

ITEM 1

Application Number: 18/0061/FULCLC
Address: Garage Site Church Close Canvey Island Essex SS8 9HX
(Canvey Island Central Ward)
Description of Development: Demolition of 28 garages and construction of 4No. houses
Applicant: Castle Point Borough Council
Case Officer: Mr Keith Zammit
Expiry Date: 08.06.2018

Summary

This matter was deferred from the meeting on 3rd April 2018 as members wanted clarification about the ownership of the access road serving the proposed development site due to concerns about a lack of future access. Members also expressed concern about the limited width of the access road serving the new dwellings, which might present problems for emergency vehicles, a lack of street lighting in the road and a lack of detail in the application about surface water drainage.

It has now been confirmed that the borough council owns this road so future access to these proposed dwellings will not be a problem.

The Head of Housing and Communities has confirmed that as part of the landscaping scheme, where required, there will be a minimum road width of 6m to allow for cars to safely manoeuvre and park. Where the width of the road is not required to be 6m wide soft landscaping will be provided on the other side of the access road to enhance the attractiveness of the development.

The matter of satisfactory on-site storage for storm water has now been addressed. The proposed discharge rate is be approximately 1 litre per second which is satisfactory in order to be able to discharge into the public sewer system. Whilst the application does not expressly demonstrate a permission in principle from the relevant water authority under section 106 of the Water Industry Act the owner or occupier of any premises is entitled to have his drains connected to the public sewer for the purposes of discharging foul water and surface water from the premises.

On the matter of street lighting, the Head of Housing and Communities has advised that the existing street lighting in Church Close is part of a wider corporate review. Nonetheless, it is also proposed to provide illuminated bollards along the access road as part of this development.

These above amendments and additional information are considered to have overcome the concerns previously expressed by members and the application is recommended for APPROVAL.

Site Visit

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

Introduction

The application concerns council-owned land occupied by 28 garages which have been available for rent by local residents.

The garages are accessed by a private road, Church Close, which provides vehicular access to the garages, an adjacent electricity substation and six elderly persons' bungalows.

To the west and south of this site are a mixture of houses and bungalows in Willow Close, whilst to the east are houses in Princes Road.

The Proposal

Permission is sought for the demolition of the garages and the erection of four detached two-bedroomed houses. These would have a maximum height of some 7m. The external materials are brickwork, cement weatherboard and a concrete interlocking tiled roof.

Two off-street parking spaces and a small area of landscaping would be provided at the front of each property and a private amenity area for each dwelling to the south. Three separate visitor parking spaces are provided adjacent to the substation located to the far northern end of the development.

The access road is to be widened where necessary to facilitate vehicle parking movements and soft landscaping provided on the opposite side of the access road to enhance the development's setting.

Surface water is to be directed to existing surface water drainage infrastructure running across the site, via an attenuated discharge system.

Supplementary Documentation

The application is accompanied by a flood risk assessment and a design and access statement which are available to view on the council's website.

Planning History

None

Relevant Government Guidance and Local Plan Policies

The site is allocated for residential purposes on the proposals map accompanying the adopted Local Plan. The following policies are of relevance:

National Planning Policy Framework

Paragraphs 39, 56 to 58, 100 to 103

Local Plan

EC2	Design
T8	Parking standards

Residential Design Guidance

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

Consultation

Legal Services

The proposed visitor parking would obstruct the electricity company's right of way to their substation.

Environment Agency

No objection provided that the local planning authority takes into account the flood risk considerations which are its responsibility, and subject to conditions relating to floor levels.

Canvey Town Council

Object for the following reasons:

- o insufficient access route to the new development
- o overdominance to the adjacent properties
- o parking in the area is already inadequate so this would have an adverse impact on existing residents

UK Power Networks

No comments received

Highways

No objection subject to conditions

Refuse and Recycling

No comments received

Public Consultation

The following comments were made in objection to the proposal:

- o Welcome the demolition of the garages due to the antisocial behaviour that they attract, but don't think houses are the right development for the site
- o Overlooking of adjacent properties
- o Overshadowing of adjacent properties
- o Poor access
- o Parked cars could facilitate climbing into adjoining gardens
- o Parking will be displaced into the surrounding streets
- o Increase to flooding/no provision for increase in surface water
- o Does not fit in with the street scene
- o The application should be reviewed by an independent party – the local authority is marking its own homework

Comments on Consultation Responses

- o The plans have been amended to remove the visitor parking space that was fouling the access to the substation
- o The parked cars are not located adjacent to the gardens of existing occupiers and so would not reduce their security
- o The local authority is required to determine its own planning applications in accordance with the procedures laid down by central government
- o Other matters are discussed in the evaluation of the proposal

Evaluation of Proposal

The land is allocated for residential purposes on the proposals map accompanying the Local Plan. There can therefore be no objection in principle to residential development on this site. The main issues with this application are the design and layout of the proposed development, the potential for flood risk, surface water drainage and any parking implications.

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 of any development should be appropriate to its setting and should not harm the character of its surroundings.

The council has adopted Residential Design Guidance as a supplementary planning document. Within this, guidance at RDG1 states that within the existing built-up area, the plot sizes for all new development should be informed by the prevailing character of plot sizes. 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, having regard to other provisions of the design guidance.

RDG2 states that the space around all new development should be informed by the prevailing character of space around dwellings. Where there is a distinct character of development which creates an exceptionally strong pattern, development must not result in 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 at least 1m between the dwelling and the plot boundary.

RDG3 requires development to be informed by the prevailing building lines to the public realm it faces, without repeating poor forms of development. Where there is a distinct character of development which creates an exceptionally strong building line, development must not result in a disruption to this pattern.

The proposed plots would have widths of some 17m and depths of approximately 10m. This might be viewed as somewhat out of keeping with the surrounding area, where residential plots have widths of around 9m or 10m and depths often greater than 30m. However, there are some bungalows within Church Close itself which are on plots of some 7m wide and 18m deep, and also at the end of Willow Close, which have widths of some 6.5m and depths of 16m. It can therefore be seen that there is a degree of variance in plot sizes locally. The proposed plots would not reflect the character of development in the immediate vicinity in terms of their size and shape, however as the pattern of plot sizes in the area is not exceptionally strong, this does not represent a conflict with RDG1.

The proposed houses would be located some 3m from the front boundary of the plot, 6m from the boundary on the garden side and 1m from the boundary on the remaining two sides.

The proposed development is in a location where there is no established building line, therefore the development may create its own character. There is consequently no objection to the provision of a 3m building line from the highway as this would not look out of place with any nearby development. There is therefore no objection on the basis of RDG3.

A minimum of 1m between the dwellings and their side boundaries is felt to be an appropriate amount of space in the context of the local area.

Dwellings set 1m from the rear boundaries of their plots are, however, less common and the local planning authority cannot point to any examples of dwellings set this close to their rear boundaries in the local area. This represents a departure from the character of development in the surrounding area which is not fully in accordance with the guidance set out in RDG2.

RDG5 deals with privacy and living conditions. A distance of 9m is required to be provided between first floor windows and the boundary of the site, in order to maintain minimum levels of privacy between properties.

On the first floors of the dwellings, the bedrooms and landings would face the front aspect, over Church Close. These windows would be located 9m from the boundaries of properties to the east which is considered an acceptable relationship.

The bathroom windows in the side elevations would be located some 6m from the boundaries of the plots, which is below the 9m required for first floor windows. However, RDG5 permits the provision of high level, fixed shut or obscure glazed windows, or any screening or combination thereof, provided it is restricted to windows serving areas that are not occupied for any length of time and/or require a high degree of privacy. The bathroom windows fulfil this requirement and therefore subject to such a condition this element of the proposal is fully compliant with RDG5.

There are no first floor windows in the rear or other side elevations.

RDG3 also requires proposals not to cause excessive overshadowing or dominance of adjacent properties. The proposed dwellings would be located 1m from the rear boundaries of the existing properties in Willow Close. The properties in Willow Close have rear garden depths of over 20m at the northern end of the street, reducing to around 15m at the southern end.

The Residential Design Guidance infers a minimum distance of 18m between opposing rear aspects of dwellings. Whilst it is acknowledged that this is for the purpose of maintaining acceptable levels of privacy, it also provides for separation between rows of dwellings so that they are not overdominant in relation to each other. The opposing rear aspects of the dwellings would be 17m apart, which is slightly less than what is ideally required.

However, members should bear in mind that the relationship between dwellings outlined above is often breached. An example of this might be at a junction where one of the dwellings will have a gable wall set close to its side boundary facing the rear boundary of its neighbour. An example of such a relationship can be seen between dwellings at Thameside Crescent and North Avenue.

It should also be noted that unlike the above example the proposed dwellings are not orientated south of the adjoining residential gardens.

On balance it is considered that the proposal does not conflict with the provisions of RDG3.

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

The proposed dwellings would each have four habitable rooms requiring a minimum amenity area of 60m². The properties would be provided with gardens of this size. If the application is approved, a condition would need to be imposed withdrawing permitted development rights, as the creation of more habitable rooms or the erection of uncontrolled extensions could lead to a property with insufficient outdoor amenity area for the amount of habitable accommodation. Subject to such a condition there is no objection to the proposal on the basis of RDG6.

Flood risk

The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere, using the sequential test and, if appropriate, the exception test.

The aim of the sequential test, as set out at paragraph 101, is to steer new development to areas with the lowest probability 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 probability of flooding.

The application site is located within Flood Zone 3a, which has a high probability of flooding. Looking at the whole of Castle Point District it would seem that there are areas within Flood Zone 1 that could accommodate this form of development. However, given that the only areas of Flood Zone 1 in the district are on the “mainland” part, such an approach would direct all new development towards Benfleet and Hadleigh.

Canvey is a self-contained community with its own housing needs and directing all new development towards Benfleet and Hadleigh could have an adverse impact on Canvey socially and economically. Furthermore, a need for housing on Canvey cannot be met by building around Benfleet and Hadleigh due to other constraints such as the Green Belt.

Taking these factors into account it is considered that the ‘catchment’ for the sequential test ought to be drawn around the boundaries of Canvey Island, the whole of which is within Flood Zone 3, so there are no reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding, and the application is considered to pass the sequential test.

The NPPF and Planning Practice Guidance also require proposals for residential development in Flood Zone 3a to pass the exception test as set out at paragraph 102 of the NPPF. For the exception test to be passed:

- o it must be demonstrated 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
- o 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.

Both elements of the test will have to be passed for development to be allocated or permitted.

As discussed above, there are socio-economic reasons why continued development is necessary on Canvey, so the first part of the test is considered to be passed.

In respect of the second part of the test, the applicant has submitted a site-specific flood risk assessment, which has been submitted to the Environment Agency for comment. The Environment Agency has requested that conditions be imposed on any grant of planning permission to secure certain finished floor levels. Subject to such conditions, there is no objection to the proposal on the basis of flood risk.

As the first floors of the dwellings are intended to provide a refuge above any flood waters, were permission granted, a condition would need to be imposed requiring the submission and implementation of Flood Response Plan. It is noted that the Flood Risk Assessment contains a

section entitled “Flood Warning and Safe Refuge” at 3.44-3.50, however this needs to be in the form of a standalone document that can be given to occupiers of the properties.

The Planning Practice Guidance states that the structural safety of buildings is a planning consideration. The Flood Risk Assessment contains structural calculations at Appendix B, however, it does not appear that these contain a non-technical summary explaining what the calculations demonstrate.

This information has been requested from the agent but without it a planning condition requiring the developer to demonstrate the buildings will be able to withstand the hydrostatic and hydrodynamic pressures likely to act upon them in modelled flood events is still necessary if members decide to grant permission for the development.

Drainage

The NPPF states that proposals should not increase flood risk elsewhere (paragraph 103) and that the opportunities offered by new development to reduce the causes and impacts of flooding should be used (paragraph 100, bullet point 4). It is therefore important that surface water runoff from a site is not increased as part of redevelopment, and should ideally be reduced.

The Planning 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.

The proposed surface water drainage strategy states that attenuated discharge will take place to the existing surface water drainage infrastructure. The planning authority are aware that ground conditions in the area (clay soils) are fairly impermeable which means that infiltration techniques are unlikely to work effectively. There are no surface water bodies on or in the vicinity of the site which could receive surface water from the proposed development and the drainage of surface water to the surface water sewer would therefore seem to be an appropriate option.

Drawings and calculations have been received to show that a surface water discharge rate of as low a figure as 1 litre per second is proposed for the development. This is acceptable for the purpose of connecting to the public sewer. It has also been stated by Evans and Langford LLP in their additional information, received on 10th May 2018, that there will be adequate storage capacity on site for storm water. No drainage objections are therefore raised.

Parking implications

Policy T8 of the Local Plan requires 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 two off-street parking spaces for properties with two or more bedrooms. Unallocated visitor parking should be provided at a rate of 0.25 spaces per dwelling, rounded up to the nearest whole space. Parking spaces should have dimensions of 2.9m by 5.5m.

Application of these standards is consistent with paragraph 39 of the NPPF because they have been set taking into account local circumstances.

The proposed development requires a minimum of two off-street parking spaces per property and one visitor space. Two off-street parking spaces per property and three visitor spaces would be provided, all in accordance with adopted parking standards.

The proposed development therefore makes adequate parking provision.

However, consideration must also be given as to whether the demolition of the existing garages would result in a loss of car parking provision for existing occupiers of the surrounding dwellings.

Twenty-eight garages exist on site at the present time and the planning authority has been advised that currently only six of these garages being let to 5 households, one of which lives in Hockley. Of the 4 that are local 2 live in Little Gypps and the other 2 in Princes Road.

Alternative garaging nearby, to the rear of the shops on Linden Way, is to be offered to these tenants however the condition of the garages will first need to be assessed and any repairs undertaken to bring them up to standard. Therefore, although a lot of garage parking is being lost in reality these garages are under-utilised and the likelihood of any parking being displaced into surrounding streets is low.

On this basis, officers do not consider that a loss of parking, or displacement of parking into surrounding streets, would be capable of forming a sustainable reason for refusal, and there is no objection on the basis of Policy T8.

RDG12 requires the provision of all forms of parking not to dominate the public realm or have an adverse impact on visual or residential amenity.

The parking for the individual dwellings would be in-curtilage parking which is fairly standard for houses of this type and would not lead to a loss of residential amenity for nearby occupiers. Some planting space is retained to the frontage which will allow for visual softening of the parking area. This parking would therefore be in accordance with RDG12.

The three visitor parking spaces would be located within a wider hard surfaced area, where it appears that some parking already takes place on an informal basis. It is not considered that the marking out and formalisation of three parking spaces would be of undue visual prominence in this location.

The visitor parking would be located adjacent to the garden fence of No.7 Little Gypps Road, where there is the possibility that parking could cause disturbance to occupiers of that property, although as parking can take place here at the moment it is not considered that the proposal would lead to a significant worsening of the current situation.

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

Other matters

RDG13 requires all forms of residential development to be provided with safe, adequate and suitable means of refuse and recycling storage. As these are houses with gardens, no dedicated storage structures are required, but the waste needs to be accessible to the collection crews for kerbside collection.

The comments of the council's refuse and recycling collection service have not been received. Members will therefore be updated on this matter orally at the meeting.

The Head of Housing and Communities has confirmed that the Housing Service has liaised with the fire Brigade concerning access for emergency vehicles, primary fire fighters, and this has been resolved by the use of sprinkler systems, which is controlled under building Regulations.

It has also been confirmed that Heras fencing will be erected upon demolition of the garages to ensure the security of occupiers of the adjoining residential properties.

Conclusion

The provision of dwellings on this land raises no issue of principle however it has been identified that the proposed dwellings would be quite close to the boundaries with existing properties in Willow Close, and this relationship does not reflect the character of the surrounding pattern of development.

This aspect of the development weighs slightly against the proposal however officers are of the view that such a departure from its surroundings would not result in any significant harm or be so great as to outweigh the benefits of the scheme, which would provide some much-needed council housing, and therefore the planning balance is firmly in favour of allowing the 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.

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 Prior to construction of any dwelling above foundation level, details or samples of all materials to be used on the external surfaces of the buildings and on any hard surface shall be submitted to, and formally approved by the local planning authority.

REASON: In the interest of visual amenity.

- 3 The development shall be constructed in accordance with such details as may be approved pursuant to condition 2.

REASON: In the interest of visual amenity.

- 4 The proposed bathroom windows in the south facing elevations of the dwellings at first floor level 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: To prevent overlooking of adjacent residential properties.

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, no development of the type specified in Classes A to D of Part 1 of the Second Schedule to that Order (or the equivalent provisions of any statutory instrument revoking, amending or re-enacting that Order) shall be carried out without the express permission of the local planning authority.

REASON: To maintain acceptable levels of outdoor amenity space commensurate with the level of accommodation provided and to ensure that the car parking spaces remain available for their intended purpose, so as not to encourage parking on the highway.

- 6 Finished ground floor levels shall be set no lower than 2.20 metres above Ordnance Datum and finished first floor levels shall be set no lower than 3.20 metres above Ordnance Datum.
- 7 Prior to occupation of any dwelling, a Flood Response Plan shall be submitted to, and formally approved by, the local planning authority.

REASON: In order to ensure the appropriate protection of occupiers of the buildings in the event of a flood and because the information submitted falls short of what is required.

- 8 Upon occupation of any dwelling, the approved Flood Response Plan shall be enacted for that dwelling and thereafter maintained at all times that the dwelling is occupied. Any revisions to the plan shall be submitted to and formally approved by the local planning authority.

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

- 9 Prior to the construction of any dwelling above foundation level, a scheme demonstrating the ability of the proposed structures to withstand the hydrostatic and hydrodynamic pressures likely to be acting on them in a 1 in 200 year and 1 in 1000 year flood event shall be submitted to the local planning authority.

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

- 10 The development shall be constructed in accordance with the scheme submitted pursuant to condition 9.

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

- 11 The development shall be constructed in accordance with the approved surface water drainage details.

REASON: In the interest of sustainable drainage and reducing the causes and impacts of flooding.

- 12 The development shall not be occupied until the approved car parking spaces have been provided, hard surfaced and drained. Thereafter, these spaces shall be kept available for the purpose of vehicle parking and not used for any other purpose.

REASON: To make and retain provision for parking off the highway in the interest of the free flow of traffic and the amenity and convenience of surrounding residents.

- 13 Prior to first occupation of the development hereby approved a hard and soft landscaping scheme shall be submitted to and formally approved by the local planning authority. Such a scheme shall include details of the widening of the access road, lighting and planting plans accompanied by 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 adequate access and turning facilities to meet the needs of the development and a degree of natural relief in the interests of the amenities of the site and the surrounding area.

- 14 Prior to 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.

- 15 The lighting shown on the approved landscaping plans shall be installed and made operational prior to first occupation of any dwelling. Thereafter, it shall be maintained in good working order, in accordance with any manufacturer's recommendations.

REASON: To ensure the provision of safe access to the dwellings and the creation of a safe residential environment in accordance with government guidance in the National Planning Policy Framework.

- 16 Upon demolition of the garages a temporary boundary fence with a minimum height of 1.8m shall be erected along the western boundary of the site adjacent to the residential gardens in Willow Close, and be retained thereafter until the approved landscaping works are carried out.

REASON: In the interest of the security and amenity of the adjoining residential occupiers.

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.