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AGENDA

Committee: DEVELOPMENT CONTROL

Date and Time: Tuesday 5th November 2019 at 7.30 p.m.

Venue: Council Chamber

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

Membership: Councillors Dick (Chairman), Sharp (Vice Chairman), Acott, Anderson, Blackwell, Cutler, Fuller, Hart, Mrs Haunts, Johnson, Mumford, Taylor and Mrs Wass.

Substitutes: Councillors Palmer, Skipp, Mrs Thornton and Tucker

Canvey Island Town Councillors: Greig and Mrs Sach

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

Enquiries: Miss Cheryl Salmon, ext. 2454

PART I (Business to be taken in public)

1. Apologies

2. Members' Interests

3. Minutes

A copy of the Minutes of the meeting held on 3rd September 2019 is attached.

4. Public Speakers

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

5. Deposited Plans

The report is attached.

	Application No	Address	Page No
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5.	19/0571/FULCLC	Flat 27 Westwood Court Beresford Close Hadleigh Benfleet (Victoria)	57
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7.	19/0549/FUL	Chase Nurseries The Chase Thundersley Benfleet Essex (Cedar Hall)	87
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DEVELOPMENT CONTROL COMMITTEE

TUESDAY 3rd SEPTEMBER 2019

PRESENT: Councillors Dick (Chairman), Sharp (Vice-Chairman), Acott, Anderson, Blackwell, Cutler, Fuller, Hart, Mrs Haunts, Johnson, Mumford, Taylor and Mrs Wass.

Substitute Members Present: None

Canvey Island Town Council Representatives: Councillors Greig and Mrs Sach were also in attendance.

Also Present: Councillors Palmer, Mrs Thornton, Tucker and Wood.

There were no apologies for absence.

10. MEMBERS' INTERESTS

With regard to Agenda Item No. 5(b), the land the subject of the planning application being considered fell under the ownership of the son of the Leader of the Council, Councillor Norman Smith. Councillor Smith was known to all members of the Development Control Committee and this knowledge was recorded as a Disclosable Non Pecuniary Interest for all Members.

No other disclosures of interest were made.

11. MINUTES

Under Minute 9(b) Councillor Riley had been referred to as a Ward Member and he was in fact speaking as the Mayor of Castle Point. Subject to that amendment the Minutes of the meeting held on 6th August 2019 were taken as read and signed as correct.

12. DEPOSITED PLANS

- (a) 19/0511/FUL – LAND OPPOSTIE 40 SAN REMO ROAD, CANVEY ISLAND, ESSEX (CANVEY ISLAND EAST WARD) – DETACHED DWELLING WITH ASSOCIATED FACILITIES AND NEW PUBLIC FOOTPATH (REVISED APPLICATION) – D.R. BULLOCK BUILDERS LTD**

The application sought permission for a new dwelling on greensward, which was a former road and had been closed to vehicular traffic since 1970. In all the

circumstances the application was considered compliant with local and national policies and guidance, and no reasons for refusal of planning permission could be found. The proposal was therefore recommended for approval.

The application was presented to the Committee at the request of Councillor Sach over concerns about drainage, dominance of the bungalow in Taranto Road, the highway status of the application site, its impact on parking in San Remo and Taranto Roads, the lack of any open space assessment, and its impact on the public right of way.

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

Councillor Mrs Sach, a Ward Member, spoke in objection to the application.

Councillor Greig, a representative of the Canvey Island Town Council, spoke in objection to the application.

During discussion whilst Members were not generally supportive of development on this type of land as it was felt that these were a special feature of Canvey Island and should be kept open for public use it was recognised that it did comply with national and local policy and there were no justifiable planning reasons for refusal.

Members raised concerns regarding potential flooding in the area and that the proposed garage could be converted into a living space in the future. It was explained that Conditions 5 and 6 in the Planning Officer's report dealt with both of these matters.

Following discussion it was:-

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

(b). 19/0433/FUL - 243 VICARAGE HILL BENFLEET ESSEX SS7 1PQ (BOYCE WARD) - DEMOLITION OF GARAGE AND OUTBUILDING, ERECTION OF ADDITIONAL DWELLING ON LAND TO REAR AND NEW VEHICLE CROSSOVER TO EXISTING PROPERTY – MR SMITH

The proposal was for the erection of a large detached five-bedroom house in the garden of a dwelling located within an area of land allocated as Green Belt in the adopted Local Plan. The proposal did not fall within any of the exceptions set out under paragraph 145 of the NPPF and was therefore considered to constitute inappropriate development. No very special circumstances had been identified to indicate that permission might exceptionally be approved, and the proposal was therefore recommended for refusal.

The application was presented to the Committee because the applicant was the son of Councillor Smith.

During debate a Member stated that he felt that the development was acceptable because it was on previously developed green belt land and the impact on the surrounding neighbours would be minimal. The Planning Officer disagreed that the land would constitute previously developed land because the development was not being built on part of the site where there was a permanent building. Another Member felt that the development would be acceptable if the current dwelling was demolished. Other Members felt that the development was unacceptable and concurred with the Planning Officer's view.

Following debate a vote was taken and there was an equality of votes for and against the recommendation of refusal in the report. The Chairman used his casting vote in favour of the recommendation and it was:-

Resolved – That the application be refused because the proposed development is located within the Green Belt as delineated within the Council's adopted Local Plan where inappropriate development is not permitted except in very special circumstances. The proposed dwelling is not located on previously developed land and fails to fall within any of the exceptions listed under paragraph 145 of the NPPF. The proposal therefore constitutes inappropriate development which by definition as well as the harm arising from its visual intrusion into the landscape would have a detrimental impact on the openness of the Green Belt. The applicant has failed to demonstrate any very special circumstances to justify why the proposal might exceptionally be permitted and approval of the proposal would therefore be contrary to government guidance as set out in the National Planning Policy Framework.

Chairman

ITEM 1

Application Number:	19/0618/FUL
Address:	Land Adjacent To 24 Landsburg Road Canvey Island Essex SS8 8HN (Canvey Island North)
Description of Development:	Construction of 3 bedroomed dwelling with detached garage and new public footpath
Applicant:	D.R. Bullock Builders Ltd
Case Officer:	Mr Keith Zammit
Expiry Date:	12.11.2019

Summary

The application seeks permission for a new dwelling on land which was formerly a road and has been closed to vehicular traffic. The highway authority has not provided the planning authority with the precise date the vehicular driving rights were removed but this took place some significant amount of time ago (decades rather than years). The application is considered compliant with local and national policies and guidance, and no reasons for refusal of planning permission can be found. The proposal is therefore recommended for APPROVAL.

The application is presented to committee at the request of Councillor Hart on the grounds of overdevelopment, overlooking and the loss of public amenity space.

Site Visit

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

Introduction

The application relates to land forming part of Newlands Road that is now closed to traffic. It is grassed with bollards at either end and running across it there is an informal public footpath. There are timber panel fences along the boundaries with adjoining residential curtilages, mostly 1.8m in height.

Even though driving of vehicles over the land is no longer permitted, highway rights still exist across the entire site.

The Proposal

Permission is sought for the erection of a three bedroomed property facing Landsburg Road. It would be approximately 6.3m by 9.7m in footprint, with a pitched roof to a height of some 7.3m. The proposed materials are Istock Yellow Stock brick, Marley Eternit grey plain roof tiles, and light grey Marley Cedral Weatherboard cladding. The agent for the application has advised that the inclusion of render on the materials specification for the development was an error.

Internally, a lounge/diner, kitchen and WC are offered at ground floor. The first-floor accommodation comprises two double bedrooms, one single bedroom, a family bathroom and a storage cupboard on the landing.

A detached garage is proposed to the rear of the site, accessed from Munsterburg Road. Pedestrian access is proposed to the property from Landsburg Road.

The link between Landsburg Road and Munsterburg Road would be retained in the form of a 1.5m wide hard surfaced footpath with 0.5m wide grass verge and additional street lighting, to be provided by the developer then adopted by Essex Highways.

The property's rear garden is to be enclosed by a 1.8m high fence. This would change to a 1.2m high fence towards the front (Landsburg Road end) of the site and adjacent to the rear driveway.

Surface water runoff from the dwelling is to be directed to the mains sewers via an attenuated system incorporating a pumped discharge to the surface water sewer. The garage forecourt parking space is to be constructed of permeable paving.

Supplementary Documentation

The application is accompanied by a construction method statement, flood risk statement and materials specification which are available to view on the council's website.

Planning History

None

Relevant Government Guidance and Local Plan Policies

National Planning Policy Framework (2019)

Paragraphs 105-106 (sustainable transport), 117 (making effective use of land), 127 (requiring good design), 155-165 (flood risk and coastal change)

Local Plan (1998)

EC2	Design
T8	Parking standards

Residential Design Guidance (2013)

RDG1	Plot size
RDG2	Space around dwellings
RDG3	Building lines
RDG5	Privacy and living conditions
RDG6	Amenity space
RDG12	Parking and access
RDG16	Liveable Homes

Consultation

Canvey Town Council – Object, for the following reasons:

- o Over dominance
- o Overdevelopment of the site
- o The committee had raised concerns that this is a public right of way and should remain for the residents.
- o Adverse impact on the existing residential area due to insufficient parking provision.
- o Loss of a well-used amenity space of an informal activity area for children and recreation.
- o The proposal of a narrow pathway will encourage dog fouling, litter, anti-social behaviour and crime.

- o Canvey Island has critical drainage issues and is a Flood Risk Zone 3. Such green spaces assist with existing drainage issues in a natural way without the need for drainage systems.
- o Members had concerns that the plans show that 61 Newlands Road has been provided land but not the existing residents that need access to their properties.
- o Concerns were raised that there was inadequate lighting for the narrow footpath.
- o Members had concerns that the plans show that 61 Newlands Road has been provided land, however, 69 Newlands Road has not although this property needs access to the front door.

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

Essex Badger Protection Group – There are no records indicating that there are any badger setts that may be at risk of harm from this proposal.

Highways – No objection subject to conditions.

Public Consultation

The following objection comments have been made:

- o Sewer pipes have been replaced on the land
- o Adjacent residents did not have opportunity to purchase parts of the land
- o The land contains Virgin cables
- o Loss of an amenity
- o Open spaces are gradually being eroded
- o Footpath will attract antisocial behaviour
- o Will overshadow adjacent properties
- o Noise
- o Pollution
- o Damage to property
- o Roads are already congested at rush hour
- o Drainage is already a problem
- o Overlooking of adjacent properties
- o Drain runs under the land and has flooded on occasion
- o Loss of turning points in the road
- o Loss of on-street parking
- o Lack of parking for construction vehicles
- o Disruption from construction, particularly from shift workers who need to sleep during the day
- o Property would be taller than current properties
- o Bungalows would be more in keeping with the area
- o Proposed finishes are out of keeping with other properties
- o Walkway could be taken away altogether
- o Too many homes on Canvey already
- o Detrimental to wildlife
- o Parking will impact on neighbours as garage at the back won't be used
- o Will set a precedent for further such development
- o Additional pressure on school/GP infrastructure
- o Space has been used for gatherings and street parties
- o Children play on the land

- o Construction method statement will be impossible for the builder to adhere to during construction

Comments on Consultation Responses

- o The conditions suggested by the highway authority will be incorporated into any grant of planning permission where reasonable and necessary.
- o The land is not designated as public open space in the Local Plan, therefore no assessment of open space provision in the area is required under paragraph 97 of the National Planning Policy Framework as part of this application.
- o Disruption from construction is transient and not capable of forming a sustainable reason for refusal.
- o The site is not considered to be of any significant wildlife interest.
- o The development is not of a scale where contributions to infrastructure such as GPs and schools would be sought
- o If the space has been used for gatherings and street parties, the borough council has no record of a licence being sought for this.
- o The removal of the bellmouth junctions at the front and rear of the application site and reinstatement of the footpath have not been objected to by the Highway Authority.
- o Any other planning issues raised are considered in the evaluation of the proposal.

Evaluation of Proposal

The main issues with this application are considered to be the principle of a housing development, the design and layout, parking implications, flood risk and drainage.

Principle

The land is allocated for residential purposes on the proposals map accompanying the Local Plan. There is therefore no objection in principle to the proposed use. However, the land still has highway rights across it and as such is publicly maintainable highway.

A footpath is to be provided as part of this development so that the public would still be able to cross the site. This reflects the current situation where pedestrians and cyclists can use the land as a link between Munsterburg Road and Landsburg Road. Should planning permission be granted the applicant would still need to apply for extinguishment of highway rights over the majority of the site, but as free passage for legitimate users of the highway would be maintained it is difficult to see why approval for this would not be forthcoming.

Members should note that permission has already been granted for three similar forms of development located at May Avenue, Smallgains Avenue and more recently at San Remo Road by the Development Control committee. A stopping up order has already been granted for land adjacent to 81 May Avenue and 96 Smallgains Avenue in similar circumstances. Subject to the provision of a suitably designed footpath planning permission could not justifiably be refused on the basis that it would inconvenience highway users.

The proposed footpath would be hard surfaced and measures 1.5m wide with a 0.5m wide grass verge adjacent to it. It would run between two high level fences for some 22.5m of its 37m length. Lighting is to be provided at either end of the path to help ensure the footpath is safe to use at

night. The provision of such infrastructure is consistent with paragraph 91 of the National Planning Policy Framework (the Framework).

Provided lighting is installed and operational before the path is opened for use, no objection to the proposal on the basis of the status of the land as a highway or impact on the community is raised.

Design and layout

Policy EC2 of the Local Plan seeks a high standard of design in all new buildings. In particular, the scale, density, siting, design, layout and external materials shall be appropriate to its setting and should not harm the character of its surroundings. This is consistent with paragraph 127 of the Framework.

The appearance of the dwelling is considered to be reasonably attractive and well proportioned. With an overall height of some 7.3m it is acknowledged that this would be above the height of the adjacent bungalows. There are, however, examples of houses and dormer bungalows with taller roofs elsewhere in the street scene which stand in between bungalows without causing detriment to the visual amenity of the area. It is not considered that permission may reasonably be withheld on the basis that the proposal would be taller than the adjacent neighbouring properties. The use of a mixed palette of materials is felt to add interest to the property and given the variety of materials used on dwellings in the vicinity this would not look out of place.

With regard to the loss of openness arising from the reduction in width of the informal pedestrian footpath and the impact of this loss of openness on the character of the surrounding area, it is clear from public consultation responses that this unmade part of Newlands Road is a feature that is valued by local residents and which they are concerned about losing. However, other than the unmade section of highway between Brandenburg and Munsterburg Roads there are no other such footpaths nearby and therefore in the view of officers this piece of land cannot be said to be a defining or characteristic feature of the area.

Members will no doubt recall an application to develop an unmade greensward adjacent to 81 May Avenue. A similar conclusion was arrived by the inspector who commented 'whilst some other grassed plots of land with footpaths linking roads exist in the wider area, these do not occur on such a frequent basis to be a defining or characteristic feature of the area. On this basis, whilst the appeal site provides some visual amenity within its immediate vicinity, I consider that the contribution it makes to the wider character and appearance of the streetscape and area is limited'.

Officers are of the view that notwithstanding that the unmade part of Newlands Road provides quite an attractive vista when viewed from the west the same situation applies in this case.

There is therefore no objection to the proposal on the basis of Policy EC2.

The council has adopted Residential Design Guidance as a supplementary planning document. This is considered to reflect the government guidance within section 12 of the Framework.

Guidance at RDG1 is concerned with plot size. It states that within the built-up area, the plot sizes for all new development should be informed by the prevailing character of plot sizes. Where there is a distinct character of development which creates an exceptionally strong pattern, development must not result in a disruption to this pattern. Where there is no clear pattern of plot sizes, the size

of the plot should be proportionate to the size of the dwelling occupying it. This should be informed having regard to the guidance at RDG2 to RDG6 of the Residential Design Guidance.

Looking at the plots in the vicinity of the application site, they vary in width from around 9m to more than twice this size. This is therefore an area where there is no clear pattern of plot sizes. According to RDG1 the size of the plot, which is 8½ m wide, should therefore be proportionate to the dwelling occupying it. This is best evaluated by referring to Residential Design Guidance Notes 2 to 6.

RDG2 requires the space around all new development to be informed by the prevailing character of space around dwellings. Where there is a distinct character of development which creates an exceptionally strong pattern, development must not result in a disruption to this pattern. In forms of development where there is no clear pattern of development, the space around a dwelling should be proportionate to the size of the dwelling, with a minimum of 1m.

There are mixed forms of development in the vicinity of the application site, made up of primarily detached dwellings, with varying degrees of space around them. Some properties have single storey projecting elements such as garages up to the side boundary, while others have more generous amounts of space around them. There is no clear pattern of development.

The proposed dwelling would have a width of some 6.3m with side accesses of 1m in width. These spaces are felt to be proportionate to the size of the dwelling and consequently there is no objection to the proposal on the basis of guidance at RDG2.

RDG3 requires proposals to respect established building lines. The proposed house would be approximately 3.5m from the front boundary in Landsburg Road which is in line with the front aspects of adjacent dwellings. No objection is therefore raised on the basis of this part of RDG3.

RDG3 also requires proposals not to cause excessive overshadowing or dominance of adjacent properties. It is considered that there is sufficient space between the proposal and neighbouring properties that it would not have an unduly dominating effect. The proposal would not project excessively beyond the rear building line of adjacent properties.

The proposal has the potential to throw shadow onto the flank wall of 26 Landsburg Road, where there is a window in the side elevation. However, this appears to be a secondary window and given its size and the presence of a fence already situated on this boundary light to and outlook from the window is already restricted. The provision of the proposed dwelling 1m from the boundary is not considered to result in such loss of light to or outlook from the neighbouring property that a refusal of planning permission on this basis would be supported on appeal. It must also be remembered that there is no right to light across adjoining land under planning law.

It is noted that the uncontrolled erection of extensions to the proposed dwelling using permitted development rights could give rise to significant impacts upon adjacent properties by way of obtrusiveness or dominance. Given the shallow rear garden depth of 26 Landsburg Road and the proposal's orientation to its south it would be appropriate for a condition to be imposed on any grant of consent withdrawing permitted development rights for extensions to the dwelling house.

Other neighbouring properties are too remote to be significantly affected by the proposal in terms of overshadowing or dominance. There is therefore no objection to the proposal on the basis of this part of RDG3.

RDG5 deals with privacy and living conditions, requiring a distance of 9m to be provided between first floor windows and the boundaries of the site. Where this is not achieved, the use of windows with obscured glazing and limited opening can be used to protect privacy, but only where the windows concerned are secondary windows.

The proposed rear windows would overlook the property's rear garden, which has a depth of approximately 18m. The front windows would overlook the street. Council guidelines on overlooking are not normally applied to windows overlooking a road as this usually does not result in any loss of privacy to neighbours living opposite.

Subject to a condition requiring the side windows above ground floor level to be conditioned as obscure glazed and with limited openings, the proposal complies with guidance at RDG5.

RDG6 requires the provision of appropriate amounts of outdoor amenity space in proportion to the size of the dwelling. A minimum of 15m² per habitable room should be provided, with a minimum of 50m².

The property would have five habitable rooms requiring an amenity area of 75m². A rear garden of some 125m² is provided which satisfies this requirement.

Parking

Policy T8 of the Local Plan requires the provision of parking in accordance with adopted standards. This is broadly consistent with paragraph 105 of the Framework. RDG12 of the council's Residential Design Guidance requires parking not to be visually dominant.

The currently adopted standards are the Essex County Council 2009 Parking Standards. These require the provision of two spaces for properties with two or more bedrooms. The proposal achieves this. It also indicates the provision of an electric vehicle charge point in the garage in accordance with paragraph 110 e) of the Framework.

The provision of a detached garage with hard surfaced forecourt facing Munsterburg Road is not considered to be a visually dominant form of parking.

Subject to conditions to ensure the provision and retention of parking and the charge point, no objection is raised to the proposal on parking grounds.

Flood risk

Paragraph 155 of the Framework states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

Paragraph 158 states that the aim of the sequential test is to steer new development to the areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. Paragraph 159 states that if it is not possible for development to be located in zones with a lower risk of flooding (taking into account wider sustainable development objectives), the

exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in national practice guidance.

The site is located on Canvey Island, which is designated as Flood Zone 3A. Since the settlement of Canvey Island is located entirely within Flood Zone 3A 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. Accordingly, it is considered that the proposal passes the sequential test.

Practice guidance requires that proposed dwellings within Flood Zone 3A must also pass the exception test. Paragraph 160 of the Framework states that the application of the exception test should be informed by a strategic or site-specific flood risk assessment, depending on whether it is being applied during plan production or at planning application stage. For the exception test to be passed it should be demonstrated that:

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

In respect of the first criterion the continued need for housing development to serve the community of Canvey Island is considered to provide a wider sustainability benefit in that it would contribute to the economic, social and environmental objectives set out in the Framework. The first part of the exception test is therefore considered to have been passed.

In respect of the second part of the exception test, the application is accompanied by a site-specific flood risk assessment which demonstrates that although the ground floor of the property would be liable to flood were there to be a tidal flood event, the first floor would offer refuge. Subject to a flood response plan so that the response of occupiers to a flood warning being issued or flooding occurring is managed appropriately, for example by remaining within the first floor of the property rather than trying to evacuate, the second element of the exception test is passed and there is no objection to the proposal on flood risk grounds.

The flood response plan at Appendix E of the Flood Risk Statement prepared by Contour Architectural Designs dated August 2019 reference CAD/PP/19322/P4/FRS is considered satisfactory for this purpose.

The site may also be affected by pluvial (surface water) and fluvial (river) flooding, but the flood depths that may occur in these types of event would be substantially less than in a tidal flood (seawall breach) event. As the dwelling is designed to withstand the tidal event, it can also be said that it would not suffer adverse effects if it were affected by fluvial or pluvial flooding.

Drainage

The Framework states on several occasions including at paragraph 163 that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. This includes ensuring that surface water is dealt with appropriately and does not increase the risk of surface water flooding for nearby sites.

Practice guidance states that generally, the aim should be to discharge surface runoff as high up the following hierarchy of drainage options as reasonably practicable:

1. into the ground (infiltration)
2. to a surface water body
3. to a surface water sewer, highway drain or another drainage system
4. to a combined sewer

Canvey Island has particular circumstances due to its flat topography, whereby all rain water that falls on the island is drained by gravity through a network of pipes and other watercourses to a number of pumping stations around the perimeter of the island where it has to be pumped over the sea wall.

The ground conditions on Canvey Island are London Clay which offers poor permeability for rain water and combined with a high water table this severely reduces the effectiveness of items such as soakaways or other infiltration methods. For this reason, infiltration is not considered a suitable method for disposal of surface water.

There is no surface water body on or in the vicinity of the site that could receive surface run off so the next most suitable option is to discharge to the surface water sewer.

The proposal has been designed with a Sustainable Drainage System in order to ensure that surface water discharge to the existing surface water sewer is attenuated to 5l/s. This would be by way of a pump as water cannot flow there under gravity on this particular site. The drainage system around the house has pipes sized to be able to store water from a 1 in 100 year rainfall event plus 40% allowance for climate change. This is better than public sewers which are only designed to the 1 in 30 year event.

In the event that there is no capacity in the surface water sewer (which in reality would only ever happen if the Environment Agency's pumps around the perimeter of the island that pump water over the sea wall were not working) then the surface water will be retained within the oversized manholes and pipes until such time that there is capacity available.

It is often claimed that these 'greensward' areas provide a form of natural drainage for the local area. This is not correct as due to Canvey's soil conditions natural permeation into the ground is very limited. Canvey Island is predominantly made up of London Clay which, coupled with a high water table between 1m and 2m below ground level, provides a very minimal amount of permeation. Providing an attenuated drainage system on site therefore has the potential to improve drainage because it would mean water is stored before being pumped away rather than falling on impermeable clay soil and perhaps running off into the surface water sewer or onto adjoining land.

The proposed rate of surface water discharge at 5 litres per second to the public sewer is within Anglian Water's guidelines for discharge to their network. The pump is non-adoptable and will need to be maintained by the householder. If planning permission is granted, a condition will need to be imposed requiring the pump to be maintained in working order at all times.

Other matters

Practice guidance also states that the structural safety of buildings is a consideration. This is of particular importance in the case of this dwelling as the first floor would be used for flood refuge purposes. The application is accompanied by a letter from Millard and Partners structural engineers explaining that the structure has been designed to resist the forces that may act upon it up to and including a 1 in 1000 year flood event. Provided that the development is constructed in accordance with the submitted details, it is not considered that occupiers would be at risk of the building suffering structural failure in a flood.

A construction management plan (CMP) has been submitted as part of this proposal which details methods to reduce the impact of construction traffic on other users of the adjoining highways. It is considered that provided the details contained within the CMP are implemented, which states that any damage caused by construction traffic to the road will be repaired, there should be no unacceptable levels of disruption caused to neighbours.

Conclusion and planning balance

Chapter 11 of the NPPF promotes the effective use of land in meeting the need for homes whilst safeguarding and improving the environment and ensuring safe and healthy living conditions. Planning decisions should support development that makes efficient use of land. Where there is an existing shortage of land for meeting identified housing needs, low density schemes should be avoided, and new developments should make optimal use of each site.

The proposal complies with the council's Residential Design Guidance as well as guidance within other chapters of the NPPF. No objections have been raised which cannot be overcome through the use of conditions.

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

- o approving proposals that accord with an up-to-date development plan without delay; or
- o where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁷, granting permission unless:
 - i. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁶; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

The council's development plan is not up-to-date. Footnote 7 explains that, for applications involving the provision of housing, policies most important for determining the application will be out-of-date where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites; or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.

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

The application site is within an area at risk of flooding or coastal change which is an area or asset of particular importance for the purpose of (i) above (as defined at footnote 6). However, the policies within the Framework that protect that area or asset of particular importance do not provide a clear reason for refusing the development proposed. Permission should therefore be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

The proposal would provide a social benefit in terms of a limited boost to housing supply (of one additional dwelling). It would also provide a temporary economic benefit during the construction period, through the employment opportunities that would be created. Furthermore, there would be an environmental benefit in that it makes an effective use of land and takes into account the impact of climate change.

Objections have been received from residents living near the site, mainly relating to the loss of a locally valued green space. As has been mentioned in this report, the site is not allocated as open space in the development plan, it is first and foremost a piece of highway land. The greensward is not considered to be a defining characteristic of the wider surrounding area so the loss of this space would not be detrimental to the visual appearance or wider character of the area and therefore this objection does not carry significant weight.

It is concluded that no adverse impacts that would significantly and demonstrably outweigh the benefits of the proposal have been identified and therefore in accordance with the presumption in favour of sustainable development it is recommended that planning permission be granted.

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

My Recommendation is Approval with the following conditions

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

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

2 The development shall be constructed in accordance with the approved materials.

REASON: In the interest of visual amenity.

3 The development shall be constructed in accordance with drawing 9922-1 and details prepared by Millard and Partners.

REASON: To ensure the structural stability of the building and the safety of its occupants in the event of a flood.

4 Any upper-floor windows in the side elevations of the dwelling shall be -

- (i) obscure-glazed to at least level 3 on the Pilkington Scale (or such equivalent as may be agreed in writing with the local planning authority); and
- (ii) non-opening, unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed

and retained as such thereafter.

REASON: In order to prevent overlooking of adjacent residential properties.

5 The development shall be drained in accordance with the approved surface water drainage arrangements as shown on drawing YGC6941/04/01 revision A dated 17/09/2019 and received by the planning authority on 01/10/19. The system including pump shall be installed and operational before the dwelling is occupied and thereafter maintained in working order.

REASON: To ensure that the development does not increase the risk of surface water flooding to this or surrounding sites.

6 The dwelling shall not be occupied until the approved garage and forecourt parking space have been provided and made available for use, together with properly constructed vehicular access to Munsterburg Road, all in accordance with the approved plans. Thereafter, these facilities shall be kept available for the parking of vehicles and not used for any other purpose.

REASON: To avoid an increase in the pressure for on-street parking in the interest of the free flow of traffic and the amenity and convenience of surrounding residents.

7 Prior to occupation of the dwelling, the redundant bellmouth junctions on the Munsterburg Road and Landsburg Road frontages of the site shall be removed and the footway, kerbing and verge reinstated.

REASON: To ensure the safety of pedestrians using the highway and to prevent vehicular access to a front garden that is of insufficient depth to allow the parking of vehicles in a safe and satisfactory manner.

8 Prior to occupation of the dwelling, it shall be provided with an electric vehicle charge point in the garage as indicated on drawing CAD/PP/19322/009 prepared by Contour Architectural Designs.

REASON: To provide a facility for the charging of plug-in and other ultra-low emission vehicles in accordance with government guidance in the National Planning Policy Framework.

9 The approved boundary treatments shall be erected in the approved locations prior to occupation of the dwelling. The front boundary fence to Landsburg Road shall thereafter be maintained in the approved location.

REASON: To ensure an adequate level of privacy for future occupiers of the development and to discourage vehicles accessing the site from Landsburg Road given that the front garden is of insufficient depth to allow the parking of vehicles in a safe and satisfactory manner.

10 There shall be no vehicular access to the site from Landsburg Road.

REASON: The front garden is of insufficient depth to allow the parking of vehicles in a safe and satisfactory manner.

11 The flood response plan at Appendix E of the Flood Risk Statement prepared by Contour Architectural Designs dated August 2019 reference CAD/PP/19322/P4/FRS shall be enacted upon occupation of the dwelling and thereafter maintained at all times that the dwelling is occupied. Any revisions to the plan shall be submitted to and approved in writing by the local planning authority.

REASON: To ensure the safety of occupants of the building in the event of a flood.

12 The footpath as shown on drawing CAD/PP/19322/008 revision B prepared by Contour Architectural Designs shall be provided, with a minimum width of 1.5 metres and an additional 0.5 metre wide verge, together with operational street lighting in the locations shown, prior to occupation of the dwelling. The footpath shall be dedicated as highway.

REASON: To retain the pedestrian link between Munsterburg Road and Landsburg Road in the interest of the amenity and convenience of the public.

13 No development of the type specified in Class A of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or in any provision equivalent to those Classes in any statutory instrument revoking and re-enacting that Order with or without modification) shall be carried out.

REASON: The uncontrolled exercise of such rights has the potential to result in an unacceptable diminution in the amount of outdoor amenity space provision and to adversely affect the residential amenity of adjacent residents.

14 No unbound material shall be used in the surface treatment of the vehicular access or parking area within 6 metres of the highway boundary.

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

15 The construction method statement prepared by Contour Architectural Designs shall be adhered to for the duration of the development.

REASON: To minimise disruption to users of the adjoining highways, in the interest of the free flow of traffic and the amenity and convenience of surrounding residents.

Informative

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:	19/0617/FUL
Address:	Land Adjacent To 24 Heilsburg Road Canvey Island Essex SS8 8HH (Canvey Island North)
Description of Development:	Construction of 3 bedroomed dwelling with detached garage and new public footpath
Applicant:	D.R. Bullock Builders Ltd
Case Officer:	Mr Keith Zammit
Expiry Date:	12.11.2019

Summary

The application seeks permission for a new dwelling on a greensward located between existing dwellings, which was a former road and now closed to vehicular traffic. The proposal complies with all relevant local policies and residential design guidance and no adverse impacts of the development that would significantly and demonstrably outweigh the benefits have been identified when assessed against the policies in the Framework taken as a whole. The proposal is therefore recommended for APPROVAL.

This application is presented to committee along with three other applications on other sections of greensward at the request of Councillor Hart.

Site Visit

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

Introduction

The application relates to land forming part of Newlands Road that is now closed to traffic. It is grassed with bollards at either end and an informal public footpath running across it. There are 1.8m high fences along the boundaries with adjoining residential curtilages, except in the case of the boundary with 61 Newlands Road which has its front door and gate facing south towards the application site. It is understood that the owner of 61 Newlands Road has a right of way across the land.

Even though driving of vehicles over the land is no longer permitted, highway rights still exist across the entire site.

The Proposal

Permission is sought for the erection of a three bedroomed property facing Heilsburg Road. It would be approximately 6.3m by 9.7m in footprint, with a pitched roof to a height of some 7.3m. The proposed materials are Ibstock Yellow Stock brick, Marley Eternit grey plain roof tiles, and light grey Marley Cedral Weatherboard cladding. The agent for the application has advised that the inclusion of render on the materials specification for the development was an error.

Internally, a lounge/diner, kitchen and WC are offered at ground floor. The first-floor accommodation comprises two double bedrooms, one single bedroom, a family bathroom and a storage cupboard on the landing.

A detached garage is proposed to the rear of the site, accessed from Landsburg Road. It is proposed to give the land north of the detached garage to 61 Newlands Road as a way of accommodating their existing right of way over the land.

Pedestrian access is proposed to the property from Heilsburg Road.

The link between Landsburg Road and Heilsburg Road would be retained in the form of a 1.5m wide footpath with 0.5m wide grass verge and additional street lighting, to be provided by the developer then adopted by Essex Highways.

The property's garden is proposed to be enclosed by a 1.8m high fence. This would change to a 1.2m high fence towards the front (Heilsburg Road end) of the site and adjacent to the rear driveway.

Surface water runoff from the dwelling is to be directed to the mains sewers via an attenuated system incorporating a pumped discharge to the surface water sewer. The garage forecourt parking space is to be constructed of permeable paving.

Supplementary Documentation

The application is accompanied by a construction method statement, flood risk statement and materials specification which are available to view on the council's website.

Planning History

None

Relevant Government Guidance and Local Plan Policies

National Planning Policy Framework (2019)

Paragraphs 105-106 (sustainable transport), 117 (making effective use of land), 127 (requiring good design), 155-165 (flood risk and coastal change)

Local Plan (1998)

EC2	Design
T8	Parking standards

Residential Design Guidance (2013)

RDG1	Plot size
RDG2	Space around dwellings
RDG3	Building lines
RDG5	Privacy and living conditions
RDG6	Amenity space
RDG12	Parking and access
RDG16	Liveable Homes

Consultation

Canvey Town Council

Object, for the following reasons:

- o Over dominance
- o Overdevelopment of the site
- o The committee had raised concerns that this is a public right of way and should remain for the residents.
- o Adverse impact on the existing residential area due to insufficient parking provision.
- o Loss of a well-used amenity space of an informal activity area for children and recreation.
- o The proposal of a narrow pathway will encourage dog fouling, litter, anti-social behaviour and crime.
- o Canvey Island has critical drainage issues and is a Flood Risk Zone 3. Such green spaces assist with existing drainage issues in a natural way without the need for drainage systems.
- o The plans show that 61 Newlands Road has been provided land but not the existing residents that need access to their properties.
- o There is inadequate lighting for the narrow footpath.

Environment Agency

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

Essex Badger Protection Group

There are no records indicating that there are any badger setts that may be at risk of harm from this proposal.

Highways

No objection subject to conditions.

Public Consultation

The following objection comments have been made:

- o Loss of an amenity
- o Open spaces are gradually being eroded
- o Footpath will attract antisocial behaviour
- o Will overshadow adjacent properties
- o Noise
- o Pollution
- o Damage to property
- o Roads are already congested at rush hour
- o Drainage is already a problem
- o Overlooking of adjacent properties
- o Drain runs under the land and has flooded on occasion
- o Loss of turning points in the road
- o Lack of parking for construction vehicles
- o Disruption from construction, particularly from shift workers who need to sleep during the day
- o Bungalows would be more in keeping with the area
- o Walkway could be taken away altogether
- o Too many homes on Canvey already
- o Detrimental to wildlife

- o Parking will impact on neighbours as garage at the back won't be used
- o Will set a precedent for further such development
- o Additional pressure on school/GP infrastructure
- o Space has been used for gatherings and street parties
- o Children play on the land
- o Construction method statement will be impossible for the builder to adhere to during construction

Comments on Consultation Responses

- o The conditions suggested by the highway authority will be incorporated into any grant of planning permission where reasonable and necessary.
- o The land is not designated as public open space in the Local Plan, therefore no assessment of open space provision in the area is required under paragraph 97 of the National Planning Policy Framework as part of this application.
- o Disruption from construction is generally considered transient and not capable of forming a sustainable reason for refusal.
- o The site is not considered to be of any significant wildlife interest.
- o The development is not of a scale where contributions to infrastructure such as GPs and schools would be sought
- o The council's licencing department has no record of any licences having been granted for gatherings and street parties on the land.
- o The removal of the bellmouth junctions at the front and rear of the application site and reinstatement of the footpath have not been objected to by the Highway Authority.
- o Any other planning issues raised are considered in the evaluation of the proposal.

Evaluation of Proposal

The main issues with this application are the principle of a housing development, the design and layout, parking implications, flood risk and drainage.

Principle

The land is allocated for residential purposes on the proposals map accompanying the Local Plan. There is therefore no objection in principle to the proposed use. However, the land still has highway rights across it and as such is publicly maintainable highway.

A footpath is to be provided as part of this development so that the public would still be able to cross the site. This reflects the current situation where pedestrians and cyclists can use the land as a link between Heilsburg Road and Landsburg Road. Should planning permission be granted the applicant would still need to apply for extinguishment of highway rights over the majority of the site, but as free passage for legitimate users of the highway would be maintained it is difficult to see why approval for this would not be forthcoming.

Members should note that permission has already been granted for three similar forms of development located at May Avenue, Smallgains Avenue and more recently at San Remo Road by the Development Control committee. A stopping up order has already been granted for land adjacent to 81 May Avenue and 96 Smallgains Avenue in similar circumstances. Subject to the provision of a suitably designed footpath planning permission could not justifiably be refused on the basis that it would inconvenience highway users.

The proposed footpath would be hard surfaced and measures 1.5m wide with a 0.5m wide grass verge adjacent to it. It would run between two high level fences for some 21.5 m of its 37m length. Lighting is to be provided at either end of the path to help ensure the footpath is safe to use at night. The provision of such infrastructure is consistent with paragraph 91 of the National Planning Policy Framework (the Framework).

Provided lighting is installed and operational before the path is opened for use, no objection to the proposal on the basis of the status of the land as a highway or impact on the community is raised.

Design and layout

Policy EC2 of the Local Plan seeks a high standard of design in all new buildings. In particular, the scale, density, siting, design, layout and external materials shall be appropriate to its setting and should not harm the character of its surroundings. This is consistent with paragraph 127 of the National Planning Policy Framework (the Framework).

The appearance of the dwelling is considered to be reasonably attractive and well proportioned. With an overall height of some 7.3m it would not appear excessively tall in relation to the surrounding development. While 26 Heilsburg Road is a shallow pitched roofed bungalow, No.24 is a house and the proposed chalet style property would represent an acceptable transition between the two. The use of a mixed palette of materials is felt to add interest to the property and given the variety of materials used on dwellings in the vicinity this would not look out of place.

With regard to the loss of openness arising from the reduction in width of the informal pedestrian footpath and the impact of this loss of openness on the character of the surrounding area, it is clear from public consultation responses that this unmade part of Newlands Road is a feature that is valued by local residents and which they are concerned about losing. However, other than the unmade section of highway between Brandenburg and Munsterburg Roads there are no other such footpaths nearby and therefore in the view of officers this piece of land cannot be said to be a defining or characteristic feature of the area.

Members will no doubt recall an application to develop an unmade greensward adjacent to 81 May Avenue. A similar conclusion was arrived at by the inspector who commented 'whilst some other grassed plots of land with footpaths linking roads exist in the wider area, these do not occur on such a frequent basis to be a defining or characteristic feature of the area. On this basis, whilst the appeal site provides some visual amenity within its immediate vicinity, I consider that the contribution it makes to the wider character and appearance of the streetscape and area is limited'.

Officers are of the view that notwithstanding that the unmade part of Newlands Road provides quite an attractive vista when viewed from the west the same situation applies in this case.

There is therefore no objection to the proposal on the basis of Policy EC2.

The council has adopted Residential Design Guidance as a supplementary planning document. This is considered to reflect the government guidance within section 12 of the Framework.

Guidance at RDG1 is concerned with plot size. It states that within the built-up area, the plot sizes for all new development should be informed by the prevailing character of plot sizes. Where there

is a distinct character of development which creates an exceptionally strong pattern, development must not result in a disruption to this pattern. Where there is no clear pattern of plot sizes, the size of the plot should be proportionate to the size of the dwelling occupying it. This should be informed having regard to the guidance at RDG2 to RDG6 of the Residential Design Guidance.

Looking at the plots in the vicinity of the application site, they vary in width from around 9m to more than twice this size. This is therefore an area where there is no clear pattern of plot sizes. According to RDG1 the size of the plot, which is 8m wide, should therefore be proportionate to the dwelling occupying it. This is best evaluated by referring to Residential Design Guidance Notes 2 to 6.

RDG2 requires the space around all new development to be informed by the prevailing character of space around dwellings. Where there is a distinct character of development which creates an exceptionally strong pattern, development must not result in a disruption to this pattern. In forms of development where there is no clear pattern of development, the space around a dwelling should be proportionate to the size of the dwelling, with a minimum of 1m.

There are mixed forms of development in the vicinity of the application site, made up primarily of detached dwellings, with varying degrees of space around them. Some properties have single storey projecting elements such as garages up to the side boundary, while others have more generous amounts of space around them. It may be said that this is an area where there is no clear pattern of development.

The proposed dwelling would have a width of some 6.3m with side accesses of 1m in width. These spaces are felt to be proportionate to the size of the dwelling and consequently there is no objection to the proposal on the basis of guidance at RDG2.

RDG3 requires proposals to respect established building lines. The proposed house would be approximately 3.5m from the front boundary in Heilsburg Road which is a little closer to the highway than the adjacent dwelling at No.24 (5m from the highway) but not so close as No.26 (3m from the highway, reduced to 2m by the porch). It is considered that this proposal represents an acceptable transition between development either side of the site. There is no strong building line in this location, and existing development does not appear regimented. No visual harm would come about from the proposed setting of this dwelling and no objection is therefore raised to it on the basis of this part of RDG3.

RDG3 also requires proposals not to cause excessive overshadowing or dominance of adjacent properties. It is considered that there is sufficient space between the proposal and neighbouring properties that it would not have an unduly dominating effect. The proposal would be in keeping with the rear building line of adjacent properties.

The proposal has the potential to throw shadow onto the flank wall of 26 Heilsburg Road, where there are several windows in the side elevation. However, there is already a 1.8m fence situated on this boundary which limits light to and outlook from these windows. The setting of the proposed dwelling 1m from the boundary is common practice and it is not considered that the building would result in such loss of light to or outlook from the windows that a refusal of planning permission on this basis would be supported on appeal. It must also be remembered that there is no right to light across adjoining land under planning law.

This application proposes to give part of the site to 61 Newlands Road as an extension of their front garden, to accommodate the right of way that they currently benefit from. The existence of a private right of way or easement is a civil matter, the planning issue to consider is whether the proposal would have a detrimental impact on the setting and appearance of the dwelling, and the outlook of its occupiers.

The adjacent dwelling is located on a corner plot and what might be described as its principal elevation is orientated towards Newland Road. However, the whole of its frontage is bound by a high hedge and therefore the outlook from this aspect is very limited. The applicant proposes to transfer the area of land indicated on the plans to these occupiers to provide them with a more open front aspect, which on following transfer of the land would be some 8m deep. Even if the transfer of land did not take place the relationship of the adjacent dwelling with Landsburg Road would not be significantly different than that of many gable fronted dwellings with front doors located at their side.

It should be noted that no objection to the proposal has been received from the occupiers of this property.

Other neighbouring properties are too remote to be significantly affected by the proposal in terms of overshadowing or dominance. There is therefore no objection to the proposal on the basis of this part of RDG3.

RDG5 deals with privacy and living conditions, requiring a distance of 9m to be provided between first floor windows and the boundaries of the site. Where this is not achieved, the use of windows with obscured glazing and limited opening can be used to protect privacy, but only where the windows concerned are secondary windows.

The proposed rear windows would overlook the property's rear garden, which has a depth of approximately 10.5m. The front windows would overlook the street. Council guidelines on overlooking are not normally applied to windows overlooking a road as this usually does not result in any loss of privacy to neighbours living opposite.

Subject to a condition requiring the side windows above ground floor level to be conditioned as obscure glazed and with limited openings, the proposal complies with guidance at RDG5.

RDG6 requires the provision of appropriate amounts of outdoor amenity space in proportion to the size of the dwelling. A minimum of 15m² per habitable room should be provided, with a minimum of 50m².

The property would have five habitable rooms requiring an amenity area of 75m². A rear garden of some 85m² is provided which satisfies this requirement and would not be out of character with the size of gardens in the surrounding area.

Nonetheless, given the limited size of the site and its relationship with 61 Newlands Road it is considered any grant of consent should include the withdrawal of permitted development rights. Subject to such a condition there is no objection on the basis of RDG6.

Parking

Policy T8 of the Local Plan requires the provision of parking in accordance with adopted standards. This is broadly consistent with paragraph 105 of the Framework. RDG12 of the council's Residential Design Guidance requires parking not to be visually dominant.

The currently adopted standards are the Essex County Council 2009 Parking Standards. These require the provision of two spaces for properties with two or more bedrooms. The proposal achieves this. It also indicates the provision of an electric vehicle charge point in the garage in accordance with paragraph 110 e) of the Framework.

The provision of a detached garage with hard surfaced forecourt facing Landsburg Road is not considered to be a visually dominant form of parking.

Subject to conditions to ensure the provision and retention of parking and the charge point, no objection is raised to the proposal on parking grounds.

Flood risk

Paragraph 155 of the Framework states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

Paragraph 158 states that the aim of the sequential test is to steer new development to the areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. Paragraph 159 states that if it is not possible for development to be located in zones with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in national practice guidance.

The site is located on Canvey Island, which is designated as Flood Zone 3A. Since the settlement of Canvey Island is located entirely within Flood Zone 3A 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. Accordingly, it is considered that the proposal passes the sequential test.

Practice guidance requires that proposed dwellings within Flood Zone 3A must also pass the exception test. Paragraph 160 of the Framework states that the application of the exception test should be informed by a strategic or site-specific flood risk assessment, depending on whether it is being applied during plan production or at planning application stage. For the exception test to be passed it should be demonstrated that:

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

In respect of the first criterion the continued need for housing development to serve the community of Canvey Island is considered to provide a wider sustainability benefit in that it would contribute to the economic, social and environmental objectives set out in the Framework. The first part of the exception test is therefore considered to have been passed.

In respect of the second part of the exception test, the application is accompanied by a site-specific flood risk assessment which demonstrates that although the ground floor of the property would be liable to flood were there to be a tidal flood event, the first floor would offer refuge. Subject to a flood response plan so that the response of occupiers to a flood warning being issued or flooding occurring is managed appropriately, for example by remaining within the first floor of the property rather than trying to evacuate, the second element of the exception test is passed and there is no objection to the proposal on flood risk grounds.

The flood response plan at Appendix E of the Flood Risk Statement prepared by Contour Architectural Designs dated July 2019 reference CAD/PP/19322/P3/FRS is considered satisfactory for this purpose.

The site may also be affected by pluvial (surface water) and fluvial (river) flooding, but the flood depths that may occur in these types of event would be substantially less than in a tidal flood (seawall breach) event. As the dwelling is designed to withstand the tidal event, it can also be said that it would not suffer adverse effects if it were affected by fluvial or pluvial flooding.

Drainage

The Framework states on several occasions including at paragraph 163 that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. This includes ensuring that surface water is dealt with appropriately and does not increase the risk of surface water flooding for nearby sites.

Practice guidance states that generally, the aim should be to discharge surface runoff as high up the following hierarchy of drainage options as reasonably practicable:

1. into the ground (infiltration)
2. to a surface water body
3. to a surface water sewer, highway drain or another drainage system
4. to a combined sewer

Canvey Island has particular circumstances due to its flat topography, whereby all rain water that falls on the island is drained by gravity through a network of pipes and other watercourses to a number of pumping stations around the perimeter of the island where it has to be pumped over the sea wall.

The ground conditions on Canvey Island are London Clay which offers poor permeability for rain water and combined with a high-water table this severely reduces the effectiveness of items such as soakaways or other infiltration methods. For this reason, infiltration is not considered a suitable method for disposal of surface water.

There is no surface water body on or in the vicinity of the site that could receive surface run off so the next most suitable option is to discharge to the surface water sewer.

The proposal has been designed with a Sustainable Drainage System in order to ensure that surface water discharge to the existing surface water sewer is attenuated to 5l/s. This would be by way of a pump as water cannot flow there under gravity on this particular site. The drainage system around the house has pipes sized to be able to store water from a 1 in 100 year rainfall event plus 40% allowance for climate change. This is better than public sewers which are only designed to the 1 in 30 year event.

In the event that there is no capacity in the surface water sewer (which in reality would only ever happen if the Environment Agency's pumps around the perimeter of the island that pump water over the sea wall were not working) then the surface water will be retained within the oversized manholes and pipes until such time that there is capacity available.

It is often claimed that these 'greensward' areas provide a form of natural drainage for the local area. This is not correct as due to Canvey's soil conditions natural permeation into the ground is very limited. Canvey Island is predominantly made up of London Clay which, coupled with a high water table between 1m and 2m below ground level, provides a very minimal amount of permeation. Providing an attenuated drainage system on site therefore has the potential to improve drainage because it would mean water is stored before being pumped away rather than falling on impermeable clay soil and perhaps running off into the surface water sewer or onto adjoining land.

The proposed rate of surface water discharge at 5 litres per second to the public sewer is within Anglian Water's guidelines for discharge to their network. The pump is non-adoptable and will need to be maintained by the householder. If planning permission is granted, a condition will need to be imposed requiring the pump to be maintained in working order at all times.

Other matters

Practice guidance also states that the structural safety of buildings is a consideration. This is of particular importance in the case of this dwelling as the first floor would be used for flood refuge purposes. The application is accompanied by a letter from Millard and Partners structural engineers explaining that the structure has been designed to resist the forces that may act upon it up to and including a 1 in 1000 year flood event. Provided that the development is constructed in accordance with the submitted details, it is not considered that occupiers would be at risk of the building suffering structural failure in a flood.

A construction management plan (CMP) has been submitted as part of this proposal which details methods to reduce the impact of construction traffic on other users of the adjoining highways. It is considered that provided the details contained within the CMP are implemented, which states that any damage caused by construction traffic to the road will be repaired, there should be no unacceptable levels of disruption caused to neighbours.

Conclusion and planning balance

Chapter 11 of the NPPF promotes the effective use of land in meeting the need for homes whilst safeguarding and improving the environment and ensuring safe and healthy living conditions. Planning decisions should support development that makes efficient use of land. Where there is an existing shortage of land for meeting identified housing needs, low density schemes should be avoided, and new developments should make optimal use of each site.

The proposal complies with the council's Residential Design Guidance as well as guidance within other chapters of the NPPF. No objections have been raised which cannot be overcome through the use of conditions.

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

- o approving proposals that accord with an up-to-date development plan without delay; or
- o where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁷, granting permission unless:
 - i. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁶; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

The council's development plan is not up-to-date. Footnote 7 explains that, for applications involving the provision of housing, policies most important for determining the application will be out-of-date where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites; or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.

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

The application site is within an area at risk of flooding or coastal change which is an area or asset of particular importance for the purpose of (i) above (as defined at footnote 6). However, the policies within the Framework that protect that area or asset of particular importance do not provide a clear reason for refusing the development proposed. Permission should therefore be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

The proposal would provide a social benefit in terms of a limited boost to housing supply (of one additional dwelling). It would also provide a temporary economic benefit during the construction period, through the employment opportunities that would be created. Furthermore, there would be an environmental benefit in that it makes an effective use of land and takes into account the impact of climate change.

Objections have been received from residents living near the site, mainly relating to the loss of a locally valued green space. As has been mentioned in this report, the site is not allocated as open space in the development plan, it is first and foremost a piece of highway land. The greensward is not considered to be a defining characteristic of the wider area so the loss of this space would not be detrimental to the visual appearance or wider character of the area and therefore this objection does not carry significant weight.

It is concluded that no adverse impacts that would significantly and demonstrably outweigh the benefits of the proposal have been identified and therefore in accordance with the presumption in favour of sustainable development it is recommended that planning permission be granted.

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

My Recommendation is Approval with the following conditions

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

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

2 The development shall be constructed in accordance with the approved materials.

REASON: In the interest of visual amenity.

3 The development shall be constructed in accordance with drawing 9922-1 and details prepared by Millard and Partners.

REASON: To ensure the structural stability of the building and the safety of its occupants in the event of a flood.

4 Any upper-floor windows in the side elevations of the dwelling shall be -

- (i) obscure-glazed to at least level 3 on the Pilkington Scale (or such equivalent as may be agreed in writing with the local planning authority); and
- (ii) non-opening, unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed

and retained as such thereafter.

REASON: In order to prevent overlooking of adjacent residential properties.

5 The development shall be drained in accordance with the approved surface water drainage arrangements as shown on drawing YGC6941/03/01 revision A dated 17/09/2019 and received by the planning authority on 01/10/2019. The system including pump shall be installed and operational before the dwelling is occupied and thereafter maintained in working order.

REASON: To ensure that the development does not increase the risk of surface water flooding to this or surrounding sites.

6 The dwelling shall not be occupied until the approved garage and forecourt parking space have been provided and made available for use, together with properly constructed vehicular access to Landsburg Road, all in accordance with the approved plans. Thereafter, these facilities shall be kept available for the parking of vehicles and not used for any other purpose.

REASON: To avoid an increase in the pressure for on-street parking in the interest of the free flow of traffic and the amenity and convenience of surrounding residents.

7 Prior to occupation of the dwelling, the redundant bellmouth junctions on the Heilsburg Road and Landsburg Road frontages of the site shall be removed and the footway, kerbing and verge reinstated.

REASON: To ensure the safety of pedestrians using the highway and to prevent vehicular access to a front garden that is of insufficient depth to allow the parking of vehicles in a safe and satisfactory manner.

8 Prior to occupation of the dwelling, it shall be provided with an electric vehicle charge point in the garage as indicated on drawing CAD/PP/19322/009 prepared by Contour Architectural Designs.

REASON: To provide a facility for the charging of plug-in and other ultra-low emission vehicles in accordance with government guidance in the National Planning Policy Framework.

9 The approved boundary treatments shall be erected in the approved locations prior to occupation of the dwelling. The front boundary fence to Heilsburg Road shall thereafter be maintained in the approved location.

REASON: To ensure an adequate level of privacy for future occupiers of the development and to discourage vehicles accessing the site from Heilsburg Road given that the front garden is of insufficient depth to allow the parking of vehicles in a safe and satisfactory manner.

10 There shall be no vehicular access to the site from Heilsburg Road.

REASON: The front garden is of insufficient depth to allow the parking of vehicles in a safe and satisfactory manner.

11 The flood response plan at Appendix E of the Flood Risk Statement prepared by Contour Architectural Designs dated August 2019 reference CAD/PP/19322/P3/FRS shall be enacted upon occupation of the dwelling and thereafter maintained at all times that the dwelling is occupied. Any revisions to the plan shall be submitted to and approved in writing by the local planning authority.

REASON: To ensure the safety of occupants of the building in the event of a flood.

12 The footpath as shown on drawing CAD/PP/19322/006 revision C prepared by Contour Architectural Designs shall be provided, with a minimum width of 1.5 metres and an additional 0.5 metre wide verge, together with operational street lighting in the locations shown, prior to occupation of the dwelling. The footpath shall be dedicated as highway.

REASON: To retain the pedestrian link between Heilsburg Road and Landsburg Road in the interest of the amenity and convenience of the public.

13 No development of the type specified in Class A of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or in any

provision equivalent to those Classes in any statutory instrument revoking and re-enacting that Order with or without modification) shall be carried out.

REASON: The uncontrolled exercise of such rights has the potential to result in an unacceptable diminution in the amount of outdoor amenity space provision and to adversely affect the residential amenity of adjacent residents.

14 No unbound material shall be used in the surface treatment of the vehicular access or parking area within 6 metres of the highway boundary.

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

15 The construction method statement prepared by Contour Architectural Designs shall be adhered to for the duration of the development.

REASON: To minimise disruption to users of the adjoining highways, in the interest of the free flow of traffic and the amenity and convenience of surrounding residents.

Informative

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

ITEM 3

Application Number:	19/0616/FUL
Address:	Land Adjacent To 30 Tewkes Road Canvey Island Essex SS8 8HF (Canvey Island North)
Description of Development:	Construction of a 3 Bedroom Chalet with Associated Facilities and New Public Footpath
Applicant:	D.R. Bullock Builders Ltd
Case Officer:	Miss Genny Middlemast
Expiry Date:	12.11.2019

Summary

The application seeks permission for a new dwelling on a greensward located between existing dwellings, which was a former road and now closed to vehicular traffic. The proposal complies with all relevant local policies and residential design guidance and no adverse impacts of the development that would significantly and demonstrably outweigh the benefits have been identified when assessed against the policies in the Framework taken as a whole. The proposal is therefore recommended for APPROVAL.

This application is presented to committee along with three other applications on other sections of greensward at the request of Councillor Hart.

Site Visit

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

Introduction

The application relates to land forming part of Newlands Road that is now closed to traffic. It is grassed with bollards lining the eastern boundary onto Heilsburg Road and running across the middle of the site there is an informal public footpath. There are timber panel fences along the boundaries with adjoining residential curtilages, mostly 1.8m in height. Even though driving of vehicles over the land is no longer permitted, highway rights still exist across the entire site.

The site is located between a chalet and a bungalow on Tewkes Road and two bungalows on Heilsburg Road.

The Proposal

Permission is sought for the construction of a 3 bedroom property facing Tewkes Road and a detached garage and forecourt parking space with vehicular access onto Heilsburg Road. The proposed dwelling would have an overall ridge height of 7.3m and be some 6.3m wide by 9.7m deep. The dwellinghouse would be finished externally with a mixture of Istock Yellow Stock brick and light grey Marley Cedar Weatherboard cladding, Marley Eternit grey concrete roof tiles and grey UPVC.

Internally, the dwelling has a lounge/diner, kitchen and WC at ground floor and two double bedrooms, one single bedroom, a family bathroom and a storage cupboard on the landing at first floor.

A detached garage is proposed to the rear of the site, accessed from Heilsburg Road. The property's rear garden is to be enclosed by a 1.8m high fence. This would change to a 1.2m high fence towards the front of the site and adjacent to the rear driveway.

The link between Tewkes Road and Heilsburg Road would be retained in the form of a 1.5m wide hard surfaced footpath with 0.5m wide grass verge as per the Essex Highways Development Construction Manual with lighting on two new lampposts at either end of the footpath to be provided by the developer then adopted by Essex Highways.

Surface water runoff from the dwelling is to be directed to the mains sewers via an attenuated system incorporating a pumped discharge to the surface water sewer. The garage forecourt parking space is to be constructed of permeable paving.

Supplementary Documentation

This application is accompanied by a covering letter, construction method statement, structural details, flood risk statement, flood defence statement and materials specification which are available to view on the council's website.

Planning History

No Relevant History

Relevant Policies and Government Guidance

National Planning Policy Framework

Paragraphs 105-106 (sustainable transport), 117 (making effective use of land), 127 (requiring good design) and 155-165 (flood risk and coastal change).

Local Plan (Adopted 1998)

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

Residential Design Guidance (Adopted 2013)

RDG1	Plot size
RDG2	Space Around Dwellings
RDG3	Building Lines
RDG5	Privacy and Living Conditions
RDG6	Amenity Space
RDG10	Boundary Treatment
RDG12	Parking and Access
RDG16	Liveable Homes

Consultation

Essex Highways

No objection subject to conditions.

Environment Agency

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

Canvey Town Council

Objection due to:

- o Over dominance
- o Over development of the site
- o The public right of way should remain for the residents
- o Adverse impact on the existing residential area due to insufficient parking provision
- o Loss of a well-used amenity space of an informal activity area for children and recreation
- o The proposed narrow pathway would encourage dog fouling, litter, anti-social behaviour and crime
- o Canvey Island has critical drainage issues and such green spaces assist with existing drainage issues in a natural way without the need for further drainage systems
- o Concerns regarding giving land to 61 Newlands Road but not to the existing residents who need access.
- o Inadequate lighting to a narrow footpath
- o Questions regarding 32 Tewkes Road which has right of way to use the land to access its property.

Essex Badger Protection Group

No formal records of badger setts that may be at risk of any harm as a result of this application.

Public Consultation

The following objection comments have been made:

- o Result in a loss of character in the area
- o Existing poor drainage further exacerbated
- o Adverse impact on parking and road traffic safety
- o Loss of turning circle causing large vehicles to reverse the entire length of the road
- o Impact on neighbouring properties privacy
- o Overlooking
- o Location of streetlight outside neighbouring property window
- o Increase in cars causing increased pollution
- o Further exacerbating climate change
- o Loss of green space
- o Adverse impact on mental well being
- o Increased anxiety
- o Alleyways to encourage antisocial behaviour
- o Development would prevent emergency services accessing the sea wall
- o Would make residents housebound
- o Increased overcrowding on Canvey Island
- o Disruption caused by building works

- o Adverse impact on the welfare of the community
- o Unnecessary development
- o Cause disturbance
- o Overdevelopment of the site
- o Noise pollution
- o Loose the existing sense of openness
- o Loss of habitat for foxes, birds, bats and badgers
- o No parking provision due to the garage not being used
- o Loss of a place for children to play – no safe green spaces available in the area
- o Cause a loss of community culture by causing animosity and disputes
- o Lack of infrastructure to support the extra housing
- o 32 Tewkes road has a right of entry and exit over the land
- o Reduction of light into neighbouring properties
- o Loss of views
- o Negative impact on an already struggling sewage system
- o Impact on public safety by creating rat runs
- o Virgin media cables run through the site
- o Development is out of keeping with the area as the proposal is for a house in a predominantly bungalow area
- o Over populated area
- o Alley restricts access to those who use mobility aids
- o Materials proposed are not in keeping with the surrounding streetscene

Comments on Consultation Responses

- o The presence of subterranean services is a matter for the applicant to resolve with the relevant statutory undertaker and does not constitute a reason for refusing the application.
- o The land is not designated as public open space in the Local Plan, therefore no assessment of open space provision in the area is required under paragraph 97 of the NPPF as part of this application.
- o Foul drainage is a matter controlled by building control
- o The Highway Authority has been consulted as part of the application process and have responded that they have no objections subject to conditions. On this basis it is considered that the works would not adversely impact road safety in the area.
- o The proposal includes provision of a garage and a suitable forecourt parking space which meets the councils adopted parking standards for a dwelling of this size.
- o Disruption from construction is transient and not capable of forming a sustainable reason for refusal
- o The Essex Badger Protection Group have been consulted as part of this application and confirmed that there are no records of badger sets on the site. The site visit undertaken did not indicate it harboured other species of important wildlife.
- o Any right of way over the land by occupiers of 32 Tewkes Road is a civil matter and not a material planning consideration.
- o There is no right to a view across neighbouring land.
- o There is no right to light under planning law however the evaluation of the proposal will address any issues of overshadowing.
- o The proposed alley way measures some 1.5m wide which is considered wide enough to allow all members of the public to pass through safely in accordance with Building Regulations requirements.

- o All remaining material planning considerations are considered in the evaluation of the proposal.

Evaluation of Proposal

The main issues with this application are the principle of housing development, the design and layout, parking implications, flood risk and drainage.

Principle

The land is allocated for residential use on the proposals map accompanying the current adopted Local Plan. There can therefore be no objection to the principle of a residential development on this site. However, the land still has highway rights across it and as such is publicly maintainable highway.

A footpath is to be provided as part of this development so that the public would still be able to cross the site. This reflects the current situation where pedestrians and cyclists can use the land as a link between Tewkes Road and Heilsburg Road. Should planning permission be granted the applicant would still need to apply for an extinguishment of highway rights over the majority of the site, but as a free passage for legitimate users of the highway would be maintained it is difficult to see why approval for this would not be forthcoming.

Members should note that permission has already been granted for three similar forms of development located at May Avenue, Small Gains Avenue and more recently at San Remo Road by the Development Control committee. A stopping up order has already been granted for land adjacent to 81 May Avenue and 96 Smallgains Avenue in similar circumstances. Subject to the provision of a suitably designed footpath planning permission could not justifiably be refused on the basis that it would inconvenience highway users.

The proposed hard surfaced section of the footpath would be 1.5m wide with a 0.5m wide grass verge and would run between two high level fences for a length of some 21.5m of its 37.5m length. Lighting is to be provided at either end of the path to help ensure the footpath is safe to use at night. The provision of such infrastructure is consistent with paragraph 91 of the National Planning Policy Framework (the Framework).

Provided lighting is installed and operational before the path is opened for use, no objection is raised to the proposal on the basis of the status of the land as a highway or the impact on the community.

Design and Layout

Policy EC2 of the Local Plan seeks a high standard of design in all new buildings. In particular, the scale, density, siting, design, layout and external materials shall be appropriate to its setting and should not harm the character of its surroundings. This is consistent with paragraph 127 of the Framework.

The streetscene in Tewkes Road is varied with a mixture of bungalows, houses and chalets finished externally in different materials. The proposed dwelling is located between a chalet and bungalow however such a relationship can be seen elsewhere in the street so it is not considered

that permission may reasonably be withheld on the basis that the proposal would be taller than the adjacent neighbouring properties.

With regard to the loss of openness arising from the reduction in width of the informal pedestrian footpath and the impact of this loss of openness on the character of the surrounding area, it is clear from public consultation responses that this unmade part of Newlands Road is a feature that is valued by local residents and which they are concerned about losing. However, other than the unmade section of highway between Brandenburg and Munsterburg Roads there are no other such footpaths nearby and therefore in the view of officers this piece of land cannot be said to be a defining characteristic feature of the area.

Members will no doubt recall an application to develop an unmade greensward adjacent to 81 May Avenue. A similar conclusion was arrived by the Inspector who commented 'whilst some other grassed plots of land with footpaths linking roads exist in the wider area, these do not occur on such a frequent basis to be a defining or characteristic feature of the area. On this basis, whilst the appeal site provides some visual amenity within its immediate vicinity, I consider that the contribution it makes to the wider character and appearance of the streetscape and area is limited'.

Officers are of the view that notwithstanding the unmade part of Newlands Road having quite an attractive vista when viewed from the west the same situation applies in this case.

There is therefore no objection to the proposal on the basis of Policy EC2.

The Council has adopted the Residential Design Guidance as a supplementary planning document. This is considered to reflect the government guidance within section 12 of the Framework.

Guidance at RDG1 is concerned with plot size. It states that within the built-up area, the plot sizes for all new development should be informed by the prevailing character of plot sizes. Where there is a distinct character of development which creates an exceptionally strong pattern, development must not result in a disruption to this pattern. Where there is no clear pattern of plot sizes, the size of the plot should be proportionate to the size of the dwelling occupying it. This should be informed having regard to the guidance at RDG2 to RDG6 of the Residential Design Guidance.

In the vicinity of the site, dwellings are situated on a variety of plot sizes, varying from 9m to 18m. This wide range is indicative of the lack of uniformity present in the Tewkes Road streetscene.

According to RDG1 the size of the plot, which is 9m wide, should therefore be proportionate to the dwelling occupying it. This is best evaluated by referring to Residential Design Guidance Notes 2 to 6.

RDG2 requires the space around all new development to be informed by the prevailing character of space around dwellings. Where there is a distinct character of development which creates an exceptionally strong pattern, development must not result in a disruption to this pattern. In forms of development where there is no clear pattern of development, the space around a dwelling should be proportionate to the size of the dwelling, with a minimum of 1m.

There are mixed forms of development in the vicinity of the application site, made up of primarily detached dwellings, with varying degrees of space around them. Some properties have single

storey projecting elements such as garages up to the side boundary, while others have more generous amounts of space around them. There is no clear pattern of development.

The proposed dwelling would have a width of some 6.3m with side accesses of at least 1m in width. These spaces are felt to be proportionate to the size of the dwelling and sufficient to give the dwelling a satisfactory setting. Consequently, there is no objection to the proposal on the basis of guidance at RDG2.

RDG3 requires proposals to respect established building lines. The front gable of the proposed dwelling would sit some 0.7m forward of the front walls of the two neighbouring properties. However, in the context of the streetscene, where there is no strong building line, this would be acceptable. The proposed dwelling would be set no further forward for example than the properties at 26 and 26a nearby.

RDG3 also requires proposals not to cause excessive overshadowing or dominance of adjacent properties. It is considered that there is sufficient space between the proposal and neighbouring properties that it would not have an unduly dominating effect.

The rear elevation of the proposed dwelling would not project beyond the rear of the chalet to its north or the central part of the dwelling to its south but would extend nearly 5m past the nearest part of this dwelling. However, the proposed dwelling is separated from this neighbour by the proposed footpath and would not encroach past a 45-degree line drawn from the corner of the neighbour's rear wall. As such it would not result in any significant visual dominance. The orientation of the dwelling north of this neighbour means no overshadowing will take place.

RDG5 deals with privacy and living conditions, requiring a distance of 9m to be provided between first floor windows and the boundaries of the site. Where this is not achieved, the use of windows with obscured glazing and limited opening can be used to protect privacy, but only where the windows concerned are secondary windows.

The proposed rear windows would overlook the property's rear garden, which has a depth of approximately 17m. The front windows would overlook the street. Council guidelines on overlooking are not normally applied to windows overlooking a road as this usually does not result in any loss of privacy to neighbours living opposite.

There is one first floor landing side window with the potential to overlook the neighbour to the south but provided this is obscure glazed and fixed shut below a height of 1.7m so no loss of privacy would occur. Subject to such a condition the proposal is satisfactory in terms of RDG5.

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

The proposal would result in the provision of 5 habitable rooms at the property requiring a minimum of 75m² of amenity space. The application provides some 106m² of amenity space in a useable shape to cater for all the outdoor needs of the occupiers, which exceeds the minimum required.

The proposal is therefore fully compliant with RDG6.

Parking

Policy T8 of the current Local Plan requires off-street parking to be provided in accordance with County parking standards, which require a minimum of two spaces to be provided for properties with two or more bedrooms. Garaging will only be considered as part of the provision where they measure 7m x 3m internally. Forecourt spaces will only be considered if they measure some 6m deep. This information is consistent with paragraph 105 of the NPPF which requires local planning authorities to set such standards to reflect local circumstances.

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

The application is for the erection of a 3 bedroom dwelling which in accordance with the standards relative to the amount of accommodation provided would require two parking spaces. The proposal includes a detached garage and forecourt space with vehicular access onto Heilsburg Road. The garage would measure some 7m x 3m internally and the proposed forecourt space is some 6m x 3m. These measurements are in accordance with the guidance and therefore the scheme is considered to provide sufficient parking. No objection is raised to the proposal under Policy T8 of the adopted local plan or RDG12 of the Residential Design Guidance.

It is noted that the application includes the provision of an electric vehicle charge point within the proposed garage in accordance with the advice set out at paragraph 105 of the NPPF.

Flood Risk

Paragraph 155 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

Paragraph 158 states that the aim of the sequential test is to steer new development to the areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. Paragraph 159 states that if it is not possible for development to be located in zones with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in national practice guidance.

The site is located on Canvey Island, which is designated as Flood Zone 3A. Since the settlement of Canvey Island is located entirely within Flood Zone 3A, 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. Accordingly, it is considered that the proposal passes the sequential test.

Practice guidance requires that proposed dwellings within Flood Zone 3A must also pass the exception test. Paragraph 160 of the Framework states that the application of the exception test should be informed by a strategic or site-specific flood risk assessment, depending on whether it is being applied during plan production or at planning application stage. For the exception test to be passed it should be demonstrated that:

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

In respect of the first criterion the continued need for housing development to serve the community of Canvey Island is considered to provide a wider sustainability benefit in that it would contribute to the economic, social and environmental objectives set out in the Framework. The first part of the exception test is therefore considered to have been passed.

In respect of the second part of the exception test, the application is accompanied by a site-specific flood risk assessment which demonstrates that although the ground floor of the property would be liable to flood were there to be a tidal flood event, the first floor would offer refuge. Subject to a flood response plan to ensure that the response of the occupiers to a flood warning being issued and the flooding occurring are both managed appropriately, for example by remaining within the first floor of the property rather than trying to evacuate, the second element of the exception test is passed and there is no objection to the proposal on flood risk grounds.

A flood response plan has been provided in Appendix E of the Flood Risk Statement prepared by Contour Architectural Designs dated July 2019 reference CAD/PP/19322/P2/FRS is considered satisfactory for this purpose.

The site may also be affected by pluvial (surface water) and fluvial (river) flooding, but the flood depths that may occur in these types of event would be substantially less than in a tidal flood (seawall breach) event. As the dwelling is designed to withstand the tidal event, it can also be said that it would not suffer adverse effects if it were affected by fluvial or pluvial flooding.

Drainage

The NPPF states in paragraph 163 that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. This includes ensuring that surface water is dealt with appropriately and does not increase the risk of surface water flooding for nearby sites.

Practice guidance states that generally, the aim should be to discharge surface runoff as high up the following hierarchy of drainage options as reasonably practicable:

- into the ground (infiltration)
- to a surface water body
- to a surface water sewer, highway drain or another drainage system
- to a combined sewer

Canvey Island has particular circumstances due to its flat topography, whereby all rain water that falls on the island is drained by gravity through a network of pipes and other watercourses to a number of pumping stations around the perimeter of the island where it has to be pumped over the sea wall.

The ground conditions on Canvey Island are London Clay which offers poor permeability for rain water which combined with a high-water table severely reduces the effectiveness of other infiltration methods such as soakaways. For this reason, infiltration is not considered a suitable method for surface water disposal.

There is no surface water body on or in the vicinity of the site that could receive surface water run off so the next most suitable option as detailed in the hierarchy of drainage is to discharge to the surface water sewer.

The proposal has been designed with a Sustainable Drainage System in order to ensure that surface water discharge to the existing surface water sewer is attenuated to 5l/s. This would be by way of a pump as water cannot flow there under gravity on this particular site. The drainage system around the house has pipes sized to be able to store water from a 1 in 100 year rainfall event plus 40% allowance for climate change. This is better than public sewers which are only designed to the 1 in 30 year event.

In the event that there is no capacity in the surface water sewer (which in reality would only ever happen if the Environment Agency's pumps around the perimeter of the island that pump water over the sea wall were not working) then the surface water will be retained within the oversized manholes and pipes until such time that there is capacity available.

It is often claimed that these 'greensward' areas provide a form of natural drainage for the local area. This is not correct as due to Canvey's soil conditions natural permeation into the ground is very limited. Canvey Island is predominantly made up of London Clay which, coupled with a high water table between 1m and 2m below ground level, provides a very minimal amount of permeation. Providing an attenuated drainage system on site therefore has the potential to improve drainage because it would mean water is stored before being pumped away rather than falling on impermeable clay soil and perhaps running off into the surface water sewer or onto adjoining land.

The proposed rate of surface water discharge at 5 litres per second to the public sewer is within Anglian Water's guidelines for discharge to their network. The pump is non-adoptable and will need to be maintained by the householder. If planning permission is granted, a condition will need to be imposed requiring the pump to be maintained in working order at all times.

Other matters

Practice guidance also states that the structural safety of buildings is a consideration. This is of particular importance in the case of this dwelling as the first floor would be used for flood refuge purposes. The application is accompanied by a letter from Millard and Partners structural engineers explaining that the structure has been designed to resist the forces that may act upon it up to and including a 1 in 1000 year flood event. Provided that the development is constructed in accordance with the submitted details, it is not considered that occupiers would be at risk of the building suffering structural failure in a flood.

A construction management plan (CMP) has been submitted as part of this proposal which details methods to reduce the impact of construction traffic on other users of Tewkes Road. It is considered that provided the details contained within the CMP are implemented, which states that any damage caused by construction traffic to the road will be repaired, there should be no unacceptable levels of disruption caused to neighbours.

Conclusion and planning balance

Chapter 11 of the NPPF promotes the effective use of land in meeting the need for homes whilst safeguarding and improving the environment and ensuring safe and healthy living conditions. Planning decisions should support development that makes efficient use of land. Where there is an existing shortage of land for meeting identified housing needs, low density schemes should be avoided, and new developments should make optimal use of each site.

The proposal complies with the council's Residential Design Guidance as well as guidance within other chapters of the NPPF. No objections have been raised which cannot be overcome through the use of conditions.

Chapter 11 of the NPPF promotes the effective use of land in meeting the need for homes whilst safeguarding and improving the environment and ensuring safe and healthy living conditions. Planning decisions should support development that makes efficient use of land. Where there is an existing shortage of land for meeting identified housing needs, low density schemes should be avoided, and new developments should make optimal use of each site.

The proposal complies with the council's Residential Design Guidance as well as guidance within other chapters of the NPPF. No objections have been raised which cannot be overcome through the use of conditions.

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

- o approving proposals that accord with an up-to-date development plan without delay; or
- o where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁷, granting permission unless:
 - i. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁶; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

The council's development plan is not up-to-date. Footnote 7 explains that, for applications involving the provision of housing, policies most important for determining the application will be out-of-date where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites; or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.

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

The application site is within an area at risk of flooding or coastal change which is an area or asset of particular importance for the purpose of (i) above (as defined at footnote 6). However, the

policies within the Framework that protect that area or asset of particular importance do not provide a clear reason for refusing the development proposed. Permission should therefore be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

The proposal would provide a social benefit in terms of a limited boost to housing supply (of one additional dwelling). It would also provide a temporary economic benefit during the construction period, through the employment opportunities that would be created. Furthermore, there would be an environmental benefit in that it makes an effective use of land and takes into account the impact of climate change.

Objections have been received from residents living near the site, mainly relating to the loss of a locally valued green space. As has been mentioned in this report, the site is not allocated as open space in the development plan, it is first and foremost a piece of highway land. The greensward is not considered to be a defining characteristic of the wider surrounding area so the loss of this space would not be detrimental to the visual appearance or wider character of the area and therefore this objection does not carry significant weight.

It is concluded that no adverse impacts that would significantly and demonstrably outweigh the benefits of the proposal have been identified and therefore in accordance with the presumption in favour of sustainable development it is recommended that planning permission be granted.

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

My Recommendation is Approval with the following conditions

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

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

2 The development shall be constructed in accordance with the approved materials.

REASON: In the interest of visual amenity.

3 The development shall be constructed in accordance with drawing 9922-1 and details prepared by Millard and Partners.

REASON: To ensure the structural stability of the building and the safety of its occupants in the event of a flood.

4 Any upper-floor windows in the side elevations of the dwelling shall be -

- (i) obscure-glazed to at least level 3 on the Pilkington Scale (or such equivalent as may be agreed in writing with the local planning authority); and

- (ii) non-opening, unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed

and retained as such thereafter.

REASON: In order to prevent overlooking of adjacent residential properties.

5 The development shall be drained in accordance with the approved surface water drainage arrangements as shown on drawing YGC6941/02/01 revision A dated 17/09/2019 and received by the planning authority on 01/10/2019. The system including pump shall be installed and operational before the dwelling is occupied and thereafter maintained in working order.

REASON: To ensure that the development does not increase the risk of surface water flooding to this or surrounding sites.

6 The dwelling shall not be occupied until the approved garage and forecourt parking space have been provided and made available for use, together with properly constructed vehicular access to Heilsburg Road, all in accordance with the approved plans. Thereafter, these facilities shall be kept available for the parking of vehicles and not used for any other purpose.

REASON: To avoid an increase in the pressure for on-street parking in the interest of the free flow of traffic and the amenity and convenience of surrounding residents.

7 Prior to occupation of the dwelling, the redundant bellmouth junctions on the Heilsburg Road and Tewkes Road frontages of the site shall be removed and the footway, kerbing and verge reinstated.

REASON: To ensure the safety of pedestrians using the highway and to prevent vehicular access to a front garden that is of insufficient depth to allow the parking of vehicles in a safe and satisfactory manner.

8 Prior to occupation of the dwelling, it shall be provided with an electric vehicle charge point as indicated on drawing CAD/PP/19322/009 prepared by Contour Architectural Designs.

REASON: To provide a facility for the charging of plug-in and other ultra-low emission vehicles in accordance with government guidance in the National Planning Policy Framework.

9 The approved boundary treatments shall be erected in the approved locations prior to occupation of the dwelling. The front boundary fence to Tewkes Road shall thereafter be maintained in the approved location.

REASON: To ensure an adequate level of privacy for future occupiers of the development and to discourage vehicles accessing the site from Heilsburg Road given that the front garden is of insufficient depth to allow the parking of vehicles in a safe and satisfactory manner.

10 There shall be no vehicular access to the site from Tewkes Road.

REASON: The front garden is of insufficient depth to allow the parking of vehicles in a safe and satisfactory manner.

11 The flood response plan at Appendix E of the Flood Risk Statement prepared by Contour Architectural Designs dated August 2019 reference CAD/PP/19322/P2/FRS shall be enacted upon occupation of the dwelling and thereafter maintained at all times that the dwelling is occupied. Any revisions to the plan shall be submitted to and approved in writing by the local planning authority.

REASON: To ensure the safety of occupants of the building in the event of a flood.

12 The footpath as shown on drawing CAD/PP/19322/004 revision C prepared by Contour Architectural Designs shall be provided, with a minimum width of 1.5 metres and an additional 0.5 metre wide verge, together with operational street lighting in the locations shown, prior to occupation of the dwelling. The footpath shall be dedicated as highway.

REASON: To retain the pedestrian link between Heilsburg Road and Landsburg Road in the interest of the amenity and convenience of the public.

13 No unbound material shall be used in the surface treatment of the vehicular access or parking area within 6 metres of the highway boundary.

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

14 The construction method statement prepared by Contour Architectural Designs shall be adhered to for the duration of the development.

REASON: To minimise disruption to users of the adjoining highways, in the interest of the free flow of traffic and the amenity and convenience of surrounding residents.

15 No development of the type specified in Class A of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or in any provision equivalent to those Classes in any statutory instrument revoking and re-enacting that Order with or without modification) shall be carried out.

REASON: The uncontrolled exercise of such rights has the potential to result in an unacceptable diminution in the amount of outdoor amenity space provision and to adversely affect the residential amenity of adjacent residents.

Informative

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

ITEM 4

Application Number:	19/0615/FUL
Address:	Land Adjacent To 37 Tewkes Road Canvey Island Essex SS8 8HF (Canvey Island North)
Description of Development:	Construction of a 3 Bedroom House with Associated Facilities and New Public Footpath
Applicant:	D.R. Bullock Builders Ltd
Case Officer	Mr Stephen Garner
Expiry Date:	12.11.2019

Summary

The application seeks permission for a new dwelling on a greensward located between existing dwellings, which was a former road and now closed to vehicular traffic. The proposal would result in material harm to the living conditions of the occupiers of No. 37 Tewkes Road, with regard to privacy and outlook, and this would significantly and demonstrably outweigh any benefits. The proposal is therefore recommended for REFUSAL.

This application is presented to committee along with three other applications on other sections of greensward at the request of Councillor Hart.

Site Visit

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

Introduction

The application relates to land forming part of Newlands Road that is now closed to vehicular traffic but still subject to Highway Rights. It has an informal public footpath running across it and is allocated for residential purposes in the council's Adopted Local Plan.

The land is bordered by residential properties to the north and south and has bollards at its eastern and western ends. At the western end of the site, adjacent to Brandenburg Road there is a public pumping station for foul sewage.

The Proposal

Permission is sought for the construction of one two storey detached three-bedroomed dwelling facing onto Tewkes Road. An integral garage is also proposed alongside a parking space located at the front of the site, accessed from Tewkes Road.

The dwelling would be some 13.5m at its deepest by some 7.3m and have an overall height of some 6.8m. It would be finished externally in a mixture of yellow stock brick and grey cladding with grey roof tiles.

A 1.8m high close boarded fence is proposed around the sides and rear of the property with a 1.2m high close boarded fence to the front garden. As part of the application a 1.5m wide hard

surfaced pedestrian footpath constructed as per the Essex Highways Development Construction Manual with two new lighting columns is proposed.

Surface water runoff from the dwelling is to be directed to the mains sewers via an attenuated system incorporating downstream defender and a hydro-brake. The garage forecourt parking space is to be constructed of permeable paving.

Supplementary Documentation

The application is accompanied by a covering letter, construction method statement, structural details, flood risk assessment (FRA), flood response plan (FRP) and materials specification.

Planning History

None

Local Plan Allocation

Residential

Relevant Policies and Government Guidance

National Planning Policy Framework (February 2019)

Local Plan (1998)

EC2	Design
T8	Parking Provision

Residential Design Guidance (January 2013)

RDG1	Plot Size
RDG2	Space Around Dwellings
RDG3	Building Lines
RDG5	Privacy and Living Conditions
RDG6	Amenity Space
RDG10	Enclosure and Boundary Treatment
RDG12	Parking and Access
RDG16	Liveable Homes

Essex County Parking Standards September 2009 (June 2010)

Technical Housing Standards – Nationally Described Space Standard (March 2015)

Consultation

Cadent Gas

No objection to the proposal subject to the inclusion an informative on any grant of consent informing the applicant of Cadent's requirements concerning the gas pipeline running through the site.

Canvey Island Town Council

Object to the proposal for the following reasons:

- o Over dominance
- o Overdevelopment of the site
- o This is a public right of way and should remain for the residents
- o Adverse impact on the residential area due to insufficient parking provision
- o Loss of well used amenity space
- o The proposed narrow pathway will encourage dog fouling, litter, anti-social behaviour and crime
- o Canvey Island is in Flood Risk Zone 3, such green spaces assist with existing drainage issues without the need for drainage systems
- o Concern about inadequate lighting for the narrow footpath
- o The plans show 37 Tewkes Road has a 1.8m fence and 2 windows with obscured glass but this is incorrect, there is a low 1.2m fence and clear glass windows

Environment Agency

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

Essex Badger Protection Group

No objection to the proposal. No records have been found of historic badger setts onsite.

Essex Highways

No objection to the proposal ensuring the provision of:

- o New public footpath
- o Adequate vehicular access
- o No unbound material to be used in the surface treatment of the access or parking areas
- o No discharge of water onto the Highway

Public Consultation

The following objection comments have been made:

- o It will overlook surrounding properties resulting in a loss of privacy
- o Its causing anxiety to residents in the area
- o Building a house in a row of bungalows is inappropriate
- o The area is already overcrowded to the detriment of the welfare of residents
- o There will be an increased level of traffic from the dwelling
- o Currently vehicles use the spaces to turn in – cars will have to travel to the end of the road to turn around increasing traffic
- o There is a lot of overdevelopment on Canvey Island
- o The new build is out of character being larger than surrounding properties
- o Houses need to be built on Canvey Island but they shouldn't be built here
- o The proposed dwelling will be dominating
- o Revised plans show an increased footprint for the dwelling
- o The foundations are not deep enough to prevent damage to existing infrastructure
- o There are inaccuracies on the plans with regards to fencing and obscured windows on neighbouring properties
- o There are mains services running through the site
- o Drains and sewers will be overloaded

- o There will be noise and disruption caused during construction
- o It will result in more pressure on services and more flooding
- o There is a safety concern with the dog-leg design of the alleyway
- o New streetlights will result in a nuisance to neighbouring properties
- o The space is well used and a valued asset that improves people's wellbeing
- o These spaces are used for access by many people on a daily basis that will be stopped
- o Lots of wildlife (birds, badgers, bats and foxes) utilise the greenswards
- o Can two people comfortably pass in the proposed alleyway
- o The narrow walk way will result in anti-social behaviour that will be detrimental to the surrounding area

Comments on Consultation Responses

The presence of subterranean services is not a planning consideration. Statutory undertakers' apparatus on, over or under the land is a matter between the applicant and the relevant statutory undertaker.

Concerns regarding the disposal of foul sewage if adequately dealt with by building regulations and is not a planning consideration.

Noise and disruption caused by construction works is a transitory nuisance and will cease once construction work is complete. Noise and disruption outside of normal working hours forming a statutory nuisance can be controlled under Environmental Health legislation.

The inaccuracy of the site plan with regard to the existing boundary treatments has been noted and evaluation of this application will be based on what is currently at the site in reality. A site visit appeared to show that No.39 Tewkes Road, located to the north of the application site, has a single unobscured window serving as a secondary source of light with a low fence 1m in front of it and a second window, obscured, located behind a 1.8m tall fence. No.37 Tewkes Road has two windows to its northern elevation set almost directly on the boundary with a low fence below. One of these windows is obscure glazed and serves a utility room, the other forms a secondary source of light to a habitable room.

All other material considerations raised are considered in the evaluation of the proposal.

Evaluation of Proposal

The main issues with this application are the principle of a housing development, the design and layout, parking implications, flood risk and drainage.

Principle

The land is allocated for residential use on the proposals map accompanying the current adopted Local Plan. There can therefore be no objection to the principle of a residential development on this site. However, the land still has highway rights across it and as such is publicly maintainable highway.

A footpath is to be provided as part of this development so that the public would still be able to cross the site. This reflects the current situation where pedestrians and cyclists can use the land as a link between Tewkes Road and Brandenburg Road. Should planning permission be granted

the applicant would still need to apply for an extinguishment of highway rights over the majority of the site, but as a free passage for legitimate users of the highway would be maintained it is difficult to see why approval for this would not be forthcoming.

Members should note that permission has already been granted for three similar forms of development located at May Avenue, Small Gains Avenue and more recently at San Remo Road by the Development Control committee. A stopping up order has already been granted for land adjacent to 81 May Avenue and 96 Smallgains Avenue in similar circumstances. Subject to the provision of a suitably designed footpath planning permission could not justifiably be refused on the basis that it would inconvenience highway users.

The proposed hard surfaced section of the footpath would be 1.5m wide with a 0.5m wide grass verge and would run between two fences for a length of some 25.0m before opening out at the rear of the site where the footpath would 'dogleg' around an existing foul sewage pumping station. This part of the footpath would not be enclosed by fencing providing a good level of natural surveillance for pedestrians using it, which ought to make it safe to use. At its narrowest the proposed walkway would be some 2m wide, which ought to be sufficient to enable people and mobility vehicles to pass. Additional lighting columns are proposed to improve levels of light in the area at night for pedestrians using the walkway. The provision of such infrastructure is consistent with paragraph 91 of the National Planning Policy Framework (the Framework).

Provided lighting is installed and operational before the path is opened for use, no objection to the proposal on the basis of the status of the land as a highway or impact on the community is raised.

Comments have been received alleging that the alleyway will encourage dog fouling and litter. However, these assertions are unsubstantiated and other legislation exists for dealing with such matters. The issue of light pollution has also been raised. However, the streetlights have been designed to minimise unwanted light pollution compared to traditional incandescent street lights by directing the light through optics downwards towards the intended illumination area rather than outwards. It is not considered that an objection to the proposed based on light pollution could be sustained on appeal.

Design and Layout

Policy EC2 of the council's Adopted Local Plan seeks a high standard of design in all developments. In particular, regard is to be given to the scale, density, siting, design, layout and external materials of any development, which shall be appropriate to its setting and which should not harm the character of its surroundings. This is consistent with paragraphs 126 and 127 of the NPPF.

The appearance of the dwelling is considered to be reasonably attractive and well proportioned. With an overall height of some 6.9m it would be similar in height to the neighbouring house south of it, which has a ridge height of some 6.6m.

The proposed dwelling would be taller than the neighbouring bungalow, which has a ridge height of some 6.43m, however the first floor is set back from the boundary so that its height is stepped with its height directly adjacent to the bungalow no taller than 4.3m.

The use of a mixed palette of materials is felt to add interest to the property and given the wide variety of materials used on dwellings in the vicinity of the site this would not appear out of place.

With regard to the loss of openness arising from the reduction in width of the informal pedestrian footpath and the impact of this loss of openness on the character of the surrounding area, it is clear from public consultation responses that this unmade part of Newlands Road is a feature that is valued by local residents and which they are concerned about losing. However, other than the unmade section of highway between Brandenburg and Munsterburg Roads there are no other such footpaths nearby and therefore in the view of officers this piece of land cannot be said to be a defining characteristic feature of the area.

Members will no doubt recall an application to develop an unmade greensward adjacent to 81 May Avenue. A similar conclusion was arrived by the Inspector who commented 'whilst some other grassed plots of land with footpaths linking roads exist in the wider area, these do not occur on such a frequent basis to be a defining or characteristic feature of the area. On this basis, whilst the appeal site provides some visual amenity within its immediate vicinity, I consider that the contribution it makes to the wider character and appearance of the streetscape and area is limited'.

Officers are of the view that notwithstanding the unmade part of Newlands Road having quite an attractive vista when viewed from the west the same situation applies in this case.

There is therefore no objection to the proposal on the basis of Policy EC2.

The council has adopted Residential Design Guidance as a supplementary planning document. This is considered to reflect the government guidance within section 12 of the Framework.

RDG1 states that within an existing built up area, plot sizes for all new development should be informed by the prevailing character of plot sizes in the area. Where there is no clear pattern of plot sizes, the size of the plot should be proportionate to the size of the dwelling occupying it. This should be informed by having regard to guidance set out in RDG2, RDG3, RDG5 and RDG6.

Looking at plots within the general vicinity of the application site, they vary in width from around 5.5m up to 18m in some instances, but frontages at the extremes of are in a minority with most properties falling somewhere in the middle. Once the footpath is excluded the proposal would have a plot width of some 8.6m, which is satisfactory in the context of the surrounding area. Under RDG1, the size of the plot should also be proportionate to the dwelling occupying it. This is best evaluated by referring to Residential Design Guidance 2 to 6.

RDG2 requires the space around all new development to be informed by the prevailing character of space around dwellings. Where there is a distinct character of development which creates an exceptionally strong pattern, development must not result in a disruption to this pattern. In forms of development where there is no clear pattern of development, the space around a dwelling should be proportionate to the size of the dwelling, with a minimum of 1m.

There are mixed forms of development in the vicinity of the application site, made up of detached, link-detached, semi-detached and terraced dwellings, with varying degrees of space around them. There is no clear pattern of development.

The proposed dwelling would have a width of some 7.3m with a side access on one side 1m wide. Despite there being a fairly mixed character of spacing within the area, the provision of a garage or extension up to the boundary on one side of a dwelling at single storey level can be widely seen

within the area immediately surrounding the application site. Given this pattern and character of development the proposal is considered to be consistent with the guidance contained in RDG2.

RDG3 requires proposals to respect established building lines. The principal elevation of the proposed dwelling is set in line with the current building line observed between No.37 and 39 Tewkes Road. No objection is therefore raised on the basis of this part of RDG3.

RDG3 also requires proposals not to cause excessive overshadowing or dominance to any elevation of an adjoining property.

The rear building line of the two-storey element of the dwelling is in line with the rear of No.37 Tewkes Road with a single storey addition protruding 3m beyond this. The proposed dwelling is orientated to the north of its neighbour and separated by the proposed footpath. No overshadowing or dominance to the neighbour will result from this relationship.

The proposed dwelling is located closer to No.39 and both the single storey and two storey elements of the property would project some 2m past the rear wall of the bungalow. Although the proposed dwelling is orientated south of this bungalow the degree of projection is limited and the first floor is set back from the side boundary. It is not considered that any visual harm or unacceptable overshadowing would result from this proposal.

Other neighbouring properties are too remote to be significantly affected by the proposal in terms of overshadowing or dominance. There is therefore no objection to the proposal on the basis of this part of RDG3.

RDG5 deals with privacy and living conditions, requiring a distance of 9m to be provided between first floor windows and the boundaries of the site. Where this is not achieved, the use of windows with obscured glazing and limited opening can be used to protect privacy, but only where the windows concerned are secondary windows. All windows should be designed to allow adequate natural light and ventilation to the room they serve as well as providing a suitable outlook for occupants of the room. RDG5 does not protect oblique views.

The proposed first floor rear windows would overlook the property's rear garden, which has a depth of approximately 10m. The front windows overlook the street. Council guidelines on overlooking are not normally applied to windows overlooking a road as this usually does not result in any loss of privacy to neighbours living opposite.

Concern has also been raised about a loss of privacy to neighbours who have windows on their side flank elevations. Members should note that it has long been the practice of this authority not to take into account the impact of development on the light and privacy of the ground floor side windows of neighbours as 2m high fencing can be erected along boundaries under permitted development rights and RDG5 requires primary windows to be located on principal elevations. Nonetheless given the unusual nature of this development the impact of it on the side windows of neighbours will be discussed.

No.39 has one obscure glazed window set back behind a high fence and a second clear glazed window located nearer to the front of the bungalow located behind a low fence. The proposed footpath is not located to this side of the application site and the occupiers of this dwelling will not be subject to pedestrian traffic from members of the public. The relationship of the bungalow to the proposed dwelling would therefore be no different to many dwellings within the borough.

The situation is potentially different with No.37 as the proposed footpath would run alongside this dwelling and could therefore attract many more passers-by than currently experienced by the occupiers.

This dwelling has two side windows, both of which sit very close to the boundary behind a low fence. They directly face the application site. One of these windows is obscure glazed with an opening top fanlight. This is well above head height so although pedestrians would pass very close to this window there would be no loss of privacy to occupiers arising from the footpath in respect of this window.

The other window is clear glazed with an opening lower casement and serves an entrance lobby to the dwelling. It contains a desk and is used as a study. The position of the existing informal footpath runs down the middle of the application site away from this habitable window and this therefore limits opportunities for users of the footpath to obtain views into the habitable room it serves.

The proposed siting of the footpath close to the southern boundary of the application site would allow any of its future users the opportunity to look directly, and from a short distance, into the habitable room of No 37. This would result in a significant and harmful loss of privacy for the occupiers of this property. The erection of a high fence might overcome the loss of privacy, but this would significantly diminish the outlook from this room and impede the ability of this window to open.

Whilst as previously discussed the planning authority does not normally protect side windows the circumstances in this particular case are different. Firstly, the window is set, rather unfortunately, very close to the boundary. Then there is the matter of what the window overlooks. The application site is currently open in nature and has pedestrian highway rights over it. At the time the neighbouring development was built there would have been a reasonable expectation that the application site would never be built on. Accordingly, considerations of overlooking or a loss of outlook would not have been foremost in the mind of the occupiers.

Were this development to proceed in its current form is it considered that there would be a material loss of privacy and outlook for the adjoining occupiers contrary to policies of the National Planning Policy Framework which seek, amongst other things, to secure a good standard of amenity for all existing occupants of land and buildings.

RDG6 seeks to ensure the retention of adequate private amenity space/area to serve the needs of the dwelling occupiers. Amenity space is provisioned on the basis of a minimum of 15m² for each habitable room contained in the dwelling.

The property would have five habitable rooms which would require an amenity area of 75m². A rear garden of some 75m² is provided which satisfies this requirement and would not be out of character with the size of gardens in the surrounding area.

RDG10 discusses that for all development, public and private space should be clearly defined. This is expected to take the form of a physical means of enclosure and/or change in surface material. The means of enclosure and surface material should be informed by the prevailing character of the area and surrounding forms of enclosure, both in terms of materials and

positioning, and must not repeat poor forms of development. Any means of enclosure should not dominate the public realm.

The application proposes a 1.8m tall close boarded wooden fence to its side and rear garden boundaries. To the front a 1.2m tall close boarded fencing is proposed forward. It is not proposed to change any of the other existing boundary treatment around the site.

No objection is raised to the proposal on the basis of RDG10.

RDG16 requires that all new dwellings should provide appropriate internal and circulation space which reflects the character of the surrounding area and also reflects current best practices. All new dwellings should meet the existing and future needs of occupiers over their lifetime without the need for extensive alteration or adaption.

In assessing this, regard has been had to the nationally described space standards. Utilising this document, it was assessed that the proposed dwelling would be required to provide a minimum of 86.5m² internal floor space for a three-bedroom four person dwelling.

Amended plans enlarging the ground floor living accommodation have been submitted which provide a more appropriate balance between living and sleeping accommodation. The proposal now provides an internal floor space of some 95m² which is considered acceptable according to the technical space standards.

Parking

Policy T8 requires adopted parking standards to be taken into account. The current adopted Essex Parking Standards require a minimum of 2 spaces for properties with 2 or more bedrooms. Forecourt parking spaces should be 2.9m x 5.5m whilst garage spaces should be 3.0m x 7.0m. Garage spaces are larger than forecourt parking spaces in order to allow for the use of parts of the garage for storage as well as parking.

One forecourt parking space and one garage parking space are proposed which would adequately provide for the parking needs of the proposed dwelling as assessed under the adopted parking standards.

RDG12 states that all forms of parking must not dominate the public realm, enable safe and unhindered access to the dwelling and must utilise a high-quality standard of materials for surface treatment with parking provisions that should seek to incorporate Sustainable Drainage Systems (SuDS).

Parking for the dwelling is suitably located to allow for easy, safe and unhindered access to and from the main entrance of the property. The arrangement of the parking provision is such that the parking of vehicles would not dominate the property or the streetscene.

The surface of the parking provisions is proposed to be constructed from permeable paving which satisfies the requirement to incorporate SuDS into the design of the hardstanding under RDG12. The reinstatement of the footpath and verge makes provision for a suitable dropped kerb to the proposed on-site parking spaces.

Concern has been raised that the reinstatement of the pedestrian footpath and highway verge will prevent delivery vehicles from utilising the space to turn around in forcing them to travel to the end of Tewkes Road to turn around or use people's drives.

The current dropped kerbs visible on the site are remnants of the highway network installed before vehicular highway rights over the land were revoked. The Highway Authority could reinstate the footpath and verge at any time without the consent of the LPA, thus removing this turning facility.

It is not considered that the additional traffic created by this new dwelling, nor the 'removal' of a turning space would be dangerous to highway or pedestrian safety during construction or occupation. It should be noted that the Highway Authority has raised no objection to the proposal on this basis.

It is further noted that Paragraph 110 of the NPPF requires development, where practicable, to incorporate facilities for charging plug-in and other ultra-low emission vehicles. Following the announcement by the government in 2017 that it intends to ban new petrol and diesel cars from 2040, it is considered that the need to provide infrastructure for charging electric or hybrid vehicles is now even more pressing, to enable drivers to switch to such vehicles ahead of the phasing out of completely petrol- and diesel-powered vehicles.

The application does not include the provision of an electric vehicle charging point for the dwelling. No practicable reason is put forward why this would not be possible and although initially it would appear to represent a reason for refusal installation of an electric vehicle charging point could be adequately secured through the use of an appropriately worded condition.

No objection is raised to the proposal under Policy T8 and RDG12.

Flood Risk

Paragraph 155 of the Framework states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

Paragraph 158 states that the aim of the sequential test is to steer new development to the areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. Paragraph 159 states that if it is not possible for development to be located in zones with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in national practice guidance.

The site is located on Canvey Island, which is designated as Flood Zone 3A. Since the settlement of Canvey Island is located entirely within Flood Zone 3A 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. Accordingly, it is considered that the proposal passes the sequential test.

Practice guidance requires that proposed dwellings within Flood Zone 3A must also pass the exception test. Paragraph 160 of the Framework states that the application of the exception test should be informed by a strategic or site-specific flood risk assessment, depending on whether it is being applied during plan production or at planning application stage. For the exception test to be passed it should be demonstrated that:

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

In respect of the first criterion the continued need for housing development to serve the community of Canvey Island is considered to provide a wider sustainability benefit in that it contribute to the economic, social and environmental objectives set out in the Framework. The first part of the exception test is therefore considered to have been passed.

In respect of the second criterion, this requires the submission of a site-specific FRA.

The supplied FRA identifies the tidal flood risk at the site from the Thames Estuary as being a residual risk as the site is behind tidal defences. Details supplied within the FRA indicates flood depths for a breach event could be up to 1.0m during a 1 in 200 year and 2.0m during a 1 in 1000 year flood event for the applicant site.

The finished ground floor level for the dwelling is proposed to be 2.3m Above Ordnance Datum (AOD). The property would therefore be liable to flooding in both the 1 in 200 and 1 in 1000 year flood events. The finished first floor level is proposed at a height of 4.93m AOD for the dwelling. This would provide safe refuge for occupants of the proposed dwelling during both the 1 in 200 and 1 in 1000 year flood events. Provided that the response of occupiers to a flood warning being issued or flooding occurring is acceptably managed through a suitable flood warning and response plan, there is no objection to the proposal on tidal flood risk grounds.

The Environment Agency consultation response does not consider the site to be at significant risk from fluvial flooding.

With regard to pluvial (rain water/surface water) flooding, the models that the FRA is based upon indicate that the site would experience 0.16m of pluvial flooding during the 1 in 1000 year event, including climate change. The proposed ground floor of the property is 0.3m above site level which would be above this level of pluvial flooding meaning that the proposed property would not be at risk of flooding.

Even so, assuming a worst case scenario, whereby modelled pluvial depths on the site were to exceed the height of the finished ground floor level of 2.3m AOD, the first floor would be capable of providing a safe refuge from this flood water. Provided a robust flood response plan is in place, it is not considered that pluvial flood risk is an impediment to the development of this site.

The accompanying documents submitted as part of this application details a number of measures to implement flood resistant design within the construction of the dwelling. All of these measures would be a valuable asset to the property and its occupants in the event of a tidal or pluvial flood event.

The application also contains a Flood Response Plan (FRP). The FRP contains a host of useful and relevant information to future residents of the property including procedures of what to do in the event of a flood and useful contact details. This document appears to be consistent with current advice issued by Castle Point Borough Council to residents for a flood situation of “go in, stay in, tune in” as the uncontrolled evacuation of Canvey Island would quickly lead to congestion and people potentially trapped in cars in flood water. This document should be treated as a ‘live’ document by all future occupiers of both dwellings and should be kept up to date with the relevant contact numbers and valid procedures.

The National Planning Practice Guidance states at paragraph 054 Reference ID: 7-054-20150415 that when considering safety, the depth and velocity of flood water and the structural safety of buildings needs to be considered. The submission contains a report by a structural engineer confirming that the design options denoted on the architectural layouts would withstand the hydrodynamic and hydrostatic pressure acting on the buildings during both a 1:200 and a 1:1000 year flood event including allowance for an additional 300mm wave action. Subject to the dwellings being constructed in accordance with these details the dwellings should be able to withstand the forces associated with a flood event.

Drainage

The Framework states on several occasions including at paragraph 163 that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. This includes ensuring that surface water is dealt with appropriately and does not increase the risk of surface water flooding for nearby sites.

Practice guidance states that generally, the aim should be to discharge surface runoff as high up the following hierarchy of drainage options as reasonably practicable:

1. into the ground (infiltration)
2. to a surface water body
3. to a surface water sewer, highway drain or another drainage system
4. to a combined sewer

Canvey Island has particular circumstances due to its flat topography, whereby all rain water that falls on the island is drained by gravity through a network of pipes and other watercourses to a number of pumping stations around the perimeter of the island where it has to be pumped over the sea wall.

The ground conditions on Canvey Island are London Clay which offers poor permeability for rain water and combined with a high-water table this severely reduces the effectiveness of items such as soakaways or other infiltration methods. For this reason, infiltration is not considered a suitable method for disposal of surface water.

There is no surface water body on or in the vicinity of the site that could receive surface run off, so the next most suitable option is to discharge to the surface water sewer. Attenuated discharge to the surface water sewer at a rate of 5 litres per second is proposed.

Tests on similar plots of land on the island have found that even in the peak of summer, when the soil is dry and unsaturated, due to the high-water table and type of soil, this means that water only

manages to drain into the top 40mm or so of top soil over a prolonged period with a very slow percolation rate. The area of the greensward being covered in non-permeable hard surfacing for the dwelling and the new hard surfaced footpath accounts for some 25%, which leaves the remaining 75% available for natural infiltration to take place.

The surface water that falls on the dwelling will be captured in an attenuated storage system, constructed from oversized, subterranean drainage pipes and manholes. Water will then discharge from this attenuated storage system at a maximum rate of 5 litres per second under the submitted design which will be controlled by a hydro-brake.

A hydro-brake is a non-mechanical (no moving parts) piece of equipment which is designed to reduce the flow of water to a specified rate before it enters into the surface water system through the formation of a vortex. Whilst there is available capacity within the surface water system, water will still be able to exit the attenuated storage system. If there is no available capacity within the surface water system, the pressure differential between the surface water system and the attenuation system will prevent water leaving the attenuation system until there is available capacity again.

This system has been designed to provide sufficient surface water attenuation for a 1 in 100 year storm event that complies with Anglian Waters maximum rate of discharge into the surface water sewer. As a whole, this system is considered to be appropriate in the context of the drainage hierarchy set out in the practice guidance and would minimise any additional burden on the existing drainage infrastructure and would not increase the risk of flooding elsewhere.

Other Matters

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

Concerns have been raised with regards to this site that it would result in the loss of habitat for birds, badgers, bats and foxes. A consultation was undertaken with the Essex Badger Protection Group who noted that they have no records of badger sett activity in the area.

The site visit undertaken did not suggest that it harboured other species of important wildlife. Therefore, no objection is raised to the proposal on this basis.

A construction management plan (CMP) has been submitted as part of this proposal which details methods to reduce the impact of construction traffic on other users of Tewkes Road. It is considered that provided the details contained within the CMP are implemented, which states that any damage caused by construction traffic to the road will be repaired, there should be no unacceptable levels of disruption caused to neighbours.

Conclusion and planning balance

Chapter 11 of the NPPF promotes the effective use of land in meeting the need for homes whilst safeguarding and improving the environment and ensuring safe and healthy living conditions. Planning decisions should support development that makes efficient use of land. Where there is an existing shortage of land for meeting identified housing needs, low density schemes should be avoided, and new developments should make optimal use of each site.

The proposal complies with the council's Residential Design Guidance as well as guidance within other chapters of the NPPF. No objections have been raised which cannot be overcome through the use of conditions.

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

- o approving proposals that accord with an up-to-date development plan without delay; or
- o where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁷, granting permission unless:
 - i. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁶; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

The council's development plan is not up-to-date. Footnote 7 explains that, for applications involving the provision of housing, policies most important for determining the application will be out-of-date where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites; or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.

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

The application site is within an area at risk of flooding or coastal change which is an area or asset of particular importance for the purpose of (i) above (as defined at footnote 6). However, the policies within the Framework that protect that area or asset of particular importance do not provide a clear reason for refusing the development proposed. Permission should therefore be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

The proposal would provide a social benefit in terms of a limited boost to housing supply (of one additional dwelling). It would also provide a temporary economic benefit during the construction period, through the employment opportunities that would be created. Furthermore, there would be an environmental benefit in that it makes an effective use of land and takes into account the impact of climate change.

Objections have been received from residents living near the site, mainly relating to the loss of a locally valued green space. As has been mentioned in this report, the site is not allocated as open space in the development plan, it is first and foremost a piece of highway land. The greensward is not considered to be a defining characteristic of the wider surrounding area so the loss of this space would not be detrimental to the visual appearance or wider character of the area and therefore this objection does not carry significant weight.

However, the proposed development would result in material harm to the living conditions of the occupiers of No. 37 Tewkes Road with regard to privacy and outlook. Such harm would significantly and demonstrably outweigh any benefits. It is therefore recommended that planning permission be refused.

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

My Recommendation is Refusal for the following reasons

1 The proposal, by reason of the location of the footpath adjacent to the southern boundary of the application site, would allow future users of the footpath an opportunity to look directly, and from a short distance, into the habitable room of No 37 Tewkes Road served by the side window facing the application site and result in a significant and harmful loss of privacy for the occupiers of this property contrary to government guidance contained in the National Planning Policy Framework.

Informative

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

ITEM 5

Application Number:	19/0571/FULCLC
Address:	Flat 27 Westwood Court Beresford Close Hadleigh Benfleet (Victoria)
Description of Development:	Conversion of a 3-bedroom warden flat into 2No. single-bedroom flats
Applicant:	Castle Point Borough Council
Case Officer	Mr Keith Zammit
Expiry Date:	08.11.2019

Summary

The application seeks permission for conversion of the former warden's flat at this sheltered housing complex to two one-bedroomed flats for older people. The proposal is consistent with the adopted policies and guidance of the council and is therefore recommended for APPROVAL.

The case is presented to the committee as the Council is the applicant and the owner of the property.

Site Visit

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

Introduction

The application relates to an existing sheltered housing complex on the east side of Beresford Close. It is a two-storey building containing 51 flats for older people plus 1 warden flat and occupies a site area of 0.76ha. It has an on-site car park of 25 spaces with barrier-controlled access.

Beresford Close has a controlled parking zone (CPZ) in operation with only permit holders allowed to park on weekday mornings from 8am to 10am and afternoons from 2pm to 4m.

The Proposal

The council no longer has live-in wardens at its sheltered housing schemes therefore the opportunity has arisen to convert the flat formerly occupied by the warden to housing for older people. In this case, the existing three-bedroomed warden's flat on the first floor of the building would be converted to two one-bedroomed sheltered flats. The only external change proposed to the building is the alteration of an existing window on the south elevation (insertion of 100mm wide UPVC mullion) so that it can partly serve a bedroom and partly serve an ensuite. The existing guest bedroom would be retained.

No additional on-site car parking is proposed.

The flats are proposed for single or married people over 60, or if there are special circumstances by people over 50. This is the same as the occupancy restrictions for the existing accommodation in the building.

Supplementary Documentation

None

Planning History

None of relevance to this application.

Relevant Government Guidance and Local Plan Policies

National Planning Policy Framework (2019):
Paragraph 127 – Achieving well-designed places

Local Plan (1998):
EC2 – Design
T8 – Parking standards

Residential Design Guidance (2013):
RDG16 – Liveable homes

Consultation

Legal Services
No comment to make

Social Services
No comments received

Public Consultation

No response to neighbour notification

Evaluation of Proposal

The loss of a flat for a live-in warden is a housing management issue and not relevant to consideration of this application. The proposed alteration of the south facing window is minor and would have minimal effect on the external appearance of the building. The main issues with this application are the effect on car parking provision, and whether an appropriate amount of internal space would be provided within the new flats.

Parking provision

Policy T8 of the council's Local Plan seeks the provision of parking in accordance with adopted standards. The currently adopted standards are the 2009 County Parking Standards which require the provision of a minimum of one off-street parking space for one-bedroomed properties and two spaces for properties with two or more bedrooms. The application of a minimum parking

standard to residential developments is felt to be consistent with the advice at paragraphs 105 and 106 of the National Planning Policy Framework ('the Framework').

The proposal would provide two one-bedroomed flats (requiring one parking space each) in place of a three-bedroomed flat (requiring two parking spaces). The parking requirement generated by this proposal is therefore unchanged and there should be no increased pressure for parking in the existing car park or surrounding streets. There is therefore no objection to the proposal at officer level on the basis of its impact on car parking provision.

Internal space

RDG16 of the council's Residential Design Guidance states that all new dwellings should provide appropriate internal space and circulation space which reflect the character of the surrounding area and also reflect current best practice. This is consistent with the advice in chapter 12 of the Framework which seeks to provide high quality residential development.

The Department for Communities and Local Government's Nationally Described Space Standards represent an example of current best practice.

The proposed scheme has been assessed against these standards and the only area where a marginal shortfall has been identified is in the requirement for built-in storage. For one-bedroom, one-person flats, 1m² of built-in storage (a cupboard in the hall) should be provided, and one flat only has a 0.87m² storage cupboard. While ideally a larger storage cupboard would have been provided were this a new build development, it is an existing building and an existing cupboard, and given that this is the only shortfall that can be identified, it is not felt that this would be capable of forming a robust reason for refusal of planning permission. It should also be noted that the proposed bedroom sizes greatly exceed the minimum required by the standards so there is plenty of opportunity for further storage space to be provided if required.

There is consequently no objection to the proposal on the basis of RDG16.

Conclusion

The conversion of the former warden's flat to two self-contained one-bedroomed flats provides a good standard of internal accommodation for future occupiers without adversely affecting the external appearance of the building or current level of car parking provision. The proposal is therefore recommended for approval.

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

My Recommendation is Approval with the following conditions

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

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

Informative

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 6

Application Number:	19/0686/FUL
Address:	19-27 Kents Hill Road Benfleet Essex SS7 5PN (St. Mary's)
Description of Development:	Demolition of all existing buildings and hardstanding, construction of two buildings comprising of 23 no. apartment units, improved access from Kents Hill Road, associated off-street car parking, landscaping and other associated development (revised application)
Applicant:	Renown Developments Ltd
Case Officer	Ms Kim Fisher-Bright
Expiry Date:	31.12.2019

Summary

The proposal represents the redevelopment of an urban brownfield site, allocated for shopping purposes in the adopted Local Plan, with 23 one and two bedroomed flats arranged across two three storey blocks. The site is located on the west side of Kents Hill Road, close to the Junction with Benfleet High Road. Redevelopment of land for residential purposes is consistent with the provisions of the NPPF and in principle is considered acceptable on this site.

Whilst the scheme exhibits some minor deficiencies when assessed against the adopted policies and guidance of the Planning Authority, none, are considered so significant as to provide a robust reason for refusal.

Consequently, the recommendation is one of approval, subject to the applicant entering into a S106 agreement to secure the provision of affordable housing and a contribution towards recreational disturbance mitigation and the conditions set out at the end of this report.

Site Visit

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

THE PROPOSAL

Site Description

The site is located on the western side of Kents Hill Road, some 85m north of the junction with High Road. It is an irregular shaped plot with a maximum depth of some 107m and a width ranging from some 21m at the eastern end to 27m at the western extent (This was previously identified as 30m). The site has a minimum width of some 16m, 38m into the site from the road frontage.

The site was previously occupied by poor quality industrial units and an open yard/parking area which was used for a variety of commercial purposes.

To the south of the site lie a number of commercial premises including the recently developed Sainsburys Local store whilst to the north, east and west the site is predominantly bounded by two storey residential development. That located to the west of the site shares a similar back land location to the current proposal and provides 6 sheltered accommodation units.

Description of Proposed Development

The proposal seeks consent for the demolition of all of the existing buildings on the site and their replacement with an irregularly shaped, three storey, part flat roofed building, providing 18 two bedroomed flats and 2 one bedroomed flats behind the established frontage, within the body of the site and a three storey pitched roofed building providing 3 two bedroomed flats on the Kents Hill Road frontage to the site, in the form of two 'duplex' apartments and a flat in the roof space. A total of 23 units would be provided on the site.

Access to the site will be via the existing access point into the site on Kents Hill Road, adjacent to the northern boundary of the site.

The site will provide 23 parking spaces and two private amenity areas.

Supplementary Documentation

A number of supporting documents have been prepared in support of this planning application which comprise the following:

- o Design & Access Statement
- o Flood Risk Assessment (FRA)
- o Off-site Flood Risk Statement
- o Transport Statement – Ardent;
- o Arboricultural Impact Assessment
- o Construction Method Statement
- o Geotechnical Assessment Report
- o Redial Method Statement
- o SUDS Checklist
- o Surface Water (Construction) Statement and
- o Planning Statement.

All of these documents may be viewed on the Council's website.

Relevant History

The site has significant history related to the commercial use of the site, none of which is of direct relevance to the current scheme.

However, in July 2018, planning permission was granted for the provision of 23 sheltered flats on the site with associated communal facilities, amenity space and parking (Reference 17/0831/FUL).

The granting of such consent establishes the acceptability of residential development on the site.

It should be further noted that a resolution to grant consent for 23 market flats was made in August 2019, subject to the applicant entering into a S106 Agreement.

Unfortunately, due to a technical issue, the agreement could not be completed. The proposal has therefore been resubmitted for further consideration.

Local Plan Allocation

The site is allocated for shopping purposes in the adopted Local Plan.

Relevant Policies and Government Guidance

National Planning Policy Framework (NPPF)

Introduction and achieving sustainable development

Paragraphs: 2, 7-10, 11, 12, 14,

Decision making

Paragraphs 47, 49, 50, 54,

Delivering a sufficient supply of homes

Paragraphs 61,

Promoting healthy and safe communities

Paragraphs 91, 92, 96, 98,

Promoting sustainable transport

Paragraphs 105, 106, 110

Making effective use of land

Paragraphs 117, 118, 123,

Achieving well designed places

Paragraphs 124, 127, 130

Meeting the challenge of climate change, flooding and coastal change

Paragraphs 150, 158-160, 163,

Conserving and enhancing the natural environment

Paragraphs 170, 175, 178, 180, 182.

Local Plan Policies

S4	Non-Retail Development
EC2	Design
EC3	Amenity
EC13	Protection of wildlife
EC14	Creation of habitat
H7	Affordable Housing
H9	New housing densities

H10	Mix of development
H13	Location of development
H17	Spatial standards
T8	Parking Standards

Residential Design Guidance

RDG2	Space around dwellings
RDG3	Building lines
RDG4	Corner plots
RDG5	Privacy and living conditions
RDG6	Amenity space
RDG9	Energy and water efficiency and renewable energy
RDG10	Enclosure and boundary treatment
RDG12	Parking and access
RDG13	Refuse and recycling storage
RDG16 –	Liveable Homes

Additional Guidance

Essex County Council Parking Standards – September 2009

Canvey Town Centre Master Plan (2010)

Strategic Housing Market Assessment (May 2016)

Strategic Housing Land Availability Assessment Update (October 2014)

Planning Minister Statement (25th March 2015)

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

Technical Housing Standards (March 2015)

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

Consultations

CPBC Legal Services

No objection.

CPBC Environmental Health Officer

No objection subject to conditions.

ECC Infrastructure Officer

No education contribution required.

LLFA

No objection subject to conditions.

Anglian Water

No objection subject to conditions.

Street Scene

No comment

Environment Agency

No Comment.

Highway Authority

No objection subject to conditions.

Public Consultation

4 responses have been received which raise the following objections/comments:

- o Adverse impacts of construction period on local business
- o Loss of privacy

Comments on Consultation Responses

All appropriate responses will be made within the evaluation of the proposal.

Evaluation of Proposal

The main issues for consideration are the principle of the proposed residential development, the design and layout of the scheme, the impact on surrounding residential properties, parking implications, flood risk and contamination.

Consideration must also be given to the provision of affordable housing and impact on ecology.

It should be noted that the proposed building is identical to that which was considered in August 2019.

The Principle

The site is allocated for shopping purposes in the adopted Local Plan and is located within the town centre, where Policy S4 of the Local Plan seeks to retain town centre uses (A1, A2, A3, A4, A5, B1, D1 and D2).

The proposal seeks to provide a residential development on the site which would, prima facie, appear inconsistent with the Local Plan allocation.

The NPPF at paragraph 121 however supports the allocation of a range of suitable sites to meet a variety of uses, including residential development, in town centres. In this context the proposed residential use demands further consideration.

This site is not considered to be a particularly attractive commercial site being located on the fringe of the town centre, some distance from the primary commercial frontage and adjoined on three sides by residential development. The site has for many years performed a declining warehouse/storage/manufacturing function with no demonstrated links to uses within the Town

Centre. The loss of this use is therefore considered unlikely to have a significant adverse impact on the viability or vitality of the Town Centre.

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

Under these circumstances, and in the light of an extant consent for residential development on this site, and the more recent resolution to grant consent for a very similar proposal, it is not considered that an objection to the proposal in principle, on the basis of the loss of employment land, would be supported on appeal.

Design and layout

The form of development.

The proposal seeks to provide 18 two bedroomed flats and 5 one bedroomed flats with associated amenity space, communal facilities and parking provision. The buildings would appear as two storey buildings with rooms formed in the roofspace.

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

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

The site does not share a frontage with a main road and prima facie therefore the location would appear inappropriate. However, the site is located in close proximity to Benfleet High Road, which is identified as a main road and immediately abuts the site of a flatted development to the west. In this context it is not considered that an objection to flats at this specific location could be sustained on appeal.

Density and Mix of Housing

Policy H9 of the adopted Local Plan requires the optimum density of development to be achieved on any site. The optimum number is generally defined as the quantum of development that can be achieved whilst providing an attractive layout and without causing harm to the surroundings.

Whilst broadly consistent with paragraph 117 of the NPPF, Policy H9 is somewhat vague and a better test of whether the density of the development is appropriate is assessment of the proposal against the Council's Residential Design Guidance, which will be undertaken later in this report.

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

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

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

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

Design

Policy EC2 of the current Local Plan requires a high standard of design in all new buildings. This is consistent with paragraphs 124 and 127 of the NPPF. Proposals will have regard to the scale, density, design, layout and external materials which should be appropriate to the setting of the building and which should not harm the character of the surroundings. The appearance and treatment of spaces around buildings shall be enhanced by appropriate hard and soft landscaping. It also states that all modes of movement shall be made safe and convenient.

The proposed development takes two forms. A smaller building (Block A) providing three flats is provided to the Kents Hill Road frontage. This is three storey in height with the third floor contained within the roof. The building has the appearance a pair of semi-detached houses when viewed from Kents Hill Road, and whilst taller than the buildings either side, exhibits many features, such as porticoes and brick arches over the windows, which assist in satisfactorily assimilating this element of the development into the street scene without significant detriment to the character and appearance of the area.

The larger building to the rear of the site (Block B), is reminiscent of a Georgian Mews and whilst not entirely consistent with the character of the surrounding area, is isolated from the street frontage and existing residential development and therefore capable of displaying a different character without harm to the visual amenity of the area. In principle the style adopted for each element of the proposed development is considered acceptable.

Acceptability in terms of the detail of the scheme will be determined within the framework provided by the Council's adopted Residential Design Guidance.

Within the Council's Residential Design Guidance Supplementary Planning Document, guidance, RDG2 requires the space around new development to be informed by the prevailing character of space around dwellings. Where there is no clear pattern of development the space around a dwelling should be proportionate to the size of the dwelling. It should seek to provide at least 1m between the properties and the boundary.

Buildings containing flats should provide space equivalent to 25% of the width of the building.

The frontage development meets this requirement in respect of the relationship provided between the proposed building and the southern and northern boundaries of the site.

The proposed flats located to the rear of the site have a width of some 65m. This generates a requirement for isolation space equivalent to some 16m. At best some 3.5m is achieved. As such the current proposal fails to provide an appropriate setting for the building and would potentially produce a scheme of mean and cramped appearance. Prima facie, this appears to represent an objection to the proposal. However, the site is located in close proximity to the Town Centre which is characterised by a tighter grain of development. Furthermore, this element of the proposal occupies a back land location which has no significant relationship with the adjoining residential development and which can therefore determine its own character.

In addition it should be noted that the proposed layout, in terms of isolation from boundaries is the same as that which Members resolved to permit in August. The Government is exhorting planning authorities to make the best use of available urban land in order to secure sustainable patterns of development and to offer protection to the Green Belt from inappropriate development, where this can be achieved with no significant adverse consequences for the receiving environment.

Within the context of this specific proposal it is not considered that the character and appearance of the wider area is prejudiced by the limited levels of isolation space achieved between the proposed building and the boundaries of the site, or that the setting of the proposed development is unduly compromised. No objection is therefore raised to this aspect of the proposal.

Guidance at RDG3 requires all new development to be informed by the prevailing building lines to the public realm it faces, without repeating poor forms of development. Development must not result in disruption to strong building lines.

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

The proposed development fronting Kents Hill Road is shown to be broadly in accord with the established building line and as such satisfies this particular requirement.

The development to the rear of the site, because of its proposed location, would have no relationship with any established building line, but would reflect the setting of the development to the west. As previously, it is not considered that an objection to the siting of this element of the scheme could attract an objection under RDG3.

By virtue of the scale of the development, the isolation achieved to adjoining dwellings and the relative orientation, the proposed development is not considered likely to have a significant adverse impact on adjoining residences by reason of over-shadowing. No objection is raised to the proposal on this basis.

The proposed development on the frontage of the site, Block A, would have a height of some 10.3m and would be approximately 2m higher than the dwelling to the north and approximately 3m higher than the commercial building to the south. Despite this increased height however, as a consequence of the specific siting of the new building and the specific relationship with the buildings to either side, it is not considered that this element of the proposal would result in the domination or overshadowing of the adjoining properties. No objection is therefore raised to this element of the proposal on that basis.

RDG5 provides guidance on privacy and living conditions; and states that for all development above ground floor level a distance of 9m shall be provided between any first floor

opening/balcony and the boundary it directly faces. For development at second floor level a distance of 15m shall be provided.

It also considers that all new dwellings should be provided with windows to ensure adequate natural light and ventilation to the rooms they serve.

Block A located on the frontage of the site has windows in all elevations.

Those in the eastern elevation are located some 3.5m – 4.5m from the front boundary of the site but overlook the highway. In this context it is not considered that the proposal would result in undue overlooking or loss of privacy to the residents occupying the dwellings opposite the site and no objection is therefore raised to the proposal on that basis.

Windows in the northern elevation at first floor level are located some 7m from the opposing boundary and serve bathrooms which are less than the requisite distance from the boundary. However, it is considered that these windows may be obscure glazed and fixed to 1.7m without unduly compromising living conditions within the flats.

A further window serves the stairwell at the rear of the building. This may also be obscure glazed and fixed.

A window in the northern elevation at third floor level provides secondary light to the combined kitchen/living area. It is considered that this window may also be obscure-glazed and fixed to 1.7m above the finished floor level without unduly compromising living conditions within the unit.

Block B would be located a minimum of some 1.5m from the western and southern boundaries . No windows are provided in these elevations at first floor level.

Whilst a window and door are present at ground floor level in the western and southern elevations, these can be adequately screened by boundary treatments, to protect the privacy of adjoining residents.

Windows are provided in the northern elevation at first floor level, however, all but one serve communal areas such as corridors and may therefore be obscure glazed and fixed without adversely impacting living conditions within the Block.

One window serves a bedroom; however this would be located 9m from the rear boundary of the site and would therefore be compliant with the adopted RDG.

One window is provided at the extreme eastern end of Block B, some 1m from the boundary. This provides secondary light to a living area and may be obscure glazed and fixed to protect the privacy of adjoining residents.

A further bedroom window is provided in the eastern elevation at first floor level. This would be located some 12m from the boundary of the site and would therefore be compliant with the provisions of the adopted RDG.

Rooflights provided in the northern elevation will provide natural light and ventilation to corridors and would be set above 1.7m from the finished floor levels they serve. No overlooking is considered likely to arise from these windows.

No objection is therefore raised to the proposal under RDG5.

RDG6 requires appropriate amounts of amenity space to be provided, in proportion with the size of the dwelling(s). For buildings containing flats, 8m² of amenity space should be provided per habitable room. Where flats have fewer than three habitable rooms 25m² of amenity space should be provided for each flat.

The provision of balconies can be included in this, provided that they have a depth of at least 1.5m and a floor area of 5m².

The proposal would attract a requirement of 575m². Only some 185m² is achieved. This appears to represent a significant objection to the proposal.

However, the site is located within an area where flats generally have limited amenity space and future residents will have the opportunity to use open space at St Mary's Playing fields to the south and within the Hadleigh Castle Country Park to the east, both of which are within reasonable walking distance. Under the circumstances, and in the light of the Government's guidance in respect of the satisfaction of housing needs, it is not considered that an objection to the proposal based on inadequate amenity area provision could be sustained on appeal.

RDG7 is concerned with roof design and requires the roof design of any development to be compatible primarily with the building it serves, but also the prevailing character of the area. The roof should be proportionate and not too heavy and any dormers provided in the roof should not dominate the roof and where visible from public vantage points, should be pitched roofed,

The submitted drawings indicate the provision of a mansard type roof for Block B and a traditional pitched roof for Block A. Both are considered acceptable in the context of the surrounding development.

The proposed dormers, whilst flat roofed, are consistent with the design principles established within the development and as such are considered contextually acceptable.

No objection is raised under the provisions of RDG7.

RDG8 requires that all development is designed to provide well-proportioned and balanced properties which complement the surrounding area. . The proposed units at the front of the site share many features common to adjoining properties such as porticoes, brick arches over windows and aligned fenestration, which will allow it to integrate successfully into the adjoining area, albeit exhibiting greater height than adjoining dwellings.

The flats to the rear would appear more as a neo Georgian style terrace or mews court, which is not entirely consistent with the character and appearance of the surrounding area but is visually attractive in its own right and would have no adverse impact on the character and appearance of the surrounding area. The elevations are balanced and proportional across the scheme, which is considered to satisfy the requirements of RDG8.

In terms of the palette of materials to be used, the buildings will be finished in yellow stock brickwork with grey slate tile roofs and white render. The dormers will have a lead finish and the

paved areas will be finished in grey and yellow paviors. All doors and windows will be of timber composite.

This palette reflects that of the adjoining properties and as such is considered acceptable.

RDG9 encourages the incorporation of measures for achieving high levels of energy and water efficiency into developments. It also requires the design and siting of energy and water efficiency measures not to result in prominent, dominant, alien or incongruous features.

The scheme primarily faces east and south and offers significant potential for passive solar gain. This feature coupled with the proposed use of energy efficient glazing and frames, appropriate thermal insulation and energy efficient appliances is considered sufficient to satisfy RDG9.

RDG10 requires means of enclosure not to dominate the public realm. The proposal indicates the provision of 3m high metal gates at the front of the site, however little information is provided in respect of the treatment of other boundaries. It is considered that a condition requiring the provision of 2m high close boarded fences to all other boundaries will protect the privacy and amenity of existing and future residents. Subject to such a condition, no objection is raised to the proposal on the basis of RDG10.

RDG16 is concerned with the provision of 'Liveable Homes' and seeks to ensure the provision of appropriate internal and circulation space, reflecting best practice. It is stated that all new dwellings should meet the existing and future needs of occupiers over their lifetime without the need for extensive alteration or adaptation.

Paragraph 127 of the NPPF identifies that planning decisions should seek to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and that planning policies for housing should make use of the nationally described space standard, where the need for an internal space standard can be justified.

The adopted Local Plan does not seek to control the size of individual dwellings, however Policy H13 of the 2016 Plan did contain a proposal to adopt the Nationally Described Space Standard (2015), to be applied to all new housing developments.

The 2016 Plan was of course withdrawn and it is not therefore possible place any weight on its provisions, however the National Standard does provide a statement of best practice and it is therefore appropriate to consider the proposal in the context created by that Standard.

The proposal provides five 1 bedroomed, two person flats and eighteen 2 bedroomed, 3 person flats. The National Standard sets out detailed specifications for room sizes and storage areas and specifies that for one and two bedroomed single storey dwellings (flats) the following is provided:

No. bedrooms	of	No. bed-spaces (persons)	of	Floor space
1		1		39
		2		50
2		3		61

The proposal indicates that all of the one bedroomed flats have floor areas of some 46m² and the two bedroomed flats, which are all indicated to be three person properties, are a minimum of 61m².

No objection is therefore raised to the proposal on the basis of the size of units.

Access and Parking Arrangements

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

Access to the development is proposed to be taken from the existing access point on Kent's Hill Road via a crossover access junction. The access road is to be 4.8m wide, with a 1.2m wide footway provided to connect the site to Kent's Hill Road. This is an improvement over the existing unsegregated access point.

The main site access is to have gates for both the vehicular access and pedestrian footway, providing a secure development. The gates are to be set back into the site by 6m in order to allow a vehicle to wait at the gates clear of the public highway.

Internally, the site layout is to be a shared surface design.

The submitted Transport Report states that junction visibility splays of 2.4m x 43m will be provided to the right (south) of the access for drivers egressing from the development.

The Highway Authority has previously deemed such provision acceptable and confirmed that the visibility splays proposed are an improvement on the existing situation, given that a dedicated footway is being provided in order to place vehicles more centrally in the access junction.

The proposed access point also allows for compliant pedestrian inter-visibility to be provided, which cannot be achieved in the existing situation. This is a benefit over the existing site access arrangement.

Under the circumstances no objection is raised to the proposed access to the site from Kents Hill Road.

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

The currently adopted standards are the 2009 County Parking Standards.

The relevant parking standard for flats requires the provision of one space for one bedroomed properties and two spaces for properties with two or more bedrooms, plus visitor parking at a rate of 0.25 spaces per dwelling, rounded up to the nearest whole space, consequently the maximum parking requirement for this development would be as follows:

18 units with 2 or more bedrooms:	36 spaces
5 units with one bedroom	5 spaces
Visitors 0.25 x 23	<u>6 spaces</u>
Total	47 spaces.

However, it is the practice of this Authority to apply parking standards flexibly in locations which offer good access to public transport and services. The proposal site is considered appropriate for consideration in this context and would therefore attract a requirement of one parking space for every residential unit. This would equate to the provision of 23 spaces.

No visitor parking would be required given the proximity of the site to public car parks within the adjoining area.

The scheme provides 23 parking spaces.

No objection is therefore raised to the proposal on the basis of the quantum of parking.

Car parking spaces are required to be 2.9m wide and 5.5m deep. This is achieved on the site.

The residential cycle parking requirement for flats is one secure space per unit plus one space per eight dwellings for visitors. Within the context of the proposed development, storage for 26 bicycles is required.

Provision for the storage of bicycles is made within the site, however the submitted application does not clearly identify the number of storage spaces to be provided. will be provided. However, it is considered that a condition securing the provision of an appropriate level of bicycle storage can be imposed on the grant of any consent in order to ensure the provision of an appropriate level of bicycle parking on the site.

In terms of traffic generation, it must be noted that the site represents an allocated shopping site which currently supports commercial activities which are uncontrolled in terms of their hours of operation or potential for trip generation.

The proposed development will replace the significant potential for heavy vehicles to access the site with cars associated with the use and operation of a 23 unit residential scheme. Work undertaken by the applicant predicts that there will be only six two-way vehicle movements in the weekday AM and PM peak hours respectively resulting from the 23 dwellings and an expected reduction in vehicles in comparison to the site's existing use as an industrial trade retail unit and office in the weekday AM and PM peaks. There would also be expected to be reductions in vehicle movements during key periods coinciding with the retail trade counter operation such as weekends.

The Highway Authority has not challenged this assessment.

Refuse and Recycling

RDG13 deals with refuse and recycling storage and requires such facilities to be of adequate size for the development they serve and not to adversely impact on the streetscene. A refuse bin storage area is to be provided within Block B. This is located beyond the 25m walking distance Local Authority refuse operatives are permitted to walk to collect refuse. However, the applicants have confirmed that refuse will be collected by a private waste collector which will not be subject to the same operational limitations.

This arrangement is considered satisfactory.

Provision of Affordable Housing

The proposal is above the threshold for the attraction of a contribution towards the provision of affordable housing.

Policy H7 of the adopted Local Plan sets out the Council's policy in relation to affordable housing provision. It states that the number of affordable dwellings to be provided will be dependent upon the size of the site, its location, and any substantial costs associated with the provision of necessary infrastructure. The Council's Developer Contributions Supplementary Planning Document provides the current guidance on the amount and type of contribution that is expected in relation to affordable housing provision. This currently requires the provision of 35% affordable housing on sites of 15 units or more. This would equate to the provision of 9 affordable housing units on this site.

The viability report prepared to support the now withdrawn New Local Plan, suggested however that within the mainland areas of the Borough the provision of 25% affordable housing was more appropriate. This would equate to the provision of 6 affordable housing units.

The applicant has not identified any affordable housing provision on the site but has agreed to provide an appropriate contribution towards the provision of off-site affordable housing.

Given the nature of the proposed development, the offer is considered acceptable in principle.

Subject to the applicant entering into a S106 agreement to secure such provision, no objection is raised to the proposal on the basis of affordable housing provision.

Ecology

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

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

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

Paragraph 170 of the NPPF states:

Planning policies and decisions should contribute to and enhance the natural and local environment by:

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and

f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate

Paragraph 175 states:

When determining planning applications, local planning authorities should apply the following principles:

- o if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts),*
- o adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- o development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;*
- o development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons⁵⁸ and a suitable compensation strategy exists; and*
- o development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged.*

The NPPF therefore makes it clear that decision makers should minimise impacts on biodiversity and provide net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity.

The site is a commercial site with significant built form and areas of hardsurfacing. The site currently provides limited landscaped areas and consequently offers limited opportunities for wildlife.

There are 2 trees and 2 groups of trees present on the site, which would be affected by the proposed development. Some eight further trees are located on land immediately adjoining the site.

The predominant species are sycamore, cypress, birch, ash and goat willow and all are considered to be either in poor condition or unremarkable in form, lacking significant visual impact. None are the subject of Tree Preservation Orders.

The site has been identified as having very low landscape value and none of the trees present on the site are considered suitable for retention.

The scheme results in the removal of a goat willow and two young self-sown groups of sycamore and ash saplings. A small amount of pruning will also be required to three offsite trees. A further off site tree may also need to be removed due to its condition and unsustainable proximity to the boundary wall, however this is a matter for the applicant and the tree owner to determine.

The retained offsite trees will be protected during the construction phase by a combination of ground protection and fencing as detailed on the submitted tree protection plan.

Given the limited vegetation present on the site and the poor quality of that which is available, it is not considered that development of the site would have a significant adverse impact on visual amenity or wildlife in the vicinity.

The proposal does however provide the potential to increase the ecological interest and value of the site. A condition will therefore be attached to the grant of any consent requiring the submission, approval and implementation of a robust landscaping scheme, heavily biased towards indigenous, wildlife friendly species.

In strategic terms, the site is within the zone of influence of one or more of the European designated sites scoped on the Essex Coast Recreation disturbance Avoidance and Mitigation Strategy.

As such Natural England has identified that the Planning Authority must consider proposals for residential development under the provisions of the Habitats Regulations.

Based on the development type and proximity to European designated sites, a judgement must be made as to whether the development constitutes a 'likely significant effect (LSE) to a European site in terms of increased recreational disturbance.

The site lies within the Zone of Influence of the Essex Coast RAMS and seeks to provide 23 net new dwellings.

As such it may be concluded that the proposal is within the scope of the Essex Coast RAMS as it falls within the zone of influence for likely impacts and is a relevant residential development type as identified by Natural England. It is anticipated that such development in this area is likely to have a significant effect upon the interest features of the designated site through increased

recreational pressure, when considered either alone or in combination. As such the proposal requires appropriate assessment.

Advice provided by Natural England identifies that where a proposal seeks to provide less than 100 dwellings and the proposal is not within or directly adjacent to one of the identified designates sites, mitigation of the impact of the proposal can be secured through the provision of a financial contribution secured in line with the Essex Coast RAMS.

Such funding will be secured within a S106 Agreement and provided prior to commencement of development in order that appropriate mitigation may be place prior to occupation of the dwellings.

Provided the mitigation is secured it may be concluded that the proposed development will not have an adverse effect on the integrity of the European Site from recreational disturbance when considered 'in combination' with other development.

The applicant has previously confirmed that he is amenable to the provision of an appropriate contribution.

Natural England has confirmed that it does not need to be consulted on this Appropriate Assessment.

Subject to the provision of the identified ecological enhancements and the developer entering into a S106 agreement to secure an appropriate contribution towards RAMS, no objection is raised to the proposed development on the basis of ecology or impact on trees.

Flood Risk

The site is identified as falling within Flood Zone 1 and is therefore at low risk of fluvial or tidal flooding, however some parts of the site would be susceptible to surface water flooding. The extent of the site susceptible is limited and would not appear to impact on the proposed dwellings, as such no objection is raised to the proposal on the basis of its vulnerability to flooding.

Development of a site would ordinarily run the risk of the potential for run off onto other sites, thus potentially increasing off-site flood risk. In this instance however it is noted that the site is extensively hard-surfaced and that the proposed scheme would result in a greater area of the site being permeable.

As the post-development's impermeable area is less than the current site, the volume of surface water run-off is considered likely to be reduced as a result of implementing the scheme, thus reducing the risk of off-site flooding.

Despite this situation however the applicant intends to install appropriate sustainable drainage measures in order to reduce the rate of surface water discharge from the site and improve the quality of water entering the public sewer network.

The LLFA has raised no objection to the proposal subject to an appropriate scheme being submitted for consideration. Such scheme may be secured by the imposition of an appropriate condition on the grant of any consent.

Contamination.

The application site has been used for commercial purposes for many years and there is therefore the potential for the site to suffer contamination.

The applicant has submitted a geotechnical Assessment Report and Remedial Method Statement which has been considered by the Council's Environmental Health Officer and found to be acceptable.

A condition securing the implementation of the provisions of the Remedial Statement can be attached to the grant of any consent.

Impact on surrounding properties

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

No objections have been received from local residents in respect of traffic, noise, fumes or other forms of disturbance, although one local business has expressed concerns in respect of the impact of the construction period on the clinical service provided.

Construction will inevitably result in some noise and disturbance being experienced by adjoining residents and businesses. However such occurrences are transitory in nature and cannot represent a robust objection to the proposal.

With regard to noise experienced as a result of the occupation of the scheme, it must be remembered that the proposal seeks to redevelop an existing commercial site with a residential development. The surrounding area is primarily characterised by residential development and the previous use of the site was known to generate levels of noise and disturbance which were detrimental to the amenity of some residents. It is not considered that the proposed use would give rise to unusual levels of noise and disturbance relative to the context of the site and its former and potential use.

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

In terms of dirt/dust generated through the construction period, the submitted Construction Method Statement sets out clear controls for the achievement of acceptable levels of noise and disturbance generated on the site and in the event of a nuisance occurring legislation is available to control such matters (Environmental Protection Act) and the applicant's attention will be drawn to the need to implement appropriate site management to avoid adverse impacts on adjoining occupiers and the wider road network.

Conclusion

The proposal represents the redevelopment of a sustainable urban brownfield site, allocated for shopping purposes in the adopted Local Plan, for residential purposes. Re-use of the land for residential purposes is consistent with the provisions of the NPPF and is considered acceptable on this site.

Whilst the scheme exhibits some deficiencies when assessed against the adopted policies and guidance of the Planning Authority, none, are considered so significant as to provide a robust reason for refusal.

It should be noted that the proposed building is identical to that for which Members resolve to grant consent in August 2019. The submission of a revised scheme has been occasioned by a slight revision to the site boundary.

The proposal attracts a requirement for contributions towards the provision of off-site affordable housing and the mitigation of recreational disturbance in designated sites. Subject to the applicant entering into a S106 agreement to secure the provision of appropriate contributions in these regards and the following conditions and having taken all other matters raised by interested parties into consideration my recommendation is: **APPROVAL**.

1 This permission shall be read in conjunction with the agreement entered into under S106 of the Town and Country Planning Act 1990, dated contemporaneously with this permission.

REASON: In order to ensure the provision of an appropriate financial contribution towards the provision of off-site affordable housing and the mitigation of the impact of the proposed development on European designated sites.

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

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

3 Prior to installation a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- o Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.
- o Limiting discharge rates to 9l/s for all storm events up to an including the 1 in 100 year rate plus 40% allowance for climate change.
- o Final modelling and calculations for all areas of the drainage system.
- o Detailed engineering drawings of each component of the drainage scheme.
- o A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- o A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, to ensure the effective operation of SuDS features over the lifetime of the

development and to provide mitigation of any environmental harm which may be caused to the local water environment.

Failure to provide the above required information before installation of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

4 Development of the site shall be undertaken in accordance with the provisions of the submitted Construction Method Statement prepared by DAP Architecture Ltd, dated 26.04.2019.

REASON: In order to ensure the appropriate development of the site, consistent with protecting the amenity of adjoining residents, in accordance with the provisions of Policy EC3 of the adopted Local Plan.

5 Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.

Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

REASON: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

Failure to provide the above required information may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

6 The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

REASON: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

7 The site has been identified as having a medium to high risk of contamination.

Remediation works shall be undertaken prior to the commencement of construction works, in accordance with the provisions of the submitted Remedial Method Statement, prepared by the Nott Group, dated 28th March 2019.

REASON: In order to ensure that the adverse consequences of encountering contamination on the site are minimised.

8 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 by 43m metres to the South, measured from and along the nearside edge of the carriageway. The visibility to the North shall be 2.4m x 22m. 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 as shown in principle on Ardent drawing No. 171622-001 as provided in the submitted transport statement.

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.

9 The first and second floor windows in the northern elevation serving Flat 02 and Flat 03 and the first floor window in the southern elevation serving Flat 01 of Block A shall be -

- (i) obscure-glazed to at least level 3 on the Pilkington Scale (or such equivalent as may be agreed in writing with the local planning authority); and
- (ii) non-opening, unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed and retained as such thereafter.

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

10 No other windows, openings or other glazed areas shall be created or formed in the southern or northern elevations of Block A without the prior consent of the Local Planning Authority.

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

11 The proposed windows at first floor level, serving the corridors and communal space in the northern elevation of Block B shall be -

- (i) obscure-glazed to at least level 3 on the Pilkington Scale (or such equivalent as may be agreed in writing with the local planning authority); and
- (ii) non-opening, unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed and retained as such thereafter.

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

12 The proposed window at first floor level, serving Plot 18 in the eastern elevation of Block B shall be -

- (i) obscure-glazed to at least level 3 on the Pilkington Scale (or such equivalent as may be agreed in writing with the local planning authority); and
- (ii) non-opening, unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed and retained as such thereafter.

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

13 No other windows, openings or other glazed areas shall be created or formed in the eastern, western, southern or northern elevations of Block B without the prior consent of the Local Planning Authority.

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

14 Any works to trees either on site or adjacent to the site, or any works undertaken to protect trees either on site or adjacent to the site, shall be undertaken in accordance with the provisions of Appendices 3 - 6 inclusive of the Arboricultural Impact Assessment Report prepared by Sharon Hosegood Associates, Reference: SHA 398 Rev A and dated 18th April 2019.

REASON: In order to protect retained trees on and around the site, in the interests of maintaining visual amenity and opportunity for biodiversity, in accordance with Government guidance as set out in the National Planning Policy Framework.

15 Any works to trees, including removal of trees, either on the site or adjacent to the site, which are affected by the proposed development, should be avoided during the bird breeding season of March to September inclusive.

If this is not possible a search should be undertaken, in the presence of a suitably qualified person, to confirm presence/absence of nesting birds prior to works being undertaken.

REASON: In order to ensure the safety and well-being of protected species.

16 Prior to the occupation of any of the proposed dwellings, the proposed shared drive shall be constructed to a width of 5 metres for at least the first 6 metres from the back edge of highway boundary and provided with an appropriate dropped kerb crossing of the verge.

REASON: To ensure that vehicles can enter and leave the highways in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety in accordance with Policy EC2 of the adopted Local Plan.

17 Prior to the first occupation of the development hereby approved, a 2m high close boarded fence shall be provided along the northern, southern and western boundaries of the site and thereafter permanently retained

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

18 The car parking and turning area, as shown on drawing 794.200.13 dated 02.05.19, shall be provided, hard surfaced in bound materials and drained in accordance with SuDS principles, prior to occupation of any flat. Thereafter, the car park and turning area shall be retained for those purposes and not used for any other purpose unless first agreed in writing with the local planning authority.

REASON: To make and retain satisfactory provision for off-street parking on the site and to ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety, in accordance with Policies EC2 and T8 of the Adopted Local Plan.

19 Any gates / barriers provided at the car park vehicular access shall be inward/vertically opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.

REASON: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed and to allow parking off street and clear from obstructing the adjacent carriageway in the interest of highway safety in accordance with Policy EC2 of the Adopted Local Plan.

20 Prior to first occupation of any flat, provision shall be made within the identified bicycle storage facility for the secure and covered storage of no fewer than 26 bicycles.

REASON: To ensure that an adequate level of cycle storage is provided , commensurate with the needs of the site and to encourage cycling as an attractive mode of transport for occupiers of and visitors to the development, in the interest of sustainable travel.

21 Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, 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 and Policy EC2 of the adopted Local Plan.

22 Prior to first occupation of the development hereby approved, the proposed amenity areas shall be provided and thereafter permanently maintained.

REASON: In order to ensure the provision and retention of appropriate amenity areas within the site, in the interests of the amenity of future residents and in accordance with Policy H17 RDG6 of the adopted Local Plan.

23 Prior to the first occupation of the development hereby approved a landscaping/tree planting scheme shall be submitted to and formally approved by the Local Planning Authority. Such a scheme shall be biased towards indigenous and wildlife friendly species and shall include full details of all proposed tree planting, including species, size, density, methodology and the proposed times of planting and planting plans, written specifications, including cultivation and other operations associated with plant and grass establishment, schedules of plants, noting species, plant sizes and proposed numbers / densities.

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

24 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.

25 No unbound material shall be used in the surface treatment of a 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 and Policy EC2 of the adopted Local Plan.

26 There shall be no discharge of surface water from the development onto the Highway

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 and Policy EC2 of the adopted Local Plan.

27 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 and Policy EC2 of the adopted Local Plan.

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.

2. 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.

3. All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.

4. All works affecting the highway to be carried out by prior arrangement with, and to the requirements and satisfaction of and at no cost to the Highway Authority. Application for the necessary works should be made to Essex Highways, Unit 36, Childerditch Industrial Estate, Childerditch Hall Drive, Brentwood, CM13 3HD e-mail: development.management@essexhighways.org.

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

The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes technical check, safety audits, site inspection, commuted sums for maintenance and any potential claims under the Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required as security in case of default.

5. Asbestos containing material should be removed by a licenced contractor and should be disposed of in the appropriate manner.

6. All relevant precautions to minimise the potential for disturbance to neighbouring residents in terms of noise and dust during the construction and demolition phases of the development. Water suppression shall be employed for any stone or brick cutting and if necessary, neighbours shall be advised in advance of any particularly noisy works.

7. Please be aware that the accepted Borough construction timings are:

Mon-Fri: 8am-6pm

Sat: 8am-1pm

Sun and bank holidays: no works which are audible beyond the site boundary

The granting of this planning permission does not indemnify against statutory nuisance action being taken should substantiated noise or dust complaints be received.

8. Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement.

Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

Desktop analysis has suggested that the proposed development will lead to an unacceptable risk of flooding downstream. Anglian Water therefore highly recommend that you engage with it at your earliest convenience to develop in consultation with a feasible drainage strategy.

If you have not done so already, Anglian Water recommend that you submit a Pre-planning enquiry with our Pre-Development team. This can be completed online at the website:
<http://www.anglianwater.co.uk/developers/pre-development.aspx>

Once submitted, Anglian Water will work with you in developing a feasible mitigation solution.

If a foul or surface water condition is applied by the Local Planning Authority to the Decision Notice, Anglian Water will require a copy of the following information prior to recommending discharging the condition:

Foul water:

Feasible drainage strategy agreed with Anglian Water detailing the discharge solution including:

- Development size
- Proposed discharge rate (Should you require a pumped connection, please note that Anglian Water minimum pumped discharge rate is 3.8l/s)
- Connecting manhole discharge location (No connections can be made into a public rising main)
- Notification of intention to connect to the public sewer under S106 of the Water Industry Act (More information can be found on the Anglian Water website).
- Feasible mitigation strategy in agreement with Anglian Water (if required).

Surface water:

Feasible drainage strategy agreed with Anglian Water detailing the discharge solution, including:

- Development hectare size
- Proposed discharge rate (minimum discharge rate is 5l/s. The applicant can verify the site's existing 1 in 1 year greenfield run off rate on the following HR Wallingford website:
-<http://www.uksuds.com/drainagecalculation-tools/greenfield-runoff-rate-estimation> .

For Brownfield sites being demolished, the site should be treated as Greenfield. Where this is not practical Anglian Water would assess the roof area of the former development site and subject to capacity, permit the 1 in 1 year calculated rate).

Connecting manhole discharge location

Sufficient evidence to prove that all surface water disposal routes have been explored as detailed in the surface water hierarchy, stipulated in Building Regulations Part H (The Anglian Water Surface Water Policy can be found on the Anglian Water website).

9. Essex Police

Pursuant to the NPPF, Essex Police would encourage the developer to incorporate Crime Prevention Through Environmental Design (CPTED) into this site by integrating the nationally approved, Police preferred, Secured By Design (SBD) accreditation into this development, to create a safe and accessible space.

Essex Police is able to support the applicant to achieve appropriate consideration of the Secure By Design requirements and is invited to contact Essex Police via:

designingoutcrime@essex.pnn.police.uk

ITEM 7

Application Number:	19/0549/FUL
Address:	Chase Nurseries The Chase Thundersley Benfleet Essex (Cedar Hall)
Description of Development:	Demolition of existing buildings and erection of nineteen houses with access, landscaping and ancillary works
Applicant:	SJT Development Limited
Case Officer	Ms Kim Fisher-Bright
Expiry Date:	31.12.2019

Summary

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

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

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

A number of factors have been identified which the applicant believes justifies the proposed development. It is the view of Officers that the existence of an extant consent for the development of the site with 11 dwellings represents a material consideration of substantial weight which when added to the more moderate weight attracted by the need for housing and Government advice in respect of increased densities, outweighs the harm to the Green Belt occasioned by this more intensive form of development.

Consequently the recommendation is **APPROVAL** subject to the applicant entering into a S106 Agreement to secure:

- (i) The provision of affordable housing
- (ii) The appropriate management of the open space
- (iii) The appropriate provision and maintenance of bird and bat boxes,
- (iv) The appropriate upkeep of the requisite upgraded highway,
- (v) The provision of a contribution towards the mitigation of recreational disturbance on the European Designated sites and
- (vi) The provision of a contribution towards the mitigation of the proposal's impact on local health care capacity.

and the conditions identified below.

As the recommendation is, prima facie, contrary to policy, determination of the application must be undertaken by the Committee in the first instance.

It should be noted however, that by virtue of the provisions of the Town and Country Planning (Consultation) (England) Direction 2009, the application is identified as one which should be referred to the Secretary of State, in order that he might consider whether this was an application he wished to call in for his own determination.

The application will therefore be presented for final determination to a future meeting of the Development Control Committee when the determination of the Secretary of State has been received.

Introduction

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

The site has a maximum width of some 53m and a depth of approximately 174m. The site has a stated area of 0.94ha and exhibits a fall of some 3.7m from south to north.

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

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

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

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

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

The Proposal

This is an application full consent for 19 detached dwellings comprising:

- 3 x 3 bed properties
- 12 x 4 bed properties and
- 4 x 5 bed properties.

The dwellings range from single storey to three storey in height and the submitted drawings identify traditional design properties with attached, detached and integral garages.

The scheme also seeks to provide an area of open space located at the northern end of the site.

Site Visit

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

Submitted Documentation

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

- o Planning Statement
- o Design and Access Statement
- o Accommodation Schedule
- o Conceptual SuDS Design Statement
- o Arboricultural Impact Study
- o Construction Management Plan
- o Construction Vehicle Routing Plan
- o Drainage Checklist
- o Energy Assessment
- o Geology Phase 1 Desk Study and data sheet
- o Preliminary Ecological Appraisal incorporating a Bat Inspection
- o Site Waste Management Plan
- o Summary of Flood Results
- o Landscape & Visual Appraisal & Landscape Strategy
- o Transport Statement
- o Open Spaces Rep[ort Addendum Letter
- o Outdoor Lighting Report

Relevant Planning History

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

In 2018 planning permission was granted for the development of the site with 11 detached dwellings ((18/0382/OUT).

The site also has a history in the context of the Local Plan.

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

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

However, following consideration of the responses to the 2014 Plan, Members resolved to prioritise the protection of the Green Belt over meeting the Borough's objectively assessed housing needs and deleted all undeveloped Green Belt sites that did not benefit from an extant

planning permission from further consideration. The wider site, including the application site, was therefore deleted from the list of sites proposed for housing.

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

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

The New Draft Plan was withdrawn in November 2018.

A new Local Plan is now being prepared. This identifies the site as being suitable for residential use (Local Plan Policy HO22).

Relevant Policies and Government Guidance

National Policy Planning Framework

Introduction and achieving sustainable development

Paragraphs: 2, 7-10, 11, 12, 14,

Decision making

Paragraphs 47, 49, 50, 54,

Delivering a sufficient supply of homes

Paragraphs 61,

Promoting healthy and safe communities

Paragraphs 91, 92, 96, 98,

Promoting sustainable transport

Paragraphs 105, 106,

Making effective use of land

Paragraphs 117, 118, 123,

Achieving well designed places

Paragraphs 124, 127,

Protecting Green Belt land

Paragraphs 133, 143, 145,

Meeting the challenge of climate change, flooding and coastal change

Paragraphs 150, 158-160, 163,

Conserving and enhancing the natural environment

Paragraphs 170, 175, 178, 180, 182.

Castle Point Borough Council Adopted Local Plan 1998

This allocates the site for Green Belt purposes. Relevant Policies include:

EC2	Design
EC3	Residential Amenity
EC13	Protection of wildlife and their habitats
EC14	Creation of new wildlife habitats.
EC22	Retention of trees, woodlands and hedgerows
H7	Affordable Housing
H9	New housing densities
H10	Mix of development
H17	Housing development – design and layout
T7	Unmade Roads
T8	Car parking
CF1	Social and physical infrastructure and new developments
CF14	Surface water disposal

Residential Design Guidance:

RDG1	Plot sizes
RDG2	Space around Dwellings
RDG3	Building Lines
RDG4	Corner Plots
RDG5	Privacy & Living Conditions
RDG6	Amenity Space
RDG7	Roof Development
RDG8	Details
RDG9	Energy & Water Efficiency & Renewable Energy
RDG10	Enclosure & Boundary Treatment
RDG11	Landscaping
RDG12	Parking & Access
RDG13	Refuse & Recycling Storage
RDG16	Liveable Homes

Other Relevant Documents

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

Developer Contributions Guidance SPD – Adopted 1st October 2008

Thames Gateway South Essex Strategic Housing Market Assessment 2016

Castle Point Green Belt Landscape Assessment September 2010

Castle Point Green Belt Function Assessment September 2010

Castle Point Green Belt Sustainability Assessment 2011

Castle Point Open Space Appraisal Update 2012

Safer Places; The Planning System and Crime Prevention 2004

Consultation

Highway Authority

No response.

Essex County Council: Infrastructure

Please be advised we will not be seeking any S106 contributions on this occasion.

Anglian Water

No objection. Request informative be added to decision.

Lead Local Flood Authority

No objection, subject to conditions.

NHS England

Mitigation of impact required.

Natural England

LPA must consider whether this proposal falls within scope of the RAMS as 'relevant development'. Where it does, this scale of development would fall below that at which Natural England would offer bespoke advice on this issue. However, in such cases we advise that you must undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation.

CPBC Environmental Health

Potential for contamination. No objection subject to conditions.

CPBC Street Scene

No objection.

Combination to digital entry system required.

Public Consultation

Consultation responses have been received from the following addresses:

Broadlands:	49,
The Chase:	32, 293, 299, 307, 314, 322, 348, 'Oaklea Lodge' and 'Chase Lodge'
Chase Close:	18,
Kenneth Road:	54,
Kiln Road;	205,
Lynton Road:	69,

Nicholson Road: 26,
Rayleigh Road; 100,
Runnymede Chase: 2,
Warren Chase: 14,
Wensley Road: 1, 'St Leonards', 'Helena',

Gainsborough Avenue, Cl. 16

Dering Close, Leigh-on Sea: 27

which make the following objections and comments:

- Land is Green Belt
- Unmade road will not cope with increase in traffic
- Road should be made up to adoptable standards and publicly maintained
- Increased risk to pedestrian and pet safety
- Noise and disturbance
- Inadequate access
- Loss of privacy and amenity
- Dominance
- Loss of semi-rural character
- Overdevelopment of the site
- Inadequate parking
- Likely to lead to parking on The Chase
- Impact on wildlife
- Flood Risk
- Wensley Road unsuitable for construction traffic

Comments on Consultation Responses

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

Evaluation of Proposal

The application seeks consent for the development of the site with 19 detached dwellings with associated access and open space provision.

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

The primary issues to be considered are therefore (i) the principle of development and in view of the strategic aspects of the proposal consideration must also be given to (ii) the issue of prematurity when considering the principle of development.

Consideration will then be given to matters of:

- (iii) Design and Layout,
- (iv) Density and Mix of Housing,
- (v) Highways and car parking
- (vi) Crime Prevention
- (vii) Ecology,
- (viii) Trees
- (ix) Landscaping
- (x) Provision of Affordable Housing
- (xi) Flood Risk and Drainage
- (xii) Contamination.
- (xiii) Waste Management
- (xiv) Infrastructure
- (xv) Provision of play space
- (xvi) Impact on amenity
- (xvii) Archaeology

(i) The Principle of Development

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise (paragraph 2 of the NPPF). The Development Plan is the starting point for decision making. Development that accords with the Local Plan should be approved and proposals which conflict with the Plan should be refused unless material considerations indicate otherwise.

Where the Development Plan is absent, silent or relevant policies are out of date, the Planning Authority should grant planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework or specific policies in the Framework indicate that development should be restricted (paragraph 11 of the NPPF).

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

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

Paragraph 133 of the National Planning Policy Framework (NPPF) states that the fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and permanence.

Paragraph 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

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

Paragraph 145 of the NPPF states that Local Planning Authorities should regard the construction of new buildings as inappropriate within the Green Belt unless they qualify for consideration under one of the stated exceptions.

Paragraph 145 (g) identifies that:

- o the partial or complete redevelopment of previously developed sites (brownfield land) whether redundant or in continuing use, (excluding temporary buildings) which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development:
- o or the partial or complete redevelopment of previously developed sites (brownfield land) whether redundant or in continuing use, (excluding temporary buildings) which would not cause substantial harm to the openness of the Green Belt, where the development would reuse previously developed land and would contribute towards meeting an identified affordable housing need within the area of the Local Authority

do not constitute inappropriate development.

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

Given the presence of development on the site it is considered that, in part at least, the site represents previously developed land, the redevelopment of which would be appropriate in the Green Belt provided it complied with the first clause of para. 145(g).

The proposal is for 19 single, two and three storey, detached, three, four and five bedroomed dwellings with associated garaging and parking.

As such the proposal would attract a requirement for the provision of affordable housing. Under these circumstances the proposal is also required to be considered under the second clause of para. 145(g).

The key element within both clauses is that the proposed development should have no greater impact on the openness of the Green Belt than the existing development or, in the case of a scheme providing affordable housing, would not cause substantial harm to the openness of the Green Belt.

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

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

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

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

The proposed development seeks to provide dwellings across approximately 87% of the depth of the site, retaining only some 20m of open land at the northern end.

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

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

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

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

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

Furthermore, it is proposed to remove many of the trees on the frontage of the site, thus 'opening up' the site to views and exhibiting the loss of openness and exacerbating the impact on this area of Green Belt still further.

As a consequence it is considered that the proposal would cause substantial harm to the openness of the Green Belt and as such constitutes inappropriate development.

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

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

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

Very Special Circumstances

There is no statutory definition of the term 'very special circumstances' as the Courts have held that very special circumstances will be specific to the particular scheme under consideration.

The NPPF holds that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm resulting from the proposal, is clearly outweighed by other considerations.

The Planning Authority considers that circumstances which occur frequently can be considered commonplace and are unlikely, in isolation, to achieve special, let alone very special, status, however, it must be conceded that a series of commonplace features which in themselves are not special, may be capable of creating special circumstances in combination. Whether these circumstances then provide very special circumstances is a matter of planning judgement and the conclusion of that judgement will be highly dependent on the case under consideration.

One of the factors which might provide sufficient weight to overturn the presumption against inappropriate development, is the presumption in favour of sustainable development.

In order draw any conclusions under this parameter, it would ordinarily be necessary to consider whether the proposal represented sustainable development. However, paragraph 11 of the NPPF, which sets out the presumption in favour of sustainable development provides that where there are no relevant development plan policies, or the policies which are most important for the determination of applications are out of date (and this includes by virtue of the provisions of footnote 7 to the NPPF, in applications for the provision of housing, situations where the local authority cannot demonstrate a five year supply of deliverable housing sites), permission should be granted **unless** the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impacts of granting permission would outweigh the benefits when assessed against the policies of the Framework taken as a whole (the tilted balance).

The Green Belt is specifically identified as a protected area and as demonstrated above, the provisions of paragraphs 143 – 145 provide clear reasons for refusing the development.

Thus it is the view of Officers that the presumption in favour of sustainable development and the tilted balance do not outweigh Green Belt policy and do not, in isolation, provide a trigger for the granting of consent for residential development within such areas.

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

- o That the Site was previously identified for release
- o That the development of the site would have no Impact on wider views and openness or the integrity of the Green Belt
- o That the proposed development would contribute towards housing provision
- o That the proposed development is sustainable and
- o That the site has received outline planning permission for development with 11 two and three storey dwellings.

Each statement will be considered in turn.

(a) Site previously identified for release

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

This change in circumstances was not restricted to the application site, in fact many other sites located within the Green Belt were similarly deleted from further consideration in the redrafting of the Local Plan (2016). Whilst interesting therefore, it is not considered that a deleted policy provision within an unadopted Plan represents the very special circumstances necessary to justify inappropriate development in the Green Belt.

It is acknowledged that the site has been identified as a potential release site in the emerging 2018 Local Plan, however, this document is at a very early stage of preparation and may not be relied upon in the determination of this application.

(b) Impact on wider views, openness and the integrity of the Green Belt

As identified above, it is the view of Officers that the proposed development will have an adverse impact on the openness of the Green Belt. The applicants assertion that an absence of impact exists is therefore rejected and no weight is attached to this alleged features of the development

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

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

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

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

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

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

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

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

Whilst it is acknowledged that the site has been identified as a potential release site in the emerging 2018 Local Plan, this document is at a very early stage of preparation and may not be relied upon in the determination of this application.

(c) Contribution towards housing provision

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

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

In order to ensure a five year housing land supply, the Council undertook work in 2012 to identify additional housing sites to meet the requirements of paragraph 47 of the NPPF. It was clear from a review of the Strategic Housing Land Availability Assessment (SHLAA) that there was insufficient land within the existing urban area (non-Green Belt) to accommodate any significant increase in the provision of housing and as a consequence it was necessary to consider the appropriateness of bringing forward sites within the Green Belt to meet housing needs. This work

culminated in the Council agreeing a list of 9 strategic sites for the provision of housing in December 2012, of which 4 were within the Green Belt.

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

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

It is acknowledged that the site has been identified as a potential release site in the emerging 2018 Local Plan, however, this document is at a very early stage of preparation and may not be relied upon in the determination of this application.

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

Whilst it is undoubtedly the case that development of this site with 19 dwellings would contribute towards meeting housing needs, the level of provision does not make a significant contribution towards meeting identified needs. Furthermore, the residential development of any site in the Green Belt is likely to contribute towards housing provision. As such the contribution offered is not considered to represent a very special circumstance which would justify inappropriate development.

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

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

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

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

The proposed development provides 3, 4 and 5 bedroomed units, the provision of which would meet an identified need.

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

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

The NPPF advises that planning authorities should seek affordable housing in all major schemes.

The current scheme seeks to provide 19 units and would therefore attract a requirement for the provision of affordable housing under Policy H7

In the event of planning permission being granted, such provision would be secured through a S106 agreement.

(d) Sustainability

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

As stated previously Officers are of the view that within the context provided by the NPPF the presumption in favour of sustainable development do not outweigh Green Belt policy and do not, in isolation, provide a trigger for the granting of consent for residential development within such areas.

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

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

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

In terms of the sustainability of the construction process, limited information is provided in respect of material source, however, the applicants have indicated commitment to the reduction of waste and re use of materials on site which will have a positive impact on the sustainability of the development.

(e) That the site has an extant consent for residential development

Outline consent for the redevelopment of the site with eleven detached dwellings was granted in March 2019.

In overturning the Officer recommendation, Members were of the view that the proposal represented the appropriate redevelopment of previously developed land in the Green Belt.

The existence of an extant consent represents a very special circumstance which would weigh heavily in favour of the proposed development.

Whilst it is acknowledged that the proposal represents an increase in the number of units to be provided on the site, and it could thus be argued that the current proposal represents a greater adverse impact on the openness of the Green Belt, the extent and scale of the proposed development is not significantly different to that previously approved and given the provisions of the NPPF which seek to secure the best use of land identified as suitable for housing purposes in areas of housing need, it is not considered that an objection to the proposal based on the increased density of development would be supported on appeal.

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

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

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

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

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

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

There can be no denial that the site the subject of the current application was identified in the Draft 2014 Local Plan as a site which, subject to appropriate mitigation, was suitable for release from the Green Belt post 2031. This allocation was not pursued in the 2016 New Local Plan. This Plan was subsequently which was subsequently withdrawn.

The emerging 2018 Local Plan does identify the site as being within an area of proposed release, however this Plan is at an early stage of development and no weight may be attributed to its provisions.

It is not considered that the site represents a particularly sustainable site. Limited weight is therefore attributed to this consideration.

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

However, the site does benefit from an extant consent for redevelopment with eleven detached dwellings.

In determining that application Members considered that the proposal represented an appropriate use of previously developed land and as such was consistent with Green Belt policy.

This determination carries considerable weight in the determination of the application, sufficient to outweigh the harm to the Green Belt.

In the light of the extant consent it is not considered that a robust objection to the proposal may now be made on the basis of Green Belt policy.

(ii) Prematurity

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

- a. the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or neighbourhood plan; and
- b. the emerging plan is at an advanced stage but has not yet been adopted (or, in the case of a neighbourhood plan, been made)

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

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

The Council is currently preparing a further Local Plan with consultation under Regulation 19 anticipated in January 2020. This Local Plan will overlap with a South Essex overarching Joint Strategic Plan (JSP) which will describe how South Essex will meet its housing and employment needs at a strategic scale to 2037.

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

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

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

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

It is considered that the current proposal by seeking the redevelopment of the site at this time, prior to consideration of the 2018 Local Plan, represents an attempt to circumvent the Local Plan process and, if allowed, it is considered that the 'piecemeal' release of this site for residential development, before consideration of the wider strategic issues or consideration of a more comprehensive approach, would establish a precedent which would prejudice the ability of the Council to achieve a high level of sustainability and effectiveness in meeting its housing needs.

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

However, it must be recalled that the site already benefits from consent for residential development. As such the overarching strategy for the treatment of sites within this part of the Green Belt have already been compromised and would not be further damaged by the proposed development.

As such it is not considered that an objection to the proposal on the basis of prematurity could now be supported.

(iii) Design and Layout

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

The National Planning Policy Framework similarly seeks well designed development.

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

RDG1 states that within the existing built up area the plot sizes for new development should be informed by the prevailing character of plot sizes. For new large scale developments a different

character, with varying plot sizes, can be created, however this must be accompanied by a robust design rationale.

The purpose of RDG1 is to ensure that new development reflects the character of the area into which it is to be introduced.

To the south west the area is primarily characterised by dwellings on spacious plots consistent with their location within a plotland area allocated for Green Belt purposes.

Plots in this area generally have widths in excess of 30m and depths in the region of at least 30m.

To the south-east the character of the area is much more urbanised, being allocated and developed for residential purposes. In this area plots are more restricted with widths of between 9 and 12m being most common although plot depths are generally in the region of 30m – 40m.

The proposed development provides plots 12m – 20m in width and some 20m deep.

The proposed development is therefore slightly less spacious than the adjacent development, however, such deviance is not considered harmful to the character and appearance of the area and as such it is not considered that an objection on this basis could be raised in respect of the proposed development.

RDG2 requires the space around all new development to be informed by the prevailing character of space around dwellings. Where there is a distinct character of development which creates an exceptionally strong pattern, development must not result in disruption to this pattern. Where there is no clear pattern of development, the space around a dwelling should be proportionate to the size of the dwelling, with a minimum of 1m between the property and the boundary.

In most instances the proposed development achieves a minimum of 1m between flank elevations and the boundary of the site. Where this is not achieved it is the garage which abuts the boundary. As such the majority of the development is consistent in form with that identified to the south east.

Five dwellings have been located directly on the boundary. In each case they abut the parking area and garage of the adjoining plot.

Whilst strictly inconsistent with the policy requirement, this form of layout is relatively commonplace in newer developments. It is for example evident in the development to the south of the Chase, (Kingston Road) and within the Solby Wood Farm development. The recessed nature of the proposed garages ensures that the street scene remains spacious in appearance and the lightly tighter grain of development satisfies the requirements of the NPPF in achieving higher densities of development.

Under the circumstances it is not considered that an objection can be raised to the proposal on the basis of RDG2.

RDG3 states that within the existing built up area all new development should be informed by the prevailing building lines to the public realm it faces, however it must not repeat poor forms of development. Where there is a distinct pattern of development which creates an exceptionally strong building line, development must not result in disruption to this pattern.

For new large scale developments a different character, with varying building lines can be created, however, this must be accompanied by robust design rationale.

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

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

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

The proposed development would front The Chase and the dwellings facing the Chase would be located some 3m – 7m from the highway boundary. This is relatively pinched in terms of the setting of other dwellings relative to the highway in this location, however the site is isolated from adjoining development and there is not strong building line to observe. Under the circumstances it is not considered that an objection to the proposal on the basis of established building lines could be sustained on appeal .

Internally the dwellings are set close to the highway, with isolation of some 1m – 2m achieved in most cases.

Whilst this represents a very tight form of layout, it is again characteristic of more modern developments and would have no adverse impact on the character and appearance of the surrounding area. Under the circumstances no objection is raised to the proposal under RDG2.

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

The site is isolated from adjoining residents. No overshadowing or dominance will arise as a consequence of the proposed development,

Whilst it is noted that some residents have objected to the proposal on the basis of dominance, it should be noted that residents on the opposite side of the Chase would be located in excess of 17m from the boundary of the site and 20m from the proposed dwellings. Under these conditions it is not considered that an objection on the basis of dominance could be supported.

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

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

Corner plots should also be designed to limit the length of high level garden screening, particularly along return frontages. The guidance states that in new large scale development, in all appropriate cases opportunities should be taken to create feature dwellings on corner locations, which enhance legibility.

Within the current layout the dwelling on plots 1, 10, 11 and 19 are considered to be corner plots.

All are considered to be appropriately designed for their locations and no objection is therefore raised to the proposal on this basis.

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

A distance of 15m will be sought for all proposals incorporating windows, balconies or other glazed areas at second floor level.

The dwelling on plot 1 exhibits windows at three levels on the front elevation. All of the windows would be located less than 9m from the boundary however, these would all overlook the highway and would be approximately 18m from the front boundary of the dwelling opposite. Whilst local residents have objected to this arrangement on the basis of loss of privacy, it is not considered that a robust objection in respect of these windows on the basis of overlooking and loss of privacy could be supported on appeal.

First floor windows are located in the side elevations which are less than the requisite distance from the boundaries. That to the east would overlook the highway and result in no loss of privacy or amenity however that in the western elevation would be located some 6m from the boundary with the adjoining site and clearly has the potential to result in an undue diminution in the privacy of the users of that site. However, the window is a secondary window only to a bedroom which may be obscure glazed and fixed to 1.7m above finished floor level without adversely impacting on living conditions within the dwelling. This remediation is acceptable to the applicant and can be secured through the imposition of a condition on the grant of any consent.

The dwelling on Plot 2 also exhibits windows over three floors.

Those in the western elevation at first floor level satisfy RDG5. Windows in the eastern elevation overlook the highway and would not have an adverse impact on privacy or amenity.

However a bedroom window in the southern elevation would be located some 6m from the plot boundary. This however would overlook the driveway to the adjoining dwelling and the highway and whilst not policy compliant is not considered likely to give rise to any loss of privacy.

Windows in the front and rear elevation of the dwellings on Plots 3, 4, 5, 6, 7 and 8 are policy compliant. Where windows are proposed in the side elevations these serve bathrooms/ensuites and stairwells and may be obscure glazed and fixed.

Windows in the front and rear elevations of the dwellings on Plots 12, 13, 14, 15, 16, 17 and 18 are policy compliant. The bathroom window in the side elevation at first floor level for Plots 14 and 18 may be obscure glazed and fixed.

The dwellings on Plots 9, 10 and 11 are bungalows and compliant with RDG5.

The dwelling on Plot 19 exhibits windows across three floors.

The sole window serving Bedroom 3 at first floor level would be located some 6m from the boundary of the site and would overlook the adjoining driveway. In the proposed configuration of adjoining dwellings, it is not considered that this relationship will result in an undue loss of privacy or overlooking.

The window to bedroom 1 would overlook the highway as would the bedrooms in the roof. It is not considered that these would give rise to significant overlooking and loss of privacy.

In summary, no objection is raised to the proposal under RDG5.

RDG6 is concerned with the provision of private amenity area so that the outdoor needs of the family are provided for. It states that all residential development involving individual dwellings should be provided with at least 15m² of amenity space per habitable room (with a minimum provision of 50m²).

It should be noted that areas between the front elevation of the dwelling and the highway are not usually considered to provide private amenity space because of the difficulty of securing such areas from public gaze.

The following table identifies the requisite and provided amenity space for each dwelling as calculated by the Planning Authority:

Plot No.	House Type	No. of Rooms	Minimum Amenity Area required m²	Amenity Area provided (m²)
1	J	6	90	123
2	G	8	120	211
3	F	6	90	120
4	H	8	120	160
5	H	8	120	157
6	F	6	90	106
7	E	7	105	164
8	B	6	90	225
9	K	4	60	150
10	M	5	75	119
11	L	5	75	180
12	D	7	105	141
13	B	6	90	146
14	A	7	105	152
15	B	6	90	158
16	B	6	90	153
17	B	6	90	128
18	A	7	105	111
19	C	7	105	187

The calculations achieve results which are broadly consistent with the calculations undertaken by the applicants and identify that all of the proposed dwellings satisfy the numerical requirements of RDG6. No objection is raised to the proposal on that basis.

It should be noted that in respect of the amenity area provided to serve the dwellings on Plots 1 and 19 which front the Chase, a substantial proportion of the private amenity areas are contained between the dwellings and the highway. In order to secure the privacy of these areas it is proposed to provide a substantial brick enclosure along the site frontage. Such features would be inconsistent with the character and appearance of the more rural surroundings; however, it is not considered that the impact on the visual amenity of the area is so significant as to represent a robust objection to the proposal, particularly if accompanied by a robust landscaping scheme between the walls and the highway. Consequently, and subject to an appropriate landscaping condition, no objection is raised to the proposal under RDG6.

RDG 7 is concerned with 'roof development' and states that the roof design of any development should be compatible primarily with the dwelling and informed by the prevailing character of the area and surrounding forms of roof development. For new large scale developments a different character can be created, however this must be accompanied by a robust design rationale.

It also states that dormers should be an ancillary feature and not dominate the roofscape. They must be provided with substantial roof verges above, below and to the sides. Dormers projecting above the ridge line or beyond a roofline, e.g. hip, will be refused.

Front and side dormers, and rear dormers which are visible in the streetscene, should have pitched roofs, unless the original design feature of the dwelling indicates otherwise, or it would rectify an unbalanced or unsymmetrical pair or group of dwellings.

A number of dwellings are proposed with front and rear dormers. These are exclusively flat roofed in nature and prima facie would appear inconsistent with the provisions of RDG7 which seeks to secure pitched roofs to dormers where visible in the street scene. However, the proposed dormers are consistent with the style of the proposed development and relatively small in form. As such it is not considered that their provision would have an adverse impact on the character and appearance of the area and no objection is therefore raised to the proposal on that basis.

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

The proposed development presents generally well-proportioned and balanced properties. No objection is raised to the proposal under RDG8.

RDG 9 is concerned with energy, water efficiency and renewable energy.

The proposal seeks to utilise high efficiency gas fired condensing boilers, 100% low energy lighting, high levels of insulation and air tightness and to take the maximum advantage of opportunities for passive solar gain and daylight penetration (dwellings are predominantly orientated east-west).

Individual water meters will be installed and flow restrictors will be fitted to taps. High efficiency washing machines and dishwashers will be installed where provided.

It is considered that the implementation of these measures will satisfy the requirements of RDG9.

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

As indicated above, it is proposed to define the front boundary of the site with a 1.8m high brick wall punctuated by railings close to the access point.

It is considered that this treatment would represent a very urban and alien feature in the street scene, however it is not considered that the harm would be so significant to represent a robust objection to the proposal, particularly if accompanied by a robust landscaping scheme between the walls and the highway. Consequently, and subject to an appropriate landscaping condition, no objection is raised to the proposal under RDG10.

Internally boundaries appear primarily to be identified by 2m high timber fencing. No objection is raised to this treatment.

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

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

Any waste collection facility must be within 25m of appropriate waste vehicle access.

The applicants state within the submitted Transport Statement that the proposed access can accommodate refuse and service vehicles and a plan has been submitted identifying waster deposition/collection points within the site. All comply with the 25m walking distance requirement. No objection is therefore be raised to the proposal on this basis.

However, the proposed development is presented in the form of a gated community. Concern was initially raised that access for the purposes of refuse collection may not be available. However the applicant has identified that mechanisms can be installed which would allow refuse collection access. The Council's Waste and Recycling Officer has been consulted on the proposal and is content with the mechanisms identified.

RDG16 is concerned with the provision of liveable homes and states that all new dwellings should provide appropriate internal and circulation space, which reflects the character of the surrounding area and current best practice.

All new dwellings should meet the existing and future needs of occupiers over their lifetime, without the need for extensive alteration or adaption.

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

The most recent best practice in respect of the provision of reasonably sized homes is that provided by the Technical Housing Standards –nationally prescribed space standards (DCLG 2015). (It should be noted that compliance with these standards would not necessarily satisfy the needs of wheelchair users).

The submitted scheme appears to satisfy the requirements of this guidance.

In view of the ability of the scheme to satisfactorily meet the requirements of the adopted RDG, it is not considered that an objection to the proposal on the basis of overdevelopment of the site would be supported on appeal.

(iv) Density and Mix of Housing

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

Paragraph 118 of the NPPF strongly encourages increased density of development on appropriate sites in order to mitigate extant housing need. In particular it encourages the provision of taller buildings where this would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well-designed (including complying with any local design policies and standards) and can maintain safe access and egress for occupiers.

Paragraph 123 of the NPPF reinforces this stance by stating that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning decisions avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site. Local Authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in the Framework. In this context, when considering applications for housing, the NPPF requires that authorities take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).

The proposed development achieves a density of some 20.2 dwellings per hectare. This is a relatively low density of development; however, it would be compatible with that development in the wider area and represents an improvement in policy terms over the extant consent which only achieves some 11 dwellings per hectare.

Under the circumstances it is not considered that an objection to the proposal based on low density or character of development could be supported on appeal. No objection is therefore raised to the proposal on this basis.

Policy H10 of the adopted Local Plan states that in all residential developments the Council will seek an appropriate range of dwelling types. This is a vague policy which is inconsistent with the requirements of paragraph 61 of the NPPF which requires local planning authorities to plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community.

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

The proposed development consists of, three, four and five bedroomed units, the provision of which will meet an identified need.

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

(v) Highways and car parking

The applicant has identified that it is intended to improve the Chase to adoptable standards, in so far as it serves the site and to provide a 2m footway in order to improve pedestrian accessibility to the site.

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

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

The proposed development seeks to provide 19 dwellings and may reasonably be expected to generate movements associated with at least 38 vehicles.

The Highway Authority has made no comment in respect of the proposal and it must therefore be assumed that the proposed access is acceptable in principle and that capacity exists within the highway network to accommodate the development proposed.

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

In order to appropriately serve the proposed development, ensure pedestrian safety and limit any undue damage to the road surface, it is considered that The Chase should be appropriately

upgraded across the entire site frontage, to secure an appropriate drained and finished surface, adequately robust to accommodate traffic routinely entering the site (including refuse vehicles) and appropriate segregated pedestrian access, and measures put in place for its subsequent maintenance.

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

It should be noted that the applicant has confirmed a willingness to enter into such an agreement.

In terms of parking, Policy T8 of the Adopted Local Plan requires the provision of appropriate levels of on-site car parking in accordance with the current car parking standards. These are set out in the Essex Planning Officers Vehicle Parking Standards 2009. Standard C3 is relevant to residential development.

RDG12 states that the provision of all forms of parking must not dominate the public realm. All parking provision should be sited to avoid an adverse impact on visual or residential amenity. Access to all forms of development must be safe and convenient for all users, and the design, size, orientation and location of parking spaces should enable the spaces to be utilised conveniently and must not deter vehicles from using them.

Where the provision of in-curtilage parking for individual dwellings is contained within the dwelling in the form of garages (semi-integral or integral), carports and recesses, they should be an integral part of the dwelling and must be consistent with the overall architectural approach of the dwelling.

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

In terms of the quantity of parking provision within the current layout, the standards require the provision of 1 on-site space for one bedroomed properties and 2-on site spaces for dwellings with 2 or more bedrooms.

Parking spaces may be in the form of garages, carports or forecourt parking. Where parking is provided within garages, these must have a minimum width of 3m and a minimum depth of 7m.

All parking spaces are required to be 2.9m wide and 5.5m deep. It is noted that some spaces do not appear to be of the requisite depth (that at P47 and P50 for example) however, it is considered that these minor deficiencies can be remediated by condition.

The submitted layout identifies the provision of at least two parking spaces for each dwelling, in the form of forecourt and garage spaces.

The submitted details indicate that internally all garages are 7m deep and 3m wide.

As such in curtilage occupier parking provision is considered acceptable both quantitatively and qualitatively.

The parking standards also require the provision of visitor parking at a ratio of 0.25 per dwelling. 19 dwellings would generate a requirement for 5 spaces.

The submitted layout identifies the provision of four fully accessible visitor parking spaces, which is deficient in terms of the requirement, however it is noted that a number of dwellings are provided with in excess of two parking spaces and as such it is considered that the pressure on general purpose visitor car parking may not be so acute.

Under the circumstances no objection is raised to the proposal on the basis of visitor parking provision.

It is noted that an objection has been raised to the proposal on the basis of inadequate access and parking and that the proposed development will result in vehicles parking on the Chase.

Given the level of parking provision on site and the capacity of The Chase it is considered unlikely that vehicles would be routinely parked on the highway.

It should be noted that the Highway Authority has raised no objection to the proposed access. It must therefore be concluded that the access is adequate for the level of development proposed.

As such no objection may be raised to the proposal on this basis.

Objection has also been received on the basis that the proposal will give rise to a greater level of risk for pedestrians and pets. It should be noted that the proposal includes the provision a 2m wide pedestrian footway along the frontage of the site. In the vicinity of the site pedestrian access will therefore be improved and the potential for accidents reduced.

Such provision will not reduce risk to pets, however, given that risk to pets is primarily dependent on the attention and behaviour of drivers and animals, neither of which can be controlled by the planning system, an objection to the proposal on this basis could not be supported.

The required cycle parking standard is one space per dwelling plus one space per eight dwellings for visitors. It is assumed that all requisite resident cycle parking provision will be made within the proposed garages.

It is considered that sufficient scope exists within the curtilage of each dwelling to make provision for visitor cycle parking. No additional requirement is therefore sought.

(vi) Crime Prevention

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

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

- Access and Movement
- Structure

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

It is considered that the submitted layout is capable of achieving these attributes.

An informative encouraging the developer to achieve 'Secured By Design' accreditation will be attached to the grant of any consent.

(vii) Ecology

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

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

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

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

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

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

- opportunities to incorporate biodiversity in and around developments should be encouraged;
- planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss”.

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

In addition the site is in close proximity to Great Wood and Dodds Grove, some 2.2km to the southeast of the site, Garrolds Meadow, some 2.2 km to the east and Belfairs Local Nature reserve, some 2km to the east and abuts part of Local Wildlife Site CPT23 Thundersley Plotlands which is part of the last remaining blocks of old plotland habitat within urban Thundersley. This habitat is characterised by a mosaic of grassland, woodland and scrub and provides a significant green space resource to the local population and an ecological stepping stone between the Daws Heath woodlands to the east and the LoWS complex to the south of Kiln Road.

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

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

The consequence of such management is that neither part of the site has been identified as having any significant ecological value. Redevelopment of the site in the manner proposed, retaining a significant number of the perimeter trees and supplementing those retained with new indigenous planting, is considered unlikely to have a significant adverse impact on biodiversity on the site, or on any protected species.

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

The submitted ecology report identifies the potential for bats to be roosting and foraging on the site and recommends the installation of sensitive external lighting and bat boxes, both within existing trees and the fabric of the buildings.

The provision of birdboxes is also recommended.

No other protected species have been identified on the site.

The provision of such features would assist in maintaining and improving the biodiversity value of the site.

It is also proposed to retain an area of open land at the northern end of the site. This is identified as potential flood plain, which is appropriate given the proximity to the land drain on the northern boundary of the site, but it also offers significant opportunity for biodiversity.

In order to ensure the promotion and protection of biodiversity in this area, it is considered that a Nature Conservation Landscape Management Plan setting out the long-term management objectives for this area and the boundary tree belts and hedgerows should be provided.

Such a Management Plan and the retention of the open land for recreational and ecological purposes can be secured via a S106 agreement.

The preparation and implementation of such Plan will ensure that the direct impact of the proposed development on the ecological value of the site may be adequately mitigated.

In terms of wider ecological consideration, it should be noted that the site is located within the Zone of Influence for one or more of the European designated sites scoped on the emerging Essex Coast Recreation disturbance Avoidance and Mitigation Strategy.

As such Natural England has identified that the Planning Authority must consider the proposal under the provisions of the Habitats Regulations.

Based on the development type and proximity to European designated sites, a judgement must be made as to whether the development constitutes a 'likely significant effect (LSE)' to a European site in terms of increased recreational disturbance.

The site lies within the Zone of Influence of the Essex Coast RAMS and seeks to provide 18 net new dwellings.

As such it may be concluded that the proposal is within the scope of the Essex Coast RAMS as it falls within the zone of influence for likely impacts and is a relevant residential development type as identified by Natural England. It is anticipated that such development in this area is likely to have a significant effect upon the interest features of the designated site through increased recreational pressure, when considered either alone or in combination. As such the proposal requires appropriate assessment.

Advice provided by Natural England identifies that where a proposal seeks to provide less than 100 dwellings and the proposal is not within or directly adjacent to one of the identified designated sites, mitigation of the impact of the proposal can be secured through the provision of a financial contribution secured in line with the Essex Coast RAMS.

The applicant has stated commitment to the provision of an appropriate contribution which will be secured by a S106 Agreement.

Such funding shall be provided prior to commencement of development in order that appropriate mitigation may be place prior to occupation of the dwellings.

Provided the mitigation is secured it may be concluded that the proposed development will not have an adverse effect on the integrity of the European Site from recreational disturbance when considered 'in combination' with other development.

Natural England has confirmed that it does not need to be consulted on this Appropriate Assessment.

(viii) Trees

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

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

The site is currently bounded along the on the western, northern and on part of the eastern boundary by preserved trees.

In addition, part of the eastern and all of the southern boundary is bounded by Leylandii.

In total the site supports some 61 individual trees and 19 groups of trees, in varying condition. Species include Leylandii, Cedar, Plum, Willow, Ash, Hawthorn, Liquidamber, Birch, Eucalyptus, Magnolia, Maple and Oak. Heights range from 3m to 24m in height.

Trees on the western northern and eastern boundaries are the subject of a Group Tree Preservation Order (TPO/8/92) comprising mixed deciduous trees consisting mainly of Oak and Hornbeam.

The Leylandii trees across the frontage of the site are not preserved.

The site also hosts some six hedges.

The majority of the trees are located on the periphery of the site, although a number of specimen trees punctuate the front garden and serve to divide the site internally between what appears to be the domestic curtilage and the workshop area. Development of the site will necessitate the removal of all but one of the trees within the site, some 30 trees and 8 groups of trees from the boundary and three hedges within the site as well as the Leylandii hedge across the front of the site. All of these trees are identified as being of either moderate or poor quality or with a limited life expectancy.

The loss of trees is regrettable and will have a moderate adverse impact on the character of the site, however the areas of identified loss are broadly consistent with that identified within the previously submitted outline application and are considered necessary to facilitate the proposed development.

Whilst it is noted that the Leylandii hedge at the front of the site was to be retained in the earlier scheme, this is no longer the case. However, it is proposed to provide a number of new trees and additional; screening planting across the front of the site which will mitigate to some degree the urbanisation of the site.

Subject to the provision and appropriate maintenance of such planting, no objection is raised to the proposal on the basis of loss of trees.

(ix) Landscaping

RDG11 is concerned with landscaping and states that the public realm within residential development should be set out in a landscaping scheme which should include planting plans, identifying plant species, type, sizes, numbers, densities, planting regime and aftercare. Landscaping schemes are expected to include native species suitable to the location and climatic conditions, promote biodiversity, and be appropriate in respect of growth habits. Schemes should seek to incorporate SuDS in appropriate circumstances.

The maintenance and management of landscaping areas should be set out in a landscaping scheme and will be secured through the use of appropriate planning conditions or planning obligations.

The current proposal is accompanied by a detailed landscaping scheme with appropriate information provided in respect of identifying plant species, type, sizes, numbers, densities, planting regime and aftercare.

The submitted scheme will provide an attractive and appropriate environment for the proposed development as well as provide opportunities for the enhancement of biodiversity.

No objection is therefore raised to the proposal on the basis of the landscaping scheme.

(x) Provision of Affordable Housing

Policy H7 of the Local Plan states that the Council will seek to negotiate a proportion of affordable housing for rent, shared ownership, or outright sale, where appropriate to the scale of development schemes.

It should be noted however the Policy H7 was drafted some twenty years ago and that changes in the housing market have continually informed the Council's view on what constitutes appropriate affordable housing provision. For schemes of individual dwellings the Council now seeks on-site provision of affordable rent properties with nomination rights to the Council. Where this cannot, for good reason, be achieved, consideration will be given to an appropriate capital receipt.

The Council's Developer Contributions Supplementary Planning Document provides the current guidance on the amount and type of contribution that is expected in relation to affordable housing provision. This currently requires the provision of 35% affordable housing on sites of 15 units or more. This would equate to the provision of 7 affordable housing units on this site.

The viability report prepared to support the now withdrawn New Local Plan, suggested however that within the mainland areas of the Borough the provision of 25% affordable housing was more appropriate. This would equate to the provision of 5 affordable housing units on this site.

More recently the NPPF has identified that where major development involving the provision of housing is proposed, planning authorities should expect at least 10% of the homes to be available for affordable home ownership. This would equate to the provision of at least one of the five dwellings identified above being available for affordable home ownership.

The applicant has not sought to provide any affordable housing on site as it is stated that the scheme would attract a requirement for two units only and that such low level of provision would be unattractive to a registered provider.

It should first be stated that it is considered that the applicant has misunderstood the policy requirements for affordable housing provision. Paragraph 64 of the NPPF states that where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of homes to be available for affordable home ownership. The footnote to para 29 clarifies that such provision is part of the overall housing contribution from the site and not the total contribution.

The total contribution that would be sought from this site is five units. Of these five, one would need to be available for home ownership with the remaining four being available for rent.

There is no evidence before the Authority to suggest that the provision of five units would not be of interest to a registered provider and as a consequence, in order to be policy compliant five units of affordable housing should be provided on the site.

However, the adopted Developer Contribution SPD identifies that in some instances, a financial contribution in lieu of on-site provision may be permitted, particularly on smaller schemes where it is not economically viable to seek on site provision. The applicant has suggested that as with the previously approved scheme, a financial contribution may be more appropriate in this case.

Given the fact that such a contribution has been previously found to be acceptable by the Planning Authority, and in the absence of any material change in circumstances, it is considered that an appropriate contribution should be sought.

Subject to the applicant being willing to enter into a S106 Agreement in this respect, no objection is raised to the proposal on the basis of affordable housing provision.

(xi) Flood Risk and Drainage

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

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

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

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

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

(xii) Contamination

Paragraph 170 of the NPPF states that new development should not put at unacceptable risk from, or be adversely affected by soil, air, water, noise pollution or land instability.

The site has previously been utilised as a commercial nursery and there is therefore the potential for contamination to be present on the site.

A geotechnical report has been submitted which identifies that despite such use the overall risk from land contamination at the site is deemed low.

The site has however been identified as being at moderate risk of hosting unexploded ordnance (WWII).

To confirm the risks to receptors and confirm the ground conditions, with respect to potential geotechnical and geo-environmental risks, the consultants recommend an appropriate intrusive ground investigation be undertaken at the site.

Based on the current available data, the investigation is anticipated to comprise:

- the collection of soil samples (for geotechnical and geo-environmental purposes) and in-situ testing to assess the density of the underlying soils to allow foundation design.
- Geotechnical testing of soils; and
- Geo-environmental chemical (contamination) analyses of soils.

If potentially contaminated groundwater is encountered during the ground investigation, then the consultants recommend that groundwater samples are also taken and analysed.

It is also recommended that professional advice be sought regarding the need for and scope of any UXB bomb risk assessment and subsequent mitigation measures for the site.

All of these requirements can be sought by the addition of conditions to the grant of any consent.

(xiii) Waste management

The wastes typically being produced during the project will vary through the project programme. During the early structural stages of the project, the majority of the wastes will be inert timber, metal and concrete, arising primarily from demolition works, however as the project progresses and envelope and fitout/finishing works start, the wastes will become lighter but bulkier, with an increase in plasterboard, plastics, polythene and other packaging.

In disposing of this waste the applicants have identified a hierarchical approach which starts with the prevention of waste production in the first instance, progressing through minimisation, re-use and recycling.

All waste removed from the site is identified as being required to be dealt with by properly authorised and licensed disposal agencies with detailed records kept on all waste transactions.

The measures proposed are considered appropriate in the limitation and proper management of waste on the site.

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

(xiv) Infrastructure

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

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

In terms of health, the NHS has identified that the proposed development would have an impact on primary health care provision in the area and has sought a financial contribution towards the improvement of facilities in the area. Such financial contribution can be achieved through a S106 agreement and subject to the applicant being willing to meet this requirement, no objection may be raised to the proposal on the basis of the impact on health facilities.

In terms of education infrastructure, Essex County Council has not requested contributions towards the provision of enhanced facilities and it must therefore be concluded that sufficient capacity exists to meet the needs of the proposed development.

(xv) Provision of Children's Playspace

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

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

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

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

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

It should be noted that the Council will not adopt the identified land as open space and that future management and maintenance of this land will be the responsibility of the land owner(s). Such

management is usually secured through the formation of a Management Company. This can be secured through the provisions of a S106 Agreement.

(xvi) Impact on residential amenity

Local resident concerns in respect of loss of privacy and dominance have been addressed in the foregoing report and are not repeated here.

Construction Noise and Traffic

In terms of the construction phase, noise and disturbance associated with construction traffic is transient in nature and whilst the potential for nuisance may exist, it is relatively short lived and cannot therefore provide a robust objection to development. However, in order to mitigate the impact as far as possible it is considered that an appropriate construction management plan should be implemented.

The applicant has however submitted a detailed construction management plan which provides an appropriate and robust basis for the considerate and sensitive implementation of the planning permission. The only omission from the plan is that it does not refer to the need to adequately protect trees and hedges to be retained around the site. This matter is however addressed in the arboricultural report and it is considered that an appropriate condition would be adequate to secure an appropriate level of protection.

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

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

To this end the applicant has submitted a construction vehicle routing plan which identifies the sole point of access to the site as being the Chase, accessed from Rayleigh Road.

It is considered that a condition should be imposed on the grant of any consent requiring compliance with the proposed routing plan.

Occupation Noise and Traffic

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

In terms of operational traffic, Wensley Road is a public highway and as such its use by residents may not be unreasonably restricted. No sustainable objection can therefore be raised to the

proposal on the basis of the likelihood of vehicles associated with the residential use of the site accessing the site via Wensley Road.

(xvii) Archaeology

The Historic Environment Record shows no known or recorded archaeological deposits within the proposed development area.

Conclusion

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

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

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

A number of factors have been identified which the applicant believes justifies the proposed development. It is the view of Officers that the existence of an extant consent for the development of the site with 11 dwellings represents a material consideration of substantial weight which when added to the more moderate weight attracted by the need for housing and Government advice in respect of increased densities, outweighs the harm to the Green Belt occasioned by this more intensive form of development.

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:

APPROVAL subject to the applicant entering into a S106 Agreement to secure:

- (a) The provision of affordable housing
- (b) The appropriate management of the open space
- (c) The appropriate provision and maintenance of bird and bat boxes,
- (d) The appropriate upkeep of the requisite upgraded highway
- (e) The provision of a contribution towards the mitigation of recreational disturbance on the European Designated sites and
- (f) The provision of a contribution towards the enhancement of health services

and the conditions identified below.

However, by virtue of the provisions of the Town and Country Planning (Consultation) (England) Direction 2009, the application is identified as one which should be referred to the Secretary of State, in order that he might consider whether this was an application he wished to call in for his own determination.

The application will therefore be presented to a future meeting of the Development Control Committee when the determination of the Secretary of State has been received.

Conditions

1 This permission shall be read in conjunction with the Agreement entered into under Section 106 of the Town and Country Planning Act, 1990, dated contemporaneously with the permission.

REASON: In order to secure:

- (i) The provision of a contribution towards off-site affordable housing
- (ii) The appropriate management of the open space
- (iii) The appropriate provision and maintenance of bird and bat boxes,
- (iv) The appropriate upkeep of the requisite upgraded highway,
- (v) The provision of a contribution towards the mitigation of recreational disturbance on the European Designated sites and
- (vi) The provision of a contribution towards the mitigation of the proposal's impact on local health care capacity.

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

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

3 No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- o Limiting discharge rates to 0.9 l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change.
- o Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- o Demonstrate that features are able to accommodate a 1 in 10 year storm events within 24 hours of a 1 in 100 year event plus climate change.
- o Final modelling and calculations for all areas of the drainage system.
- o The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753.
- o Detailed engineering drawings of each component of the drainage scheme.
- o A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- o A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation.

REASON:

- o To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- o To ensure the effective operation of SuDS features over the lifetime of the development.
- o To provide mitigation of any environmental harm which may be caused to the local water environment

Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

4 No works shall take place until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.

Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

REASON: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk. 3

Failure to provide the above required information before commencement of works may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

5 The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

REASON : To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

6 The development hereby permitted shall not be commenced until the following components of a scheme to deal with the risks associated with contamination of the site has been submitted to and approved in writing by the Local planning Authority:

(i) a site investigation, based on the findings of the submitted Phase 1 Desk Study shall be undertaken to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

(ii) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (i). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the

data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

(iii) A Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in 3. This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean;

Any changes to these components require the express consent of the local planning authority. The scheme shall thereafter be implemented as approved.

REASON: In order to protect construction operatives and the environment from potential contact with contaminants.

7 Prior to the commencement of the development (including any site clearance works) all retained trees and shrubs (including hedges) as identified on drawing number OS1513-17.2-1 shall be protected by fencing in accordance with the provisions of BS5837:2012. No materials are to be stored or temporary buildings erected inside this fence. No changes in ground levels may be made within the crown spread of any tree or within 1m of any identified hedge or shrub. Such protection measures shall be retained for the duration of the construction of the development.

REASON: In the interest of the future health and amenity value of the trees/shrubs/hedges.

8 The submitted Construction Management Plan (Amend One) shall be implemented throughout the construction period.

REASON: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety in accordance with Policy EC2 of the adopted Local Plan.

9 All construction vehicles, including private vehicles used by contractors, shall approach and leave the site via The Chase to the east and shall not use Wensley Road for any purpose, throughout the duration of the construction period.

REASON: In order to limit the impact of development on users of the highway network and in the interests of the protection of the amenity of existing residents.

10 Wooden ramps sufficient to enable the escape of any badger which may inadvertently enter the construction site, shall be placed in any trench left open overnight during the construction period.

REASON: In order to provide an appropriate means of escape for any foraging badgers that might enter the construction site.

11 During the construction phase, a low impact lighting scheme which incorporates the following features shall be installed:

- a) Brightness of lights should be as low as possible, and in accordance with British Standard Institute (BSI) and Bat Conservation Trust (BCT) guidance. Where possible, low pressure sodium lights are advised.
- b) Lighting should not be directed at features that may be utilised by bats such as tree lines, hedgerows and water courses.
- c) Directional lighting and/or fittings with hoods and cowls should be utilised.
- d) Where possible, security lighting should be motion sensitive and timers to minimise the amount of time that lights are on.
- e) Where possible, directional low impact solar bollard lighting should be used to illuminate roads, paths and parking areas.

REASON: In order to minimise the risk of disturbance to potential features that may provide bat commuting and foraging habitat.

12 The waste arising from the proposed development shall be managed in accordance with the provisions of the submitted Site Waste Management Plan prepared by SJT Developments Ltd and received by the Local Planning Authority on 30.07.2019

REASON: In order to ensure the appropriate minimisation and management of waste arising from the development of the site.

13 The approved Site Waste Management Plan shall be implemented throughout the construction period.

REASON: In order to ensure the appropriate minimisation and management of waste arising from the development of the site.

14 Prior to the first occupation of the proposed development, the highway between the surfaced highway of The Chase and the western boundary of the site frontage shall be appropriately surfaced and drained and provided with separate segregated pedestrian access, details of which shall be submitted to and approved by the Local Planning Authority prior to the commencement of works above foundation level.

The upgraded highway shall thereafter permanently maintained as such.

REASON: To ensure an appropriate means of access to the site, in the interests of the amenity of future occupiers, local residents and highway safety.

NOTE:

Any upgrade to the highway or any access road provided within the site, must be sufficient to accommodate the movements and weight of a 32 tonne refuse vehicle.

15 Prior to the first occupation of the proposed development, the shared vehicular access as shown on planning drawing 873-PL-002G shall be constructed at right angles to the highway boundary and the existing carriageway. The width of the access at its junction with the highway

shall be at least 5.5 metres and shall be provided with an appropriate vehicular crossing of the carriageway.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with Policy EC2 of the adopted Local Plan.

16 Prior to the vehicular accesses serving the proposed dwellings being brought into use, within the confines of each plot, a 1.5m x 1.5m clear to ground visibility splay shall be provided at the junction of the vehicular access and the highway which shall be maintained free of obstruction in perpetuity.

REASON: In the interests of highway and pedestrian safety.

17 The turning area provided within the site shall be provided prior to the occupation of any dwelling and thereafter permanently maintained as such.

REASON: In order to ensure the provision of appropriate access to the site for residents, visitors and service operatives.

18 No dwelling shall be occupied until such time as that dwelling is served by an appropriate drained and surfaced vehicular access.

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 access and parking is provided in accordance with Policy T8 of the Adopted Local Plan

19 Any gates erected at the entrance of the site shall be set a minimum of 6m from the carriageway edge and shall open into the site.

REASON: To avoid the need for vehicles to wait on the highway whilst the gates are opened, in the interests of highway safety and traffic flow.

20 Where car parking spaces and garages are provided on the site these facilities shall be retained solely for that use and for no other purpose whatsoever without the formal consent of the Local Planning Authority.

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

21 The submitted lighting scheme as identified in the lighting report prepared by Urbis Schreder Ltd and received by the Local Planning Authority on 30.07.2019, shall be installed in its entirety prior to occupation of the dwellings hereby approved and thereafter permanently maintained as such.

REASON: To ensure the provision of an appropriate scheme of lighting, in the interests of the needs of users of the site and the ecological sensitivity of the landscaped areas and adjoining land, in accordance with Policies EC2 and 5 of the adopted Local Plan and the provisions of the National Planning Policy Framework.

22 Any windows provided within a side elevation within 9m of an opposing boundary shall be obscure glazed and fixed to a height of 1.7m above the finished floor area of the room/area served.

REASON: In order to protect the privacy and amenity of the adjoining residents.

23 The proposed landscaping scheme as shown on drawing Nos. PR114-01 Rev E and PR114-02 Rev E shall be implemented in the first planting season following first occupation of the development hereby approved and shall thereafter be maintained in accordance with the aftercare regime specified in drawing no. PR114 -02 Rev E and any relevant provisions of the S106 Agreement accompanying this application.

REASON: In order to achieve an appropriate setting for the development, enhance the biodiversity of the site and soften the visual impact of the proposal on the surrounding area.

24 There shall be no discharge of surface water from the development onto the Highway.

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.

25 The proposed bird and bat boxes shall be installed in the first appropriate season following completion of the dwellings to which they are to be attached and thereafter shall be permanently maintained as such.

REASON: In order to secure the ecological enhancement of the site, consistent with the provisions of the National Planning Policy Framework.

26 The proposed open space at the northern end of the site shall be enhanced as an ecology area to include habitats complementary to the neighbouring Local Wildlife Site, details of which shall be submitted to and approved by the Local Planning Authority, prior to occupation of the proposed development. Measures for the provision and ongoing maintenance of the ecology area will be contained within the S106 Agreement accompanying this consent.

REASON: In the interests of local wildlife and to order to maintain connectivity to other Local Wildlife Site locations in the locality.

27 Prior to the first occupation of the proposed dwellings 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. One pack per dwelling.

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with Government guidance as set out in the National Planning Policy Framework.

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

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

Informatives

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

2. All clearance and demolition work in association with the approved scheme shall be carried out outside of the bird nesting season which runs from March to September inclusive .

If it is necessary for work to commence in the nesting season then a precommencement inspection of the vegetation and buildings for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of bird's nests then an experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.

REASON: In the interests of protecting wildlife on the site.

3. The applicant is advised that the Zetica UXB maps (Essex) indicates that the site and the immediate vicinity is in an area with a moderate bomb risk. The applicant is advised to exercise caution in the execution of works on the site and to seek confirmation that no risk exists for future residents of the site.

ITEM 8

Application Number:	19/0492/FUL
Address:	Briar Cottage Leige Avenue Canvey Island Essex SS8 9PL (Canvey Island Winter Gardens)
Description of Development:	Demolition of existing cottage and erection of 10No. self-contained flats over 2 blocks and car-parking and associated facilities
Applicant:	Homestead PLC
Case Officer	Ms Kim Fisher-Bright
Expiry Date:	31.12.2019

Summary

The proposal seeks outline consent for the provision of 8 two bedroomed maisonettes, 1 two bedroomed flat and 1 one bedroomed flat, arranged between two blocks over three-floors with associated refuse and cycle storage facilities and parking, on land at the southern end of Leige Avenue and west of the junction of Somnes Avenue and Meppel Avenue.

The proposal is consistent with the provisions of the Local Plan and Government advice in respect of increased densities of development in areas of identified housing need, as such the proposal is acceptable in principle.

The proposed development satisfies all relevant requirements of the Local Plan and adopted Residential; Design Guidance and subject to appropriate conditions and the applicant being willing to enter into a S106 Agreement to secure:

- (i) the provision of an appropriate contribution towards affordable housing and
- (ii) the provision of an appropriate contribution towards recreational disturbance mitigation,

the proposal is recommended for **APPROVAL**.

Determination by the Committee was requested by Councillor Withers.

Site Visit

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

Introduction

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

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

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

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

It is proposed to retain the Leylandii on the western boundary, although it is anticipated that the height of these trees will be reduced.

The Proposal

The proposal seeks consent for two pitched roofed, three storey buildings. Block A on the western part of the site comprises five two storey maisonettes with a two bedroomed flat in the roof.

Block B on the eastern part of the site comprises three two storey maisonettes with a one bedroomed flat in the roof.

Block A would have a width to Somnes Avenue of some 22m and a depth of some 13m. It would be set a minimum of 3.2m from the southern (highway) boundary of the site, some 10.5m from the western boundary and approximately 49m from the eastern boundary.

Block B would have a width to Somnes Avenue of some 16m and a depth of some 11m. It would be set a minimum of 5.5m from the southern (highway) boundary of the site, some 49m from the western boundary and approximately 17.5m from the eastern boundary.

The scheme would provide 10 car parking spaces. Bicycle stores are provided within the fabric of the buildings but no details of the number of bicycle parking spaces to be provided has been submitted.

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

Vehicular access to the development will be obtained from Leige Avenue.

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

Supplementary Documentation

The applicant has submitted the following supplementary documentation:

- o Flood Resistant Design and Construction Statement
- o Structural Design Summary (Hydrodynamic and Hydrostatic analysis),
- o Flood Risk Assessment
- o Groundsure Flood Report
- o Materials Schedule

- o Sequential Test Report
- o Flood Response Plan
- o SuDS Checklist
- o Green field run off rates
- o SUDS Drainage report
- o Test Pit photographs
- o Storm Sewer Design Network Details
- o SUDS Maintenance letter.
- o Construction Management Plan.

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

Planning History

Planning permission for the construction of a three storey block providing 11 flats was refused on 04.10.2018 (18/0039/FUL), for the following reasons:

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

Planning permission for the construction of a two storey block of flats providing 2 one bedroomed flats and 4 two bedroomed flats was refused on the 1st April 2013 (Reference CPT/606/13/FUL).

The subsequent appeal was however allowed on September 2nd, 2014.

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

Planning permission was refused in March 2007 for 10 two bed and 2 one bed flats in 2 three storey blocks under planning reference CPT/835/06/FUL. The grounds of refusal related to the design, means of pedestrian access, loss of privacy and flood risk issues.

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

The subsequent appeal was dismissed.

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

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

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

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

Local Plan Allocation

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

Relevant Policies and Government Guidance

National Planning Policy Framework (NPPF)

Introduction:

Paragraphs 2, 3, 6

Achieving sustainable development:

Paragraphs 7, 8, 10, 11, 12

Decision Making:

Paragraphs 38, 47, 54, 55, 56

Delivering a sufficient supply of new homes:

Paragraph 59, 64

Promoting sustainable transport:

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

Making effective use of land:

Paragraphs 117, 118, 121, 122, 123

Achieving well-designed places:

Paragraphs 124, 127, 130

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

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

Ecology:

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

Castle Point Borough Council Local Plan (Adopted November 1998)

EC2 Design
EC3 Residential Amenity
EC4 Pollution
EC5 Crime Prevention
H9 New Housing Densities
H10 Mix of Development
H11 Accessible and Wheelchair Housing
H13 Location of Development
H17 Housing Development – Design and Layout
T8 Car Parking Standards
CF14 Surface Water Disposal

Residential Design Guidance (Adopted January 2013)

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

Other Guidance/Policy

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

Developer Contributions Guidance Supplementary Planning Document (Adopted October 2008)

Strategic Housing Market Assessment (May 2016 Addendum 2017)

Strategic Housing Land Availability Assessment Update (March 2017)

Planning Minister Statement (25th March 2015)

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

Technical Housing Standards (March 2015)

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

Consultation

Objects to the proposal for the following reasons:

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

Impeding of traffic movement due to the potential volume of additional vehicles.

Overdevelopment of the site.

Out of character with the surrounding area.

Essex County Council - Lead Local Flood Authority

No objection subject to condition.

Environment Agency

No objection subject to conditions.

Anglian Water

No objection subject to condition.

Essex County Council – Education

Below threshold for contribution.

Essex County Council – Highways

No objection subject to conditions.

Environmental Health

No objection. Informatives suggested.

Street Scene/Recycling Officer

No objection.

Cadent Plant Protection

Apparatus present in vicinity of site. Developer to contact Cadent.

Public Consultation

Responses have been received from the following addresses:

Meppel Avenue;	17,
Gainsborough Avenue:	16
Fenwick Way:	3, 5, 7, 11, 12, 15, 16, 18, 20
Leige Avenue:	Rose Cottage, 2,
Castle View Road:	26
Cherry Close:	16
Riverfront . Eastern Esplanade:	28
Welbeck Road:	38
Juliers Road:	30
Hannah Close:	7

These raise the following issues:

- Overdominance
- Out of character – flat inappropriate
- Loss of privacy
- Inadequate amenity space
- Lack of accessible shops /too far from Town Centre
- Lack of public transport
- Site is located within a flood zone
- Will lead to increased surface water flooding.
- Inadequate infrastructure
- Inadequate access for emergency vehicles
- Inadequate drainage
- Inadequate access and parking
- Increased traffic and congestion
- Concerns over safety arising from increased on street parking and greater use of Leige Avenue
- Noise and disturbance
- Lack of vehicle charging points
- Unsuitable for disabled/elderly
- Bats present on site

In addition one letter of no objection was received which sought clarification on the future management of the conifer trees on the western boundary of the site.

Comments on Consultation Responses

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

Evaluation of Proposal

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

The Principle of Development

A number of local residents have objected to the proposal on the basis that the provision flats would be inappropriate on this site.

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

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

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

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

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

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

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

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

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

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

Whilst it is recognised that the proposed development would also share a frontage with Leige Avenue, which is a residential street and not a major route the existence of flats in such context is not unusual, indeed flats fronting Somnes Avenue exist some 200m to the west of the application site which are served from minor residential roads and adjacent to two storey development at the rear. As such it is not considered that an objection based on the relationship between flats and development on adjoining frontages can be sustained on appeal.

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

The principle of the acceptability of flats has therefore been established at a high level for several years.

A deviation from this determination could only be supported if there had been a material change in the planning advice or any other material factor.

In terms of planning advice, there has been a change in recent years. The Government, through the provisions of the NPPF, now actively encourages Planning Authorities to approve flatted developments, given the identified deficiency in housing land availability and the current housing crises. This change in circumstances strengthens the case for the provision of flats on this site.

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

Whether other material factors have changed will be determined in an assessment of the proposal against all other relevant policies of the NPPF, adopted Local Plan and associated guidance

Density and Mix of Housing

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

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

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

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

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

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

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

The Provision of Affordable Housing

The proposal seeks to provide ten dwellings.

The Local Plan and Developer Contributions Supplementary Planning Document seeks to secure an affordable housing contribution from all schemes providing 15 or more units. Thus it would appear that the current proposal would not attract a requirement for the provision of affordable housing.

However, the NPPF now seeks such provision from all major residential schemes.

The NPPF defines a major residential scheme as any scheme where ten or more homes are provided.

There is no reference to such provision being a net provision.

The current scheme provides ten units and therefore attracts a requirement for the provision of affordable housing on the basis of a 10% contribution. The current proposal therefore attracts a requirement for the provision of two affordable housing units.

The Planning Authority will, in preference, seek to secure provision on site. However, it is known that Registered Social Landlords are reluctant to take individual units within larger flatted schemes. Under such circumstances the Planning Authority will accept the provision of a financial contribution towards the provision of off-site affordable housing.

Such an approach would appear appropriate in this case.

Subject to the applicant entering into a S106 agreement to secure an appropriate contribution towards the provision of affordable housing, no objection is raised to the proposal on this basis.

Design and Layout

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

EC2 specifically states that the scale, density, siting, design, layout and external materials of any development, shall be appropriate to its setting and should not harm the character of its surroundings; that the appearance and treatment of spaces around buildings should be enhanced by appropriate hard and soft landscaping and all modes of movement are safe and convenient.

In terms of scale, the proposed flats would appear part two storey and part three storey in form with a maximum ridge height of some 8.3m.

This would be some 1.8m taller than the dwelling immediately to the north of the site, and approximately 1.2m higher than the majority of the houses in the surrounding area. Differences of 2m in ridge heights between adjoining dwellings are not unusual in the urban environment and the limited degree of extension beyond the front and rear elevations of those dwellings to the north is considered sufficient to ensure that the proposed development would not present an over dominant or obtrusive feature in the streetscape.

No objection is therefore raised to the proposal in respect of its mass, scale or potential to dominate its surroundings.

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

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

Within the context provided by the Somnes Avenue frontage, Block A has a width of some 22m. Isolation space equivalent to 5.5m would be required. This is achieved on the site.

Within the context provided by the Somnes Avenue frontage, Block B has a width of some 16m. Isolation space equivalent to 4m would be required. This is achieved on the site.

In terms of the frontage to Leige Avenue, Block A has a width of some 13m and would attract a requirement for isolation spaces equivalent to 3.25m. The proposal achieves 1.25m to the northern boundary and a minimum of 3.5m to the southern boundary. Total isolation space averaging some 4.75m is achieved. RDG2 is therefore satisfied in this respect.

In the same context Block B has a maximum width of some 11m and would attract a requirement for isolation spaces equivalent to 2.75m. The proposal achieves 1m to the northern boundary and a minimum of some 5.5m to the southern boundary. Total isolation space averaging some 6.5m is achieved. RDG2 is therefore satisfied in this respect.

Guidance at RDG3 requires proposals to respect established building lines. The submitted layout indicates that the proposed buildings would be located between 3.5m and 5.5m from the Somnes Avenue highway boundary.

In spatial terms generally within the area, the perceived degree of isolation achieved between buildings and the highway boundary is limited, this part of Somnes Avenue being characterised by high boundary treatments which bound the highway. Where buildings are identified these are frequently located within 1m of the highway boundary with two storey elements generally set approximately 2m - 2.5m from the highway boundary. The general perception is of a densely developed urban area. In this context the setting of the proposed buildings would not extend in advance of the adjoining residential development as viewed from Somnes Avenue and is considered acceptable.

In the context of Leige Avenue, Block A would extend approximately 3m in advance of the adjacent dwelling. However such setting would have the effect of closing the vista and is considered unlikely to result in any undue domination of the front elevation of that property.

Block B would extend approximately 1.5m in advance of the adjoining dwelling. It is not considered that such deviation from the relatively weak building line exhibited on Leige Avenue would be harmful the character and appearance of the area.

No objection is therefore raised under RDG3 in this respect.

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

Block A would extend approximately 2m beyond the rear elevation and some 3.5m beyond the front elevation of the dwelling to the north. Such relationships between adjoining dwellings is not unusual in the context of the surrounding area and indeed the current dwelling on the site extends some 6m in advance of the adjoining dwelling. Whilst it is acknowledged that the occupiers of the adjoining dwelling to the north would experience a limited degree of overshadowing at the rear of the property, as a consequence of the proposed development, it is not considered that the impact would be so significant to represent a robust and defensible objection to the proposal.

In terms of Block B, the building would extend approximately 2m in advance of the front wall of the adjoining dwelling, and some 3.5m beyond the rear. Again such projections are not considered excessive and no objection is raised to the proposal on this basis.

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

Windows are provided to all elevations at first floor level.

Within Block A the first and second floor windows provided to the front elevation would be located some 3.5m – 4.5m from the highway boundary and some 16m – 19.5m from the amenity area associated with the dwelling located on the south side of Somnes Avenue. The level of isolation achieved is considered sufficient to ensure that occupiers of dwellings to the south do not experience undue overlooking or loss of privacy.

Windows provided in the western elevation would serve two bedrooms at first floor level. These would be located some 10.5m from the western boundary and would satisfy RDG5.

Windows in the northern elevation at first floor level would serve stairwells and a shower room. These windows would be located some 1.2m from the northern boundary but could be obscure glazed and fixed to 1.7m, thus protecting the privacy and amenity of adjoining residents without unduly compromising living conditions within the Block.

Windows in the eastern elevation would serve bedrooms and would be some 20m from the western elevation of Block B. At this distance it is not considered that there would be an undue loss of privacy between the opposing units.

The proposed dormer at second floor level and would be some 22m from the western elevation of Block B. At this distance it is not considered that there would be an undue loss of privacy between the opposing units.

Within Block B the first floor windows provided to the front elevation serve bedrooms and a bathroom and would be located some 6m – 8m from the highway boundary and some 18m – 20m from the amenity area associated with the dwelling located on the south side of Somnes Avenue.

The level of isolation achieved is considered sufficient to ensure that occupiers of dwellings to the south do not experience undue overlooking or loss of privacy.

Windows/Juliet balconies provided in the western elevation would serve two bedrooms at first floor level. would be some 20m from the eastern elevation of Block A. At this distance it is not considered that there would be an undue loss of privacy between the opposing units.

Windows in the northern elevation at first floor level would serve stairwells. These windows would be located approximately 1m from the northern boundary but could be obscure glazed and fixed to 1.7m, thus protecting the privacy and amenity of adjoining residents without unduly compromising living conditions within the Block.

Windows in the eastern elevation would serve bedrooms and would be some 19m from the highway boundary. There would be no loss of privacy arising from their provision.

The proposed dormer at second floor level and would be some 22m from the western elevation of Block B. At this distance it is not considered that there would be an undue loss of privacy between the opposing units.

The scheme includes the provision of two roof gardens.

Local residents have expressed concern in respect of the potential for overlooking from these areas.

It should be noted however that both roof gardens are to be contained within the roofspace and will be enclosed by 1.8m high walls. As such it is not considered that the use of these areas will give rise to overlooking or loss of privacy for adjoining residents and no objection is raised to the proposal on this basis.

The scheme is considered to satisfy the requirements of RDG5.

Guidance at RDG6 requires appropriate amounts of amenity space to be provided to ensure the outdoor needs of the occupiers are met. For flats, a minimum of 25m² is required for each unit either privately or communally.

The flats in Block A generate a requirement for 150m² whilst Block B generates a requirement for 100m². Block A achieves a minimum of 156m² whilst Block B achieves in excess of 150m². RDG6 is therefore satisfied.

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

The proposed development exhibits dormers in the southern and eastern roof planes of Block A and the western roof plane of Block B. These are recessed into the roof and have no impact on the profile of the buildings. Whilst they do not all align with fenestration in the elevations, they are nevertheless diminutive features which do not detract from the character and appearance of the overall structures.

No objection is therefore raised to the proposal under RDG7

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

The elevations of the proposed development are reasonably detailed with proportional articulation and fenestration which is generally aligned and balanced.

The proposal would achieve a form of development consistent with the design principles exhibited in adjoining dwellings. No objection is therefore raised to the proposal under RDG8.

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

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

The application form states that a 1.8m high close boarded fence will be located on the eastern and northern boundaries and a 0.9m high black metal railing will be placed on the western and southern boundaries.

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

Whilst no objection is raised to the provision of a 0.9m high railing in front of the building, it is not considered that the provision of a railing around the car park and proposed amenity area would present an acceptable view of the site from Somnes Avenue or an adequately private amenity area for the enjoyment of future residents. This element of the proposal is therefore considered unacceptable; however an alternative boundary treatment can be required by condition in the event of permission being granted.

Any means of enclosure provided to the northern boundary will need to ensure adequate visibility for vehicles exiting the site. This can also be the subject of an appropriate condition attached to the grant of any consent.

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

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

Concern is however raised in respect of the relationship between the external bin store and the adjoining dwelling and the access to the site.

The bin store for Block B would be located approximately 3m in advance of the front elevation of the adjoining dwelling, immediately abutting the site boundary. In this location it is considered that use of the store could result in noise, disturbance and nuisance to adjoining residents.

The relationship between the bin store and one of the units within Block B is also considered poor.

Furthermore it is considered that the proposed bin store is potentially likely to impede visibility at the exit of the site and thus could result in conflict between vehicles exiting adjacent sites.

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

Policy H11 of the Adopted Local Plan is concerned with accessible and wheelchair housing. It states that the Council will encourage all dwellings to be designed so that they are accessible for visitors in wheelchairs and capable of adaptation for occupation by most people with disabilities.

RDG16 of the locally adopted design guidance is concerned with the provision of liveable homes and states that all new dwellings should provide appropriate internal and circulation space, which reflects the character of the surrounding area and current best practice.

Paragraph 127 of the NPPF identifies that planning decisions should seek to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and that policies may make use of the nationally described space standard, where the need for an internal space standard can be justified.

The adopted Local Plan does not seek to control the size of individual dwellings, however Policy H13 of the 2016 Plan did contain a proposal to adopt the Nationally Described Space Standard (2015), to be applied to all new housing developments.

The 2016 Plan was however withdrawn and it is not therefore possible place any weight on its provisions, but the National Standard does provide a statement of best practice and it is therefore appropriate to consider the proposal in the context created by that Standard.

The National Standard sets out detailed specifications for room sizes and storage areas and specifies the following floor space requirements:

No. of bedrooms	No. of bed-spaces (persons)	Floor space (1 storey dwelling) m ²
1	1	39
	2	50
No. of bedrooms	No. of bed-spaces (persons)	Floor space (2 storey dwelling) m ²
2	3	70
	4	79

The proposed flats achieve floor areas in the region of 55m² to 79m². Whilst the majority of the units do not achieve the described National Standard, it must be recalled that these standards have not been adopted by the Authority. As such the weight that may be attributed to them is limited.

Furthermore, in light of the need dwellings within the Borough and Government advice as contained in the NPPF to achieve high densities of development and secure the most efficient use

of land allocated for residential purposes, it is not considered that the size of the dwellings presents a robust objection to the proposal.

One local resident has objected to the proposal on the basis that it is unsuitable for occupation by the elderly or disabled.

Whilst it is acknowledged that provisions within the Local Plan and Residential Design Guidance seek to encourage accessible design, there is no requirement for all development to be accessible to all groups in society .

Furthermore, the submitted comment is considered to represent a somewhat limited view of the abilities of the elderly and disabled. Not all forms of disability or ageing preclude the use of stairs, which appears to be the main focus of concern.

In the absence of a clear demonstration that the approval of the current scheme would significantly adversely impact on the satisfaction of specific needs of the elderly or disabled, it is not considered that an objection to the proposal on this basis would carry any weight at appeal.

It must further be remembered that there is a significant demand for smaller dwellings from young people and families attempting to get on to the housing ladder. These units are ideally suited for this element of the population.

Highways and Parking

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

The proposed development seeks to take all access from Leige Avenue as is currently the case. The Highway Authority has raised no objection to this arrangement.

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

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

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

9 x 2 bed units:	18 spaces
1 x 1 bed units	1 spaces
Visitors 0.25 x 10:	<u>3 spaces</u>
Total	22 spaces

The proposed development provides 10 spaces and is therefore deficient in parking provision and ordinarily would attract a recommendation of refusal.

Local residents have expressed concern in respect of on-site parking and have referred to existing difficulties in the area.

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

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

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

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

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

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

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

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

Local residents have objected to the proposal on the basis that it does not provide any Electric Vehicle Charging Points (EVCP).

It should be noted that the Planning Authority currently has no policy in respect of the provision of EVCP, however, if so minded it is considered that an informative could be added to the grant of any consent encouraging the provision of at least one charging point on the site to serve the needs of residents.

The lack of charging points does not represent a defensible objection to the proposal.

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

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

Drainage and Flood Risk

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

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

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

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

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

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

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

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

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

The Castle Point Strategic Flood Risk Assessment (SFRA) indicates that the site could experience breach flood depths of up to 0.5 metres during the 0.5% (1 in 200) annual probability including climate change breach flood event and between 1-2 metres during the 0.1% (1 in 1000)

annual probability including climate change breach flood event. The bespoke modelling indicates flood maximum flood depths of up to 0.63 metres for the 0.1% flood.

The finished ground floor level of the proposed development is shown to be set some 0.2m above the adjoining ground level.

The proposed development is therefore liable to experience inundation in a 1:200 flood event; however, first floor levels are set above the 1:1000 year flood event levels and consequently the proposal can provide safe refuge for residents.

This feature of the development coupled with the provision of a robust flood response plan is considered to sufficiently mitigate the flood risk associated with the proposed development.

No objection is therefore raised to the proposal on the basis of residual/fluvial food risk.

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

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

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

Local residents have expressed concern that redevelopment of the site will result in increased surface water flooding.

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

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

In recognition of this the applicant has submitted a surface water drainage strategy which seeks to retain excess surface water within the site, within an attenuation tank provided beneath the proposed car park. Water will be retained within the tank during periods of excessive rainfall and then pumped into the existing surface water drainage system at a controlled rate, in order to prevent surcharging within the system.

The submitted scheme had been reviewed by the LLFA and, subject to condition, found to be acceptable.

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

Ecology and Trees

Policy EC7 of the Adopted Local Plan is concerned with natural and semi-natural features in urban areas and states that such features and open spaces within urban areas shall be retained and enhanced wherever possible in order to safeguard their physical, visual, recreational and wildlife value.

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

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

Policy EC21 of the Adopted Local Plan is concerned with woodland management and Tree Preservation Orders and states that the Council will encourage the maintenance of existing woodlands through appropriate management.

Paragraph 170 of the NPPF states:

Planning policies and decisions should contribute to and enhance the natural and local environment by:

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and

f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate

Paragraph 175 states:

When determining planning applications, local planning authorities should apply the following principles:

- (i) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts),*
- (ii) adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*

- (iii) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;*
- (iv) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons⁵⁸ and a suitable compensation strategy exists; and*
- (v) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged.*

In strategic terms, the site is within the zone of influence of one or more of the European designated sites scoped on the Essex Coast Recreation disturbance Avoidance and Mitigation Strategy.

As such Natural England has identified that the Planning Authority must consider proposals for residential development under the provisions of the Habitats Regulations.

Based on the development type and proximity to European designated sites, a judgement must be made as to whether the development constitutes a 'likely significant effect (LSE)' to a European site in terms of increased recreational disturbance.

The site lies within the Zone of Influence of the Essex Coast RAMS and seeks to provide 9 net new dwellings.

As such it may be concluded that the proposal is within the scope of the Essex Coast RAMS as it falls within the zone of influence for likely impacts and is a relevant residential development type as identified by Natural England. It is anticipated that such development in this area is likely to have a significant effect upon the interest features of the designated site through increased recreational pressure, when considered either alone or in combination. As such the proposal requires appropriate assessment.

Advice provided by Natural England identifies that where a proposal seeks to provide less than 100 dwellings and the proposal is not within or directly adjacent to one of the identified designated sites, mitigation of the impact of the proposal can be secured through the provision of a financial contribution secured in line with the Essex Coast RAMS.

Such funding will be secured within a S106 Agreement and provided prior to commencement of development in order that appropriate mitigation may be placed prior to occupation of the dwellings.

Provided the mitigation is secured it may be concluded that the proposed development will not have an adverse effect on the integrity of the European Site from recreational disturbance when considered 'in combination' with other development.

The applicant has confirmed that he is amenable to the provision of an appropriate contribution.

Natural England has confirmed that it does not need to be consulted on this Appropriate Assessment.

In terms of the specific impacts of the proposed development on the ecological value of the site, it is noted that no badger setts or habitat likely to support any protected species have been identified on the site. Whilst the site provides some vegetation and therefore has the potential for habitat provision, it is located within a densely developed urban area with development in close proximity. As a consequence it is considered unlikely to have any particular ecological value.

Local residents have suggested that bats are present on the site.

A bat roost assessment commissioned by the applicant assessed the existing building and the trees present on the site and recorded the following facts:

- All areas of the roofspace of the existing dwelling are used for residential purposes. There is therefore no potential for bats to roost within the building.
- The trees along the western boundary are immature and do not present features suitable for bat roosting.
- No evidence of bats was identified on the site.

In the light of these findings it is not considered that the objection of the local resident can be supported.

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

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

Subject to such an appropriate landscaping scheme being prepared and implemented and the provision of an appropriate contribution towards the mitigation of recreational disturbance generated by the proposal, no objection is raised to the proposal on the basis of its impact on ecology.

It is noted that one resident has sought clarification on what is to happen to the conifer trees located on the western boundary of the site.

The applicant has advised that these trees will be retained, however, as a consequence of a lack of management and competition amongst the trees for natural light, they have grown very tall with limited branch structure or foliage developing at the lower levels. As a consequence the trees perform poorly in terms of providing effective screening. In an effort to remedy this situation the applicant's arboricultural advisor has recommended a reduction in the height of the trees to 6m which it is hoped will encourage lower growth, although given the species of tree this cannot be guaranteed.

Noise and Amenity

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

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

The PPG states that noise needs to be considered when new developments may create additional noise and when new developments would be sensitive to the prevailing acoustic environment. In determining applications opportunities should be taken to consider improvements to the acoustic environment.

It further states that local planning authorities' plan-making and decision taking should take account of the acoustic environment and in doing so consider:

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

In line with the Explanatory Note of the Noise Policy Statement for England, this would include identifying whether the overall effect of the noise exposure (including the impact during the construction phase wherever applicable) is, or would be, above or below the significant observed adverse effect level and the lowest observed adverse effect level for the given situation.

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

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

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

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

It is inevitable that the development of the application site will generate noise and disturbance during the constructional phase. Such noise is transitory and rarely provides a robust reason for refusal of an application for development of the type proposed. However, development of large sites can extend over significant periods and it is therefore incumbent upon the Planning Authority and the applicant to ensure that the levels of noise generated during the constructional periods are kept as low as practically possible, in the interests of the amenity of local residents, wildlife and the wider environment.

The applicant has submitted a Construction Environment Management Plan which demonstrates access to the site, provision of operative parking, materials storage etc. Whilst generally acceptable it is noted that it is intended to route all traffic to and from the site via Liege Avenue. This will necessitate vehicles manoeuvring within what will be a relatively confined construction site and is considered likely to result in significant noise and disturbance to adjoining residents.

The site benefits from an existing dropped kerb crossing onto Central Wall Road. Whilst long term the use of this access is undesirable because of the potential for the disruption of traffic flows on the main distributor, the temporary use of the access during the construction phase is considered appropriate. The operation of a 'one-way' construction traffic flow through the site with vehicles entering via Central Wall Road and exiting via Liege Avenue, would have the advantage of reducing construction traffic movements on Leige Avenue by half and would avoid the need for manoeuvring within the site. The applicant and the Highway Authority have agreed the operation of such a system which can be secured by the imposition a condition on the grant of any consent.

Following construction of the development, the crossing onto Somnes Avenue would become redundant and a condition securing its removal and the reinstatement of the footpath should be appended to the grant of any consent.

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

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

Social Infrastructure

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

In terms of education, Essex County Council has stated that it does not wish to impose a requirement for a contribution towards educational provision on the development of this site. From

this it may be concluded that the County Council considers that sufficient capacity exists to satisfy the needs of the proposed development. In the absence of support from the Education Authority it is not considered that an objection based on a lack of access to educational opportunities could be sustained on appeal.

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

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

In terms of highway capacity the and Highway Authority has not objected to the proposal on the basis of capacity and had no objection may therefore be raised to the proposal on this basis.

Pollution and Contamination

Development of the site has the potential to result in dust nuisance. This may be dealt with under the provisions of the Environmental Health Acts. An informative reminding the developer of his obligations in this regard may be appended to the grant of any consent.

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

Sustainability

Local residents have objected to the proposal on the basis that the site is located too far from the Town Centre.

Concern has also been expressed in respect of the perceived lack of public transport.

It should be noted that the site is located adjacent to Somnes Avenue which is a major distributor on the Island and a bus route.

Whilst it is acknowledged that the site is some 1100m from the Town Centre, such isolation is not unusual within the wider context of Canvey Island where several thousand dwellings are located at distances beyond this from the Town Centre. Access by means other than the private car are readily available and most people should be able to walk that distance in less than 25 – 30 minutes.

It should be further noted that the site is located within an area allocated for residential purposes and surrounded by densely developed residential development. It is not considered that the site may be argued to be inaccessible in the context of accessing local services and facilities and under the circumstances it is not considered that an objection to the proposal on this basis would be supported on appeal.

Conclusion

The proposed development of the site with flats would be consistent with the provisions of the Local Plan and Government advice in respect of increased densities of development in areas of identified housing need. As such the proposal is acceptable in principle.

The proposed development satisfies all relevant requirements of the Local Plan and RDG and subject to appropriate conditions and the applicant being willing to enter into a S106 Agreement to secure the provision of appropriate contributions towards affordable housing and recreational disturbance mitigation, the proposal is recommended for **APPROVAL**.

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

My Recommendation is Approval with the following conditions

1 This permission shall be read in conjunction with the Agreement entered into under Section 106 of the Town and Country Planning Act, 1990, dated contemporaneously with the permission.

REASON: In order to ensure the provision of an appropriate financial contribution towards:

- (i) the provision of off- site affordable housing and
- (ii) appropriate mitigation of recreational disturbance on the European designated Site (Southend and Benfleet Marshes).

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

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

3 During the construction period all construction vehicles, including private vehicles used by contractors, shall approach the site via Central Wall Road and leave the site via Leige Avenue.

REASON: In order to limit the impact of development on users of the highway network and in the interests of the protection of the amenity of existing residents.

4 The development shall be constructed in accordance with the provisions of the submitted document: 'General principles of flood resilience in design and construction', dated June 2019.

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

5 The submitted schedule of materials is considered acceptable. The development hereby approved shall be built wholly in accordance with the approved materials, from which there shall be no departure without the formal consent of the Local Planning Authority.

REASON: In the interests of securing an appropriate form of development on the site, sympathetic to the character and appearance of the surrounding development.

6 Prior to the commencement of the development hereby approved the proposed access onto Leige Avenue shall be provided with appropriate visibility site splays of no less than 1.5m to either side of the proposed access. Within these splays there shall be no impediment to visibility above ground level.

REASON: In the interests of highway safety.

7 No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.

REASON: To prevent environmental and amenity problems arising from flooding.

8 The buildings shall be constructed at the approved levels.

REASON: In the interest of visual amenity and to ensure the appropriate protection to occupiers in the event of a flood.

9 The proposed windows in the northern elevations at first and second floor level shall be obscure glazed and fixed to a height of 1.7m above the finished floor level of the area they serve and shall thereafter be permanently maintained as such.

REASON: In order to protect the privacy and amenity of adjoining residents.

10 Prior to first 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.

One Residential Travel Information Pack shall be provided for each dwelling.

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

11 The proposed development shall not be occupied until such time as the vehicle parking areas indicated on the approved plans, has been provided. The vehicle parking areas and associated turning areas shall be retained in this form at all times and 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 T8 of the Adopted Local Plan.

12 Prior to first occupation of the proposed development, the approved cycle storage facility shall be provided and shall make provision of the safe storage of 13 bicycles. Thereafter, it shall be kept available for the purpose of cycle storage and not used for any other purpose.

REASON: To ensure that an adequate level of cycle storage is provided , commensurate with the needs of the site and to encourage cycling as an attractive mode of transport for occupiers of and visitors to the development, in the interest of sustainable travel.

13 Prior to first occupation of the development hereby approved, the proposed amenity areas shall be provided and thereafter permanently maintained.

REASON: In order to ensure the provision and retention of appropriate amenity areas within the site, in the interests of the amenity of future residents and in accordance with Policy H17 RDG6 of the adopted Local Plan.

14 Prior to first occupation, details of the revised location of the proposed refuse store shall be submitted to and approved by the Local planning authority.

REASON: In order to ensure an acceptable form of development on the site.

15 Prior to the occupation of the flats hereby permitted, the approved communal bin store shall be provided for use and thereafter permanently retained as such.

REASON: In the interests of ensuring appropriate refuse storage facilities on the site.

16 Prior to first occupation of the proposed development the vehicular access on Central Wall Road shall be closed off and suitably reinstated with a full height kerb to the satisfaction of the Highway Authority.

REASON: In the interest of highway safety.

17 Prior to first occupation of the development hereby approved, details of a revised form of enclosure to the eastern car park and amenity area shall be submitted to and approved by the Local Planning Authority.

REASON: In order to ensure an appropriate form of development consistent with the provisions of the adopted Local Plan and Residential Design Guidance, in the interests of the amenity of existing and future residents.

18 The proposed boundary treatments approved under condition 17 above shall be installed prior to the first occupation of the proposed development and thereafter permanently retained, unless otherwise agreed with the Local Planning Authority.

REASON: In order to ensure an appropriate form of development consistent with the provisions of the adopted Local Plan and Residential Design Guidance, in the interests of the amenity of existing and future residents.

19 Prior to first occupation 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 planting plans, written specifications, including cultivation and other operations associated with plant and grass establishment, schedules of plants, noting species, plant sizes and proposed numbers / densities.

Such scheme shall be implemented prior to first occupation of the development hereby approved.

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.

20 Any tree contained within the approved landscaping or tree planting 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.

21 Prior to the first occupation of the development hereby approved, provision shall be made for at least one electric vehicle charging point within the proposed car park.

REASON: In the interests of sustainability.

22 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 and Government guidance as contained in the National Planning Policy Framework.

23 There shall be no discharge of surface water onto the Highway.

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 EC2 of the adopted Local Plan and Government guidance as contained in the National Planning Policy Framework.

24 The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

REASON: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

Informatives

1 The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those

concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

2 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 may be obtained free of charge from the Gov.uk website (<https://www.gov.uk/guidance/party-wall-etc-act-1996-guidance>).

