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AGENDA

Committee: DEVELOPMENT CONTROL

Date and Time: Tuesday 1st March 2016 at 7.30 p.m.

Venue: Council Chamber

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

Membership: Councillors Hart (Chairman), Smith (Vice Chairman), Anderson, Blackwell, Cole, Cross, Hurrell, Mrs King, Sharp, Varker, Mrs Wass, N. Watson and Wood.

Canvey Island Town Councillors : Greig and Tucker

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

Enquiries: Cheryl Salmon, ext. 2454

PART I (Business to be taken in public)

1. Apologies

2. Members' Interests

3. Minutes

A copy of the Minutes of the meeting held on 2nd February 2016 is attached.

4. Public Speakers

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

5. Deposited Plans

Report of the Head of Regeneration and Neighbourhoods is attached.

	Application No.	Address	Page
1.	15/0928/FUL	271 Rayleigh Road, Benfleet (Cedar Hall Ward)	1
2.	15/0945/FUL	Forest House, Catherine Road, Benfleet (Boyce Ward)	15
3.	15/1045/FUL	Land Adjacent to Former King Canute PH, Canvey Road, Canvey Island (Canvey Island Central Ward)	24
6.	TPO4/2015 – 25 Hadleigh Park Avenue, Benfleet		51

Report of the Head of Regeneration and Neighbourhoods is attached.

Site Inspection

Members are advised that **no site inspections** are recommended in respect of any items on this agenda.

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DEVELOPMENT CONTROL COMMITTEE

2nd FEBRUARY 2016

PRESENT: Councillors Hart (Chairman), Smith (Vice-Chairman), Anderson, Blackwell, Cross, Hurrell, Mrs King, Sharp, Varker, Mrs Wass, N. Watson, Wood and Canvey Island Town Councillor Greig .

Councillors Acott, Dick, Ladzrie, Letchford, Riley, Skipp and Walter also attended.

An apology for absence was received from Councillor Cole.

The Chairman stated that due to long term illness Councillor Govier would be unable to attend Committee meetings for the foreseeable future therefore the Leader of the Council had appointed Councillor Wood to the Committee in her place.

28. MEMBERS' INTERESTS

Councillor Blackwell declared a non-pecuniary interest in application 14/0707/OUT (Minute No. 30(b)) as he had attended a luncheon which had also been attended by one of the Directors of ILD (Canvey) Ltd and remained in the Chamber during consideration of the item.

Councillor Mrs King declared a disclosable pecuniary interest in application 14/0707/OUT (Minute No. 30(b)) as she owned land close to the application site and withdrew from the Council Chamber during consideration of the item.

29. MINUTES

The Minutes of the meeting held on 5th January 2016 were taken as read and signed as correct.

30. DEPOSITED PLANS

- (a) 15/1025/FUL – HILLSIDE LODGE GREAT BURCHES ROAD, BENFLEET, ESSEX, SS7 3ND (ST PETER'S WARD) – DEMOLISH EXISTING CONSERVATORY AND CONSTRUCT A SINGLE STOREY REAR EXTENSION AND FIRST FLOOR SIDE EXTENSION OVER EXISTING GROUND FLOOR WITH FRONT AND REAR DORMERS.**

The proposal was for extensions to a dwelling within the Green Belt. The scheme sought to demolish the existing conservatory and provide a first floor side extension with front and rear dormers, and a single storey rear extension.

The application followed a recent refusal for an identical scheme of development (15/0826/FUL). The only identifiable difference between the application and that previously refused was the location of the site boundary. Assessment of the scheme had revealed that the extensions would lead to a disproportionate enlargement of the dwelling, contrary to Green Belt Policy. It was therefore recommended that permission be refused.

The application was presented to the Committee at the request of Councillor Dick.

Mr Gregory, the applicant, spoke in support of the application.

Councillor Dick, a Ward Member, spoke in support of the application.

During discussion Members acknowledged the issues raised by the Planning Officer and the recommendation of refusal. Members also noted the comments made by the applicant regarding the necessity for the extension to provide appropriate accommodation for an occupant of the dwelling with a disability. Following careful consideration the majority of Members felt that due to the size of the site and the relatively moderate size of the extension there were extenuating circumstances in this instance which justified a departure from Green Belt Policy.

A Member disagreed and stated that whilst he was sympathetic to the reasons for the extension the Policy was in place to protect the Green Belt and should be adhered to at all times. He did not consider that there were very special circumstances in this instance to justify a departure from Green Belt Policy.

The Head of Regeneration and Neighbourhoods advised that should the Committee be minded to approve the application conditions should be attached to any consent in regard to the time limit to begin works, the materials to be used and the removal of the existing conservatory.

Following discussion it was:-

Resolved – That the application be approved subject to conditions to be determined by the Head of Regeneration and Neighbourhoods in consultation with the Chairman and Vice Chairman

- (b) **14/0707/OUT – LAND SOUTH OF ROSCOMMON WAY, CANVEY ISLAND, ESSEX (CANVEY ISLAND WEST WARD) – OUTLINE DEMOLITION OF DISUSED PUMPING STATION ASSOCIATED SITE CLEARANCE AND CONSTRUCTION OF COMMERCIAL AND INDUSTRIAL DEVELOPMENT (USE CLASSES A3, B1(b) B1(c), B2, B8 AND SUI GENERIS WORKSHOP AND SHOWROOM) WITH ASSOCIATED LAND-RAISING, VEHICLE ACCESS TO ROSCOMMON WAY, INTERNAL ROAD ACCESS AND PEDESTRIAN LINKAGES, PARKING, SERVICE AREAS, UTILITIES AND INFRASTRUCTURE AND OPEN GREEN SPACE – ILD (CANVEY) LTD**

Consideration of this application had been deferred at the meeting of the 5th January 2016 to facilitate a meeting between the applicant and Members to discuss the proposal. A verbal report on the meeting was given to the Development Control Committee.

The application sought planning permission for 7.41ha of employment land uses comprising sui generis uses, (workshop and showroom), A3, B1 (b), B1(c), B2 and B8 uses with associated land-raising, vehicle access from Roscommon Way, site works and landscaping.

The Planning Officer reported that since the last meeting correspondence had been received from the HSE which stated that it had no objection to the granting of planning permission on the site.

The proposal was considered to be an appropriate form of development which would accord with the provisions of the National Planning Policy Framework and Adopted Local Plan and was therefore recommended for approval subject to conditions and the applicant entering into a Section 106 agreement.

Mr Wickham, a representative of the applicant, spoke in support of the application.

During discussion some Members expressed their support for the development as it was considered that it would lead to an improvement in employment opportunities in the area by creating local jobs for residents. It was not considered that it would lead to an increase in traffic congestion on Canvey Island as had previously been stated because employees of the site would either be travelling to a location on the Island or against the rush hour traffic.

Other Members felt that there would be an increase in traffic flows and that the infrastructure would not be able to cope. The road network was already at capacity and it was considered that this development would exacerbate the problem particularly at Waterside Farm Roundabout. It was stated that another access on and off Canvey Island should be in place before such a development could be considered. It was also questioned whether the proposal would in reality lead to an increase in jobs for residents in the borough.

In response to questions from a Member it was stated that Roscommon Way was the responsibility of the Highway Authority and would have been built to its standards, no objection to the application had been raised by National Grid and

the British Pipeline Agency had undertaken work to determine the position of the pipelines on the site in line with normal practice and the results had been fully examined by Planning Officers prior to preparation of the report.

A Member raised concern regarding the loss of wildlife on the site and that all conservation groups had not been consulted on the proposal.

Some Members raised concern about the impact the development would have on flooding in the area. It was stated that this was a fear of many local residents particularly in light of two major flooding incidents which had occurred in the last couple of years and which had highlighted issues with the drainage system on Canvey Island generally. A Member made reference to the Section 19 Flood Investigation Report compiled by the Lead Local Flood Authority and the importance of taking this into consideration.

During debate questions were also raised about how the drainage system on the site would work including the use of attenuation tanks. The Planning Officer gave a detailed description of the drainage scheme that had been proposed however highlighted that the application was for outline permission only at this stage. Further details of many aspects of the proposal including drainage could be finalised at a later stage. Some Members raised concern about the use of attenuation tanks on the site and it was requested that, if the outline application was agreed, that details of the drainage system be brought back to Committee for further discussion.

Following debate it was:-

Resolved – That the application be approved subject to the applicant entering into an Agreement under Section 106 of the Town and Country Planning Act to secure the following:

- the transfer of the 'pear shaped' compensation land and funded habitat management to an appropriate body in perpetuity,
- the creation, management and maintenance of the open areas within the site,
- provision of a financial contribution towards the provision of early years and childcare places,
- the implementation and monitoring of a Travel Plan including payment of a £3000 Travel Plan Monitoring fee to Essex County Council and
- the management and monitoring of the proposed surface water drainage system.
- The provision of a financial contribution of £30,000 for improved highway signage

then the Head of Regeneration and Neighbourhoods is authorised to approve with the conditions as set out in the Planning Officer's report; any subsequent application made to discharge Condition 13 relating to the surface water drainage scheme for the site should be brought back to Committee for consideration.

(c) **15/0985/FULCLC - THORNEY BAY CAR PARK, WESTERN ESPLANADE, CANVEY ISLAND, ESSEX (CANVEY ISLAND SOUTH WARD) – EXTENSION TO CAR PARK AND INSTALLATION OF NEW TARMAC PATH – CASTLE POINT BOROUGH COUNCIL**

This was an application for the enlargement and improvement of the Thorney Bay Public Car Park, located on Western Esplanade, opposite the junction with Leigh Road. The application was presented to the Committee in accordance with the Council's scheme of delegation, as it involved development by the Council on Council-owned land.

The proposal sought primarily to use land adjacent to the existing car park for seasonal parking purposes. No objection was raised to the principle of the enhancement of the current car park for the provision of a new overspill parking facility and it was not considered that the works would have a significant adverse visual impact on the area. The proposal was therefore recommended for approval.

Councillor Skipp, Cabinet Member for Environment and Leisure, spoke in support of the application.

During discussion Members indicated their support for the proposal and commended the work of Canvey Baywatch in tidying up the area. A Member queried whether extra litter bins would be installed to accommodate the extra visitors to the car park and it was stated that the situation would be monitored and provided if necessary.

Following discussion it was: -

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

(d) **15/1007/FUL – 11 ROSEMEAD, BENFLEET, ESSEX (ST GEORGE'S WARD) – CONVERSION OF GARAGE TO HABITABLE ACCOMMODATION, SINGLE STOREY REAR EXTENSION AND NEW PITCHED ROOF – MR ANDRE MOSELEY**

The application sought to provide ground floor accessible accommodation to benefit an occupant of the dwelling with a disability. An earlier application for identical development had been refused under delegated powers and an appeal had been lodged. As with the previous scheme, no issues of design were raised; however it was considered that the dwelling would lack satisfactory parking provision following the works, and as such the proposal was recommended for refusal.

The application was presented to the Committee at the request of Councillor Walter in order for the Committee to consider the effect of the development on the surrounding area.

Councillor Walter, a Ward Member, spoke in support of the application.

During discussion Members noted the comments made by the Planning Officer regarding the impact the proposal would have on the parking provision at the front of the site and the effect this would have in restricting access to adjacent properties. However they were also mindful of the needs of the applicant and the necessity for the extension to the existing property. The Planning Officer stated that she believed there was an alternative scheme which would address the lack of parking provision and satisfy the needs of the applicant and should the application be determined as per the recommendation, it was her intention to discuss this further with the applicant.

In light of the comments made by the Planning Officer the Committee indicated that whilst it was in favour of the principle of an extension to the property an alternative scheme should be investigated now to address the lack of parking provision on site. It was noted that to defer the application for consideration at the next meeting would mean that the time limit for determination would be exceeded and it was therefore:-

Resolved – That the applicant is invited to meet with the Planning Officer, Chairman, Vice Chairman and Ward Councillors to discuss an alternative proposal and that subsequently determination of the application is delegated to the Head of Regeneration and Neighbourhoods in consultation with the Chairman and Vice Chairman.

(e) 15/1010/FUL – 19 HOLBEK ROAD, CANVEY ISLAND, ESSEX, SS8 8NT (CANVEY ISLAND EAST) – ERECT PAIR OF SEMI-DETACHED HOUSES AND FORM NEW VEHICULAR ACCESSES TO HOLBEK ROAD AND TEMPTIN AVENUE (AMENDED PROPOSAL) – HODDER & LEWIS

The application sought permission to redevelop the site of a former bungalow with a pair of semi-detached houses and represented an attempt to overcome the reasons for refusal raised in respect of a similar form of development on this site in 2015.

It was not considered that the current scheme had overcome the reasons for refusal originally cited. The proposal therefore represented a poor form of development, of mean and cramped appearance, exhibiting a poor relationship between design and context and providing inadequate parking provision to meet the needs of the development proposed. The proposal was therefore recommended for refusal.

Councillor Sharp had requested that the application be brought before the Committee if it was to be recommended for refusal.

Councillor Acott requested that the application be presented to the Committee if recommended for approval.

Councillor Acott, a Ward Member, spoke against the application.

Councillor Letchford, a Ward Member, spoke against the application.

During discussion Members concurred with the Planning Officer's view that the proposal would be out of character with the locality contrary to National Planning Policy, that it represented overdevelopment of the site and would have a detrimental impact on the street scene. It was therefore:-

Resolved – That the application be refused for the following reasons:

1. The width of Plot 1 would be uncharacteristically narrow in relation to the surrounding area and would be out of character with the locality, contrary to the provisions of RDG1 within the Council's Residential Design Guidance and Government guidance as expressed in the National Planning Policy Framework.
2. The proposed development would be detrimental to the street scene in Temptin Avenue due to the paucity of openings in the side elevation of the dwelling on Plot 2 and the excessive length of high level garden screening along the return frontage. The proposal would thereby be contrary to the provisions of RDG4 within the Council's Residential Design Guidance and Government guidance as expressed in the National Planning Policy Framework.
3. The proposal represents overdevelopment of the site, as demonstrated by the projection of the dwelling on Plot 2 beyond the established building line to Temptin Avenue. When viewed from the north, this dwelling would appear as an overly prominent and dominant feature in the street scene, detrimental to the character and appearance of the area, contrary to the provisions of RDG3 of the adopted Residential Design Guidance and Government guidance as expressed in the National Planning Policy Framework.
4. The proposed development provides a two bedroomed property on Plot 1. As such the property would attract a requirement for the provision of two car parking spaces. This cannot be achieved within the confines of the site and it is therefore considered that the proposal represents overdevelopment of the site, contrary to Policy T8 of the adopted Local Plan.

Chairman

ITEM 1

Application Number:	15/0928/FUL
Address:	271 Rayleigh Road Benfleet Essex SS7 3XF (Cedar Hall Ward)
Description of Development:	Demolition of existing building and construction of 2 storey block of six self-contained flats with parking, roof garden and widening of vehicular access to Rayleigh Road
Applicant:	Belle Vue House Ltd
Case Officer	Mrs Ishita Sheth
Expiry Date	20.01.2016

Summary

The application seeks permission for the residential redevelopment of a site located within the Green Belt.

Redevelopment of the site in the manner proposed would unacceptably intensify development on the site would reduce the openness of the Green Belt and compromise its strategic function at this location.

No very special circumstances necessary to justify inappropriate development in the Green Belt have been cited in this case.

Furthermore, the proposal would provide a poor form of development with poor internal layout, inadequate amenity area, inadequate isolation between the proposed building and the boundaries of the site, resulting in potential overlooking of the neighbouring properties and potential noise and disturbance to the proposed flats at ground floor level.

The proposal is therefore recommended for REFUSAL.

The application is presented to the Committee as the previous application was determined by the Committee at the request of Councillor Riley.

Site Visit

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

Introduction

The site is located on the western side of Rayleigh Road, some 61.8m north of its junction with The Chase. It is a regular shaped site with a frontage to Rayleigh Road of some 20m and maximum depth of some 37m.

A single storey building currently occupies the site. The building, which has been vacant for some time, was formerly used as a doctor's surgery. The area to the front and rear of the building is completely hardsurfaced.

The topography of the site is such that the ground slopes steeply from east to west.

The Proposal

The proposal seeks to demolish the existing building and construct a two storey, part hipped roofed building with gable features, providing six residential flats. The footprint of the building would be a maximum of some 16.7m by 18.4m.

The building would be set some 0.4m below ground level and would have a maximum height of some 8.7m, with part of the roof being flat to limit the height of the building and provide a roof terrace. A staircase shaft extends above the proposed flat roof measuring some 3m by 7m and provides access to the roof terrace

2 No. 2 bedroomed flats are proposed at ground floor level and 2 No. 2 bedroomed flats and 2 No. 1 bedroomed flats are proposed at first floor level.

7 car parking spaces are proposed to the rear of the proposed building with access provided through the building. Two car parking spaces are provided to the front of the dwelling and one undercroft car parking space is provided at the rear of the building, making a total provision of ten spaces.

A refuse bin enclosure is provided to the front of the proposed building, adjacent to the front boundary of the site.

Supplementary Documentation

A Design and Access Statement and details of the proposed materials accompanied the application. These are available to view on the Council's website.

Planning History

15/0263/FUL – Demolition of existing building and construction of three storey block of 8 flats with parking, roof garden and widening of vehicular access to Rayleigh Road. Refused 01.09.2015 for the following reasons:

1 The proposed development is situated within an area of Green Belt as defined in the Council's Adopted Local Plan. The proposed new building would result in an inappropriate form of development in the Green Belt, which does not benefit from the exceptions listed in the National Planning Policy Framework and if allowed would cause harm to the Green Belt, and have an adverse impact on the openness, character, appearance and strategic function of the Green Belt. The applicant has failed to demonstrate any very special circumstances why the proposal might exceptionally be allowed and the proposal is therefore contrary to guidance as set out in the National Planning Policy Framework.

2 The proposal fails to provide adequate amenity space for the proposed flats and would result in a substandard form of development, to the detriment of the future occupiers of the flats, contrary to Policy H17 of the Council's Adopted Local Plan, RDG6 of the Residential Design Guidance and Government advice as contained in the National Planning Policy Framework.

3 The proposed development, by virtue of the proximity of the windows and balconies on the rear elevation at second floor level to the rear boundary of the site, represents overdevelopment of the site, contrary to Policy EC2 of the adopted Local Plan, RDG5 of the adopted Residential Design Guidance and Government guidance as contained in the National Planning Policy Framework.

Local Plan Allocation

Green Belt

Relevant Policies and Government Guidance

National

National Planning Policy Framework (NPPF)
Paragraphs 79, 87, 88, 89, 120, 123

Local Plan

EC2 - Design
H17 – Housing standards
T8 – Car parking - Essex Car Parking Provision – C3 uses

Residential Design Guidance

RDG2 – Space Around Dwellings
RDG3 – Building Lines
RDG5 – Privacy and Living Conditions
RDG6 – Amenity Space
RDG12 – Parking and Access
RDG13 – Refuse and Recycling Storage

Consultation

Refuse and Recycling Officer

No objection.

Highway Authority

No objection subject to conditions

Public Consultation

Neighbour responses

Five responses have been received from the following addresses:

Rayleigh Road – 263, 273, 275, 283
The Chase – 348

which make the following comments and objections:

- No change in the planning policy position since the refusal of the previous application.
- Whilst the proposal has been revised to comprise a smaller development, the Council's previous reasons for refusal have not been overcome.
- Proposal would fail to preserve the openness of the Green Belt.
- Issues of overlooking and overshadowing.
- Overdominance issues.
- Proposed car parking layout inadequate and will require a lot of manoeuvring resulting in disturbance to neighbouring residents.
- Parking inadequate.
- Inappropriate design and size for the plot.
- Out of keeping with the neighbouring properties.
- Loss of light to their lounge window at ground floor level in the flank elevation.
- Inappropriate development within Green Belt.
- Raises issues with the 'Design and Access Statement'.
- Overlooking of gardens to the rear of the application site which is in private ownership.
- Overdevelopment of site.
- Traffic issues.
- Potential damage to their house
- The submission does not detail any methods of excavation or structure of the development.
- The proposal does not compare the development with the smaller semi-detached properties to the north of the site.
- The mains drainage in the area already over capacity.
- Flooding issues from significant rainfall.
- Does not agree with the UPVC windows and doors.
- Noise and disturbance issues.
- Inconvenience from large lorries delivering building materials and taking away debris.
- Impact on existing wildlife.
- The boundary wall and fence belong to them and the developer has no right to say whether they will remain or not.
- Roads do not have enough capacity.
- Would be unfair to allow such a large expansion on the application site when the other neighbouring properties are severely restricted.
- Considers that Green Belt allocation is outdated; Rayleigh Road is a residential street.
- No special circumstances have been cited.
- Proposal will affect the openness of the Green Belt.
- Currently no flats on this side of Rayleigh Road.
- If trees are planted it would have an impact on their insurance policy.

Comments on consultation responses

- The conditions recommended by the Highway Authority can be attached to any consent granted.

- Issues in respect of structure and foundations are dealt with under the Building Regulations.
- Insurance considerations are not material planning considerations.
- Boundary wall issues are civil matters.
- It is noted that the open land to the rear are private gardens.
- Other relevant matters are dealt in the evaluation section.

Evaluation of Proposal

The proposal represents the redevelopment of previously developed land in the Green Belt. As such consideration needs to be given to the principle of the proposed development of the site, design, the impact on neighbours and parking and traffic implications.

The principle of development in the Green Belt.

The site, the subject of the application is allocated for Green Belt purposes.

Para 79 of the 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 Belt are their openness and their permanence.

Para 87 of NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Para 88 of the NPPF states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Para 89 of the NPPF states that a Local Planning Authority should regard the construction of new buildings as inappropriate in Green Belt.

The proposal represents the provision of a new building in the Green Belt and is by definition therefore inappropriate development. The proposal should therefore attract a recommendation of refusal. However Paragraph 89 of the NPPF identifies a number of exceptions to the presumption against inappropriate development. These are:

- buildings for agriculture and forestry
- provision of appropriate facilities for outdoor sport and outdoor recreation, for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.
- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- limited infilling and limited affordable housing for local community needs under policies set out in the Local Plan; or

- limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

As can be seen, paragraph 89, at its last bullet point, indicates that complete or partial redevelopment of previously developed sites need not be inappropriate, provided the proposed development would not have a greater impact on the openness of the Green Belt or the purpose of including land within it than the existing development.

Turning first to the issue of whether this site might be considered as previously developed land, the site contains a single storey building which was formerly used as a doctor's surgery. Beyond the confines of the building the entire site is hardsurfaced.

It is acknowledged therefore that the entire site can be considered to be previously developed.

The second part of the bullet point has a further test – the impact on openness of the Green Belt or the purposes of including the land, compared to the existing situation.

The current building is single storey with a footprint some 14m by 14m and a maximum height of some 4.6m.

The proposed building has a footprint of some 16.7m by 18.4m, which is slightly larger but comparable to that of the existing building, but has a height of some 8.7m. The height of the building is therefore almost twice that of the existing building on the site and the mass of the proposed building is significantly greater than that replaced.

It is noted that it is intended to set the building below the level of the adjacent footway, thus reducing the maximum height of the building relative to the road to some 7.7m, however, this device will not reduce the height and mass of the building in real terms, which remains significantly higher than the current building on the site.

Whilst it is noted that the current proposal is slightly smaller than the originally proposed scheme of eight flats, it is not considered that the scheme represents a substantial reduction in the scale and mass of the proposal, sufficient to secure compliance with the guidance of the NPPF.

In the light of these facts it is clear that the proposed building will have a significantly greater impact on the openness of the Green Belt and cannot therefore be held to fall within the exceptions to inappropriate development listed at paragraph 89 of the NPPF.

Prima facie, the proposal should therefore attract a recommendation of refusal; however, prior to determining the application on that basis, it is incumbent upon the Local Planning Authority to consider whether there are any very special circumstances which would justify a departure from the policy requirements.

This Authority defines very special circumstances as those which are individual or unique to the particular site, or at the very least incapable of frequent repetition.

No very special circumstances have been cited by the applicant.

The Planning Authority is currently preparing a new Local Plan which, inter alia, will consider the Green Belt boundary and the status of the Green Belt within the Borough. As part of this process the Council has carried out assessments of the function and landscape value of individual parcels of Green Belt land within the Borough.

The parcel of land which includes the application site has been identified as serving three Green Belt functions; it restricts urban sprawl, prevents Hadleigh and Thundersley merging into each other and prevents encroachment into the countryside.

Whilst it is acknowledged that the parcel contains a number of buildings, in the form of dwellings along the eastern side of Rayleigh Road and education related buildings on the western side, the dwellings are an historical legacy and the school serves an important purpose for the local community, an attribute which is shared by the former Doctor's surgery.

A positive factor identified within the Green Belt Functions Assessment is that this parcel's location enables people living within the surrounding urban area the opportunity for countryside amenity.

This parcel also serves to restrict the urban sprawl of Hadleigh and Thundersley and prevent encroachment. As it is situated between Hadleigh to the south east and Thundersley to the north and west, it also ensures that these settlements do not merge with each other. As the area is surrounded by urban fringe areas it is at high risk of encroachment, as is evidenced by the presence of ribbon development in the area. Further urbanisation of the frontage, as proposed here, would prejudice the ability of the Planning Authority to maintain the Green Belt designation of the land to the west, around the Chase. This parcel, and the application site, is therefore critical to the long term protection of the Green Belt in this area.

Paragraph 14 of the NPPF addresses the presumption in favour of sustainable development. With regard to decision taking it expects that development proposals will be approved where the development plan is out of date unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or specific policies in the framework indicate development should be restricted. Footnote 9 to paragraph 14 indicates that land designated as Green Belt is included as a specific policy in the framework where development should be restricted. Therefore, it can be reasonably interpreted that the presumption in favour of sustainable development does not normally apply to proposals for development in the Green Belt.

It should in addition be remembered that the proposed development seeks to provide only 6 dwellings. This does not represent a strategically important contribution to housing supply, sufficient to warrant inappropriate development in the Green Belt.

Overall, it is not considered that any very special circumstances exist to justify inappropriate development in the Green Belt.

An objection is raised accordingly.

The principle of flats on this site

Policy H13 of the adopted Local Plan is concerned with the appropriate location of flats and states that proposals for flats should be located on, or near, a main road.

Rayleigh Road is a main road and as such no objection is raised to the principle of the provision of the flats in this location. However, this does not overcome the primary objection to the proposal based on Green Belt policy.

Design

Policy EC2 requires a high standard of design in all proposals for new buildings. In particular, regard is to be had to the scale, density, siting, design, layout and external materials of any development, which should be appropriate to its setting and which should not harm the character of 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 (RDG). This guidance is considered to be in compliance with the National Planning Policy Framework (NPPF).

RDG7 states that the roof design of any development should be compatible with the host dwelling, as well as being informed by the prevailing character of the area and surrounding forms of roof development. The roof should be proportionate to the dwelling and must not be top heavy or appear prominent or dominant.

The overwhelming character of development in this part of Rayleigh Road is of two storey development and the difference in height between the proposed flats and the dwellings either side is not considered so significant as to provide a robust objection. It should be noted that the house at No. 263 Rayleigh Road, to the south of the application site has a maximum height of some 9m and the semi-detached house at No. 273 located to the north of the application site has a maximum height of some 8.1m. This compares favourably with the height of the proposed flats at some 8.7m. No objection is therefore raised to the proposal on the basis of its height.

The proposal seeks to provide a two storey building with gable features with an unbalanced roofscape.

The dwellings to either side of the proposed building exhibit symmetrical forms which are visually attractive. The provision of a visually unbalanced building in such a context would be jarring, but would not be so significantly inconsistent with the form of the surrounding area that it is considered that a reason for refusal based on character and appearance could be sustained on appeal. No objection is therefore raised to the proposal on the basis of external appearance under Policy EC2 of the Council's Adopted Local Plan and RDG7 of the Residential Design Guidance.

RDG2 deals with space around dwellings and requires flatted development to provide a space equivalent to 25% of the width of the building to be provided.

The width of the proposed building is some 16.7m. The proposal would therefore require some 4.2m of isolation space. The proposal seeks to provide a minimum space of some 2.6m to the southern boundary and a minimum space of some 2.6m to the northern boundary. This would be in compliance with the guidance and no objection is therefore raised under 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.

The building line in this part of Rayleigh Road is relatively uniform. The proposed building would generally conform to the building line within this area and would not result in any significant disruption to the established building line in this part of Rayleigh Road. No objection is therefore raised to the proposal under this aspect of RDG3.

Impact on Neighbours

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

The proposal provides a 8.7m high building. The proposed building would extend some 3.5m beyond the rear wall of the dwelling to the south, No. 263 Rayleigh Road and by some 0.8m beyond the rear wall of the dwelling to the north, No. 273 Rayleigh Road. Such levels of projection are not considered significant and given the level of isolation achieved between the building and the boundaries of the site and the relative orientation of the properties, it is not considered that the proposal will result in such issues of dominance or overshadowing that a refusal on this basis could be successfully sustained on appeal.

A neighbour has commented that the proposal would result in loss of light to their lounge window in the side elevation at ground floor level. This window relies on light across land outside their ownership. Such light cannot be guaranteed in perpetuity and it is not considered that a refusal on this basis could be successfully sustained on appeal. No objection is therefore raised to the proposal under RDG3 of the Residential Design Guidance.

All other properties are considered to be too remote to encounter overdominance or overshadowing from the proposal. No objection is therefore raised to the proposal on this basis.

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

RDG5 also states that the provision of high level, fixed shut or obscure glazed windows or screening, or any combination thereof, should be restricted to secondary windows serving rooms or areas which are not occupied for any length of time and/or require a high degree of privacy, or provide secondary light and/or ventilation to a room.

First floor windows are proposed in all elevations.

The proposed windows at first floor level in the front elevation would overlook the highway and would not result in any loss of privacy and overlooking.

Windows are provided in the flank elevations which are located less than the requisite distance from the boundaries and therefore have the potential to result in overlooking and a loss of privacy. One window is provided in the northern elevation at first floor level serving a kitchen.

Three windows are provided in the southern elevation at first floor level; one serving a shower room and two serving kitchen areas.

A means of limiting overlooking from these windows would be to require them to be obscure glazed and fixed to a height of 1.7m above the finished floor level.

Shower rooms are unlikely to be used for significant periods of time and normally require high levels of privacy. As such it is considered that the imposition of a condition on any grant of consent requiring such windows to be obscure glazed and fixed is considered unlikely to result in unacceptable living conditions within the dwelling and will maintain the privacy and amenity of the adjoining occupiers. The kitchen window to Flat 5 could be required to be obscure glazed and fixed shut without significantly impacting on the internal living conditions because of the limited depth of the living room. The kitchen to Flat 4 is a separate room with the window as its single source of natural light and ventilation. The imposition of a condition requiring this window to be obscure glazed and fixed shut below 1.7m would be unfortunate but is considered unlikely to provide a robust reason for refusal.

The first floor window in the northern elevation serves the kitchen area for Flat 6. In this instance, the window represents a secondary source of light to the room. The imposition of a requirement to obscure glaze and fix the window provided to this north facing window to 1.7m would not undermine conditions in this flat to such an extent that it would provide a robust reason for refusal.

The proposed windows and balconies in the rear elevation at first floor level are located at a minimum distance of some 11.4m from the rear boundary of the site and would be in compliance with the guidance.

The proposal seeks to provide an amenity area on the roof of the building. This is appropriately screened along the front edge, facing Rayleigh Road and the side and rear edges by a 1.8m high wall/roof return. Use of the roof terrace would not therefore result in a loss of privacy and overlooking to the neighbouring properties. No objection is therefore raised to the proposal under Policy RDG5.

Parking and Access Implications

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

RDG12 provides design guidance for parking in residential areas.

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

The proposal seeks to provide 4 Nos. two bedroomed flats and 2 Nos. one bedroomed flats which would generate a need for 10 spaces for the occupiers and 2 for visitors to the flats, resulting in a requirement for 12 car parking spaces.

The proposal seeks to provide 10 car parking spaces and therefore results in a deficiency of 2 spaces. The proposal should, prima facie, attract a recommendation of refusal. However, in schemes for flatted development in locations which benefit from access to public transport, this Authority has consistently required the provision of parking on the basis of one space per flat, regardless of the size of the unit provided. Given that the site is located on a public transport route and Government guidance seeks to encourage the use of transport other than the private vehicle, it would appear appropriate to apply the same practice in this case. On this basis the proposal is considered to provide adequate parking to meet the needs of the proposed development. No objection is therefore raised to the proposal on the basis of parking provision.

Concern is raised in respect of the layout of the parking provision. It should be noted that the location of the car parking spaces Nos. 7, 8, 9 and 10 as shown in the submitted drawing, could be difficult to access and egress by virtue of their arrangement. Vehicles parked in these locations would require substantial manoeuvring to be able to leave the site.

However, it is noted that the Highways Authority has raised no objection to the proposal on the basis of highway and parking matters, and the Planning Authority's concerns in this matter are unlikely therefore to be supported on appeal.

No objection is therefore raised to the proposal under Policies EC2 and T8 of the Council's Adopted Local Plan and RDG12 of the Residential Design Guidance.

Residential Amenity

Policy EC3 is concerned with residential amenity. It states that development proposals which would have a significant adverse effect upon the residential amenity of the surrounding area by reason of traffic, noise, fumes or other forms of disturbance will be refused.

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

Eight car parking spaces are proposed to the rear of the proposed building. Whilst it is noted that the proposed parking spaces would abut the rear garden boundaries of neighbouring properties and potentially result in issues of noise and disturbance to these neighbours, it should be noted that this area was previously used as a car park serving the doctor's surgery. Under the circumstances, it is not considered that the impact in respect of noise and disturbance from the proposed car parking would be too different to the former situation. No objection is therefore raised to the proposal on this basis.

It should be noted that the proposed flat towards the front of the building, at ground floor level, has the provision of two bedroom windows located in the front elevation towards the northern side. The proposed parking area to the front of the proposed block is located some 2m to the front of these windows. While it is considered that such an arrangement is not ideal, it is not considered that a refusal on this basis would be justified.

It is however considered that by virtue of the location of the access to the site and the access to the parking area to the rear, vehicles will be required to move in close proximity of the front bedroom window serving Flat 1. It is considered that such an arrangement would result in

undue noise disturbance and a loss of privacy and potential overlooking issues to the occupiers of that property.

An objection is therefore raised to the proposal under Policy EC2 of the Council's Adopted Local Plan.

Other Matters

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

The proposal seeks to provide 4 two bedroomed and 2 one bedroomed flats, each having four and three habitable rooms respectively. Some 178m² of amenity area is required to meet the needs of the development.

The proposal seeks the provision of 3 nos. balconies in the rear elevation which provide some 13.13m² of amenity space and a roof garden having an area of some 81.6m²; totalling up to some 117m². The applicant suggests that some 191m² is available including the rear and side gardens. However, it is not considered that the rear and side garden areas suggested are of a useable shape or accessible location. Under the circumstances, it is not considered that these areas can be included within any calculation of amenity area. The proposal therefore fails to achieve the requisite level of amenity area and an objection is therefore raised to the proposal under RDG6.

RDG13 requires all forms of residential development to be provided with safe, adequate and suitable means of refuse and recycling storage for all occupiers. It states that the provision of refuse and recycling facilities taking the form of free standing structures must make a positive contribution to the streetscape. All communal waste collection points and waste storage facilities should be provided with suitable landscaping and screening.

The proposal seeks to provide a bin store to the front of the proposed block, along the front boundary. It is considered that a bin store measuring some 3.92m by 1.62m and having a height of some 2.6m in this prominent location would result in an obtrusive structure within the streetscene. An objection is raised to the proposal on this basis.

Flooding

Concerns have been raised in respect of flooding in the vicinity of the application site. At the present time the site is completely hardsurfaced and represents a risk from runoff to adjoining properties, runoff to the road being prejudiced by local topography with the road being some 2m higher than the rear of the site. The situation with regard to the opportunity for surface water absorption on the site will be marginally improved by the proposal which seeks to provide some grassed areas within the site. The proposal also seeks to provide facilities for the storage and reuse of rainwater on the site. Such measures have the capacity to achieve appropriate

treatment of surface water on the site, however to ensure such an outcome it would be prudent to require a Flood Risk Assessment and a Surface Water Strategy be submitted and approved by the Planning Authority prior to the commencement of any development on the site.

Subject to a condition requiring such details to be submitted, no objection is raised to the proposal under on the basis of surface water flooding.

Conclusion

The site represents previously developed land in the Green Belt.

Development of the site in the manner proposed would result in an increase in the mass of the development on the site which would harm the Green Belt at this location by reducing its openness and damaging its strategic function. In particular the proposed development would prejudice the ability of the site to contribute towards the prevention of the merging of settlements. Furthermore the scale of the development proposed would prejudice the ability of the Planning Authority to maintain the Green Belt function of land to the west of the application site.

The proposal therefore constitutes inappropriate development in the Green Belt.

No very special circumstances necessary to justify inappropriate development in the Green Belt have been cited in this case.

Furthermore, the proposal would provide a poor form of development with poor internal layout, inadequate amenity areas and the significant potential for overlooking of the neighbouring properties. The proposed layout is also considered likely to give rise to noise and disturbance to the occupiers of the proposed flats at ground floor level.

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

My Recommendation is Refusal for the following reasons

- 1 The proposed development is situated within an area of Green Belt as defined in the Council's Adopted Local Plan. The proposed new building would result in an inappropriate form of development in the Green Belt, which does not benefit from the exceptions listed in the National Planning Policy Framework and if allowed would cause harm to the Green Belt, and have an adverse impact on the openness, character, appearance and strategic function of the Green Belt. The applicant has failed to demonstrate any very special circumstances why the proposal might exceptionally be allowed and the proposal is therefore contrary to guidance as set out in the National Planning Policy Framework
- 2 The proposal fails to provide adequate amenity space for the proposed flats and would result in a substandard form of development, to the detriment of the future occupiers of the flats, contrary to Policy H17 of the Council's Adopted Local Plan, RDG6 of the Residential Design Guidance and Government advice as contained in the National Planning Policy Framework
- 3 The proposal, by reason of the relationship between the proposed vehicular access into the rear of the site and the windows serving Flat 1, would, if implemented, result in the generation of noise and general disturbance to the detriment of the residential amenity of those occupiers, contrary to Policy EC3 of the Council's Adopted Local Plan and Government guidance as contained in the National Planning Policy Framework (NPPF).

- 4 The proposed bin store, by virtue of its location along the front boundary of the site would result in an obtrusive structure in a prominent location and would result in significant detriment of the character and appearance of the surrounding area, contrary to Policy EC2 of the Council's Adopted Local Plan and Government guidance as contained in the National Planning Policy Framework.

Informative:

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

ITEM 2

Application Number:	15/0945/FUL
Address:	Forest House Catherine Road Benfleet Essex SS7 1AR (Boyce)
Description of Development:	Loft conversion to create 2 No 1 bedroom apartments with rear internal staircase, external link bridge across driveway and external access stair
Applicant:	Mr Eric Jakob
Case Officer	Mrs Ishita Sheth
Expiry Date	01.03.2016

Summary

This application seeks full planning permission for 2 additional flats at third floor level, to an existing two storey block. The additional accommodation would be achieved by raising the roof of the existing building.

The National Planning Policy Framework states that extensions to buildings within the Green Belt need not be inappropriate, provided that such works do not result in disproportionate additions over and above the size of the original building. This represents a change in policy since the determination of applications in 1990 and 1991.

Furthermore, the site has been identified as forming part of the Council's five year housing land supply and this is considered to amount to the very special circumstances needed to justify an otherwise inappropriate development.

Whilst, no objection is raised to the principle of the provision of flats on this site, an objection is raised to the proposal on the basis of its design, poor parking provision and poor internal layout.

The proposal is therefore recommended for REFUSAL.

The application is presented to the Committee at the request of Councillor Sharp.

Site Visit

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

Introduction

The site forms part of a generally wooded area of Green Belt, with significant changes in topography. The area contains a general scattering of residential development with commercial and residential development to the north fronting the London Road and residential development to the east.

The site takes direct access off the unmade Catherine Road and is currently occupied by a two storey, dual pitched roofed building with a single storey rear extension, providing four flats. Parking and amenity space is located to the rear of the site.

The Proposal

The proposal seeks to raise the roof of the existing building by some 2m from 9.5m to 12.4m and form 2 one bedroomed flats at third floor level. The flats would be served by an internal staircase provided to the rear of the site which would be accessed by an external stair case and a bridge across the existing driveway.

The staircase well to the rear of the existing building would be some 3m by 3.92m, with a dual pitched roof to a maximum height of some 11.7m. The proposed bridge would have a width of some 5.5m and a maximum depth of some 1.5m. It would be set some 2.8m above ground level.

Supplementary Documentation

The application was accompanied by a Design and Access Statement which is available to view on the Council's website.

Planning History

CPT/753/91 – Addition of two bedroomed flat by formation of pitched roofed third storey with balcony, and a first floor rear extension to provide additional bedrooms. Refused on 11th September 1991 on Green Belt and design grounds.

CPT/753/90 – First floor flat roofed rear extension and pitched roofed second floor extension to provide additional bedrooms to existing first floor flats and the formation of a new penthouse flat. Refused on 12th September 1990 on Green Belt grounds.

Local Plan Allocation

Green Belt

Relevant Policies and Government Guidance

National

National Planning Policy Framework Paragraphs:

47 to 52 (Delivering wide choice of homes)

87 to 89 (Green Belt)

56 to 68 (Good Design)

Adopted Local Plan

EC2 - Design

GB5 – Extensions to dwellings

H13 – Location of flats

H17 – Housing development – Design and Layout

T8 – Car Parking Standards

Residential Design Guidance SPD

- RDG2 – Space Around Dwellings
- RDG3 – Building Lines
- RDG5 – Privacy and Living Conditions

- RDG6 – Amenity Space
- RDG7 – Roof Development
- RDG8 - Detailing
- RDG12 – Parking and Access
- RDG13 – Refuse and Recycling Storage

Essex Parking Standards – C3 Standard

Consultation

No statutory consultations undertaken

Public Consultation

Responses have been received from the Occupiers of Flats 2, 3 and 4 and the leaseholders of Flats 1 and 3, which make the following relevant comments and objections:

1. Loss of privacy from the proposed stairwell
2. Loss of light from the proposed stairwell
3. In addition to the 5 car parking spaces, currently the occupiers of the flats have also two spaces to the side and rear.
4. Noise and fumes from the proposed car parking spaces
5. Issues in respect of builders and delivery vans parking during construction works.
6. Site suffers existing subsidence issues
7. The proposed external staircase out of character of the area.
8. Difficult to understand how these works will be carried out whilst they are occupying the other flats.
9. Concerned that any extensive works to this building could have implications on safety of the existing structure.
10. Impact on wildlife.
11. Proposed plans will be disruptive, impractical and cause chaos.
12. Already restricted access further restricted by provision of two car parking spaces.
13. Overlooking issues from the high level bridge to Flat 3 and Flat 4.
14. Loss of storage space for Flats 2 and 3 and for the water tanks;

Comments on Consultation Responses

- Subsidence and foundation issues are not relevant planning matters.
- The Planning Authority is not aware of any wildlife implications for this site.
- Issues in respect of parking of delivery vehicles and parking by builders are temporary until any such construction works are completed and cannot form a robust reason for refusal.
- Loss of storage and water tank space are not planning matters.
- All other relevant issues are considered in the evaluation section.

Evaluation of Proposal

The proposal represents the development within the Green Belt. As such consideration needs to be given to the principle of the proposed development of the site, design, the impact on neighbours and parking and traffic implications.

The principle of development in the Green Belt

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

The site however falls within an area of land which has been identified as suitable for release from the Green Belt in the preparation of the new Local Plan. Until the new Local Plan has been adopted the site retains its Green Belt allocation.

The NPPF states at paragraph 79 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 their permanence.

Paragraph 89 of the NPPF states that a local planning authority should regard the construction of new buildings, (which includes extensions to buildings), as inappropriate in the Green Belt. The exceptions to this include the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

This represents a change in policy since the determination of previous applications in 1990 and 1991.

It should further be noted that the Council has identified limited capacity within its urban areas to provide a five year housing land supply and has undertaken an extensive review of all opportunities for the provision of residential development. As a result of this process, in December 2012 the proposal site, along with adjoining land between Felstead Road and Catherine Road, was identified as suitable for release from the Green Belt for residential development and indeed consent for flats has recently been granted on land immediately to the north of the application site, which also retains its Green belt allocation.

Although all of the identified sites would need to be formally identified within the emerging new local plan, the decision taken by the Council in this respect of the identification of the land as suitable for release and the action subsequently taken to formalise this decision in the granting of consent for residential development on the adjoining land, are considered to represent a significant change in the circumstances of this site, sufficient to represent a very special circumstance, the weight of which is sufficient to outweigh the harm to the Green Belt.

On the basis of the very special circumstances which have now been identified, no objection is raised to the proposal on the basis of Green Belt Policy.

The principle of flats on this site

Policy H13 of the adopted Local Plan is concerned with the appropriate location of flats and states that proposals for flats should be located on, or near, a main road. The site is located within 90m of the London Road (A13) and contains a building providing four flats.

Furthermore flats have recently been permitted, subject to the applicant entering into a S106 agreement, on land immediately to the north of the site.

Under the circumstances there can no objection to the provision of two further flats on the application site.

Design

Policy EC2 seeks a high standard of design in all alterations to existing buildings. RDG7 requires roof design to be compatible with the building and to be informed by the prevailing character of the area and surrounding forms of roof development. It should be proportionate to the building, and must not be top heavy or appear prominent or dominant. Dormers should be ancillary features, provided with substantial roof verges.

The proposal seeks to provide a third floor of accommodation and in order to limit the height of the proposed works a design has been adopted which reflects the twin gable form of the host building. This is unfortunate and simply replicates a poor form of design, the impact of which is exacerbated by the poorly aligned fenestration on the front elevation. .

In its present form the building does not present a particularly attractive elevation to the street scene, however, the enlargement of the building detracts from the existing building and fails to take the opportunity available to improve the character and appearance of the building and the surrounding area.

Government guidance clearly states at para 9 that pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, including (but not limited to): replacing poor design with better design.

Para 17 states that the planning system should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings; and at para 56 the NPPF clarifies that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

It is not considered that the proposed development achieves these objectives. An objection is therefore raised accordingly.

Policy GB5, whilst primarily concerned with dwelling houses rather than residential development per se, also offers some advice on the enlargement of residential buildings in the Green Belt. Such development is required to respect and not impair the scale, character and original form of the existing dwelling and surroundings, not to be of undue prominence or have an adverse impact on the appearance or character of the Green Belt, be sympathetic in terms of scale, form, design, height and materials to the existing dwelling, be of a high quality design, and to harmonise with the lines and form of the original dwellinghouse. It also requires buildings not to be of undue prominence.

The proposal would create a third storey which would increase the height of the building by some 2.15m to 12.35m. This will increase the prominence of the building in the street scene. However, the building currently represents a standalone feature on the western side of this part of Catherine Road and is well screened by existing trees. It shares little relationship with any adjoining dwellings and has limited impact on the street scene. It is not considered that the proposed increase in the height of the building would have a significant detrimental impact on the character and appearance of the area, which is likely to change considerably as a result of the implementation of other permitted and proposed development in the area.

The proposed flats would be served by an external staircase and bridge. This is a somewhat unusual feature but would be located to the side of the building some 8.5m back from the front elevation of the building and 2.3m from the northern boundary of the site.

Located in this position, it is not considered that the staircase and bridge would create an unduly obtrusive or prominent feature in the street scene. The staircase and bridge do however offer the opportunity for overlooking of the adjoining land and the existing flats within the building which are primarily served by windows in the side elevation. This issue will be considered further when impact on neighbours is considered below.

Impact on neighbours

RDG3 refers to development being informed by the prevailing building lines and requires that development should not result in excessive overshadowing or dominance to any elevation of an adjoining property.

The proposed new roof accommodation would extend no closer to the roads than the existing structure and thus is not considered to adversely impact on the setting of the building.

The proposal would provide a two storey extension above the existing single storey extension to the rear, to provide a stairwell. However, it is not considered that this element of the proposal would result in any significant issues of dominance or overshadowing to any adjoining residents or the occupier of the existing flats on the application site. No objection is therefore raised under RDG3.

RDG5 deals with privacy and living conditions. It requires primary windows to be located on principal elevations and windows to be appropriately sized and located for the room it serves. Windows at second floor level are expected to provide 15m to boundaries they directly face, unless site circumstances dictate otherwise. The provision of high level, fixed shut or obscure glazed windows should be restricted to windows serving rooms or areas which are not occupied for any length of time, require a high level of privacy, or provide secondary light.

The proposed windows in the front elevation would overlook the highway and would not result in any loss of amenity to neighbours. The windows proposed to the rear provide in excess of 15m to the rear boundary and therefore satisfy the requirements of RDG5.

However, the windows/roof lights proposed in the northern and southern roof planes fail to provide the requisite distance to the boundaries they face and could therefore lead to overlooking and a loss of privacy to adjoining occupiers. However, these windows are high level windows/roof lights, located some 2.2m from the finished floor level of the rooms they serve and would provide additional light to the bedroom of Flat 6 and open plan lounge/dining/kitchen area of Flats 5 and 6; the primary windows for these areas being located in the front and rear elevations. Under the circumstances the provision of rooflights to supplement light and ventilation opportunities to these rooms is considered acceptable.

Roof lights are also proposed to provide light to bathrooms and en-suites for Flats 5 and 6. These rooms are not occupied for any significant period of time and their use would normally require a high level of privacy. Under these circumstances the provision rooflights to serve these rooms is considered acceptable.

However, the bedroom for Flat 5 is only served by a high level rooflight. Such provision is considered unfortunate but is unlikely to justify an objection.

RDG5 is also concerned with loss of privacy arising from the provision of balconies or raised areas. In this case the proposal includes the provision of an external staircase and a bridge over the drive. The edges of these structures are defined by a 1m high clear glazed balustrade. Persons using the stairs and bridge will be provided with an opportunity to overlook the land to the north from a distance of some 2.3m, to the detriment of the privacy of the occupiers of that land.

The stairs and Bridge would also offer an opportunity for users to directly look into bedrooms serving Flats 1 and 3 from a distance of some 3m – 4.5m. Such overlooking from such close proximity is considered unacceptable and an objection is raised to the proposal on this basis.

Consideration has been given as to whether the proposed stairs and bridge could be screened in order to prevent direct overlooking, however it is considered that the provision of a 1.7m high opaque screen on both sides of the stairs and across the bridge would result in the creation of an unattractive, obtrusive and dominant feature which would be detrimental to the character and appearance of the building and the amenity of existing occupiers. It is not therefore considered that an appropriate remedy can be achieved with the current proposal.

Parking and Access Implications

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

RDG12 provides design guidance for parking in residential areas.

Policy T8 of the current Local Plan requires off-street parking to be provided in accordance with the County Parking Standards which is consistent with paragraph 39 of the NPPF. The standards for residential units are set at a minimum and require one space for each one bedroomed dwelling and two spaces for each dwelling with two or more bedrooms. The standards also require 0.25 visitor spaces for each dwelling.

The building currently has the provision of four two bedroomed flats and would require 8 car parking spaces. The Agent has stated that there are five car parking spaces currently on site; four within the detached garage block to the rear of the site and one to the front of the building. The provision of five spaces would represent a deficiency in parking provision under current standards; however, this is an historic situation which cannot be remedied within the context of the current application.

The proposal seeks to provide two one bedroomed flats and would require a provision of two additional car parking spaces. The proposal seeks to provide two additional car parking spaces on the site; one to the rear of the proposed staircase well and one to the side of the drive. Whilst the quantum of provision is considered acceptable the proposed car parking spaces do not accord with the parking standards in terms of their size, being only 2.5m by 4.8m in respect of the space provided to the rear of the site and 2.5m by 6m for the space at the side. Such spaces should be 2.9m by 5.5m and 2.9m by 6m respectively. Such provision would ordinarily attract a recommendation of refusal. However, it is considered that there is sufficient scope within the site to achieve two parking spaces of the requisite size and this matter could therefore be resolved by the imposition of an appropriate condition on the grant of any consent.

Policy EC3 is concerned with residential amenity. It states that development proposals which would have a significant adverse effect upon the residential amenity of the surrounding area by reason of traffic, noise, fumes or other forms of disturbance will be refused.

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

The proposed car parking space to the rear of the site would be located approximately 1m from the bedroom window of Flat 1. It is considered that such an arrangement would be likely to result in undue noise disturbance to the occupiers of that property and as such represents a poor layout which would be detrimental to the amenity and potentially the health of the occupier of that flat. An objection is raised accordingly.

An objection is therefore raised to the proposal under Policy EC3 of the Council's Adopted Local Plan.

Other matters

RDG6 is concerned with the provision of appropriate amenity space. Flats should be provided with a minimum of 8m² of amenity space per habitable room, with a minimum of 25m² per flat. In cases where there is safe and convenient access to high quality public open space, which is within immediate proximity of the site, less amenity space may be considered appropriate.

Each existing flat within the building provides 4 habitable rooms, which would require the provision of 32m² of amenity space for each property. The proposed flats are one bedroomed flats and each would require 25m² of amenity space.

A total amenity space of some 178m² is therefore required for the proposal.

The site provides in excess of this requirement. No objection is therefore raised under RDG6 of the Residential Design Guidance.

RDG13 requires all forms of residential development to be provided with safe, adequate and suitable means of refuse and recycling storage for all occupiers. It states that the provision of refuse and recycling facilities taking the form of free standing structures must make a positive contribution to the streetscape. All communal waste collection points and waste storage facilities should be provided with suitable landscaping and screening.

The proposal seeks to provide extra bins within the existing bin store area. No objection is raised to the proposal on this basis.

Conclusion

Whilst no objection is raised to the principle of the provision of flats on this site, an objection is raised to the proposal on the basis of poor design, poor internal layout and loss of privacy to existing residents.

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

My Recommendation is Refusal for the following reasons

- 1 The proposed development, by reason of the contrived design of the proposal and the poor alignment of the fenestration on the front elevation, represents a poor form of development, detrimental to the character and appearance of the building and the surrounding area and inconsistent with the aims of the National Planning Policy Framework in respect of achieving high quality design in all housing proposals.
- 2 The proposed development, by virtue of the proximity of the proposed staircase and bridge to the northern boundary of the site and the windows serving bedrooms at ground and first floor level in the northern elevation of the building , would result in significant adverse overlooking of the occupiers of the adjoining land and the existing flats, to the detriment of the privacy and amenity such occupiers should reasonably expect to enjoy, contrary to RDG5 of the adopted Residential Design Guidance and Government advice as contained in the National Planning Policy Framework.
- 3 The proposed development, by reason of the proximity of the proposed car parking bay to the rear of the existing building to the bedroom window serving Flat 1, would be likely to result in undue noise and disturbance to the occupiers of that property, contrary to Policy EC3 of the Council's Adopted Local Plan and Government guidance as contained in the National Planning Policy Framework (NPPF).

Informative:

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 3

Application Number: 15/1045/FUL
Address: Land Adjacent To Former King Canute PH Canvey Road Canvey Island Essex SS8 0QA (Canvey Island Central)
Description of Development: Demolition of existing retail unit and garage and construction of veterinary practice and 2 No. houses with associated parking, cycle and refuse storage and reconfiguration of car park
Applicant: Novellus (Canvey Island) LLP
Case Officer: Mrs Ishita Sheth
Expiry Date: 01.03.2016

Summary

The applicant seeks permission for the demolition of a large detached garage and retail unit and the construction of a single storey veterinary practice and two detached houses with associated parking and cycle/refuse storage. The proposal includes the reconfiguration of the parking area for the former King Canute Public House, which is to be retained.

The site is allocated for shopping purposes. The proposal incorporates residential development and would result in the loss of a retail unit; it therefore represents a departure from the Development Plan.

The proposed would however contribute to the Council's housing supply and provide a commercial unit which would support the day-to-day needs of the local community.

The proposal seeks to resolve the issues raised in respect of a previously submitted scheme which was refused consent in October 2015.

The proposal now meets the provisions of the adopted residential design guidance, and the proposed veterinary practice is now located in a satisfactory position relative to the eastern boundary of the site.

Furthermore the proposed car parking area has been revised and now achieves appropriately sized spaces in a safe and convenient layout.

Accordingly the proposal is recommended for APPROVAL.

The application is presented to the Committee following its determination of the earlier scheme on this site.

Site Visit

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

Introduction

The site is located on the northern side of Canvey Road at its junction with Edith Road and opposite its junction with Haven Road. The site has a maximum width of some 66m and a maximum depth of some 55m. The site has two access points onto Canvey Road, one to the south western corner of the site and one to the south eastern corner of the site.

The site is currently occupied by a three storey detached building, previously known as the King Canute Public House, a detached single storey, flat roofed building currently being used for retail purposes and a detached, flat roofed, double garage. The King Canute building sits roughly within the centre of the site. A grassed area is provided to the rear and front of the King Canute building, with car parking currently provided to its eastern and western sides. The retail unit is located towards the eastern boundary of the site and the garage is within the eastern parking area towards the rear of the site.

There are several trees within the grassed area to the rear of the site.

To the east sits a terrace of two storey buildings with commercial premises at ground level and offices/residential uses above. Also to the east sits detached and semi-detached two storey properties, known as No.11, No.15, No.15A and No.17 Village Drive, which back onto the eastern boundary of the application site.

The western boundary of the site abuts Edith Road and extends for some 54m. This road is residential in character with a mixture of detached bungalows, detached houses and semi-detached chalets. Semi-detached houses, No.2-14 (even numbers only) fronting Edith Close back onto the rear (northern) boundary of the site.

To the south, sits two and single storey buildings clustered around the junction of Haven Road and Canvey Road, with commercial uses at ground floor level and residential/offices at first floor level.

The Proposal

The proposal seeks to demolish the garage building and single storey retail unit and construct a single storey veterinary practice, to the eastern side of the site and two detached houses with associated parking, cycle and refuse storage to the western side of the site.

The applicant intends to retain the King Canute building and use it for retail purposes, (although this does not form part of the current application) and reconfigure the car park to serve the commercial uses.

The two detached houses would front onto Edith Road and be located behind the King Canute building. These houses would be set between some 10.3m and 11.2m from the boundary with Edith Road. A brick boundary wall with railings would be provided to the Edith Road frontage. The northern house, Plot 1, would be a maximum of 9.9m deep, 7.8m wide and 8.55m high with a dual pitched roof. The southern house, Plot 2, would be a maximum of 9.9m deep, 5.8m wide and 8.55m high with a dual pitched roof. The dwellings would provide three bedrooms, a bathroom and ensuite at first floor level and a kitchen, W.C. and open plan living and dining area at ground floor level.

The internal floor level of the dwellings would be raised above ground level necessitating the provision of external steps to the front door. A raised patio, some 0.8m above natural ground level with external steps down to the garden is provided to the rear. The dwellings would sit within plots of between 10 – 11.4m wide and 31.5m – 32.6m deep. A flat roofed cycle/bin store some 1m wide, 3.3m deep and 1.8m high would be provided within the plot of each dwelling.

Access to the dwellings would be from Edith Road.

The veterinary practice would be contained with a hipped roofed, detached, single storey building located towards the eastern boundary of the site. This building would be a maximum of 18.1m deep, 11m wide and 6.8m high. The internal ground level would be raised and a ramp would be provided to the front of the building. Parking for 19 vehicles to serve the practice would be provided primarily to the rear and western side of the practice building. A delivery zone (in the position of one of the parking spaces) would also be provided.

The practice building would provide a waiting area, reception, bin store, three consulting rooms, a bereavement room, office and a clinic area. Two air conditioning cassette units are proposed to the rear of the practice building.

The parking area to the western side of the King Canute building would be re-organised to provide two disabled spaces, a delivery zone (in the position of one of the disabled spaces) and 11 parking spaces.

Two Sheffield style cycle hoops would be provided to the front of the building.

Supplementary Documentation

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

- Design and Access Statement
- Ecology Report
- Acoustic Testing Report
- Planning Statement
- Topographical Plan
- Flood Risk Assessment for proposed residential development
- Flood Risk Assessment for proposed veterinary practice
- Transport Statement
- Arboricultural Impact Assessment

Planning History

In 1962 planning consent (ECC/CAN/246/62) was granted for the erection of an off licence in a similar position to the existing retail unit on site. Two further applications were approved in 1972 (CAN/597/72) and 1978 (CPT/796/78) to extend the building to its current size.

There have been various applications submitted for alterations, extensions and advertisements relating to the King Canute building. None are directly relevant to consideration of this application.

In 2015 an application for the retention of the King Canute building and the provision of two detached houses and a veterinary surgery (15/0583/FUL) was recommended for refusal for the following reasons:

1. The proposed veterinary practice, by reason of its size and scale, combined with its relationship to the eastern boundary of the site, would result in the provision of a building with mean and cramped setting, which if approved would detrimentally harm the character and appearance of the surrounding area contrary to Policy EC2 of the adopted Local Plan and Government Guidance as contained within the National Planning Policy Framework.
2. The proposed dwellings, by reason of the inadequate isolation achieved between the buildings would result in a development of mean and cramped appearance contrary to the prevailing character of development in the surrounding area, Policies EC2 and H17 RDG2 of the adopted Local Plan and Government guidance as contained within the National Planning Policy Framework.
3. The proposed car park by reason of its layout, location and the size of parking bays proposed, would result in a significant level of harmful conflict within the site between the three independent uses, adversely affecting the ease of movement within the site, and if approved, likely to accumulate in the displacement of the residential occupier's vehicles onto Edith Road, to the detriment of highway safety and traffic flows, contrary to Policies H17 RDG12, T8 and EC2 of the adopted Local Plan and Government guidance as contained within the National Planning Policy Framework.
4. The proposed development, by reason of the lack of information provided in respect of a Flood Response Plan, reliance on evacuation in the event of a flood, lack of a provision of a safe refuge and inadequate floor heights relative to predicted flood levels, fails to demonstrate that the proposed veterinary practice would not represent a risk to users of the site, contrary to Government guidance as contained in the National Planning Policy Framework.

In determining the application Members added the following reason:

5. The proposed development represents unacceptable piecemeal development of the site, the implementation of which would result in the creation of a discordant and fragmented form of development, detrimental to the character and appearance of the area and the effective and efficient use of land, contrary to Policy H12 of the Adopted Local Plan and Government Guidance as contained in the National Planning Policy Framework.

This application seeks to resolve these objections.

An application for a Certificate of Lawfulness in respect of the use of the King Canute building as a convenience store is currently with the Authority for determination. (15/0907/CLE).

Local Plan Allocation

Shopping

Relevant Policies and Government Guidance

National Planning Policy Framework

Paragraphs: 30, 32, 37, 58, 70, 102, 118 and 123

Planning Practice Guidance

Paragraph 010 and 011 (Reference ID: 26-010-20140306 and 26-011-20140306)

Local Plan (Adopted November 1998)

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

EC2	Design
EC3	Residential Amenity
EC5	Crime Prevention
EC13	Protection of Wildlife and their Habitats
EC22	Retention of Trees, Woodlands and Hedgerows
EC23	Tree and Shrub Planting
H9	Density
H12	Piecemeal Development
H17	Housing Development – Design and Layout
T2	Intensification of Access Use
T8	Car Parking Standards

Residential Design Guidance (Adopted January 2013)

RDG1	Plot Sizes
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

Essex County Parking Standards September 2009 (Adopted June 2010)

Consultation

Environmental Health

No response

Refuse and Recycling Officer

There are two parts to this application.

The 2 houses we do not have any problem with, these will simply be collected kerbside from Edith Road.

The bin area within the veterinary surgery is not clear how you would access the bin area, it is not clear where the doors are and whether there is only the access to the bin area via the disabled ramp.

Canvey Island Town Council

Asked that the application be deferred due to lack of information and concern as to the piecemeal development of the site which could be detrimental to the character and appearance of the area.

Environment Agency

No response provided to current application, however the following comments were made in respect of the previous application:

No objection provided the LPA is satisfied the development is safe for its lifetime and the condition below is appended to any planning permission granted.

Detailed comments on flood risk were provided.

Condition

The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment, dated 26th May 2015 and the following mitigation measures detailed within the Flood Risk Assessment:

- o Finished ground floor levels are set no lower than 2.83m above Ordnance Datum (AOD)

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may be subsequently be agreed, in writing, by the local planning authority.

Reason

To reduce the risk of flooding to the proposed habitable development and future occupants

Highway Authority

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

1. Prior to occupation of the development the vehicular accesses for the proposed dwellings as shown on planning drawing 14.2006.40 PB shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of each access at its junction with the highway shall not be more than 6 metres, and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge.

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 DM 1

2. The proposed development shall not be occupied until such time as the vehicle parking areas indicated planning drawing 14.2006.140 PB, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking areas shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DMB.

3. Each dwelling shall be provided with 2 vehicular parking spaces which shall have minimum dimensions in accordance with current parking standards.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8.

4. The cycle parking facilities as shown on the planning drawing 14.2006.140 P8 are to be provided prior to the first occupation of the development and retained at all times. Reason: To ensure appropriate bicycle parking is provided In accordance with Policy DM8.

5. No unbound material shall be used in the surface treatment of the vehicular accesses 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 DM 1

6. 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 DM1.

7. Prior to commencement of the development, the areas within the curtilage of the site for the purpose of loading/unloading/reception and storage of building materials shall be identified clear of the highway.

Reason: To ensure that appropriate loading I 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 DM1.

8. 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 and transport in accordance with policies DM9 and DM10.

Public Consultation

Neighbour responses

One response has been received from No. 12 Edith Close which makes the following comments:

- Revised proposal does not address the lack of security. CCTV cameras and motion sensor lights need to be installed.

Comments on Consultation Responses

- Relevant conditions recommended by the Environment Agency and Highway Authority can be attached to any consent granted.
- It is clear from the submissions that the applicant intends to use the retained Canute building for retail purposes, although this does not form part of the current application.
- Other relevant matters will be considered in the evaluation of the proposal

Evaluation of Proposal

The proposal represents an intensification of development and uses on the site which is allocated for shopping purposes. As such consideration needs to be given to the principle of the proposed mixed development on the site, its design, the impact on neighbours, traffic implications, ecology and flood risk implications.

Consideration will also be given to the issue of comprehensive development.

The principle of development

The site, the subject of the application, is allocated for shopping purposes. The proposed scheme would result in the loss of a retail unit. The proposal would not therefore be consistent with the provisions of the Local Plan which seeks to retain the site for retail purposes and prima facie should attract a recommendation of refusal.

Prior to determining the application on this basis however, consideration must be given to the provisions of the National Planning Policy Framework. Paragraph 70 of the NPPF is of particular relevance and states that to deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs; and
- ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community

The proposal would result in the loss of a retail element; however, the former Public House is now used, in a limited fashion, for retail purposes so no net loss of retail facilities is proposed across the site. Furthermore, the proposal would replace the retail unit with a veterinary practice which whilst a sui generis use, would be appropriate within a retail centre, would support local needs and would be likely to support activity within the adjoining shopping parade. Under the circumstances the loss of the existing retail unit is not considered to undermine the shopping function of the site or the surrounding area and subject to compliance with other relevant policies in the Local Plan, no objection is raised to the provision of a veterinary practice on this site.

The proposal would also provide housing on the site. The commercial development within the shopping area faces the main roads; Canvey Road, Long Road and Haven Road. The proposed housing would be located to rear of the site and front onto Edith Road which is residential in character. Whilst the proposal would not provide shopping opportunities on this part of the site, such uses would be inconsistent with the character of this area.

Furthermore the delivery of residential development would provide a contribution towards the provision of new homes within the borough and towards its 5 year housing land supply.

The most up to date information regarding housing within the Borough, the 2013 Thames Gateway South Essex Strategic Housing Market Assessment, shows that for Castle Point there is a need for 48% of new homes to be 3 bedroomed properties. The proposal would provide two three bedroomed properties.

Paragraph 30 of the NPPF encourages a pattern of development which facilitates the use of sustainable modes of transport. Paragraph 37 seeks a balance of land uses so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, education and other activities.

The site is located adjacent to existing residential development and the location provides convenient access to local facilities within the wider shopping parade and to public transport, and therefore would meet paragraphs 30 and 37 of the NPPF.

On balance, given the need for housing of this type in the Borough, the sustainable nature of the location and the limited identified adverse impact on retail presence in the area it is not considered that the use of part of the site for residential development would be so injurious to the shopping function of the area that a reason for refusal on this basis could be sustained on appeal.

The principle of residential development to the rear of the site, fronting Edith Road, is therefore considered acceptable.

Policy H9 seeks to provide the optimum density of housing development on a site. This is broadly consistent with bullet point 3 of paragraph 58 of the NPPF. An assessment of whether the proposal achieves optimum density on the site can only be achieved following detailed consideration of the proposal against the Council's Residential Design Guidance and relevant policies within the adopted Local Plan as discussed in subsequent sections.

Policy H12 of the adopted Local Plan states that where it appears to the Council that the comprehensive development of a large site or development in depth would be prejudiced by piecemeal development proposals, planning permission will be refused. Comprehensive development of the site was a matter of concern to Members in the determination of the earlier application and constituted a reason for refusal.

The proposal intends to redevelop the area around the King Canute building but does not intend to re-develop the building itself. Therefore it is necessary consider whether the proposal to provide the veterinary practice and two dwellings would unduly prejudice the opportunities available for the development of the whole site.

The retained building would retain an independent access and car parking area and offers opportunities for reuse. Indeed the applicant has made it clear that it is intended to use the former Public House building for retail purposes. In the light of such confirmation there can be no lack of clarity on the use of the whole site and no justification for refusal based on piecemeal development. As currently proposed the scheme will make best use of urban land and will provide a role for a locally important building. Under such circumstances the proposal would not conflict with the provisions of Policy H12 and there can be no sustainable objection raised to the proposal on that basis.

Design

Policy EC2 of the adopted Local Plan seeks a high standard of design in all proposals for new buildings and requires the scale, density, siting, design, layout and external materials to be given due regard to ensure new buildings are appropriate in their setting and not harmful to the character of their surroundings. This policy is considered to be in compliance with the NPPF.

The proposed veterinary practice is a detached, single storey, hipped roofed, traditionally styled building which reflects the character of adjoining buildings and is considered to be of acceptable design and proportions. The location of the building would reflect that of the existing retail unit on the site and would sit towards the rear of the parade of shops to the east. The front wall of the building would reflect the setting of the retained building on the site and the eastern wall would be located a minimum of 1m from the eastern boundary of the site. In this location the proposal overcomes the first reason for refusal.

The practice would be externally finished in facing brickwork with grey colour coated aluminium windows and artificial slate to the pitched roof. There are varying brick colours and roof types and colours within the vicinity. Under such circumstances it is not considered that the proposed external materials would harm the character and appearance of the area.

The proposal would retain the existing King Canute building and the practice would be a minimum of some 7.4m from this building. The level of isolation to this western side is considered appropriate.

In respect of the design of the proposed housing, Policy H17 of the adopted Local Plan requires the Local Planning Authority to have regard to its adopted Residential Design Guidance (RDG). This guidance and policy is considered to be in compliance with the NPPF.

RDG7 states that the roof of a dwelling should be proportionate to the remainder of the dwelling and must not be top heavy or appear prominent or dominant.

RDG8 states that the design of all development should result in well proportioned and balanced properties.

The proposed detached houses would have gabled roof forms with front dual pitched canopies to the main entrance. The dwelling to plot 1 would also have a single storey, hipped roof element to the side. The properties are generally well proportioned and balanced and the roofs do not appear overly prominent or dominant.

The dwellings would be 8.55m tall and would be situated between the 9.9m high King Canute building, and the 6.8m high semi-detached houses fronting Edith Close. Whilst there would be a variance of some 1.75m between the application dwellings and those fronting Edith Close, the level of isolation achieved between these properties ensures that the difference in heights would have a limited visual impact within this street scene.

The dwellings within Edith Road and Close have predominately gabled roof forms. The properties in Edith Road are relatively mixed in style and design with no defining characteristics common to all dwellings in this street. The proposed development would not be inconsistent with the character of the area and no objection is therefore raised to this element of the scheme.

The dwellings would be externally finished in facing brickwork with white UPVC windows and doors and artificial slate roof tiles. Similar external materials are proposed to the veterinary practice. As discussed previously, due to the variety of brickwork colours and roof types and colours in the locality, the proposed materials are considered unlikely to detrimentally harm the character and appearance of the street scene.

RDG1 states that within existing built up areas the plot sizes for new development should be informed by the prevailing character of plot sizes. The proposed plot sizes are broadly consistent with the plots sizes in the area. No objection is therefore raised to the proposal on the basis of RDG1.

RDG2 is concerned with space around buildings and requires new development to reflect the prevailing character of the area. 1m should be provided between the dwellings and the plot boundary.

The proposed dwellings are located on the eastern side of Edith Road and would provide sufficient space between the dwellings and the respective northern and southern plot boundaries. Unlike the previous scheme where only 1.6m was achieved between the dwellings thus providing less than the required 1m between each dwelling and the shared boundary, this scheme achieves the relevant isolation space and overcomes this particular objection to the proposal. No objection is now raised to the proposal on the basis of Policy EC2 and RDG2.

RDG3 states that in all cases projections into building lines which face the public realm should make a positive contribution to the streetscape. If there is a distinct pattern of development which creates an exceptionally strong building line development must not result in a disruption to this pattern.

The proposed dwellings would be sited between 10.3m and 11.2m from the highway boundary with Edith Road. The King Canute building to the south is located a minimum of 18.4m from Edith Road. The dwelling to the north is located approximately 4m from Edith Road. The proposed dwellings would therefore sit between the two structures and would be set on an acceptable 'staggered' building line which would not have an adverse impact on the pattern of development within Edith Road. No objection is therefore raised to the proposal under RDG3.

Impact on neighbours

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

The northern elevation of the dwelling proposed to Plot 1 would be located a minimum of 12m from the rear wall of the dwellings to the north. This level of isolation significantly mitigates the impact of the proposed development on those to the north such that the proposed houses are considered unlikely to result in adverse levels of overshadowing to adjoining properties.

To the east sits a parade of two storey development with commercial uses at ground floor and residential development at first floor level. Whilst the veterinary practice would project significantly beyond the rear elevation of this development, it would be at such a height that the building would not excessively overshadow or dominate any elevation of the development to the east.

All other properties are considered too remote to be adversely affected by the proposed development in terms of overshadowing or dominance. No objection is therefore raised to the proposal under RDG3.

RDG5 provides guidance on privacy and requires all development above ground floor level to provide a distance of 9m between any first floor opening and the boundary it directly faces.

It also considers that all windows should be designed and be of a size to allow adequate natural light and ventilation to enter the room they serve.

The proposed first floor front and rear windows serving the residential development would in excess of 9m from the boundaries they directly face. The proposed first floor side windows would be significantly below 9m from the boundaries they directly face, and have the potential to detrimentally overlook the adjacent properties. These windows would serve bathrooms or stairways and are areas that either require a degree of privacy or would not be occupied for significant periods of times. Consequently the use of obscure glazing and fixing these windows shut to a height of 1.7m would not be inappropriate for the rooms they serve and would also prevent adverse levels of overlooking.

The internal ground floor level would be raised to a height of 0.8m above natural ground level. The northern dwelling would be provided with a single storey side projection with significant glazing to the northern elevation, and another ground floor northern side window. Due to the proximity to the side boundary fence the future occupiers of the northern proposed dwelling have the potential to overlook the northern neighbours from these side windows, which would serve the dining area and kitchen. The dining area and kitchen also benefit from other windows which can provide their natural light, ventilation and outlook. Consequently the side windows could be obscure glazed and fixed shut to a height of 1.7m above the internal floor level to prevent adverse overlooking.

The proposed dwellings would also benefit from raised rear patio/decked areas and due to the proximity to the side boundaries and the size of the raised areas the future occupiers could overlook adjoining properties to the detriment of the privacy of those residents. To prevent overlooking a screen to visibility, to a height of 1.8m, could be provided to the northern edges of the raised areas.

Subject to conditions in respect of glazing and the provision of adequate screening to the appropriate edges of the raised areas as described above, no objection is raised to the proposal under RDG5.

Policy EC3 of the current Local Plan states that proposals which would have a significant adverse effect upon the residential amenity of the surrounding area by reason of traffic, noise, fumes or other forms of disturbance will be refused. This policy is considered consistent with paragraph 123 of the NPPF.

Paragraph 123 states that planning decisions should aim to...

- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
- mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;
- recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established

The application site is located within a shopping area and it is considered that the parade would provide a certain level of noise. However the site is within close proximity to residential units to

the rear, east and west of the site, and therefore it is necessary to consider the impact on these residents.

The veterinary practice would operate between 08:30 and 19:00 hours Monday to Friday, between 08:30 and 17:30 hours on Saturdays and between 10:00 and 16:00 hours on Sundays and Bank Holidays. The Design and Access statement confirms that the practice would not have

facilities for overnight care of animals and will not provide out-of-hours emergency services. Consequently animals, staff and visitors will only attend the veterinary practice during the hours indicated above. The proposed practice would not operate beyond the hours that other uses within the shopping area already operate. These other uses include, among others, takeaways, a bar, and retail uses. The proposed veterinary practice use is, in itself therefore, unlikely to result in a significant increase in noise and disturbance to the adjoining residents.

The submitted plans however show the provision of air conditioning units to the rear of the veterinary practice. No details of the air conditioning units, beyond their positioning, have been submitted.

A revised acoustic testing report has been submitted which determines the target value for any proposed plant adjacent to the King Canute building. The application does not include the provision of plant adjacent to the King Canute, but the applicant considers that the results of the acoustic testing report could be used to set the target noise level for the air conditioning units. The acoustic testing bases the target noise level on existing noise levels measured on site. These levels were obtained by recording ambient noise levels to the north of the King Canute building.

This represents a departure from the previously submitted acoustic report which recorded noise levels on the eastern side of the building, in a more exposed location.

Whilst the report is unable to definitively state that the proposed air conditioning units would not result in noise and disturbance to adjoining residents, due to the lack of information available in respect of the specific units to be installed, it can and does identify target levels for noise generation, which if appropriately enforced are considered unlikely to result in an adverse impact on the amenity of adjoining residents. Such target levels can be imposed by a condition attached to the grant of any consent. Subject to such a condition, no sustainable objection can be raised to the proposal on the basis of noise generation and disturbance to adjoining residents arising from the use of the air conditioning units.

The proposal seeks to provide parking areas immediately adjacent to residential boundaries. At the present time the area adjacent to the adjoining properties is heavily vegetated and unused. Clearance of the site and the formation of a car park immediately to the south of the adjoining properties is considered likely to result in noise and disturbance to adjoining residents, particularly during the early evening and night time hours. However it is proposed to install an acoustic fence along the northern boundary of the site, which if also continued along the eastern boundary would satisfactorily mitigate the impact of noise arising from vehicular movement on the site. Subject to a condition to this effect, no objection is raised to the proposal on the basis of noise and disturbance to residents.

It should be noted that in order to limit access to the carpark outside operational hours, and thus further limit the opportunity for noise and disturbance, 1.8m high security gates are proposed

across the access to the rear car park. The operation of these gates will prevent use of the car park overnight and would dissuade use of the car park for antisocial purposes.

A local resident has raised concerns regarding the perceived threat to the security of his home arising from the proposed development.

Policy EC5 of the adopted Local Plan states that the Council will expect new development schemes to have regard to the desirability of minimising the risk of crime and maximising security through design, layout and landscaping. This policy is consistent with the fifth bullet point of paragraph 58 of the NPPF which states that planning decisions should aim to ensure that developments create safe and accessible environments where crime and disorder and the fear of crime, do not undermine quality of life or community cohesion.

Paragraph 010 and 011 (Reference ID: 26-010-20140306 and 26-011-20140306) of the Planning Practice Guidance (PPG) states that crime should not be seen as a stand alone issue, to be addressed separately from other design considerations.

At present there is an enclosed grassed area adjacent to the northern boundary of the site. This area is to be cleared and two dwellings would be provided on the western part, the plots running at 45 degrees to the plots to the north. This relationship is not unlike the juxtaposition of residential properties within the wider residential settlement of Canvey Island and is considered unlikely to encourage or facilitate crime in the area.

The area of land on the eastern part of the site would provide an area of car parking which would abut the residential boundaries of Nos.10, 12 and 14 Edith Close. This car park would be overlooked by residential development on three sides and would benefit as a consequence from a level of natural surveillance which would make it less attractive to those intent on criminal behaviour. It is also noted that bollard lighting would be provided. No objection is raised to the proposal under Policy EC5.

Traffic implications and 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 Parking Standards September 2009. The proposal would re-configure the parking to serve the retained King Canute building site, retaining this on the western part of the site and provide parking for the proposed veterinary practice on the eastern side. Standard C3 is relevant to residential development. A veterinary practice is a sui generis use and there is therefore no stated car parking requirement, this aspect therefore needs to be determined on the individual merits of the case.

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

RDG12 states that all forms of surface level parking should be located as to be afforded a suitable level of natural surveillance. Access must be safe and convenient for all users, and the design, size, orientation and location of parking spaces should enable the spaces to be utilised conveniently and must not deter vehicles from using them.

The car park would be overlooked on three sides by dwellings and the level of natural surveillance is considered to be relatively good.

In terms of the quantity of parking provision, the standards require parking, disabled and cycle spaces for the intended convenience store based on floor space. The transport assessment indicates that the convenience store would have a floor area of some 309sqm, resulting in a maximum requirement for 16 parking spaces, three of which should be disabled spaces. Two cycle spaces should also be provided.

A veterinary practice is likely to work on an appointment basis, with customers arriving and waiting according to the number of consulting rooms that are occupied at any one time, which is similar to the operation of a doctor's surgery or dentist. The application of this standard to the proposed veterinary practice would appear appropriate.

Such uses require a quantity of spaces based on the number of full time equivalent staff and consulting rooms. The veterinary practice would have four full time staff and three consulting rooms resulting in a maximum requirement for 13 parking spaces and four cycle spaces.

Cumulatively 29 parking spaces are required of which a minimum of three should be for disabled persons. Six cycle spaces are also required.

Between the two car parks 32 parking spaces (of which three are disabled spaces) and two cycle hoops are provided (excluding the residential allocated spaces). The cycle hoops could each accommodate two cycles and therefore four cycle spaces are achieved.

The dual use of parking spaces as delivery zones would reduce parking facilities on the site to 28 unencumbered spaces. This is below the requirement for 29 spaces however, as the parking provision is expressed on the basis of maximum rather than minimum provision and consideration needs to be given to the availability of public transport, the quantum of parking is considered sufficient to meet the needs of the proposed uses on the site.

Unlike the previous proposal which provided parking spaces which were 2.5m by 5m, the current proposal provides spaces which are 2.9m by 5.5m and accord with the parking standards.

Such provision is considered satisfactory.

The proposal includes the provision of four Sheffield style bicycle hoops which satisfies the bicycle parking requirement.

No objection is therefore raised to the proposal on the basis of inadequate bicycle parking provision for the commercial element of the scheme.

With regard to the domestic parking provision, each of the proposed dwellings would require a minimum of two parking spaces. The scheme seeks to provide three spaces for each dwelling, accessed from Edith Road. Such provision is considered acceptable.

Cycling provision for individual dwellings can normally be provided within the curtilage of the properties or within their garaging facilities. In this case the applicant intends to provide a separate cycle store to each dwelling. These would provide sufficient space for the parking of cycles in a secure and safe manner.

Within the current scheme, the applicant has clearly identified residential and commercial parking areas. This has resulted in a safer and more convenient parking layout, overcoming the third reason for refusal.

Policy T2 of the adopted Local Plan states that proposals which would result in the intensification of the use of existing accesses onto any trunk, principal or other classified road will require the submission of a traffic impact study demonstrating the ability of the highway network to accommodate the proposed development. This policy is considered broadly consistent with paragraph 32 of the NPPF.

The application is supported by a Transport Assessment which includes a traffic impact study and concludes that the proposal would have a neutral impact in terms of traffic generation. The Highways Authority has not disputed this conclusion and the submitted details are considered robust. No objection is therefore raised to the proposal under Policy T2.

The proposal will increase the extent of hard surfacing on the site to provide the above parking. This enlargement of the hardsurfaced area has the potential to result in increased surface water runoff; however, subject to the submission and approval of details of the construction of the hard surface in accordance with SuDS principles, it is considered that the hard surfacing is unlikely to result in increased risk of surface water flooding elsewhere.

Ecology and Trees

Policy EC13 of the adopted Local Plan states that the Council will refuse development which is prejudicial to the interests of wildlife and the retention and management of important habitats. This policy is considered inconsistent with the hierarchical approach set out in paragraph 118 of the NPPF. Applications affecting biodiversity should be considered against paragraphs 118 of the NPPF.

Paragraph 118 states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the five principles set out in this paragraph, including to conserve or enhance biodiversity, opportunities to incorporate biodiversity in and around developments should be encouraged.

The applicant has submitted an Extended Phase 1 Ecological Assessment which concludes that overall the site is of relatively low ecological value and that the potential for protected species is low. It further concludes that the trees within the site are well established and provide a suitable habitat for breeding and nesting birds and are consequently assessed as being of local value.

The site is predominately used as car parking and commercial uses, with an area of vegetation to the rear. Part of this area is a managed garden for the former King Canute Public House with the remainder being unmanaged. All of the land is considered to have low ecological value but exhibits significant potential for ecological enhancement including the provision of a native species biased landscaping scheme, bat boxes and ecologically sensitive lighting. Achievement of appropriate ecological enhancements can be secured through the imposition of conditions on the grant of any consent.

EC22 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.

These policies are considered consistent with the provisions of the NPPF.

An Arboricultural Implications Assessment and Method Statement by Ecourban Ltd accompanied the previous application and identified that the trees present on the site comprised fruit, Ash, Sycamore, Birch and Leyland Cypress. None of the trees on the site are the subject of Tree Preservation Orders and the report identified that the trees were of low quality, unsuitable for retention or in poor condition, and that whilst some could be retained the appropriate solution would be to replace them with new planting within the site.

The loss of the trees within the site is regrettable but is necessary to achieve the development on the site. The poor quality of the trees militates against a robust reason for refusal on this basis. It is considered however that a condition could be imposed on the grant of any consent requiring the provision of a number of replacement trees on the site.

Several trees are located to the front of the site, however these are provided within the highway verge and do not form part of the application site.

Under the above circumstances it is not considered that a reason for refusal on the basis of the loss of the trees could be successfully sustained on appeal. Subject to conditions to ensure the protective barrier and the planting of native species, no objection is raised to the proposal under Policies EC22 and EC23 of the adopted Local Plan or national guidance as contained within the NPPF.

Flood risk implications

Two FRAs have been submitted, one for the residential dwellings (subsequently referred to as FRA1) and one for the veterinary practice (subsequently referred to as FRA2).

Both submitted FRAs state that the modelling and mapping from the Thames Gateway South Essex SFRA shows that the site is in Flood Zone 1 and that this is supported by anecdotal evidence from 1953. The applicant opines therefore it may be argued that the exception test is not required.

Whilst the site itself may be one of the highest points on the Island and therefore at a reduced risk of inundation, the fact remains that the remainder of Canvey Island is within Flood Zone 3a and this has implications for the safety of future occupiers of the site. Furthermore it should be noted that the Environment Agency considers the application site to be located within Flood Zone 3a.

It should also be noted that the Environment Agency has previously identified a flood depth at the site of 0.5m in a 1 in 200 year (with climate change) flood event and 1m in a 1 in 1000 year (with climate change) flood event. Despite the assertions of the applicant therefore, it would appear that unlike in historic flood events, the site may not remain dry in any future extreme flood event.

It therefore appears prudent and appropriate to give consideration to the proposal in the context of both the sequential and exception tests.

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

With regard to the sequential test, the proposal seeks to provide dwellings and a veterinary practice within the settlement of Canvey Island.

Residential development is considered to be a 'more vulnerable use' as defined within the Flood Risk Vulnerability Classification as provided in the Paragraph: 065 Reference (ID: 7-065-20140306) of the National Planning Guidance. Exception testing is required in respect of such development.

For residential development to serve the community of Canvey Island it is considered that it would need to be located within that settlement. Since the settlement of Canvey Island is located entirely within Flood Zone 3 it is not considered that there are reasonably available alternative sites within the area with a lower probability of flooding that could accommodate the proposed development. Under the circumstances it is considered that the proposal in as far as it relates to the residential development passes the sequential test.

No information is provided on the need for a veterinary practice to serve the needs of residents of Canvey Island, where two veterinarians already operate. However, matters of competition are not material planning considerations and it is unlikely that a veterinarian would choose to locate in an area where demand for the service had not been identified.

It may therefore be assumed that the proposal seeks to meet the needs of the residents of Canvey Island and for that to occur there would be a reasonable expectation that such services would be provided on the Island. For the reason stated above it is considered therefore that this element of the proposal satisfies the sequential test.

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

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

The second criterion requires the development to demonstrate that it will be safe and where possible reduce flood risk overall.

Both FRA1 and FRA2 confirm that should the defences breach flood waters would reach the site in between 1 and 4 hours for both a 1 in 200 year (plus climate change) event and for a 1 in 1000

year (plus climate change) event. The EA classifies such breaches as a danger for some people in the case of the former and a danger for most people in the case of the latter. Under such circumstances it is considered that there would not be a clear opportunity for evacuation (and indeed such action is not recommended) and it is therefore essential, if permission were to be granted for the proposed development, that appropriate refuge is available above flood water levels and that future occupiers are aware of the need to obtain such refuge at the earliest opportunity in the event of a flood.

FRA1 shows that the internal ground level of the proposed dwellings would be located above the 1 in 200 year (plus climate change) event. The submitted FRA1 does not consider the 1 in 1000 year (plus climate change) event. However the EA has previously confirmed that the first floor of these properties would provide safe refuge for both a 1 in 200 year (plus climate change) event and the 1 in 1000 year (plus climate change) event. Under the circumstances it is considered that the dwellings can provide safe refuge and no objection is therefore raised to the residential element of the proposal on this basis.

Such refuge however needs to be supported by a robust Flood Response Plan (FRP).

The submitted FRA1 does not include a FRP but does specify that there would be significant opportunity for evacuation should occupiers choose this course of action. This advice is potentially dangerous and inconsistent with current flood response advice for Canvey Island. Individual and independent evacuation could lead to the passage of people and vehicles through areas already inundated by floodwaters, placing lives in danger and prejudicing emergency service responses to any flood event. Such action is not recommended.

Furthermore, the paucity of information within the FRA fails to provide suitable advice to occupiers on what actions should be taken in the event of a flood and as such represents an inadequate response to flood risk. A revised Flood Response Plan is therefore required. This could be secured by conditions attached to any consent that may be granted.

The erection of two, three bedroomed dwellings on the site is likely to result in a greater number of people permanently occupying the site. The proposed dwellings would have refuge above flood water levels and could be constructed to a standard offering resistance to floodwaters and rapid recovery from a flood event. Details of the flood resilience measures have been submitted with FRA1, however since FRA1 does not consider the 1 in 1000 year (plus climate change) event, the extent to which such measures are applied would not appear capable of assisting in a more extreme flood event.

The submission of a revised scheme of flood resilience measures capable of withstanding the effects of a 1 in 1000 year (plus climate change) event is therefore required. This can be achieved by the attachment of an appropriate condition to the grant of any consent.

It is also necessary to consider whether the dwellings would be able to withstand the hydrodynamic and hydrostatic pressures that would occur during a flood event. No details have

been provided, however such information could be submitted and approved prior to the commencement of the development via a condition.

It is accepted that the proposal for residential development will result in more people being resident on the site but this is not considered to equate to a greater level of risk. Subject to appropriate conditions the proposed residential development is considered to pass the exception test.

Whilst the veterinary practice passes the sequential test it is necessary to ensure that the practice will be safe for its lifetime, and that occupiers of the development would be safe during a flood event. Development Veterinary practices are not specifically identified within the Flood Risk Vulnerability Classification, but non-residential uses for health services are. Under such circumstances it is considered that the veterinary practice may reasonably be categorised as a non residential health use as it is not intended to keep animals on the premises overnight. Classified as such the proposed veterinary practice would fall to be considered as a 'more vulnerable use'. Exception testing is therefore required in respect of this element of the proposal.

It is noted that the applicant considers the proposed use to be a 'less vulnerable use'; not requiring exception testing, however, this assessment is not accepted.

Consideration of this element of the proposal must therefore include consideration of whether the development would 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.

It is the presumption in assessing flood risk that emphasis is given to the safety of human users.

It is considered that the provision of a veterinary practice on this site would introduce an element of risk to human users, both in the form of staff present on the site and the owners of pets left at or attending the site for treatment.

As stated above the FRAs show that in the event of a breach in the flood defences, flood water would take a maximum of 4 hours to reach the site and predicted flood water depth for a 1 in 200 year (with climate change) flood event, would be 0.5m. FRA2 suggests mitigating potential flooding by providing a finished floor level within the building of 3.05m AOD, some 0.6m above the highest ground level. This would result in the finished floor level above the predicted flood depth. The proposed mitigation now achieves an appropriate response and users of the proposed development would not be put at unnecessary risk. The revised proposal has therefore overcome the fourth reason for refusal.

In respect of the safety of occupiers, no flood response plan has been provided to clarify the best response for staff and visitors of the veterinary practice during a flood event; however it is considered that this matter may be the subject of a condition attached to any consent granted.

The submitted FRA clearly identifies flood resilience and resistance measures, however, as with the proposed residential development FRA2 does not consider the 1 in 1000 year (plus climate change) event the extent to which such measures are applied would not appear capable of assisting in a more extreme flood event.

The submission of a revised scheme of flood resilience measures capable of withstanding the effects of a 1 in 1000 year (plus climate change) event is therefore required. This can be achieved by the attachment of an appropriate condition to the grant of any consent.

It is also necessary to consider whether the building would be able to withstand the hydrodynamic and hydrostatic pressures that would occur during a flood event. No details have been provided, however such information could be submitted and approved prior to the commencement of the development via a condition.

Other Matters

RDG6 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 dwellings would each be provided with five habitable rooms each and require a minimum of 75m² amenity space each. The dwellings would benefit from a minimum amenity space of some 79.6m² each, which is sufficient to meet the outdoor needs of all occupiers. No objection is therefore raised to the proposal under RDG6.

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.

The proposed dwellings would each be provided with a separate building to store their refuse and recycling. These buildings are small scale and would not be highly visible beyond the boundary treatment. The Council's refuse and recycling officer's comments clarify that their refuse and recycling would be collected kerbside via Edith Road like the other dwellings in that street.

No objection is therefore raised to this aspect of the proposal under RDG13.

The refuse arrangements for the veterinary practice also represent a material consideration in the scheme. The veterinary practice incorporates their refuse storage within the south eastern corner of the building. The Council's refuse and recycling officer has indicated that access to the bin store may be difficult in terms of the appropriate manouevring of bins. However it is considered that measures such as the provision of doors which would open flush to the wall or sliding could assist in this matter and it is considered that this device could be achieved by condition. Subject to such a condition no objection is raised to the proposal on this basis.

RDG10 states that any means of enclosure and surface material should be informed by the prevailing character of the area in terms of materials and positioning, however it must not repeat poor forms of development. Any means of enclosure should not dominate the public realm.

The side boundaries of the dwellings would be marked by 1.8m high close boarded fences which is consistent with the surrounding forms of enclosure and would not dominate the public realm. A brick wall with railing is proposed to the front of the dwellings. This boundary treatment provides interest with a mixture of low brick walls, brick piers and metal railings to a maximum of 1.2m high. There is an example of a similar boundary treatment fronting dwellings within the area, and such treatment is not unusual to the front of residential properties. Furthermore the brickwork within the front wall could be constructed to harmonise with the construction of the dwellings, and such

aspect can be secured via conditions. No objection is therefore raised to the proposal under RDG10.

A 2.1m high brick wall/fence is to be provided along the rear boundary of the residential site, to mitigate the impact of the adjoining car park on the new properties. A 2.1m high acoustic fence is also to be provided along the northern boundary of the site to mitigate the impact of the car park on the dwellings to the north. These measures are considered appropriate and acceptable.

Conclusion

The applicant seeks to retain the former King Canute Public House building with the intention of using it for retail purposes and demolish a large detached garage and retail unit in order to construct a single storey veterinary practice and two detached houses with associated parking, cycle/refuse storage. The existing car park is to be enlarged and reconfigured to serve the commercial uses. The residential use will be served by its own parking provision.

The site is located within an area allocated for shopping purposes. The proposal would result in the loss of a retail unit, but it is the clear intention of the applicant that the King Canute building be used as a convenience store resulting in no net loss of retail activity on the site.

Furthermore the proposal would contribute to the Council's housing supply and provide a commercial unit which would support the day-to-day needs of the local community,

Concerns were raised in respect of the earlier scheme on the potential for increased noise and disturbance to the adjoining residents by reason of the proximity of the air conditioning units associated with the veterinary practice and the proximity of the proposed car parking area to residential curtilages. Further assessments have been undertaken and it is now considered that suitable conditions can be imposed on the grant of any consent which would adequately mitigate such impact.

Concerns were also raised in respect of the earlier scheme on flood risk, however the proposal has now been revised to provide a higher finished floor level to the proposed veterinary practice and subject to the submission of an appropriate flood response plan, it is no longer considered that an objection based on flood risk can be sustained.

The proposal meets the provisions of the adopted Local Plan and design guidance and the proposed car park has been modified in order to avoid the harm previously identified.

The fifth reason for refusal attached to the previous proposal reflected member's concern for the comprehensive development of the site and concerns over the use of the King Canute Public House. It is the clear intention of the applicant that the existing building should be retained and used for retail purposes.

In the light of this assertion it is not considered that an objection based on concerns over piecemeal development and the lack of a comprehensive scheme can be maintained – the purpose of each part of the site has been identified and each use would be consistent with the policy background for the site and the character and appearance of the area.

The fifth reason for refusal cannot be sustained.

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 five years beginning with the date of this permission.

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

2 Where residential parking spaces 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.

3 The window(s) created at ground and first floor level on the northern elevation of the proposed dwelling on Plot 1 shall be obscure glazed to at least Level 3 on the Pilkington Scale and non-opening to a height of 1.7m above the finished floor level of the room in which the window(s) is installed and permanently retained as such thereafter.

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

4 Prior to the vehicular accesses serving the proposed dwellings being brought into use, within the confines of the residential sites, 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.

5 Prior to the commencement of development, a Flood Response Plan shall be prepared for the proposed residential development and the proposed veterinary surgery and submitted to, and formally approved by, the Local Planning Authority.

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

6 Upon occupation of the proposed development, the approved Flood Response Plans shall be enacted and thereafter maintained at all times that the development 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.

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

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

8 The development shall be constructed in accordance with the scheme submitted by a qualified structural engineer.

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.

9 The proposed development shall be carried out in accordance with the guidance provided by the Government document 'Improving the flood performance of new buildings: flood resilient construction (2007).

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

10 The proposed veterinary surgery shall operate between the hours of 08:30 - 19:00 Mondays to Fridays, 08:30 - 17:30 on Saturdays and 10:00 - 16:00, on Sundays and Bank Holidays and at no other times, without the prior formal consent of the Local Planning Authority.

REASON: In order to protect the amenity of adjoining residents.

11 No animals shall be kept, retained or detained on the site outside of the hours identified within condition 10 attached to this consent.

REASON: In order to protect the amenity of the adjoining residents.

12 Prior to the first use of the raised terraces serving the proposed dwellings, an obscure glazed screen to at least Level 3 on the Pilkington Scale and a minimum of 1.8m in height measured from the finished floor surface of the terrace shall be erected along the northern edges of the terraces and permanently retained as such thereafter.

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

13 Prior to the first occupation of the dwelling on Plot 1, a 1.8m high timber fence shall be erected along the northern boundary of the site as shown on drawing No. 14.2006.140 dated June 2015, and thereafter shall be permanently retained as such.

REASON: In order to protect the amenity of the adjoining residents.

14 Prior to the first occupation of the dwelling on Plot 2, a 1.8m high timber fence shall be erected along the southern boundary of the site as shown on drawing No. 14.2006.140 dated June 2015, and thereafter shall be permanently retained as such.

REASON: In order to protect the amenity of the future occupiers of this dwelling.

15 Prior to the first occupation of the dwellings, a 2.1m high wall with close boarded timber acoustic infill panels shall be erected along the eastern boundary of the proposed residential development, the northern boundary of the site from the point at which the eastern boundary of the residential development meets the northern boundary of the site and the eastern boundary of

the site, to a point 10m south of the junction with the northern boundary, and thereafter shall be permanently retained as such.

REASON: In order to protect the amenity of the adjoining residents.

16 Prior to the first use of the car park provided on the eastern side of the site, 1.8m high wrought iron security gates shall be provided in the position shown on drawing 14.2006.140, dated June 2015, and thereafter permanently maintained as such. These gates shall be locked outside the hours of operation identified in condition 10 attached to this consent.

REASON: In order to protect the amenity of the adjoining residents.

17 Prior to their installation, details of all air conditioning units to be provided to the proposed veterinary surgery shall be submitted to and approved by the Local Planning Authority.

REASON: In order to protect the privacy of the adjoining residents.

18 The proposed dwellings shall be constructed in order to ensure that finished ground floor levels within the dwellings are set no lower than 2.83m above Ordnance Datum (AOD).

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

19 The proposed veterinary surgery shall be constructed to ensure that finished ground floor levels are set no lower than 3.05m above Ordnance Datum (AOD).

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

20 Prior to occupation of the development the vehicular accesses for the proposed dwellings as shown on planning drawing 14.2006.40 P8 shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of each access at its junction with the highway shall not be more than 6 metres, and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge.

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

21 The proposed commercial development shall not be occupied until such time as the vehicle parking areas indicated planning drawing 14.2006.140 P8, including any parking spaces for the mobility impaired, has been hard surfaced and marked out in parking bays. The vehicle parking areas shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy T8 of the adopted Local Plan.

22 No unbound material shall be used in the surface treatment of the vehicular accesses 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

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 in accordance with Policy EC2 of the adopted Local Plan.

24 Prior to the 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.

Any such scheme approved shall be implemented in the first planting season following occupation of the dwellings.

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 Clearance of trees and shrubs from the site shall be undertaken outside of the bird nesting season (March - August). Where this cannot be achieved, the area to be cleared shall be thoroughly checked by a suitably qualified ecologist, immediately prior to clearance. If any active nests are found they shall be left undisturbed with a suitable buffer of undisturbed vegetation (circa 3m) until the nestlings have fledged.

REASON: In order to avoid the disturbance of nesting birds.

26 Any lighting around the site shall be low pressure and hooded to avoid light spill into the surrounding habitat. (Guidance: bats and Lighting in the UK - BCT 2009).

REASON: To avoid undue disturbance to bats commuting around the site.

27 Two bat features shall be incorporated into the gable end of each new dwelling.

REASON: In the interests of maintaining the potential biodiversity of the site in accordance with the provisions of the National Planning Policy Framework.

28 The proposed hardsurfaced areas of the site shall be constructed and maintained in accordance with sustainable drainage (SUDS) principles.

Only if it can be demonstrated that SuDS are not suitable shall the hardsurfaced area incorporate measures for the off site disposal of surface water.

REASON: To limit the potential for increased surface water runoff from the site.

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 The applicant's attention is drawn to the need to obtain the consent of the Highway Authority for the placement of any materials associated with the development within the highway limits.

Subject: **TREE PRESERVATION ORDER 4/2015**

Address: **25 HADLEIGH PARK AVENUE, BENFLEET
(BOYCE WARD)**

Description of Proposal: **TREE PRESERVATION ORDER**

Case Officer: **ROBERT DAVIS**

1. Introduction

- 1.1 This report informs the Committee of the representations received in response to the provisional Tree Preservation Order (TPO) made on the above land in respect of a Sequoia tree.
- 1.2 It is recommended that the Order is confirmed.

2 Background

- 2.1 The tree, the subject of this report, is located in the rear garden of a detached dwelling within an area of Benfleet allocated for residential purposes as defined in the Council's Adopted Local Plan.
- 2.2 The site has a frontage of approximately 9 metres tapering to 7 metres across its rear boundary, and a depth of some 46 metres.
- 2.3 In early December of 2015 the Council was contacted with an enquiry about removing a large tree and its effect on building a rear extension. No address was provided.
- 2.4 Around this time the Council was also contacted by local residents and advised that the property had been sold at auction. They expressed concern that the tree would be removed.

3 Action Taken

- 3.1 A site visit took place on 8th December 2015 and a TEMPO (Tree Evaluation Method for Protecting trees) assessment was undertaken.
- 3.2 TEMPO is a scoring system used to aid the surveyor when determining whether an individual tree, group of trees, area of trees or woodland is of sufficient quality to warrant the protection of a Tree Preservation Order.
- 3.3 TEMPO is designed as a field guide to decision-making, and is presented on a single side of A4 as an easily completed pro forma. As such, it stands as a record that a systematic assessment of the tree(s) has been undertaken. It considers all of the relevant factors in the TPO decision-making chain, including expediency.

- 3.4 The assessment gave the Sequoia a score of 19 points which indicates that the tree passed both the amenity and expediency assessments and the imposition of a TPO is fully justified.
- 3.5 On 9th December 2015 a Tree Preservation Order was made in respect of the Sequoia. Both the new owner and those neighbours entitled to carry out works to the tree were notified of the Order and advised that if they had an objection or other comments to make their representations had to be received in writing by the Planning Authority, on or before the 29th January 2015.
- 3.6 Neighbours were also advised of the TPO and site notices were displayed.

4 **The Current Position**

- 4.1 Under the Town and Country Planning (Tree Preservation)(England) Regulations 2012 a Tree Preservation Order takes effect provisionally until the expiration of a period of six months, or until it is confirmed, or until the authority decides not to confirm the Order, whichever comes first.
- 4.2 If a decision is not made before the end of the Order's provisional period it ceases to have any effect. The relevant date in this case is the 9th June 2016.
- 4.3 Representations in support of the new Order have been received from five local residents, which make the following points:
- Everyone wants the tree untouched
 - The tree was here long before any properties and is a focal point
 - The Sequoia is a rare and historic tree brought over from America in the mid 1800s and is a landmark which can be clearly seen in the surrounding area
 - Concerned about possible damage if the tree were removed
 - The Sequoia is a beautiful tree which offers a variety of wildlife and contributes to good air quality
 - The adjacent road (Pine Trees) derives its name from the Sequoia's presence
 - Tangible link to the past when Hadleigh House overlooked the common where the parishes of Hadleigh, Thundersley and Benfleet converged.
- 4.4 One representation objecting to the Order has been received from the owner of the site, which raises the following points:
- TPO not needed and its restrictions could cause more damage than if it remains in place
 - Concern over possible storm damage affecting neighbouring properties
 - Extensive root spread will inevitably cause subsidence
 - There are several dead and low hanging branches which could fall and obstruct the use of the garden
 - Research indicates the tree is of no historical significance
 - The tree is on private land. Any tall tree will be visible

- If allowed to remove the tree gradually in 2 or 3 stages over the course of 1-2 years the damage from heave would be almost nonexistent and the reservoir of water under the ground would have time to reduce
 - Willing to replace the tree with a more suitable slower growing pine
 - Because the tree is in a residential garden it should have been massively reduced years ago to slow its growth
 - Giant redwoods would normally never be considered suitable for street planting
- 4.5 A response to these objections is set out below for Members:
- 4.6 The new owner of the site has clearly expressed a preference for replacing the Sequoia with a slow growing pine and therefore a TPO is necessary to prevent the tree from being felled.
- 4.7 Any tree has the potential to suffer storm damage however providing a tree is healthy the possibility of wind throw, and any resulting damage to the host or surrounding property, is limited.
- 4.8 The respondent's concern about root spread causing subsidence needs to be considered in the context of the prevailing ground conditions and its distance from neighbouring properties.
- 4.9 In the absence of any report into the plasticity of the soil, the advice from the Council's Building Control surveyors is that Hadleigh Park Avenue would be expected to have medium shrinkage soil.
- 4.10 A Sequoia has a moderate water demand and under Part 4 of the Building Regulations the occupier's dwelling is located far enough away from the Sequoia so that it would not require a foundation depth any greater than 0.9 metres, which is less than the minimum foundation depth currently required for new development.
- 4.11 In the event of the rear of the property being moderately extended towards the Sequoia the depth of the foundations would still not need to be significantly deeper.
- 4.12 The owner's concern over subsidence should therefore be seen as a perceived, rather than real, threat to the integrity of adjacent dwellings.
- 4.13 The removal of dead branches does not require consent and there is no objection in principle to the removal of some of the lower branches of the Sequoia to enable occupiers to enjoy the use of their garden.
- 4.14 The lack of any reference to the tree in planning records and on title deeds does not necessarily indicate an absence of any historical significance. Local residents have indicated that, for them, the tree is a tangible link to Hadleigh House, a large timber and plaster building built in the Regency Period, which fell into disrepair in the early 20th Century and has now demolished.
- 4.15 The fact that the Sequoia is on private land has no bearing on the merits of its preservation. The tree is visible to members of the public, is an unusual specimen and provides a degree

of natural relief to the surrounding built environment, to the benefit of neighbours and passersby.

- 4.16 In the absence of advice from a suitably qualified arboriculturalist/engineer, it is not possible to determine that the Sequoia could be removed without causing heave.
- 4.17 Significantly reducing the height of trees can be counterproductive to their health and development leading to weakly attached branches which are prone to breaking in stormy weather, and is best avoided. It is not recommended that the tree is topped.
- 4.18 It is acknowledged that the Sequoia is a very large tree and its presence in a relatively small garden is not ideal. However, the tree was growing in this position long before the dwelling was constructed and has continued to do so for many years without attracting complaints from the occupiers of the host or nearby dwellings.

5 Options available to the Council

- 5.1 The Council can confirm the provisional Tree Preservation Order, which will protect the Sequoia. This will require the owner to seek permission for any future works that may be required.
- 5.2 The Council can decide not to confirm the Order. This will mean that the Sequoia can be felled by the owner. There would be no obligation to replace it with another tree.
- 5.3 Not confirming the Order will probably result in the tree being felled.

6 Financial, Legal, Human Resource, Equality, IT and Asset implications

- 6.1 None.

7 Links to Council's priorities

- 7.1 The recommendation supports the Council's Environment Priority.

8 Conclusion

- 8.1 The Sequoia makes a positive contribution to the amenity of the area and merits protection.
- 8.2 It is clear from the owner's representation that she is minded to remove the tree. No reasons have been raised which might justify not confirming the Order and given the aesthetic and public amenity value of the tree and the foreseeable threat to the tree if unprotected, it is considered expedient to confirm the Preservation Order.

Recommendation

That Tree Preservation Order 4/2015 be confirmed in its current form.

Background Papers

December 2015 TEMPO Assessment

29th December 2015 - Letter of support from D. Hurrell of 20 Willow Walk, Hadleigh

30th December 2015 - Letter of support from Mr and Mrs Thomas of 28 Hadleigh Park Avenue

13th January 2016 - Letter of support from Mr and Mrs Buck of 29 Hadleigh Park Avenue

26th January 2016 - Email of support from Ms M William of 30 Hadleigh Park Avenue

27th January 2016 - Letter of support from Mr and Mrs Peters of 38 Hadleigh Park Avenue

12th January 2015 – Letter of objection from Mr and Mrs Smith of 125 Saunton Road, Hornchurch
(Owner)