

**APPLICATION REFERRED FROM THE WEEKLY LIST**

**WEEKLY LIST NO. 1612 – 8 April 2022**

**21/00205/FUL**

**LAND FRONTING 1 TO 9 THE CHASE, FOULNESS ISLAND**

**CREATION OF 19 NO. OFF STREET CAR PARKING SPACES WITH 4 NO. ELECTRIC VEHICLE CHARGING POINTS**

**1 DETAILS OF REFERRAL**

1.1 This item was referred from Weekly List No. 1612 requiring notification to the Corporate Services Officers by 1.00 pm on Wednesday, 13 April 2022 with any applications being referred to this meeting of the Committee.

1.2 Cllr D S Efde referred this item on the following grounds:-

- 1) Flooding – the lack of flood defences and the filling in of the ditch.
- 2) The removal of trees and the lack of a condition on landscaping.
- 3) This has been submitted beforehand as part of a larger application so there is planning history not included in the report.

1.3 The item that was referred is attached at appendix 1 as it appeared in the Weekly List.

1.4 A plan showing the application site is attached at appendix 2.

**2 RECOMMENDATION**

2.1 It is proposed that the Committee **RESOLVES**

To determine the application, having considered all the evidence.

If you would like this report in large print, Braille or another language please contact 01702 318111.



|                  |  |
|------------------|--|
| Application No : | 21/00205/FUL      Zoning: MGB  |
| Case Officer     | Ms Katie Fowler  |
| Parish :         | Foulness Parish Council  |
| Ward :           | Foulness And The Wakerings   |
| Location :       | Land Fronting 1 to 9 The Chase, Foulness Island  |
| Proposal :       | Creation of 19 no. off street car parking spaces with 4no. EV charging points Land front 1-9 The Chase |

### **SITE AND PROPOSAL**

1. The application site is located to land south of property Nos. 1-9 The Chase. The existing site is predominantly overrun by vegetation with some trees located to the west of the application site. There is a ditch which runs through the middle of the application site but there is no active flow of water. The verge is used to some degree for informal parking and there is limited hard-standing to support this. However, the predominant use of the verge is to offer green space and visual amenity to the residents of Nos. 1-9 and area more widely.
2. The proposal involves the creation of 19 off street car parking spaces with 4 electric vehicle charging points. The existing drainage ditch would be filled in and some grass areas and trees and shrubs would be maintained.

### **RELEVANT PLANNING HISTORY**

3. None relevant.

### **MATERIAL PLANNING CONSIDERATIONS**

4. The proposed development must be assessed against relevant planning policy and with regard to any other material planning considerations. In determining this application regard must be had to section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise.
5. The relevant parts of the adopted Development Plan are the Rochford District Core Strategy (2011), the Allocations Plan (2014) and the Development Management Plan (2014).

#### **Impact on Character**

6. The application site is situated to the south of the row of dwellings. The dwellings are in terraced groups and have a traditional appearance. There is a clear relationship with the grass verge that the dwellings share given their orientation facing the verge and the building line following the curvature of the verge. The proposed car park would remove the vast majority of soft-

landscaping upon this verge. Limited grassed areas are proposed to be maintained and the hard-standing would still dominate the verge.

7. Nonetheless, some trees and shrubs would be maintained and there would be scope to introduce some further landscaping. These details have not been included with the application but could be imposed by way of condition. A greater provision of landscaping upon the grass verge would help to shield the hardstanding from the wider area and soften its contribution to visual amenity within the street scene.
8. It is considered that the proposed development would not have a significant nor detrimental impact on the surrounding character and appearance of the area in accordance with policy DM1 of the Development Management Plan and the NPPF.

#### Highway Safety

9. Essex County Council Highways (ECC) have been consulted on the application. As the road is not adopted by ECC, their comments pertain to existing rights of way. They have noted that the proposed layout would not conflict with byway 8 and therefore they raise no objection.
10. It is considered that the car parking spaces can be accessed in a manner which would not conflict with the highway. The proposed car park is not considered to result in transport issues.

#### Parking Spaces

11. The Parking Standards Design and Good Practice guide (2010) states that dwellings of more than two bedrooms require two car parking spaces with dimensions of 5.5m x 2.9m. The standards stipulate that in exceptional circumstances spaces measuring the minimum dimensions of 5m x 2.5m would be considered acceptable. Policy DM30 of the Development Management Plan adopts these parking standards and therefore the Council can implement the standards.
12. The 19no. car parking spaces would measure 5.5m x 2.9m and would therefore meet the preferred dimensions of the EPOA Parking Standards. The car parking spaces would serve 9no. dwellings. Whilst floor plans have not been submitted, the dwellings are understood to each feature a minimum of two bedrooms. Each dwelling would therefore be provided with two off-street parking spaces. The proposal would therefore be compliant with Policy DM30.

#### Flood Risk and Drainage

13. The application site lies within Flood Zone 3a and is therefore defined by the national Planning Policy Guidance as having a high probability of flooding. The application site does benefit from flood defences in the form of the substantial sea wall but the risk is associated with the event of those defences failing.

14. When considering car parking within flood risk areas, the ability of people to move their cars within the flood warning time should be considered. Long-term and residential car parking is unlikely to be acceptable in areas which regularly flood to a significant depth, due to the risk of car owners being away from the area and being unable to move their cars when a flood occurs.
15. Car parks should not be subject to flood depths in excess of 300mm depth since vehicles can be moved by way of this depth. The Flood Risk Assessment submitted with the application states that when taking into account climate change, the flood depth is between 3.01m to 3.4m.
16. As there is a potential flood risk on the site should defences fail, the impact of the increased run off rates needs to be considered. There is an existing ditch/land drain which projects through the application site, however, there is no outfall from this area and this was confirmed during the site visit. As such, it not a viable discharge location. The applicant did not originally submit a drainage plan with the application to demonstrate how flood risk would be mitigated. The Lead Local Flood Authority (LLFA) issued a holding objection in light of this and subsequently the applicant submitted an amended Flood Risk Assessment addressing these concerns.
17. The surface water run off would not be able to be discharged to into a watercourse or sewer, leaving only discharge to ground. It is proposed to drain surface water from the car parking bays via permeable paving to ground. The EV charging points would be located as far above flood levels as possible. In light of the revised FRA and further discussions between the applicant and LLFA, the holding objection has been withdrawn. The EA have also raised no objection and consider that the proposal would not increase flood risk elsewhere.

## **CONCLUSION**

18. **APPROVE** subject to conditions.

## **CONSULTATIONS AND REPRESENTATIONS (summary of responses):**

Foulness Parish Council: No comment to make.

Environment Agency: No objection.

Essex County Council Lead Local Flood Authority (first response):

Having reviewed the application we wish to issue a holding objection based upon the following:

- In line with the Essex SuDS Design Guide the upper end allowance for climate change of 40% should be used, not 20%.

- As infiltration rates have not been confirmed, a suitable alternative scheme is required. The current alternative scheme discusses discharging into the ditch/land drainage network, however this area is said (section 2.2) to have no outfall, therefore it is not a viable discharge location.
- If all the surface water goes through permeable paving, then the risk of blockage is significantly reduced. The outfall orifice diameter can be as low as 20mm. Therefore, the discharge rate can be lower than 1l/s, and should be as close to the greenfield runoff rate as possible with an outfall diameter of no smaller than 20mm. A strict maintenance plan will be required.
- The maintenance plan for the permeable paving should be in line with the CIRIA SuDS Manual C753.
- There is no drainage plan. A site layout, location of features, outfall location, conveyance should be included

ECC LLFA (second response following amended flood risk assessment): No objection.

Essex County Council Highways Authority:

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following condition:

1. The public's rights and ease of passage over Public Byway no.8 (Foulness) shall be maintained free and unobstructed at all times.

Reason: To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with Policies DM1 and DM11.

Rochford District Council Arboricultural Officer: No comments to add.

Neighbour Representation (first consultation):

2 responses have been received from the following addresses;

The Chase: "Churchfields No.6" 8.

And which in the main make the following comments and objections:

- Too excessive for the needs of this road.
- 25 spaces is too many, at existing there are 5.
- Small road will look like an abandoned town centre car park.
- Removal of grass verge would not be in keeping with the rural setting.

- Create potential flood problem.
- How can 4 EV charging points serve 9 properties and where is the power coming from and how will it be maintained and paid for ?

A petition has been received via email on 10<sup>th</sup> May 2021 and signed by 78 residents. The petition provides the following comments:

- This road has just 9 properties and there are currently no parking issues and certainly no access or obstruction issues.
- This is rural residential lane not used by or for Qinetiq operations.
- To completely remove the grass areas and trees and to fill in the ditch is unnecessary.
- 25 spaces are far in excess of the requirements of this small lane, it would look awful.

Neighbour representations (second round consultation):

2 responses have been received from the following addresses:

The Chase: 2, 8.

- I would appreciate a hard standing to park but is 25 needed?
- A smaller scale would be better.
- The spaces will not have enough turning area.
- Mature tree proposed to be removed.
- The existing drainage ditch is to be removed and filled in, where will the rainwater go?
- EV charging points cause many concerns, what type will these be? Who will maintain them and where is the power from?
- Who will maintain the landscaping as it is down to residents at the moment?

**Relevant Development Plan Policies:**

National Planning Policy Framework 2019

Core Strategy Adopted Version (December 2011)

Development Management Plan (December 2014) Policy DM1, DM30

Parking Standards: Design and Good Practice Supplementary Planning Document (December 2010)

Supplementary Planning Document 2 (January 2007) – Housing Design

The Essex Design Guide (2018)

**RECOMMENDATION: APPROVE**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The external surfaces of the development hereby approved shall be constructed of materials and finish as detailed in the application, unless otherwise agreed in writing by the local planning authority.

REASON: To ensure the external appearance of the development is appropriate to the locality in accordance with policy DM1 of the Development Management Plan.

3. The development hereby permitted shall be carried out in complete accordance with the following approved plans: 784-B026114-TTE-66-00-SK-O-0001 REV A; 784-B026114-TTE-66-00-SK-O-0009 REV P01

REASON: For the avoidance of doubt and to ensure that the development is completed out in accordance with the details considered as part of the planning application.

4. Prior to first use, plans and particulars showing precise details of the hard and soft landscaping which shall form part of the development hereby permitted, shall have been submitted to and agreed in writing by the Local Planning Authority. Any scheme of landscaping details as may be agreed in writing by the Local Planning Authority, shall include those existing trees, shrubs and hedgerows on the site proposed to be retained and include details of:

- schedules of species, size, density and spacing of all trees, shrubs and hedgerows to be planted;
- existing trees to be retained;
- areas to be grass seeded or turfed, including cultivation and other operations associated with plant and grass establishment;
- paved or otherwise hard surfaced areas;

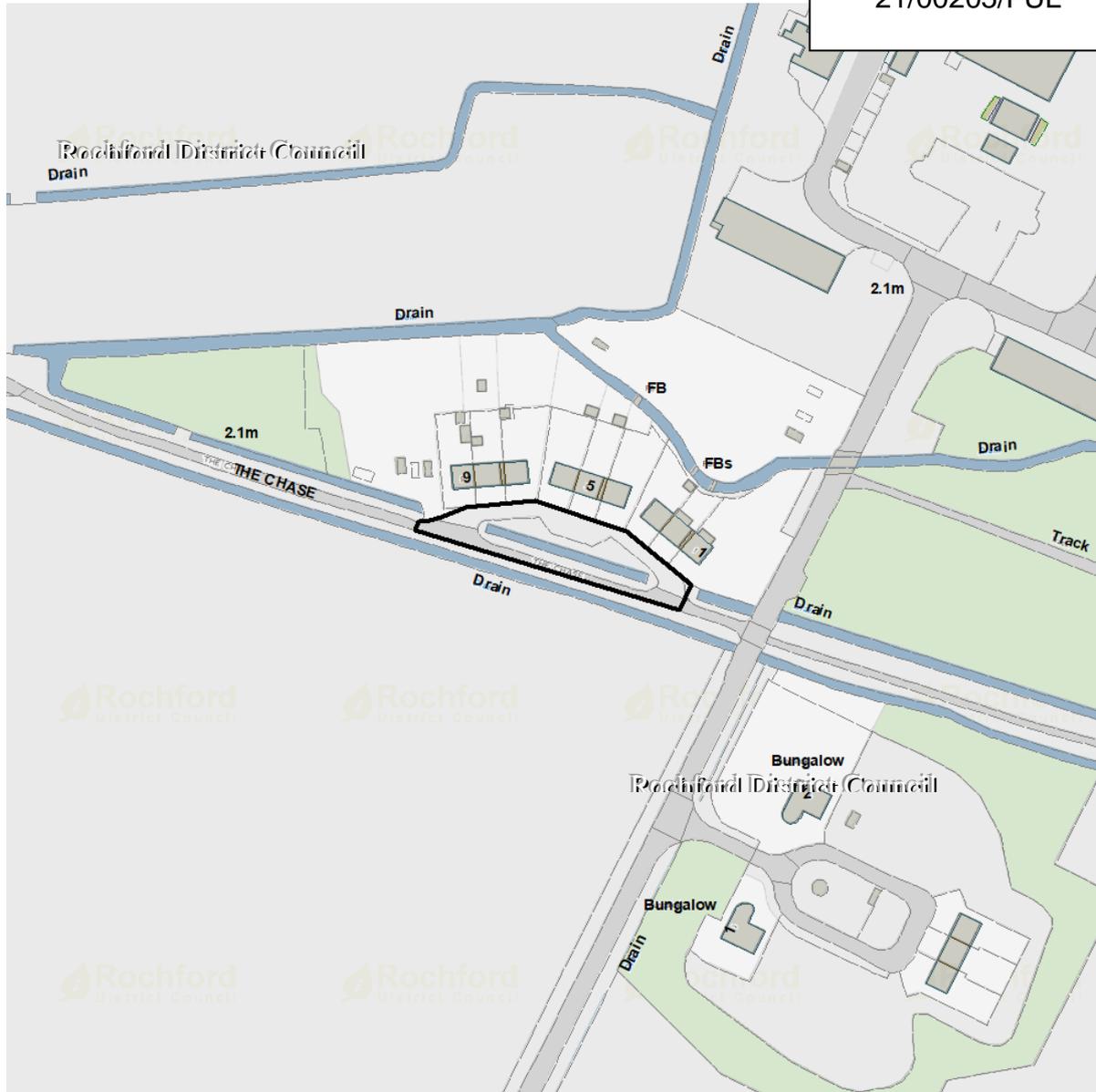
- existing and finished levels shown as contours with cross-sections if appropriate;
- car parking layouts and other vehicular access and circulation areas; shall be implemented in its entirety during the first planting season (October to March inclusive) following commencement of the development, or in any other such phased arrangement as may be agreed in writing by the Local Planning Authority. Any tree, shrub or hedge plant (including replacement plants) removed, uprooted, destroyed, or be caused to die, or become seriously damaged or defective, within five years of planting, shall be replaced by the developer(s) or their successors in title, with species of the same type, size and in the same location as those removed, in the first available planting season following removal.

REASON: To enable the Local Planning Authority to retain adequate control over the landscaping of the site, in the interests of visual amenity.

The local Ward Members for the above application are Cllr. D. S. Efde, Cllr. G. W. Myers and Cllr. Mrs. J. McPherson.



21/00205/FUL



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