Guidance SPD which require 15m² per habitable room.

The property currently has four habitable rooms. Dining rooms are habitable accommodation, so the proposal would result in the provision of an additional habitable room on the site whilst reducing the amount of amenity space available. The number of habitable rooms would rise to five as a result of the proposal. An amenity area of 75m² would be sought for such a dwelling.

The property currently has a total amenity area of some 117m². At the present time the amenity area hosts two ancillary buildings, namely a workshop and a shed which reduce the open space to some 80m². The proposed extension would reduce this to some 46m² which is significantly below the level of amenity space required for a dwelling of the size proposed. The proposal should therefore attract a recommendation of refusal. However, the placement of sheds and other domestic buildings within a garden area is not unusual and indeed can enhance the amenity of residents by providing opportunities for storage, the participation in hobbies and plant propagation, in greenhouses.

Furthermore, the Town and Country Planning (General Permitted Development) Order grants consent for such buildings under Class E, provided they conform to identified criteria, one of which is that the total area of ground covered by buildings, enclosures and containers within the

curtilage, (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse).

Following the construction of the currently proposed works, the extent of buildings, enclosures and containers within the curtilage would not exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse). The buildings currently present in the garden could therefore be replaced with larger buildings without the consent of the Planning Authority.

Under the circumstances, whilst it is acknowledged that the level of 'garden space' may be below the requisite level, it is not considered that an objection to the proposal on the grounds of inadequate amenity space provision could be sustained on appeal. No objection is therefore raised the proposal on this basis.

Conclusion

The proposed conservatory is of an acceptable design and would have no adverse impact on the amenity of adjoining residents or the character and appearance of the surrounding area. Whilst the proposal would reduce the level of open garden available to the occupiers of the dwelling, it is not considered that this would necessarily result in a loss of amenity for the occupiers and it is not therefore considered that an objection to the proposal on this basis could be sustained on appeal.

My Recommendation is Approval with the following conditions

- 1 The development hereby permitted shall be begun on or before the expiration of five 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 proposed development shall be finished externally in materials to harmonise with the existing development.

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

- 3 The high level window(s) created in the eastern elevation shall be obscure glazed to at least Level 3 on the Pilkington Scale and non-opening to a height of 1.7m above the finished floor level of the room in which the window(s) is installed and permanently retained as such thereafter.

REASON: In order to protect the privacy of the occupiers of the adjoining properties.

Informatives

- 1 In undertaking the works hereby approved you are advised to satisfy yourself of your obligations to occupiers of adjoining properties in accordance with the Party Wall etc. Act 1996, details of which can be inspected at these offices or you may obtain details free of charge from the Planning Portal website (www.planningportal.gov.uk) under Building Regulations.

- 2 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.