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**Angela Hutchings**  
Chief Executive

## **AGENDA**

**Committee: DEVELOPMENT MANAGEMENT**

**Date and Time: Tuesday, 1<sup>st</sup> November 2022, at 7.00pm**

**Venue: Council Chamber, Council Offices**

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

**Membership: Councillors Greig (Chairman), Acott, Anderson, Barton-Brown, Bowker, C. Mumford, Riley, Skipp, Taylor and J. Thornton.**

**Substitutes: Councillors Fuller, Savage, A. Thornton and Withers.**

**Canvey Island Town Councillors: Harvey and S. Sach**

**Officers attending: Stephen Garner – Planning Manager  
Kim Fisher-Bright – Senior Planning Officer (Strategic)  
Jason Bishop – Solicitor to the Council**

**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 6<sup>th</sup> September 2022 is attached.

**4. Public Speakers**

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

## 5. Deposited Plans

The report is attached.

	<b>Application No</b>	<b>Address</b>	<b>Page No</b>
1.	22/0751/VAR	Eastern End of Eastern Esplanade and South of Athol Close, Canvey Island, Essex, SS8 7PR (Canvey Island East)	1
2.	22/0665/FUL	Garden World Plants Ltd Canvey Road Canvey Island Essex SS8 0QD (Canvey Island West)	8

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## **DEVELOPMENT MANAGEMENT COMMITTEE**

**TUESDAY 6<sup>th</sup> SEPTEMBER 2022**

**PRESENT:** Councillors Greig (Chairman), Acott, Anderson, Barton-Brown, Bowker, Hart, C. Mumford, Skipp, Taylor and J. Thornton.

**SUBSTITUTE MEMBERS PRESENT:** None

**CANVEY ISLAND TOWN COUNCIL:** Councillors S. Sach and Harvey

**ALSO PRESENT:** Councillors Ainsley, Dixon and A. Thornton also attended.

**APOLOGIES:** None

### **6. MEMBERS' INTERESTS**

Councillor J Thornton declared that she had previously met with Mr and Mrs Gray, the applicants under Agenda Item 5(1), in her role as Cabinet Portfolio Holder for Business and remained in the Chamber during consideration of the item.

### **7. MINUTES**

The Minutes of the meeting held on 5<sup>th</sup> July 2022 were taken as read and signed as a correct record.

### **8. PUBLIC SPEAKERS**

Mr Gray, the applicant, wished to speak in support of Agenda Item 5(1).

### **9. DEPOSITED PLANS**

- (a) **22/0110/OUT - JIMMY MACS, EASTERN ESPLANADE, CANVEY ISLAND, ESSEX, SS8 7DN (CANVEY ISLAND SOUTH WARD) – SINGLE STOREY SIDE EXTENSION FOR WC AREA, AMENDMENT TO BIN STORE, REMOVAL OF EXTERNAL STORE TO UTILISE AND EXPAND EXTERNAL TERRACED AREA, NEW INTERNAL BAR AND FENESTRATION ALTERATIONS (OUTLINE) – MR DEREK GRAY**

The application sought permission for the minor extension of an existing restaurant premises and the laying of hard standing to facilitate the provision of additional outdoor seating.

In all the circumstances it was considered that there were no reasons to refuse permission and therefore it was recommended that the application be approved.

It was reported that following the removal of the play area from the application the Environment Agency had withdrawn its objection to the scheme.

The application was presented to the Committee as the land was council owned.

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

In response to questions the Planning Officer confirmed that it was important that new development did not add to existing surface water run-off onto the highway. The applicant had prepared a drainage strategy to dispose of surface water. This was considered acceptable and would minimise the impact to the local area from additional surface water run-off generated by the proposal. It would not make the existing problem any worse and may even be an improvement.

During debate Members expressed their support for the proposal and it was:

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

**(b) 22/0461/FUL – LAND REAR OF 316-320 HIGH ROAD, BENFLEET, ESSEX, SS7 5HB (ST MARY'S WARD) – DEMOLISH EXISTING COMMERCIAL UNITS AND REPLACE WITH 7 NO. FLATS WITH ASSOCIATED CAR PARKING AMENITY SPACE AND AMEND EXISTING VEHICULAR ACCESS – MR & MRS WHITLOCK**

The proposal represented the redevelopment of an urban brownfield site, allocated for shopping purposes in the adopted local plan, with a block of seven flats comprising of 1 one bedroom and 6 two bedroom flats with associated parking and amenity areas on the eastern side of Meggison Way, rear of 316-320 High Road, Benfleet.

Redevelopment of the land for residential purposes was considered acceptable in principle in accordance with the National Planning Policy Framework and unlikely to adversely impact upon the vitality and viability of South Benfleet Town Centre.

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

The proposal attracted a requirement for a contribution towards the mitigation of recreational disturbance on the European designated site (Southend and Benfleet Marshes Site of Special Scientific Interest, Special Protection Area and Ramsar site) and the applicant had submitted a unilateral agreement to this effect. Legal Services had found the submitted unilateral undertaking to be incomplete and unenforceable. The applicant could either make amendments to the unilateral undertaking or make a financial contribution upfront. The applicant had chosen to make a financial contribution upfront and this had been paid removing the requirement to complete the unilateral undertaking. The Planning Officer reported that it was therefore recommended that Condition 3 was removed from the recommendation.

The application was presented to the Committee as the applicant was related to a staff member of the Council and the proposal was a departure from the adopted Local Plan in force.

In response to questions the Planning Officer explained that the site was currently completely hard surfaced and the proposal would introduce some soft landscaped areas therefore it was considered unlikely that the development would increase surface water run-off. Nevertheless there was a condition included to ensure that the parking area was designed in accordance with sustainable drainage principals.

With regard to parking, whilst the number of spaces provided were below the maximum parking requirement the parking standards allowed for a reduction in a sustainable location with good access to services. This site was in such a location, with good transport links and a public car park nearby. One parking space for every residential unit was considered acceptable in the circumstances.

The use of solar panels was proposed on the plans and could be enforced if the Committee was minded to add a separate condition to this effect.

The size of the bin store had been measured and was considered to be an appropriate size and was accessible to refuse vehicles.

During debate some Members raised concern regarding the limited parking provision on the site particularly as the nearby public car park required payment however Members were generally supportive of the proposal and felt that there were no adverse impacts which outweighed the benefits of the application.

Following debate it was:

**Resolved Unanimously** – That the application be approved subject to the conditions as set out in the Planning Officer's report with the exception of condition 3 which is removed.

Chairman

## ITEM 1

**Application Number:** 22/0751/VAR  
**Address:** Eastern End Of Eastern Esplanade And South Of Athol Close, Canvey Island, Essex, SS8 7PR (Canvey Island East)  
**Description of Development:** Variation of condition 18 (Hoarding) of application 22/0320/FULCLO  
**Applicant:** Environment Agency  
**Case Officer:** Mr Stephen Garner

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### Summary

The proposal seeks to vary condition 18 of permission 22/0320/FULCLO which concerns the approved hoarding arrangements for the main site compound only. This would involve replacing the half panel and half mesh with solid hoarding of the same height along the southern boundary of the site, adjacent to the sea wall, only. No other aspects of the Main Compound would be amended by reason of this application.

Subject to relevant and necessary conditions where appropriate, the proposal is considered to be consistent with national and local policy and the proposal is therefore recommended for APPROVAL.

This case is presented to committee because the council is the landowner.

### Site Visit

It is not considered necessary for members to visit the site prior to determination of this application due to their existing level of familiarity with the site following a previous visit to the site earlier this year.

### Introduction

The Environment Agency (EA) intends to undertake refurbishment and replacement works to the seawall on the southern and eastern coast of Canvey Island. These works will be undertaken utilising permitted development rights enjoyed by the EA under Class D of Part 13 of the General Permitted Development Order 2015. Such works do not require the formal consent of this authority.

To support such works, it will be necessary for a series of storage compounds to be formed. These compounds do require the consent of this Authority and are the subject of a series of reports attached to this Agenda.

This report is primarily concerned with the application for the Main Compound area and Satellite Compound 3 (SC3) as a combined site, proposed to be located at the eastern end of Eastern Esplanade, south of Athol Close.

Members of the Development Management Committee resolved on 5<sup>th</sup> July 2022 to approve plans for the main temporary construction compound area to support the refurbishment and upgrade works to the revetment along the southern shoreline of Canvey Island.

Attached to this consent were a number of conditions and the subject of this application is condition 18 which concerns the proposed hoarding surrounding the Main Compound area.

### The Proposal

This proposal seeks permission to vary condition 18 of permission 22/0320/FULCLO.

The approved Site Compound Arrangements document detailed that the southern hoarding of the Main Compound, adjacent to the sea wall, would be constructed of solid hoarding for the lower half, with a mesh upper panel, up to a height of 2.4m.

This proposal seeks the removal of the upper half mesh fencing element to the hoarding and the replacement with solid 2.4m tall hoarding to match what has already been approved elsewhere around the compound.

## **Supplementary Documentation**

In addition to a site layout plan, this application is also supported by a revised Site Compound Arrangements document, detailing the proposed hoarding changes.

## **Planning History**

22/0320/FULCLO – Temporary construction compound area to support the works to the revetment at Canvey Island. Approved subject to conditions by Members of the Development Management Committee on 5<sup>th</sup> July 2022.

Of relevance to this application condition 18 of this permission states:

*“The hoarding surrounding the development hereby permitted shall be erected in accordance with the details contained within the Site Compound Arrangements document received by the local planning authority on 8<sup>th</sup> June 2022.*

*REASON: For the avoidance of doubt and in order to achieve a satisfactory external appearance of the site.”*

## **Local Plan Allocation**

Public Open Space

## **Relevant Policies and Government Guidance**

NPPF            National Planning Policy Framework (2021)

NPPG            National Planning Practice Guidance

Adopted Local Plan (1998)

EC2            Design

EC3            Residential Amenity

EC4            Pollution

EC7            Natural and Semi-Natural Features in Urban Areas

T8            Parking Provision

RE12          Public Rights of Way

Residential Design Guidance (2013)

RDG3          Building Lines

RDG5          Privacy and Living Conditions

Essex Parking Standards September 2009 (Adopted June 2010)

## **Consultation**

One consultation response has been received from the Port of London Authority which raises no objection the proposal.

## **Evaluation of Proposal**

The starting point for determining a planning application is the National Planning Policy Framework (NPPF) and those saved policies within the council's Adopted Local Plan (1998), alongside supporting policy documents and supplementary planning documents (SPDs).

It is important to note that this application only seeks consent for amending the site hoarding on the southern side of the Main Compound area. It is only this change of hoarding which can be considered under this application and nothing else whatsoever.

### *Design and layout*

Policy EC2 of the council's adopted Local Plan seeks a high standard of design in all developments. In particular, regard is to be had to the scale, density, siting, design, layout and external materials of any development, which shall be appropriate to its setting and which should not harm the character of its surroundings. This is consistent with paragraphs 128 and 130 of the NPPF.

The approved scheme was for a temporary site compound, so opportunities to incorporate a high standard of design are somewhat limited. However, in an attempt to improve the external appearance of the site compound, it was proposed to erect 2.4m solid hoarding to the northern, eastern and western sides to screen the content of the site compound from residential properties and to provide an element of security to the equipment and materials stored within the compound. Hoarding with a solid lower half and mesh upper half to a height of 2.4m was proposed to the southern side of the compound.

This 'half and half' hoarding is proposed to be 2.4m solid hoarding instead.

The proposed amended hoarding scheme would still be located to facilitate pedestrian access around the compound in all directions so to minimise impacts to local residents' pedestrian movements.

Furthermore, this type of fencing arrangement is not uncommon on construction sites/compounds, and within the context of the proposed use and area it is not considered to be of an unacceptable design, as providing no screening to the compound would detract from the appearance of the wider area to a far greater degree. Attempts have been made to improve the general appearance of the hoarding and site as a whole.

### **Conclusion**

It is not considered that the proposed alterations to the hoarding on the southern side of the Main Compound results in a detrimental feature within the wider area, or a feature which would cause undue harm to the amenities of those in the surrounding area whilst the temporary compound is *in situ*. No objection is therefore raised to the proposal on this basis.

It is therefore recommended that this proposal be approved and condition 18 of the original consent (22/0320/FULCLO) be amended to reflect the proposed change to hoarding arrangement.

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**

### **Conditions**

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



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

- 2 The use of the site as a construction compound shall cease no later than four years beginning with the date of the original permission on 7th July 2022. All works and structures shall be removed from the land on or before that date and the land returned to its former condition.

REASON: This condition is imposed in order to permit the use of the site to strengthen Canvey Island's flood defences whilst preventing the permanent use of the site as a construction compound which would result in the permanent loss of public open space to the detriment of the residential amenity, health and wellbeing of local residents as well as being out of character with the surrounding built environment.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans: TEA-3B-00.00-DR-EG-00-002505 Rev P02, TEA-3B-00.00-DR-EG-00-002518 Rev P01, TEA-3B-00.00-DR-EG-00-002501, TEA-3B-00.00-DR-EG-00-002511 Rev P01, TEA-3B-00.00-DR-EG-00-002512 Rev P01 and TEA-3B-00.00-DR-LA-00-0000019 Rev C01.

REASON: For certainty.

- 4 Prior to the commencement of the development hereby approved a site condition survey report for the entire site area shall be undertaken and submitted to the local planning authority.

Reason: In order to provide a means of assessing any damage that may be caused by the development.

- 5 Prior to commencing any development on site, a suitable Highways Condition Survey Report of the construction vehicle routes to and from the site along the following sections of road shall be undertaken:

- o Thorney Bay Road south of and including from the vehicular maintenance access to The Wooden Park only
- o Western Esplanade
- o Furtherwick Road between Eastern Esplanade and Western Esplanade only
- o Eastern Esplanade
- o Marine Parade

This will include full photographic evidence of the routes with a categorization of the quality of the existing highway infrastructure.

A further survey shall be undertaken after completion of the works to the revetment to identify any detrimental impacts on the condition of the highway infrastructure when compared with the pre-development survey findings.

Any identified damage or defects shall be mitigated or improved to the standard identified at the pre-development stage.

- 6 Transport to and from the site shall be undertaken in accordance with the provisions of the submitted Construction Traffic Management Plan Reference: TEA-3B-00.00-RP-TM-00-00002 Revision P03 dated 15th June 2022 and the Transport Statement Reference: TEA-3B-00.00-RP-TM-00-00001 Revision P03 dated 15th June 2022, from which traffic movements shall not be exceeded without the formal consent of the Local Planning Authority.

REASON: In order to protect the amenity of residents during the construction period and to minimise disruption to the local road network.

- 7 Development of the site shall be undertaken in accordance with the provisions of the submitted Drainage Strategy for Temporary Works Compounds Reference: TEA-3B-00.00-RP-CI-00-000001 Revision P01 dated 15th March 2022 and Drawing No. TEA-3B-00.00-DR-EG-00-002522 Revision P02 from which there shall be no deviation without the formal consent of the Local Planning Authority.

Such surface water drainage system shall be suitably maintained thereafter at all times whilst the site is in use.

There shall be no discharge of surface water onto the Highway.

REASON: To limit the potential for increased surface water runoff from the site and ensure the continued operation of the system to prevent exacerbation of hazards from surface water flooding and avoid the formation of ice on the highway in the interest of highway safety.

- 8 Development of the site shall be undertaken in accordance with the provisions and recommendations set out in the Preliminary Ecological Appraisal Reference TEA-3B-00.00-RP-EN-00-000006 Revision P01.2 dated 22nd March 2022, from which there shall be no deviation without the formal consent of the Local Planning Authority.

REASON: In order to protect the ecological features and ecology of the site during the construction period.

- 9 Development of the site shall be undertaken in accordance with the provisions of the submitted Construction and Environmental Management Plan Reference: TEA-3B-00.00-CO-TC-00-000003 Revision P02 dated 30th March 2022, from which there shall be no deviation without the formal consent of the Local Planning Authority.

REASON: In order to protect the ecological features of the site and the amenity of adjoining residents during the construction period.

- 10 The site compound hereby permitted shall only be used between the hours of 06:00 and 22:00 Monday to Friday.

REASON: In order to protect the amenities afforded to occupants of nearby residential properties.

- 11 A schedule of dates, times, locations and works to be undertaken outside of the normal construction hours of 08:00 - 18:00 shall be published by the applicant in a publicly accessible manner at the boundary of the site compound physically as well as online at the Canvey Island southern shoreline revetment project - information page at least three weeks prior to works being undertaken.

REASON: In order to keep local residents well informed of construction planned outside of normal construction hours in the interests of protecting the amenity of nearby residential occupants.

- 12 External artificial lighting at the development shall not exceed lux levels of vertical illumination at neighbouring premises that are recommended by the 'The Institution of Lighting Engineers: Guidance Notes for The Reduction of Light Pollution, 2000.' Lighting should be minimised and glare and sky glow should be prevented by correctly using, locating, aiming and shielding luminaires, in accordance with the Guidance Notes.

Site lighting shall be turned off when the site compound is not in use.

REASON: To ensure that the amenity of occupiers of surrounding premises is not adversely affected by lighting

- 13 As shown in principle on planning drawing TEA-3B-00.00-DR-EG-00-002505 Rev P02. The existing gates shall be removed at the eastern end of Eastern Esplanade to allow for temporary vehicular access to the compound. Upon removal of the site compound the access gates shall be reinstated.

REASON: To ensure to ensure that authorised vehicles can enter and leave the highway in a controlled manner in the interests of highway safety.

- 14 Prior to first beneficial use of the site compound the approved parking area as depicted on Drawing No. TEA-3B-00.00-DR-EG-00-002505 Revision P02 shall be provided, with spaces complying with the adopted Essex Vehicle Parking Standards (2009) marked out and made available for use.

The approved parking shall thereafter be retained for its approved purpose for the duration of the use of the site compound and used for no other purpose.

REASON: In order to ensure the provision of adequate on site parking facilities for the approved development.

- 15 Adequate turning areas shall be made available at all times to enable all vehicles to enter and exit the site in a forward gear, with turning facilities accommodated entirely within the site boundaries.

REASON: In order to ensure that appropriate turning facilities for all vehicles are provided within the site and to minimise potential conflict with other users of the highway.

- 16 No obstruction to any right of way shall be permitted to commence on site until such time as an Order securing the diversion of the existing definitive right of way on footpath No. 5 (Canvey) to a route to be agreed with the Local Planning Authority has been confirmed and the new route has been constructed to the satisfaction of the Local Planning Authority.

Upon removal of the site compound the existing right of way shall be reinstated in its original location and to its original condition.

REASON: To ensure the continued safe passage of pedestrians on the public right of way and accessibility.

- 17 Prior to first beneficial use of the site compound, the vehicle parking area shall be provided with 4 electric vehicle charge points which shall be made operational prior to first beneficial use of the site compound. Following installation, the charge points shall be retained for the duration of the site compound's use and maintained in accordance with any manufacturer's recommendations.

REASON: To facilitate the use of electric vehicles by users of the development in the interest of sustainable transport.

- 18 The hoarding surrounding the development hereby permitted shall be erected in accordance with the details contained within the Site Compound Arrangements Revision v1 document dated 8th September 2022 and received by the local planning authority on 28th September 2022.

REASON: For the avoidance of doubt and in order to achieve a satisfactory external appearance of the site.

- 19 Upon first use of the site, the approved Flood Response Plan Reference 002b dated 14th June 2022 shall be enacted and thereafter maintained at all times that the site compound is in use. Any revisions to the Plan shall first be submitted to and formally approved by the Local Planning Authority.

REASON: In order to ensure the appropriate protection of users of the site in the event of a flood.

- 20 There shall be no storage of raw materials on any outdoor part of the site above a height of 2.4 metres.

REASON: To ensure that the storage of materials does not detract from the character and appearance of the surrounding area.

- 21 A pedestrian access gate shall be provided to the northern hoarding of the site between the modular welfare unit and stores units as shown on planning drawing TEA-3B-00.00-DR-EG-00-002505 Rev P02 received on 23rd June 2022 when the northern hoarding is erected and for thereafter maintained until the hoarding is removed. Adequate space shall be retained and kept free of obstruction to the north of the middle 6.1m wide turning head as shown on the aforementioned drawing to ensure that firefighting equipment can reach Nos. 2, 4 and 6 Athol Close through the provided pedestrian gate.

This pedestrian access gate shall only be used in the event of an emergency and shall not be used as a general site entrance or exit at any time.

REASON: To ensure the residential properties in Athol Close retain adequate access in emergency fire and rescue situations.

## **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 determining the proposal in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

## ITEM 2

<b>Application Number:</b>	<b>22/0665/FUL</b>
<b>Address:</b>	<b>Garden World Plants Ltd Canvey Road Canvey Island Essex SS8 0QD (Canvey Island West)</b>
<b>Description of Development:</b>	<b>Demolition of existing buildings and construction of residential care home comprising of 55No. units with proposed cross-over boundary treatment</b>
<b>Applicant:</b>	<b>S Howard</b>
<b>Case Officer</b>	<b>Ms Kim Fisher</b>

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### Summary

This application has been called in for determination by the Development Management Committee by Cllr C.Sach.

Planning permission is sought for the erection of a part two storey, part three storey, 55 bedroomed nursing home with associated parking.

Consideration of the proposal under the provisions of the NPPF and adopted Local Plan identifies that the proposal constitutes inappropriate development in the Green Belt, which could only be justified if Very Special Circumstances could be identified, either individually or cumulatively, which outweighed the harm to the Green Belt.

The need for specialist residential accommodation has previously been identified as a circumstance to which consideration should be given. In considering an application for a similar form of development in 2018, the Planning Committee took the view that the brownfield nature of the site and the identified need for specialist housing of the type proposed outweighed the harm to the Green Belt and outline consent was granted for a 57 bedroomed care home in November 2018. The reserved matters pursuant to this consent were granted in June 2022.

These facts are considered to represent a very special circumstance which weighs heavily on favour of the development.

Given that consent for the development of this site for specialist housing purposes has already been granted, it is considered that a pragmatic approach is required in the consideration of the current proposal.

The scheme as now submitted represents an improvement over the extant scheme in that it achieves a reduction in the number of bedspaces provided on the site and a slightly smaller, more modern and more attractive building.

In light of the extant consent it is not considered that an objection to the proposal on Green Belt grounds would be supported on appeal and may be considered unreasonable by the Planning Inspectorate, with the potential for costs to be awarded against the Authority in the event of an appeal decision in the applicant's favour.

It should be noted that refusal of planning permission would not impact on the extant consent which may be completed.

In considering the principles embedded within the scheme, the proposed materials and general form and scale of development is considered acceptable, adequate parking and amenity space is achieved and the proposal raises no insurmountable concerns in respect of flood risk, air quality or noise impacts.

The proposal is therefore recommended for APPROVAL.

It should be noted that should Members adopt this recommendation, by virtue of the provisions of the Town and Country Planning (Consultation) (England) Direction 2021, the application is identified as one which must be referred to the Secretary of State, in order that he might consider whether this was an application he wished to call in for his own determination.

It may be noted that the Secretary of State did not seek to call in the earlier proposal for his consideration.

In the event that the Secretary of State determines not to call in the application again, an approval notice will be issued. A list of appropriate conditions are appended to this report for Members consideration.

## **The Site and its Surroundings**

The application site is an irregular shaped plot of land, which extends to some 3100m<sup>2</sup> of land on the west side of Old Canvey Road, at the junction with Northwick Road. It has a frontage to Canvey Road of some 58m and a depth of some 57.5m and exhibits slight falls to the north and west.

The development site was formerly used as a garden centre and subsequently for car sales and for various recreational purposes and hosts a single storey flat roofed retail/display building and a number of single storey canopies which sheltered a large plant display area.

The retail building is irregular in shape and has a maximum width of 40m and a maximum depth of 21.5m. It is set some 19m from the front boundary of the site.

The canopy at the front of the site is some 22m wide and 15m deep. It is set some 3.5m from the front boundary.

The site is entirely hard-surfaced or covered in buildings.

To the north the site is adjoined by a detached two storey dwelling beyond which is a bungalow and some 112m further to the north, the Dutch Cottage, a Grade II Listed building.

To the west the site is bounded by open land designated an Ancient Landscape and Wildlife site (West Canvey Marshes Nature Reserve) and used, in part, for the grazing of horses.

To the south, beyond Northwick Road, the site is bounded by commercial buildings forming part of the Charfleets Industrial Estate.

To the east is an area of parking. This parking area is not within the application site and is not indicated as being with the control or ownership of the applicant. No reliance may therefore be placed on its future retention or ability to serve the application site.

Further to the east, beyond Canvey Road is residential development within the urban area of Canvey Island.

## **The Proposal**

Permission is sought for the erection of a part three storey, part two storey pitched roofed building providing a nursing home supporting 55 units of accommodation (55 bed-spaces) with associated communal, social and administrative facilities and 26 parking spaces. The proposal will offer accommodation within a residential care/nursing home setting for the over 50's. The Care Home itself would provide facilities to accommodate a wide range of nursing/care needs for older people with physical and mental disabilities. In order to meet these needs, it is proposed to have a section of accommodation that can be securely managed to cater for those with milder physical disabilities and/or dementia. It is intended that the facility should offer flexibility of care and meet

the requirements of Essex Social Services, by focusing on keeping vulnerable individuals in appropriate specialist accommodation, initially with their own independence, but then for those that are heavily dependent, offering the capacity to transition to a care/nursing home setting.

The proposed 'L' shaped building is primarily three storey in form, with two storey elements, particularly at its northern end. The building will be primarily pitched roofed, although a flat roofed element is provided to the southern-most element

A rounded turret feature is provided at the south eastern corner.

Windows are present in all elevations except that facing north which flanks the adjoining residential dwelling.

The building would have a maximum height of some 13m which is comparable to the approved scheme. This proposal would however feature two chimneys on the central element of the building which would rise to a height of some 14.5m. The building has a maximum width to Canvey Road of some 47.4m which compares to the approved width of 52m and a return width to Northwick Road of some 44m, compared to the approved scheme which was some 46m.

The building would be located a minimum of 4m from Northwick Road and some 5m from the Old Canvey Road. This is comparable to the approved scheme. As with the approved scheme a portico porch is provided to the front elevation This would be located some 2m from the highway boundary, which represents an improvement over the approved scheme which was located within 1.2m of the front boundary. As with the approved scheme, the entrance staircase and access ramp would extend up to the highway boundary.

The proposed building would be set some 1m – 1.3m above natural ground level. This is to assist in the reduction of flood risk and flood remediation.

## **Supplementary Documentation**

The application is accompanied by:

- A Topographical Survey
- General Arrangement and Visibility Splays
- Swept Path Analysis And Small Refuse Vehicle
- Swept Path Analysis And Fire Appliance
- Construction Method Statement
- Design And Access Statement
- Efficiency Calculations
- Energy Statement
- Ecology Report
- Flood Resilient Design, General Principles.
- Flood Response Plan
- Flood Risk Assessment
- Noise Assessment
- Site Waste Management Plan
- Structural Calculations
- Suds Report And Proforma
- Surface Water Drainage Calculations
- Comparison elevational drawings

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

## **Relevant Planning History**

17/1063/OUT

Demolition of existing buildings and construction of residential care home comprising of 57No. units.

This application was recommended for refusal for the following reasons:

1. Within the context of Government guidance, it is considered that the current proposal is premature in that it seeks to determine the location of future development outside the confines of the Examination in Public of the New Local Plan. The release of land for intensive development on the basis of individual applications would lead to poorly planned growth and would fail to deliver development in a managed way. To achieve sustainable growth within the borough the decision on which sites to allocate for development should be taken at a strategic level as part of the Local Plan process, which this application seeks to circumvent. The site is allocated as Green Belt where national planning policy as set out in the National Planning Policy Framework states that development of this nature is not appropriate and will only be permitted if very special circumstances exist to justify its inappropriateness. It is not considered that any very special circumstances exist or have been demonstrated to justify the proposed development which would be detrimental to the openness of this part of the Green Belt, contrary to national planning policy.
2. The proposed development, by reason of the excessive size of the proposed building relative to the plot size fails to provide adequate amenity space for future residents, contrary to Government guidance in respect of the provision of high quality living conditions and Policy H17 RDG5 of the adopted Local Plan.

Members considered however that the proposal was in accordance with the NPPF as it was on previously developed land and was not premature in the context of the Local Plan as the site had consistently been included in previous draft versions of the Local Plan for development purposes. The development was not considered excessive or over dominant to the surrounding area and Members felt that there was a need for this type of accommodation in the local area. Permission was therefore granted.

21/0361/FUL

Demolition of existing buildings and construction of residential care home comprising of 57No. units and proposed cross-over. Refused 08.09.2021.

1. The proposed development, by reason of its mass, scale, disposition and proximity to the boundaries of the site represents overdevelopment of the site resulting in the creation of a building of mean and cramped appearance and likely to result in an unduly dominant and prominent feature in the street scene which would be detrimental to the character and appearance of the area and result in significant overshadowing and dominance of the adjoining dwelling to the north, contrary to Policy EC2 and H17 RDG2 and 3 of the adopted Local Plan.
2. The proposed development, by reason of the excessive size of the proposed building relative to the plot size fails to provide adequate amenity space for future residents, contrary to Government guidance in respect of the provision of high quality living conditions and Policy H17 RDG5 of the adopted Local Plan.

21/0922/RES

Details pursuant to outline consent granted under 17/1063/OUT. Approved 08.06.2022.

The site therefore currently benefits from extant consent for a 57 unit nursing home.

### **Relevant Government Guidance and Local Plan Policies**

The site is located for Green Belt purposes on the 1998 Local Plan Proposals Map. The following policies are of relevance:



## National Policy Planning Framework (2021)

### Introduction and achieving sustainable development

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

### Decision making

Paragraphs 47, 49, 50, 54.

### Delivering a sufficient supply of homes

Paragraphs 61.

### Promoting healthy and safe communities

Paragraphs 92, 93, 98, 100.

### Promoting sustainable transport

Paragraphs 107, 108, 110.

### Making effective use of land

Paragraphs 119, 120,

### Achieving well designed places

Paragraphs 126, 130.

### Protecting Green Belt land

Paragraphs 137, 147, 149.

### Meeting the challenge of climate change, flooding and coastal change

Paragraphs 154, 162-165, 167.

### Conserving and enhancing the natural environment

Paragraphs 174, 180, 183, 184, 186.

### Conserving and enhancing the historic environment

Paragraphs 189, 194, 195, 197, 199, 200, 201, 202 and 205

## Adopted Local Plan (1998)

EC2:	Design
EC3:	Residential Amenity
EC4:	Pollution
EC13:	Protection of Wildlife and their Habitats
EC19:	Ancient Landscapes
EC38:	Archaeological Sites and Monuments
T2:	Intensification of Access Use
T8:	Car Parking Standards
CF1:	Social and Physical Infrastructure and New Developments
CF14:	Surface Water Disposal.

## Residential Design Guidance

RDG1	Plot Size
RDG2	Space around Dwellings
RDG3	Building Lines
RDG4	Corner Plots
RDG5	Privacy and Amenity
RDG6	Amenity Space
RDG7	Roof Development
RDG8	Detailing
RDG9	Energy and Water Efficiency and Renewable Energy

RDG10 Enclosure and Boundary Treatment  
RDG12 Parking and Access  
RDG13 Refuse and Recycling Storage

#### The Withdrawn Local Plan

Within the context of the withdrawn Local Plan, Policy HO24, of which the application site formed part, allocated a wider site for the delivery of around 196 new homes and a residential care home by 2033 subject to, inter alia, the condition that the development of the site would only be permitted when it could be demonstrated that there was an insufficient supply of land to ensure a five year housing supply, thereby passing the sequential test for flood risk.

However, as this Plan has been withdrawn, the provisions of Policy HO24 have no weight in the consideration of this application.

#### Other relevant Documents

Essex Planning Officers Association Vehicle Parking Standards September 2009 (Adopted June 2010)

Thames Gateway South Essex Strategic Housing Market Assessment (May 2017)

South Essex Surface Water Management Plan (2012)

Castle Point Borough Local Wildlife Sites Review (November 2012)

#### **Consultation**

##### County Highways

No objection subject to conditions.

##### Lead Local Flood Authority

No objection, subject to conditions.

##### Anglian Water

No response

##### Environment Agency

No objection

##### ECC Independent Living Programme

No response

##### Essex County Council Fire and Rescue Service

No objection subject to compliance with Building Regulations. Additional water supplies for firefighting may be necessary for this development

##### Essex Police

No response

##### CPBC Environmental Health

No objection subject to conditions

##### CPBC Legal Services

No observations

##### CPBC Streetscene

No response

Canvey Island Town Council

No response

Natural England

Habitat Regulations Assessment required.

RSPB

No response

Invertebrate Conservation Trust (Buglife)

No response

Essex Wildlife Trust

No response

National Health Service

No response

**Public Consultation**

Seven letters have been received from local residents and businesses which raise the following concerns:

- Green Belt
- Potential for increased surface water flooding
- Increased traffic
- Inadequate infrastructure
- Poor Air Quality
- Flood Risk and implications for Emergency Services
- Scale of development and impact on setting of Listed Building
- Northwick Road heavily used
- Access at front used by others for manoeuvring
- No need
- Prematurity

**Response to Consultation responses**

All relevant comments will be addressed within the evaluation of the proposal.

**Evaluation of the Proposal**

The proposal seeks consent for a 55 bedroomed (55 bed-space) care/nursing home.

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

Consideration must therefore be given to the acceptability of the principle of the proposed development on the site in the first instance.

Consideration must therefore be given to the acceptability of the principle of the proposed development on the site in the first instance.

Consideration will also be given to the issues of prematurity, appearance and layout, scale, access and parking, flood risk, ecology, impact on the historic environment, sustainability, noise and disturbance and pollution, ground conditions and contamination and the provision of affordable housing within the following evaluation.

**The Principle of Development**

Planning law requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise (paragraph 2 of the NPPF). The adopted development plan is the starting point for decision making. Development that accords with the Local Plan should be approved and proposals which conflict with the Plan should be refused unless material considerations indicate otherwise.

Where the Development Plan is absent, silent or relevant policies are out of date, the Planning Authority should grant planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework or specific policies in the Framework indicate that development should be restricted (paragraph 11 of the NPPF).

Footnote 7 to the NPPF identifies that land allocated for Green Belt purposes is an example where development should be restricted. The footnote does not however state that development in such areas is prohibited.

The Development Plan for Castle Point is the adopted Local Plan (1998). This identifies the site as Green Belt.

The NPPF states that the fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open. Within the Green Belt there is a general presumption against inappropriate development. Such development should not be approved, except in very special circumstances.

Paragraph 140 states that once established Green Belt boundaries should only be altered in the most exceptional circumstances, through the preparation or review of the Local Plan.

Paragraph 147 of the NPPF clearly states that inappropriate development in the Green Belt, which includes large scale residential development, is by definition harmful to the Green Belt and should not be approved, except in very special circumstances and paragraph 148 of the NPPF states that when considering any planning application, planning authorities should ensure that substantial weight is given to any harm to the Green Belt.

Paragraph 149 states that the Local Planning Authority should regard the construction of new buildings as inappropriate in the Green Belt. It does however list a number of exceptions to this presumption against development, one of which is 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.

The site formerly operated as a Garden Centre and contains a number of buildings and structures covering approximately one third of the developable site. Hardsurfacing covers the entirety of the site.

Whilst it is recognised that the canopies over the display areas have the appearance of more temporary structures, these have been present on the site for a number of years and are considered to be permanent structures, thus their presence can be taken into consideration in the determination of the application.

The site may therefore reasonably be considered to constitute previously developed land, the redevelopment of which need not be contrary to Green Belt Policy, provided such redevelopment 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.

#### Impact on the Openness of the Green Belt

It is the view of the Planning Authority that openness can be measured both in physical and perceptual terms. Put simply, development may physically reduce the amount of open space

available within the site and thus physically affect openness by replacing open space with built form, or it may give the impression of reducing openness by providing a bulkier or more visually prominent building on the site.

At the present time the application site hosts a relatively large single storey building, and a bank of display canopies which have a gross area of some 1081m<sup>2</sup>. As such buildings on the site can be concluded to occupy approximately 28% of the garden centre site.

The proposed building has a gross footprint of some 1242m<sup>2</sup> and thus covers approximately 31% of the site. The proposed building would therefore, in physical terms cover a greater proportion of the site and albeit marginally would reduce the openness of the Green Belt by enclosing more space within a building.

Of greater significance however is the impact of the proposed building on the perceived openness of the Green Belt.

At the present time the site hosts a former retail building with a maximum height of some 3.8m and three display canopies with a maximum height of 4.2m. The impact of these buildings on views from the east is limited to a significant extent by the mature hedge provided along the western edge of the Canvey Road carriageway which renders the site largely invisible, unless viewed closer to the junction with Northwick Road where the site forms a more obvious, but nevertheless muted, feature in the street scene.

From the west and north the limited height of the buildings renders them of no significance in long distance views.

The proposed care/nursing home represents a much more substantial two/three storey building with a maximum height of some 13m (14.5m to the top of the chimneys). This would be clearly seen above the mature hedge and would appear as a prominent feature even in long distance views.

The height of the building, coupled with its significantly increased mass and proximity to the highway boundary when compared to the former buildings on the site, would result in a much more prominent and dominant feature in the street scene and in longer views, which would adversely impact on the openness of the Green Belt at this location.

As a matter of principle therefore, in accordance with the provisions of the NPPF, this harm to the Green Belt attracts substantial weight.

#### Impact of the proposal on the purpose of including land within the Green Belt.

Paragraph 138 of NPPF sets out the five main purposes of Green Belts:

- > to check the unrestricted sprawl of large built-up areas;
- > to prevent neighbouring towns from merging into one another;
- > to assist in safeguarding the countryside from encroachment;
- > to preserve the setting and special character of historic towns; and
- > to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The site hosts a number of buildings and these provide the current benchmark against which a comparative assessment of impact may be made.

(a) To check the unrestricted sprawl of large built-up areas;

Paragraph 137 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 the Green Belt are its openness and permanence.

The Castle Point Borough Green Belt Review 2018, Part 1, identifies the wider area of land 'trapped' between Canvey Road and Roscommon Way, as successful in preventing the sprawl of the developed area of Canvey Island. As such the area is identified as performing a positive Green Belt function. However, the application site currently exhibits significant built form and whilst not intensively developed in the same manner as the adjoining residential and commercial areas, it is clear that the site is developed and it is considered debateable as to whether it physically contributes to the function of impeding urban sprawl or whether it forms part of the urban sprawl.

Given the presence of significant development on the site, it is not considered that redevelopment of the site would in principle, significantly alter this situation. This carries some limited weight in favour of the proposal.

(b) To prevent neighbouring towns from merging into one another;

The application site is located on the western edge of the developed area of Canvey Island; however, given the level of isolation achieved between this parcel of Green Belt land and the adjoining towns, it is not considered that the redevelopment of the application site would prejudice the objective of preventing towns merging. This stance is supported by the provisions of the 2018 Review.

(c) To assist in safeguarding the countryside from encroachment;

The 2018 Green Belt Review identifies that the wider Parcel serves a strong Green Belt function in respect of safeguarding the countryside from encroachment, however the site represents a previously developed site on the edge of the Green Belt and itself represents an historic encroachment into the Green Belt. The proposed development results in a significantly greater form of development on the site and encroachment of two/three storey development on areas of the site which are primarily only hardsurfaced at the present time. It is considered that replacement of the former development with that proposed would result in a greater physical and visual encroachment into the Green Belt. This carries some weight against the proposal.

(d) To preserve the setting and special character of historic towns;

It is not considered that the application site makes any contribution to the setting or special character of an historic town. Redevelopment of the site would have no impact on the site's function in this respect.

(e) To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The 2018 – 2031 submitted Local Plan both identified that redevelopment of the site for residential care purposes would only be acceptable, if it could be demonstrated that there were no other sites reasonably available for the provision of a residential care home in Castle Point. Such demonstration has not been made and it is not possible therefore to determine that the refusal of the current scheme might not assist in urban regeneration by encouraging the redevelopment of a site within the urban area for residential care purposes.

This attracts some weight against the proposed development.

However, it must be recognised that the site represents previously developed land in the Green Belt, the appropriate redevelopment of which would be consistent with Government guidance.

It must also be recalled that the site already benefits from extant consent for redevelopment.

The impact of the redevelopment of the site on urban regeneration is therefore considered to be limited.

### Conclusion on Green Belt considerations

The proposal represents the redevelopment of previously developed land within the Green Belt. Such development would be consistent with Government guidance provided it had no greater

impact on the openness of the Green Belt and the purposes for including land within that designation.

From the analysis undertaken it is concluded that whilst redevelopment of the site would not in principle have a significant adverse impact on some of the purposes of including land within the Green Belt, it will result in a visual encroachment into the country side and by reason of the significantly increased mass and bulk of the development proposed, would have a substantial adverse impact on the openness of the Green Belt. As such the proposal represents inappropriate development.

Paragraph 147 of the NPPF makes it clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved, except in very special circumstances.

It is also clear that other material considerations may also justify inappropriate development in the Green Belt.

### The existence of Very Special Circumstances

There is no statutory definition of the term 'very special circumstances' as the Courts have held that very special circumstances will be specific to the particular scheme under consideration.

The Planning Authority considers that a very special circumstance need not be a single matter but may result from a combination of matters which individually may not be considered very special, but which in combination, when viewed objectively, may be identified as very special.

The applicant does not specifically identify any Very Special Circumstances to support the case, however the need for specialist residential accommodation has been identified as a circumstance to which consideration should be given. There has been no demonstration that this need can only be met on the application site. In the absence of a clear demonstration that the identified need could not be met elsewhere it is not considered that this circumstance can be considered special, let alone very special, as is required to justify inappropriate development in the Green Belt.

However, outline planning permission for a similar form of development was granted on this site in November 2018. In determining this application, Members were at that time of the view that the need for a residential nursing home outweighed the harm to the Green Belt and approved the application.

The reserved matters pursuant to the outline were approved in June 2022. Commencement of development on the site may occur at any time.

The existence of this consent represents a very special circumstance which attracts substantial weight in the consideration of the current proposal.

In considering the need for such accommodation it may be noted that the 2021 Census has identified that within Castle Point there has been an 18.9% increase in the number of people aged 65 and over since 2011. Older people now form a larger proportion of the population and this growth is likely to continue as younger people are forced out of the Borough by the limited availability and high cost of local housing. The Greater Essex Demographic Forecasts show that 35% of the population will be of retirement age or older (65+) by 2031. Growth in the elderly population has already led to increased demand for specialist housing and this is likely to increase in the future.

Whilst the need for specialist housing does not, in isolation, represent a very special circumstance, it does add weight to the very special circumstance already identified.

The proposed development compares favourably with the approved scheme, being slightly smaller in mass, with an improved setting and a more attractive appearance.

The opportunity to provide a better form of development to that already capable of being provided on the site, represents a further very special circumstance.

Whilst not specifically related to the current proposal, the applicant has identified in the submitted Submission Report that the proposal would generate a range of employment opportunities.

This comment is noted but adds limited weight to the determination of the application as provision of such a facility on any site within the Borough would be likely to generate the same employment opportunities.

### Conclusion on the existence of Very Special Circumstances.

The proposal clearly represents inappropriate development in the Green Belt and should attract a recommendation of refusal unless very special circumstances can be identified which outweigh the harm to the Green Belt.

In determining an earlier application for a very similar form of development Members concluded that the limited contribution that the site made to the purposes of the Green Belt, the status of the land as a brownfield site and the need for specialist housing outweighed the limited harm identified to the Green Belt and granted outline planning permission. Reserved matters were subsequently approved and works to implement that consent can commence at any time. The applicants have confirmed that a nursing/care home will be provided on this site, despite its current land use designation and any decision made by this Committee tonight.

The current proposal does however represent an opportunity to achieve a better form of development on the site. The scheme now proposed is slightly smaller, with a better setting and a more attractive appearance. In view of the existence of the extant consent and the benefits achieved as a consequence of the current proposal, it is not considered that a sustainable objection can be raised to the proposal on the basis of Green Belt policy.

Members should note that refusal of consent on the basis of Green Belt policy is considered unlikely to be supported on appeal and indeed could be viewed as an unreasonable decision which could render the Council liable to a potentially substantial award of costs.

### **Prematurity**

The issue of prematurity is one which is commonly raised when Authorities have identified an intention to formulate new a Local Plan.

Emerging plans may acquire weight during the plan-making process, however, the National Planning Policy Framework is clear that arguments that an application is premature are unlikely to justify a refusal of planning permission other than in exceptional circumstances, where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. Such circumstances are likely to be limited to situations where both:

- a. the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or neighbourhood plan; and
- b. the emerging plan is at an advanced stage but has not yet been adopted (or, in the case of a neighbourhood plan, been made)

Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination.



Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process.

Following the decision not to adopt the 2018-2031 Local Plan, Members have identified a desire to produce a new Local Plan. However, that Plan has yet to be formulated and is unlikely to be submitted for examination for at least two years. In the context of this timescale, it is unlikely that an objection on the basis of prematurity would be supported.

Further it is not considered that the proposal is so significant that approval would undermine the provisions of any new Local Plan.

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

## **Access**

Policy EC2 of the adopted Local Plan requires all modes of transport to be safe and convenient.

At the present time vehicular access to the site is obtained via a dropped kerb crossing provided approximately midway along the Northwick Road frontage. It is proposed to relocate this access to a point closer to the western boundary of the site.

The Highway Authority has considered the proposal and finds it acceptable from a highway and transportation perspective, subject to the identified works being carried out in accordance with the submitted plan, prior to first occupation and conditions relating to the proper management of the site during the construction period, the use of appropriate materials and the prevention of surface water runoff onto the highway, all of which can be secured by condition.

## **Appearance and Layout**

Adopted Local Plan Policy EC2 seeks to ensure a high standard of design in all proposals with particular regard paid to the scale, density, siting, design, layout and external materials which should be appropriate to the setting, and which should not harm the character of, the surroundings. Proposals should take account of all elements of the local design context.

The NPPF similarly seeks well designed development and it is therefore considered that Policy EC2 is consistent with the NPPF.

Local Plan Policy H17 states that in designing proposals, regard must be had to the design and layout guidelines contained within Appendix 12 of the Local Plan. Appendix 12 has been superseded by the adopted Residential Design Guidance (RDG).

In general terms the proposed development is three storeys in height with a two storey element at the northern end of the 'L' shaped footprint. The roof is a mix of primarily hipped or gabled elements with small dormers provided to the front and side elevations. The southern element is essentially a flat roofed section but is designed to give the appearance of a pitched roofed.

In terms of materials, the proposed mix comprises:

- White render
- Black timber cladding
- Ibstock Westminster blend brick
- Blue Diamond Z stone cladding .
- Grey fibre cement slate
- Black UPVC doors and windows

These materials differ from those used in the buildings immediately adjacent, but given the broad palette available locally, are considered acceptable.

Detail and articulation is provided to the building by exaggerated fascia boards, the provision of feature chimneys, projecting gables and elemental use of materials. A key feature of the building is the rounded turret provided at the south-eastern corner which seeks to 'turn the corner' and provide a focal point of the development.

This variety of material, features and form has resulted in the creation of a mixed visual character. The character of the adjoining residential development differs from that proposed; however, this development is an institutional building and it is appropriate that it should demonstrate its purpose in its form. As such, whilst different in scale and form from the adjoining development, in the context of Policy EC2, it is not considered that the proposal would disrupt the built character and appearance of the wider area to such a degree to support a robust reason for refusal.

In terms of the provisions of the adopted Residential Design Guidance, it should be noted that RDG1 states that within the existing built up area the plot sizes for new development should be informed by the prevailing character of plot sizes.

Residential development in proximity of the site is limited and provides little context for new development. As a consequence, it is not considered realistic to expect the existing character of the area to influence the proposed development to a significant degree. The development site is one of the largest plots within the immediate area. No objection is made to the proposal on the basis of plot size.

RDG2 states that in forms of development where there is no clear pattern of development the space around a dwelling should be proportionate to the size of the building, for buildings providing specialist housing and care homes a space equivalent to 25% of the width of the property should be provided.

The proposed building has a width to Canvey Road of some 47.4m and a width to Northwick Road of approximately 44m. Isolation spaces of 11.85m and 11m respectively are required. The scheme provides some 8.5m of isolation space to the Canvey Road elevation and some 11.5m to the Northwick Road elevation. The proposal therefore fails to achieve appropriate levels of isolation on the Canvey Road frontage. Officers have previously objected the proposal on the basis of the limited isolation achieved, however, the isolation now proposed is greater than that achieved under the approved proposal and will consequently provide a better setting for the building and a better relationship with the adjoining property. Whilst the deficiency is recognised, under the circumstances it is not considered that this deficiency is of such magnitude to provide a robust reason for refusal in isolation.

RDG3 states that within the existing built up area all new development should be informed by the prevailing building lines to the public realm it faces; however it must not repeat poor forms of development. Where there is a distinct pattern of development which creates an exceptionally strong building line, development must not result in disruption to this pattern. In all cases projections into building lines which face the public realm must make a positive contribution to the streetscape.

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

Canvey Road at this point has only a weak building line, due to the limited number of dwellings present. The proposed building (excluding the portico and access ramps) would sit some 4m – 6m from the highway boundary and some 3m – 5m further forward than the adjoining dwellings and would therefore be inconsistent with the setting of the adjoining properties. However, given the weakness of the building line is not considered to have a significant adverse impact on the building line.

RDG4 states that development on corner plots should be designed to turn corners. It also states that all new or replacement dwellings on corner plots should provide active and articulated frontages to all elevations that face the public realm.

Corner plots should also be designed to limit the length of high level garden screening, particularly along return frontages. The guidance states that in all appropriate cases opportunities should be taken to create features on corner locations, which enhance legibility.

The proposed development provides a focal feature at the junction which successfully turns the corner. The submitted application form identifies that no significant enclosure will be provided on the eastern or southern boundaries. The proposal therefore satisfies the principles of RDG4 and no objection is 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 and 15m at second floor level.

This requirement may be relaxed where windows overlook the highway or areas of open space or public realm.

The placement of all windows is considered satisfactory and no objection is therefore raised under RDG5.

RDG6 is concerned with the provision of private amenity area so that the outdoor needs of occupiers are provided for. Specialist accommodation such as that proposed is required to provide 8m<sup>2</sup> of amenity space for each habitable room.

The proposal provides 55 rooms and therefore generates a requirement for 440m<sup>2</sup> of amenity space.

The proposed development provides a useable amenity area to the rear of the site of some 400m<sup>2</sup> and is therefore marginally below the requirement, however, it must be recalled that this facility is for older people, a proportion of whom are likely to have mobility and health issues that prevent active use of an external amenity space. Internal amenity spaces are therefore provided in the form of six day rooms and a community lounge where visitors can meet with residents and activities can be organised. In addition an on-site hairdressers and pamper room is available. Given the internal amenity space available, it is not considered that the deficiency in external space is so significant as to justify refusal on this basis. No objection is therefore raised to the proposal under RDG6.

RDG7 is concerned with roof development and particularly seeks to ensure that proposals which incorporate feature such as dormers and rooflights into roof planes do not result in overdominant or disproportionate roof treatments.

The proposed development provides a number of dormers. Where provided these are generally sympathetic to the scale of the roof and align with fenestration in the elevation. No objection is raised the proposal on the basis of RDG7.

RDG8 requires the design of all development to result in well-proportioned and balanced properties. Fenestration should be aligned both vertically and horizontally.

The proposed building is considered to be well proportioned and balanced and whilst some minor variance occurs it is not harmful to the character or appearance of the building. Consequently, the proposal is considered to meet the expectations of RDG8.

RDG9 is concerned with the achievement of energy and water efficiency and renewable energy.

The applicant seek to achieve 10% of the energy demands of the proposal from renewables. To this end the scheme exhibits opportunities for solar gain and daylight penetration, with principal elevations predominantly orientated to the south, east and west and will be primarily naturally ventilated via manually user operated openable windows and features exposed thermal mass by way of exposed concrete soffits. Heating will be primarily delivered using underfloor heating served by gas-fired boilers. An air source heat pump will provide the domestic hot water and 70m<sup>2</sup> of solar panels will offset electricity demand.

No objection is therefore raised to the proposal on the basis of energy efficiency. No details are provided in respect of water efficiency however conditions can be imposed on the grant of any consent requiring the installation of water efficient infrastructure.

Opportunities also exist for rainwater harvesting and greywater recycling and the applicant is encouraged to investigate the use of these features further. Their absence from the scheme however does not represent a robust objection to the proposal.

It may be noted that the police have suggested that provision be made for electric car charging points within the car park area. It is considered that a condition requiring such provision may be attached to the grant of any consent.

RDG10 provides guidance in respect of boundary treatments and states that the means of enclosure and surface material should be informed by the prevailing character of the area and that any means of enclosure should not dominate the public realm. It also states that in all cases the means of enclosure and surface treatment must be of high quality materials, appropriate in terms of appearance and ongoing maintenance to the location.

The applicant identifies that a 1.8m close boarded fence will be provided to the northern and western boundaries and that the southern and eastern boundaries will not be enclosed. Such treatment is considered acceptable.

No objection is raised to the proposed surface treatments which essentially replace an existing concrete surface.

No objection is therefore raised to the proposal under RDG10.

RDG11 of the Residential Design Guidance is concerned with landscaping. No detailed landscaping scheme has been submitted as part of the current proposal, although the submissions do indicate the provision of tree and shrub planting across the site, however further details can be required through the imposition of a condition on the grant of any consent.

The applicant is advised that landscaping schemes are expected to include planting plans, identification of plant species, types, sizes, numbers, densities, planting regime and aftercare.

The applicant is further advised that in order to enhance the ecological value of the site any landscaping scheme should be focused on native species.

RDG13 is concerned with the provision of appropriate refuse and recycling storage facilities.

The applicant identifies that specialist contractors will be used to remove waste from the site. The contractor requires the provision of 4 x 1100 litre bins for general waste and 2 – 3 x 1100 litre bins for clinical waste. A refuse storage area adequate to accommodate such provision is provided within the undercroft. No objection is raised to the proposal on the basis of waste storage.

## Parking

Car Parking is a key feature in an appropriate layout. Policy T8 of the Adopted Local Plan requires the provision of appropriate levels of on-site car parking in accordance with the Essex Planning Officers Vehicle Parking Standards 2009. Standard C2 is relevant to the proposed development

and requires one space to be provided for each full time equivalent member of staff plus one visitor space per three beds.

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

The applicant has advised that 2 full time and 14 part time staff, equivalent to the provision of six full time staff will be provided on the site. The proposal therefore generates a need for 6 staff parking spaces. In addition the scheme generates a need for 19 visitor car parking. In total 25 parking spaces are required.

The scheme provides 24 car parking spaces plus 2 van spaces. The van spaces and two staff spaces are provided to the front of the site, with the remainder provided at the rear, accessed via the proposed undercroft, served from Northwick Road.

The car parking spaces are of the requisite size and the layout achieves safe and convenient parking provision. No objection is therefore raised the proposal on the basis of car parking.

Concern was initially expressed that at staff change over points, there could be significantly more staff vehicles attempting to park on the site. It was opined that this could result in off-site parking, to the detriment of local residents and some limited inconvenience of staff, however opportunity exists for staff to park off-site, within a formal parking area located in front of the site should this become necessary with limited if any detriment to local residents. No objection is therefore raised to the proposal on this basis.

It should be noted that the parking standards do not require additional parking provision to cope with any 'changeover' peaks in parking demand.

Objection has been received on the basis that vehicles associated with the adjoining commercial premises use the parking area in front of the site for manoeuvring purposes. Whilst this may be true, it cannot be used as a reason to prevent the lawful use of the highway and public parking areas by others and does not represent a sustainable objection the proposal.

In addition the applicant is required to provide bicycle parking and powered two wheeled vehicle parking facilities on the basis of one bicycle parking space for each five staff members and one space plus one space per twenty car parking spaces for powered two wheeled vehicles.

A total of 3 bicycle and 3 powered two wheeled vehicles spaces are required.

A cycle storage facility is provided within the site, which is capable of accommodating up to 10 bicycles. No facilities have been identified for powered two wheeled vehicles however, it is considered that scope exists within the site to remedy this deficiency which can be achieved through the imposition of a condition on the grant of any consent.

## **Scale**

The issue of scale in terms of its impact on the openness of the Green Belt has already been discussed and the principles of that discussion will not be repeated here.

In terms of more generalist comments in respect of the scale of the development, the development is partly two storey and partly three storey in nature with the height diminishing towards the northern boundary of the site in order to integrate the development satisfactorily into the context created by the adjoining development.

In purist terms this works relatively well, with the bulk of development located in the centre of the site and a focal point provided at the junction and the height falling towards less prominent features in the landscape at the extremes of the building.

Concern was raised in respect of original proposal in respect of the proximity of the building to the front boundary of the site and the relationship of the building to the adjoining dwelling, which it was considered could result in the creation of an over-dominant and overbearing structure with limited setting and a cramped appearance.

The current proposal provides a greater degree of isolation between the proposed building and the northern boundary than the approved scheme, which improves the relationship with the dwelling to the north and is worthy of support.

No objection is raised to the proposal on the basis of its scale or setting.

## **Other Considerations**

### Flood Risk

Canvey Island lies within an area identified as falling within Flood Zone 3. Within such areas there is an identifiable risk of flooding. For Canvey this risk takes the form of both fluvial and pluvial inundation.

Under the provisions of the NPPF, all proposals for new dwellings in areas at risk of flooding are required to be accompanied by a site-specific Flood Risk Assessment (FRA) in order to demonstrate that the occupiers of the proposed development would not be placed at unacceptable risk in the event of a flood.

It should be noted that a Care Home provides residential accommodation and is therefore considered to provide dwellings.

A Care Home is classified as a 'more vulnerable' form of development in Table 2: Flood Risk Vulnerability Classification of the NPPG. In order to comply with national policy the proposal must therefore pass the sequential and exception tests as set out in the NPPF and the Planning Practice Guidance (PPG), in order to determine whether sites of lower flood risk probability exist which may be more suitable for the type of development proposed.

With regard to the sequential test, the proposal seeks to provide a care home on Canvey Island. For such development to serve the community of Canvey Island it is considered that it would need to be located within, or immediately adjacent to, that settlement.

Since the settlement of Canvey Island is located entirely within Flood Zone 3 it is not considered that there are reasonably available alternative sites within the area with a lower probability of flooding that could accommodate the proposed development. Under the circumstances it is considered that the proposal passes the sequential test.

Having passed the sequential test, the proposal must then pass the exception test. In order to meet the requirements of the exception test as described in paragraph 163 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 (FRA) where one has been prepared; and a site-specific Flood Risk Assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

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

The second criterion requires that the applicant demonstrate that the development is safe and where possible will reduce flood risk overall.

In the event of a breach of the sea wall the Environment Agency has identified the site could experience flood water depths of up to 0.89m in a 0.1% annual probability including climate change breach flood event. Under such conditions the ground floor of a building would be expected to experience inundation, however it is proposed to raise the lower floor of the building so that it would be above the 0.1% flood water levels and as such will remain dry in the event of a flood. The EA has therefore raised no objection to the proposal on the basis of flood risk

The EA has however also identified that the proposal should be considered within the context of the TE2100 Plan.

The Thames Estuary 2100 (TE2100) Plan is an aspirational document which was published in November 2012. It sets out the EA recommendations for flood risk management for London and the Thames Estuary through to the end of the century and beyond.

This site is located within the Canvey Island unit, which has a policy of "P4". Policy P4 seeks to take further action to keep up with climate and land use change so that flood risk does not increase. However achievement of the policy is dependent the seawalls being raised in the future which will be dependent on a cost benefit analysis and the required funding becoming available. If the defences are able to be raised, the proposed development will be protected from flooding during the 1 in 1000 annual probability event in line with climate change.

There is however, the possibility that such raising is not possible and that the building could be inundated at ground floor in the event of an unprotected 0.1% event.

Whilst this position must be accepted, it is considered to represent a small risk which in isolation is unlikely to sustain a reason for refusal, particularly as it is clear from the proposal and the submitted Flood Response Plan that steps have been taken within the design of the building to raise it above expected flood water levels and adequate refuge is provided at both first and second floor levels within the building.

Under the circumstances, no objection is raised to the proposal on the basis of flood risk.

The applicant has identified specific flood resilience and resistance measures which are to be incorporated into the building to make it more sustainable and improve drying and repair timeframes, in the event of the building being inundated by floodwater. A condition requiring the implementation of such measures can be imposed the grant of any consent.

All proposals for development within the Flood Zone are required to demonstrate that the building proposed would be able to withstand the hydrodynamic and hydrostatic pressures likely to impact on the building under flood conditions. The applicant has provided a series of calculations, verified by a Structural Engineer, which demonstrate that the building will be able to withstand the relevant pressures under flood conditions. Provided the building is therefore constructed in accordance with the structural engineer recommendations, no objection is raised the proposal on the basis of structural instability.

Paragraph 167 of the NPPF states that when determining applications, local planning authorities should ensure flood risk is not increased elsewhere.

The site is not identified by the EA as being at high risk from surface water flooding, however development of a site would ordinarily run the risk of the potential for run off onto other sites. In the case of the current proposal, the site is already almost wholly hardsurfaced. As a consequence surface water runoff is unlikely to be exacerbated by the proposal. However the scheme does offer the opportunity to improve current run off profiles and as a consequence the LLFA has required the submission of an appropriate surface water drainage strategy to ensure the appropriate attenuation and treatment of any run off before it is discharged from the site.

Subject to the submission and implementation of an appropriate surface water drainage strategy, which can be achieved by condition, no objection is raised to the proposal on the basis of surface water flooding.

## **Ecology**

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

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

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

The site has no ecological designation but is within the zone of influence associated with the Benfleet and Southend Marshes Special Protection Area (SPA) and Ramsar site and the Outer Thames SPA. The application site is also in close proximity to Holehaven Creek which has been identified as land which is functionally linked to the Thames Estuary SPA.

The Benfleet and Southend Marshes SPA and the Outer Thames SPA have been designated in view of their importance to wetland birds.

Development of the site has the potential to adversely impact on the integrity of these sites through:

- Habitat loss and fragmentation/land take by development;
- Loss of functionally linked land (land outside the SPA and Ramsar site);
- Increase of any type of disturbance;
- Changes in water availability, or water quality; and
- Changes in atmospheric pollution levels.

Consideration must also be given to the cumulative impact of development.

The applicants have submitted an ecological assessment. It is noted that the survey was prepared in November 2016 and is therefore now somewhat dated. It was also undertaken at a sub optimum time of the year. Its findings must therefore be treated with an element of caution.

Consideration of the development of the site has identified that it would have no direct impact on priority habitat and is not required to be retained in its current state in the interests of maintaining the integrity or facilitating the management of any designated site.

Assessment of the site has confirmed that the site is entirely developed or hard surfaced with no pockets of vegetation or open ground which might provide habitat potential. Under the circumstances it is not considered that the open areas of the site provide any ecological interest.

Assessment of the buildings on the site has also failed to identify any opportunity for bat roosts and whilst foraging may occur across the site it is not considered that the proposed development would adversely impact on this.

The existing site may therefore be concluded to have no significant ecological value and no objection is therefore raised to the proposal on the basis of its impact on local ecology.



It is however considered that the redeveloped site could offer the potential for habitat creation and it is therefore considered that any future landscaping scheme should be focused on native wildlife friendly species.

Subject to such an appropriate landscaping scheme being prepared no objection is raised to the proposal on the basis of its impact on ecology on the site.

Within the wider context and given the potential for adverse impact on nearby designated sites, there a need for a Habitats Regulations Assessment (HRA) to be undertaken in respect of the proposal in order to identify that potential and any appropriate mitigation:

Habitat loss and fragmentation / land take by development and loss of functionally linked land.

The application site is located in the south-east corner of the West Canvey Marshes Local Wildlife Site (LoWS CPT/4), which is an area largely characterised by grazing marsh, ditches, scattered scrub and inter-tidal habitats and as such it may be considered to be land which is functionally linked to the designated sites.

However, following a review of Local Wildlife sites in 2019, it was recognised that the application site, which is located on the extreme south-eastern corner of the LoWS, immediately adjacent to the urban edge, constituted developed land which had no ecological value and could not realistically be described as functionally linked land. Consequently the boundary to the LoWS was redrawn to exclude the application site from the designation.

Given the identified lack of functional link and the fact that the site is fully developed and provides no opportunity for the provision of appropriate habitat, it is not considered that the development of the site would result in the loss, or fragmentation, of habitat.

Increase of any type of disturbance:

The application seeks consent for a 55 bedroomed care home.

The RAMS SPD states that Class C2 (Care Home) uses are notionally included within the scope of the RAMS and tariff payments, this is on the basis that an increase in population would arise from any such developments. However it is recognised that each case should be dealt with individually as some forms of development may provide a specific type of accommodation that would not result in new residents visiting the coast.

The applicant has previously advised that residents of the Home will be primarily end of life and vulnerable clients who will spend most, if not all, of their time at the Home.

It is highly unlikely that residents would visit nearby designated sites.

As a consequence it is not considered that the proposed development would give rise to increased disturbance within the designated sites. The development is not therefore liable to a RAMS levy.

Changes in water availability, or water quality

At the present time the application site is completely hardsurfaced with no provision for sustainable drainage measures and considerable potential for contaminated surface water run off onto adjoining land.

The proposed development will reduce the impermeable area of the site and introduce appropriate sustainable drainage measures which will reduce run off from the site. The proposal therefore has the potential to improve water quality in the area.

Separately, in its response to engagement and consultation on the now withdrawn Local Plan, which included the allocation of this site, Anglian Water advised that there was sufficient capacity at its Water Recycling Centre on Canvey Island to accommodate foul water discharges arising.

There were no concerns that this site, in-combination with other allocations on Canvey Island would result in the discharge consents for the Canvey Water Recycling Centre being exceeded. The proposal will therefore not have an adverse impact on water quality in the Thames Estuary, nor to the Benfleet and Southend Marshes SPA and Ramsar Site or the Thames Estuary and Marshes SPA and Ramsar site.

#### Changes in atmospheric pollution levels.

There are number of atmospheric pollutants which can result in direct or indirect impacts to Habitats sites. These impacts are usually caused when the qualifying features are plants, soils and wetland habitats although some species may also be indirectly impacted from air pollution causing changes in habitat composition.

The main source of air pollution in the Borough has been identified as traffic emissions, particularly along the major routes. The Highways Agency Design Manual for Road and Bridges (DMRB)<sup>16</sup> assumes that air pollution from roads is unlikely to be significant beyond 200m from the road itself.

The application site is located within 200m of a major route and was formerly a popular garden centre which, because of its peripheral relationship with the main urban areas of Canvey Island, attracted significant levels of vehicle movements. Subsequently the site has been used for a range of retail and leisure purposes which also generated substantial traffic movements.

The site therefore has the potential to be adversely affected by traffic emissions and has a history of uses capable of generating traffic emissions any of which may be capable of being resumed without the further consent of the planning authority.

The proposed development is also indirectly capable of generating traffic emissions.

Traffic at the proposed care home is likely to be associated with staff and visitor movements as residents are typically frail and/or living with cognitive impairments such as dementia and therefore would not own or drive cars. In practice it is considered that the proposed development will result in lower trip rates compared to previous uses, with the potential for improvement in air quality in the area generally.

With specific reference to the impact of the proposed development on the designated sites, although traffic generation associated with the proposed use is anticipated to be lower than previously has been the case, the fact remains that vehicles will attend the site. Any vehicles attending the site from origins not based on Canvey Island will access the site by either the A130 Canvey ay or the B1014 Ferry Road. Neither of these roads however are within 200m of the Southend and Benfleet Marshes SPA or the Holehaven Creek SSSI, as functionally linked land. The impact on the designated site is not therefore considered likely to be significant.

Pollution may also arise as a consequence of the development phase of the site. Such pollution is considered likely to be transitory and short-lived but must be adequately mitigated.

A Construction Management Statement has been submitted which identifies an emissions and dust control regime, which if implemented is considered adequate to ensure that either singularly or collectively activities associated with the development of the site do not lead to an unacceptable risk to air quality.

A condition securing compliance with the Construction Method Statement can be appended to any consent granted.

#### Cumulative Impact

In the preparation of the now withdrawn Local Plan Appropriate Assessment was undertaken which included the comprehensive identification of all the potential effects of the Local Plan likely

to be significant, including development of the application site. The conclusion drawn was that subject to amendments, development of the larger site of which the application site forms part would not for the most part have an adverse impact on the designated sites or any functionally linked land. The only area of concern was that of the potential for additional recreational disturbance arising from an increase in population. It is considered that in respect of development of the scale currently proposed, that impact would ordinarily be resolved through the provision of a financial contribution towards measures for the mitigation of such impacts under the Recreational Disturbance Avoidance Strategy (RAMS).

In the case of this particular proposal however, the frail nature of future residents strongly suggests that such residents are unlikely to visit the coast and as such are unlikely to have an adverse impact on designated sites or protected species. Under the circumstances of this particular proposal it is not considered appropriate to seek a RAMS contribution.

### Conclusion on Habitat Regulations Assessment

It is considered that the development proposed will **not** have an adverse impact on the integrity of the Benfleet and Southend Marshes SPA and Ramsar site, the Thames Estuary and Marshes SPA and Ramsar site, nor the functionally linked land at Holehaven Creek, provided that the provisions of the Construction Management Statement are adhered to during the construction phase of the development.

It is further considered that the redeveloped site could offer the potential for habitat creation and it is therefore considered that the detailed landscaping scheme, which will be required to provide a variety of native species, should assist in this regard.

### **Impact on Historic Assets**

Policies EC19 and EC38 of the adopted Local Plan seek to ensure that heritage assets are not adversely affected by proposed development.

The NPPF states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

The Framework continues that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent.

No specific assessment of historical assets has been submitted by the applicant; however it should be noted that in the case of the current proposal the heritage assets are represented by the Grade II Listed Building, The Dutch Cottage and the Designated Ancient Landscape to the north and west of the site.

The proposed development is located some 112m to the south of the Dutch Cottage and directly abuts the designated Ancient Landscape which comprises the Canvey Marshes to the west and north of the site.

In terms of impact on the Listed Building, it should be noted that the application site is relatively isolated from the curtilage of the Listed Building and that other dwellings of no historic importance, are located between the Heritage site and the development site. Whilst the new building would be visible in some views of the Listed Building, the impact, due to this isolation and intervening development is not considered so substantial as to represent significant harm to the setting of the Listed Building. No objection is therefore raised the proposal on the basis of its impact on the Listed Building.

Ancient Landscapes have been defined by Essex County Council as areas containing a significant assemblage of visible features, both man-made and semi-natural, of pre- 1600 origin. They are the 'living' elements of the countryside, where the landscape has evolved and adapted over the course of millennia. These areas are consequently of great historic importance and interest in their own right, although frequently they coincide with areas of high nature conservation value and visual amenity as well.

West Canvey Marshes has been identified as being of historical importance as a consequence of its management and use since the Middle Ages and has been identified as an Ancient Landscape in the adopted Local Plan.

In recognition of its historic value and interest Policy EC19 of the adopted Local Plan seeks to protect the area from development that would affect its nature and physical appearance.

The proposed development is not located within the designated area and, subject to appropriate conditions to secure appropriate management of surface water runoff in particular, it is considered unlikely that it would have an adverse impact on its nature.

It is recognised that the new building will have an impact on long views across the Marsh, but it is not considered that this impact would have a significant adverse impact on the physical appearance of the designated landscape due to its peripheral location relative the designated area. No objection is therefore raised to the proposal on this basis.

Given the proximity of the site to identified areas of historic interest however it is considered that the site may offer some archaeological interest.

It is therefore considered that a condition requiring appropriate archaeological investigation of the site prior to commencement of the redevelopment of the site, should be attached to the grant of any consent.

## **Sustainability**

The NPPF seeks to ensure that new development is sustainable and within paragraph 8 identifies three overarching objectives:

- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right

time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure,

- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- c) an environmental objective – to protect and enhance our natural, built and historic environment, including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

The NPPF is clear that whilst these objectives should be delivered through the preparation and implementation of plans and the application of the policies in the Framework; they are not criteria against which every decision can or should be judged.

They are however worthy of some consideration in the context of the current proposal.

In terms of the economic objective, it is acknowledged that the construction period of the proposed development will result in some economic gain through direct employment, the supply chain. During the operational phase economic gain is likely to be secured through the long-term stewardship of the development plus services provided to new residents. The proposal is therefore sustainable economic terms.

In terms of the social objective, the proposal seeks to secure a specialist form of housing, offering care and a safe place for vulnerable, older people, for which a growing need has been identified. Whilst one local objector to the proposal has opined that instead of the provision of such a facility, greater emphasis should be placed on providing care in the individual's home, economically, that model is not sustainable and for some would be impractical and inappropriate. Care and Nursing Homes serve a valuable and valued service and where appropriate should be supported.

Finally, in terms of the environmental objective, most of the residents present within the facility are not likely to be of working age, or where they are of working age, are unlikely to be able to work for health reasons. Similarly such persons are unlikely to be independently active. Consequently the normal environmental considerations around proximity to workplaces and other facilities such as shops and medical facilities are not relevant. However, it should be noted that the site is located in very close proximity to retail and employment opportunities and is within a short distance of bus routes and the train station. The site therefore offers the facility for travel to and from the site, by means other than private car.

The proposal seeks to secure 10% of its energy requirements from renewable energy sources through the use of solar panels and air source heat pumps and also offers the potential for significant enhancement of the biodiversity value of the site.

The proposal therefore demonstrates significant environmental credentials.

## **Noise and Disturbance**

Consideration must be given to the potential for residents of the proposed development to experience noise and disturbance from the adjoining employment area, located some 9m to the south of the site.

Noise can have a significant effect on the environment and on the quality of life enjoyed by individuals and communities. Noise can interfere with residential and community amenity and the utility of noise-sensitive land uses. Noise exposure can have effects including sleep disturbance and annoyance. It is also agreed by many experts that environmental noise can lead to chronic

health effects. For example, associations have been found between long term exposure to some types of transport noise, particularly from aircraft and road traffic, and an increase in the risk of cardiovascular effects (heart disease and hypertension).

For these reasons, noise is a material consideration in the planning process and a key aspect of sustainable development.

PPG Paragraph 001 (reference ID: 30-001-20140306) states that noise needs to be considered when new developments would be sensitive to the prevailing acoustic environment. In determining applications opportunities should be taken to consider improvements to the acoustic environment.

PPG Paragraph 003 (reference ID: 30-003-20140306) states that local planning authorities' plan-making and decision taking should take account of the acoustic environment and in doing so consider:

- \* whether or not a significant adverse effect is occurring or likely to occur;
- \* whether or not an adverse effect is occurring or likely to occur; and
- \* whether or not a good standard of amenity can be achieved.

In line with the Explanatory Note of the Noise Policy Statement for England, this would include identifying whether the overall effect of the noise exposure (including the impact during the construction phase wherever applicable) is, or would be, above or below the significant observed adverse effect level and the lowest observed adverse effect level for the given situation.

The NPPF states at paragraph 174 that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to, or being put at, unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability.

Paragraph 183 of the NPPF states that in order to prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account.

The Noise Statement for England (2010) seeks to promote good health and a good quality of life through the effective management of noise within the context of Government policy on sustainable development and through the effective management and control of environmental, neighbour and neighbourhood noise.

Policy EC4 of the adopted Local Plan states that development which would have a significant adverse effect on health, the natural environment, or general amenity by reason of releases of pollutants to water, land or air or by reason of dust, vibration, light or heat will be refused.

It is inevitable that the development of the application site will generate noise and disturbance and potentially pollutants during the constructional phase. However, such noise is transitory and will rarely provide a robust reason for refusal of an application for development of the type proposed.

Of greater concern is the potential for noise generated by uses on the adjoining industrial estate/road to adversely impact on the amenity and health of future residents of the proposed home.

The applicant has considered the impact and submitted a noise assessment which seeks to demonstrate that whilst the site is affected by traffic noise and to a much lesser extent noise from the adjoining employment sites, acceptable living conditions can be achieved through the use of appropriately enhanced glazing and ventilation systems and enhanced ceiling construction for those units provided within the roof.

The Council's Environmental Health Officer has considered the proposal and raises no objections subject to the implementation of an appropriate programme of sound insulation.

Such programme can be achieved via the imposition of a condition on the grant of any consent.

### **Ground Conditions and contamination**

The site has been used as a Garden Centre for many years and more recently for car sales. It is considered that potential exists for the site to have been contaminated by chemical spillages. In order to ensure the safety of construction workers and future users of the building it is considered that a condition requiring an appropriate assessment of the site should be submitted to, and approved by, the Local Planning Authority prior to the commencement of any development on the site.

It is noted that the Ascot Barn present the site has walls and a roof comprised of corrugated asbestos. Removal of this material must be undertaken by a specialist contractor and an informative reminding the applicant of this requirement can be attached to the grant of any consent.

### **Other considerations**

A number of local residents have objected to the proposal on the basis that the establishment of a nursing/care home on this site will prejudice local access to GP facilities.

Whilst the limited availability of GPs on Canvey Island is noted, no objection has been raised to the proposal by NHS England.

It must further be recalled that the site already benefits from extant consent for a 57 bedroomed facility.

Under the circumstances it is not considered that an objection to the proposal based on the capacity of the local health infrastructure could be sustained on appeal.

Objections have been raised in respect of air quality in the area and the potential adverse impact on future residents. No objection has been raised in respect of such potential impacts by the Council's Environmental Health Officer. No objection is therefore raised to the proposal on this basis.

### **Summary and Conclusion**

The application seeks planning permission for the erection of a part two storey, part three storey, 55 bedroomed nursing/care home with associated parking.

Consideration of the proposal under the provisions of the NPPF and adopted Local Plan identifies that the proposal constitutes inappropriate development in the Green Belt, which could only be justified if Very Special Circumstances could be identified, either individually or cumulatively, which outweighed the harm to the Green Belt.

The need for specialist residential accommodation has previously been identified as a circumstance to which consideration should be given, within the context of an application for the provision of a part three storey, part two storey nursing/care home on this site in 2018. At that time, the Planning Committee took the view that the brownfield nature of the site and the identified need for specialist housing of the type proposed outweighed the limited harm to the Green Belt and outline consent was subsequently granted. The reserved matters pursuant to this consent were granted in June 2022. The site therefore benefits from planning permission for a form of development similar to that now proposed.

These facts are considered to represent a very special circumstance which weighs heavily on favour of the proposal.

Further it should be noted that the current proposal represents an improvement over the extant scheme in that it achieves a reduction in the number of bedspaces provided on the site and a smaller, more modern and more attractive building.

Under the circumstances it is not considered that an objection to the proposal on Green Belt grounds would be supported on appeal and in light of the history of the site may be considered unreasonable by the Planning Inspectorate with the liability for costs to be awarded against the Authority.

It should be noted that refusal of planning permission would not impact on the extant consent which may be completed.

In considering the principles embedded within the scheme, the proposed materials and general form and scale of development is considered acceptable, adequate parking and amenity space is achieved and the proposal raises no insurmountable concerns in respect of flood risk, air quality or noise impacts.

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.

The proposal is therefore recommended for APPROVAL.

However, by virtue of the provisions of the Town and Country Planning (Consultation) (England) Direction 2009, the application was identified as one which needed to be referred to the Secretary of State, in order that he might consider whether this was an application he wished to call in for his own determination.

In the event that the Secretary of State does not wish to call in the application, a decision may be issued.

The following conditions are recommended:

My **RECOMMENDATION** is **Approval**

### **Conditions**

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

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

- 2 The development hereby permitted shall be carried out in accordance with the approved plans listed on this decision notice.

REASON: For the avoidance of doubt and in order to achieve satisfactory development of the site.

- 3 No works shall be begun on the excavation of the site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, including a timetable for the investigation, which has been submitted by the applicant and approved in writing by the Local Planning Authority prior to excavation of the site.

Any works identified shall be undertaken in accordance with the approved details.



REASON: In order to ensure the preservation of the historic record if present on the site, in accordance with Policy EC38 of the adopted Local Plan and Government guidance as contained in the National Planning Policy Framework.

- 4 No works except demolition shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- o Limiting discharge rates to 1.9l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change subject to agreement with the relevant third party. All relevant permissions to discharge from the site into any outfall should be demonstrated.
- o Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- o Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event. Please evidence in drainage modelling.
- o Final modelling and calculations for all areas of the drainage system.
- o The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- o Detailed engineering drawings of each component of the drainage scheme.
- o A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- o A written report summarising the final strategy and highlighting any minor changes to the approved strategy. The scheme shall subsequently be implemented prior to occupation.

REASON:

- o To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- o To ensure the effective operation of SuDS features over the lifetime of the development.
  
- o To provide mitigation of any environmental harm which may be caused to the local water environment .

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

- 5 No development, other than demolition, shall commence until a scheme has been submitted to and approved in writing by the Local Planning Authority to provide that all habitable rooms exposed to external road traffic noise in excess of 55 dBA Leq 16 hour [free field] during the day [07.00 to 23.00 hours] or 45 dBA Leq 8 hour [free field] at night [23.00 to 07.00 hours] shall be subject to sound insulation measures to ensure that all such rooms achieve an internal noise level of 35 dBA Leq 16 hour during the day and 30 dBA Leq 8 hour at night. The submitted scheme shall ensure that habitable rooms subject to sound insulation measures shall be able to be effectively ventilated without opening windows. No dwelling shall be occupied until the approved sound insulation and ventilation measures have been installed to that property in accordance with the approved details.

The approved measures shall be retained thereafter in perpetuity.

REASON: To ensure that the amenities of future occupiers are protected.

- 6 No development, other than demolition, shall commence until a scheme has been submitted to and approved in writing by the Local Planning Authority to provide that the maximum day time noise level in outdoor living areas exposed to external road traffic noise shall not exceed 50 dBA Leq 16 hour [free field]. The scheme of noise mitigation as approved shall be constructed in its entirety prior to the first occupation of any dwelling and shall be retained thereafter in perpetuity.

REASON: To ensure that the amenities of future occupiers are protected

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

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

- 8 Prior to the first occupation of the development hereby approved, provision shall be made for safe and convenient, covered bicycle and powered two wheeled vehicle parking facilities on the basis of one bicycle parking space for each five staff members and one space plus one space per twenty car parking spaces for powered two wheeled vehicles, details of which shall be submitted to and approved by the Planning Authority prior to construction/installation.

Any such provision shall thereafter be permanently retained for the sole use of residents, staff and visitors to the proposed development.

REASON: In order to ensure the provision and retention of appropriate parking facilities to meet the needs of the proposed development, in accordance with Policies EC2 and T8 of the adopted Local Plan.

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

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

- 10 Details of any external lighting of the proposed development shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development hereby approved. Such approved lighting Strategy shall thereafter be carried out in accordance with the approved details.

REASON: To ensure the provision of an appropriate scheme of lighting, in the interests of the needs of users of the site and the ecological sensitivity of the landscaped areas and adjoining land.

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

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

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

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

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

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

- 13 Prior to the first occupation of the development hereby permitted, the approved surface water drainage scheme shall be implemented on site and thereafter permanently maintained as such,.

REASON: To ensure the hard surface limits the potential for increased surface water runoff from the site.

- 14 Prior to first occupation of the development, the access point at Northwick Road be provided as shown in principle on VECTOS DWGS 205346-A-01 Rev E. The vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway with an appropriate dropped kerb vehicular crossing of the footway with clear to ground visibility splay. Such vehicular visibility splays of 2.4m x 43m in both directions, shall be provided before the road junction is first used by vehicular traffic and retained free of any obstruction at all times thereafter. All redundant access points shall be suitably reinstated with full upstand kerb and footway provision.

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

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

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

- 16 Prior to first occupation of the development, the highway improvement works along Northwick Road and access road shall be provided as shown in principle on VECTOS DWGS 205346-A-01 REV E and shall be provided completely at the developer expense. All new footway provision shall be provided a minimum of 2m wide and include relevant

dropped kerb crossing facilities. All details to be submitted to and approved by the Local Planning Authority prior to execution of such works.

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

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

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

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

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

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

REASON: To ensure a satisfactory form of development, in accordance with Policy EC2 of the adopted Local Plan.

- 20 The proposed development shall incorporate those energy efficiency measures identified within the submitted Energy Strategy Report prepared by S. McKenna on behalf of Emberenergy, dated 14th September 2021.

REASON: In the interests of securing an energy efficient form of development, consistent with Government advice as set out in the National Planning Policy Framework.

- 21 The development hereby approved shall be constructed in accordance with the provisions of the Flood Resilient Design and Construction report prepared by Brian Davison Associates., dated March 2021 and received by the Local Planning Authority on 7th September 2022.

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

- 22 The proposed development shall be undertaken in accordance with the provisions of the Construction Method Statement received by the Planning Authority on the 7th September 2022, from which there shall be no deviation without the formal consent of the Planning Authority.

REASON: To ensure that parking and unloading does not take place within the adjoining streets, to the detriment of adjoining residents and businesses, to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and to ensure an appropriate methodology for construction works on the site, in the interests of the amenity of adjoining residents and businesses, in accordance with the provisions of Policy EC2 of the adopted Local Plan.

23 No unbound material shall be used in the surface treatment of any of the vehicular accesses within 6 metres of the highway boundary.

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

24 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.

25 The proposed development shall be undertaken in accordance with the provisions of the submitted Site Waste Management Plan received by the Planning Authority on the 7th September 2022.

REASON: In order to ensure that construction waste is recycled or re-used in order to make the most efficient use of natural resources.

26 The proposed access road and parking areas shall be constructed in a manner capable of supporting the weight and turning movements of an 18 tonne fire appliance.

REASON: In the interests of the health and safety of future residents.

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

REASON:

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

28 The development shall be constructed in accordance with the structural calculations provided by KMcD Consulting Structural Engineers, dated March 2021, from which there shall be no deviation without the prior approval of the Local Planning Authority.

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

29 Finished ground floor levels shall be set no lower than 2.62 metres 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 subsequently be agreed, in writing, by the local planning authority.

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

30 Any unforeseen ground contamination encountered during development, to include demolition, shall be notified to the Local Planning Authority as soon as is practicable. Unless otherwise agreed in writing by the Local Planning Authority as unnecessary, an appropriate ground investigation and/or remediation strategy shall be submitted to and approved in writing by the Local Planning Authority, and the approved strategy shall be implemented in full prior to further works on site. Following remediation and prior to the

occupation of any building, a Completion/Verification Report, confirming the remediation has been carried out in accordance with the approved details, shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that any potential risks to human health or the wider environment which may arise as a result of potential land contamination are satisfactorily addressed

- 31 Prior to import to site, soil material or aggregate used as clean fill or capping material, shall be chemically tested to demonstrate that it meets the relevant screening requirements for the proposed end use. This information shall be submitted to and approved in writing by the Local Authority. No other fill material shall be imported onto the site.

REASON: To ensure that any potential risks to human health or the wider environment which may arise as a result of potential land contamination are satisfactorily addressed.

## **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 determining the proposal in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 2 In undertaking the works hereby approved you are advised to satisfy yourself of your obligations to occupiers of adjoining properties in accordance with the Party Wall etc. Act 1996, details of which may be obtained free of charge from the Gov.uk website (<https://www.gov.uk/guidance/party-wall-etc-act-1996-guidance>).
- 3 Although compliance with the attached condition(s) in respect of floor levels would ensure that the extension is at no greater risk of flooding than the existing property, there is the opportunity to minimise damage to the property should it ever be flooded by incorporating flood resistance and resilience measures into the construction. For further information, search online for the publication "Improving the Flood Performance of New Buildings - Flood Resilient Construction" by the Department for Communities and Local Government (May 2007).
- 4 Should the works unearth any contaminated land, such as what would be considered in an Environmental Investigation (Contamination) or asbestos containing materials careful consideration must be given to its handling and correct disposal. Waste transfer receipts must be obtained and kept.
- 5 All relevant precautions to minimise the potential for disturbance to neighbouring residents in terms of noise and dust during the development must be taken. Water suppression shall be employed for any stone or brick cutting and if necessary neighbours shall be advised in advance of any particularly noisy works.

Please be aware that the accepted times in the Borough for noisy works in terms of construction are:

Monday - Friday: 8am - 6pm

Saturday: 8am - 1pm

Sundays and bank holidays: no works

The site may be in operation outside of these hours. The above times relate to noisy works which will cause a disturbance to residents and businesses in the surrounding area.

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

- 6 Page 16 of the Ecological Assessment shows that the Ascot Barn has walls and a roof of corrugated asbestos. Asbestos should always be handled with caution and removal should be carried out by a licensed contractor. For further advice it is recommended that you consult with the Health and Safety Executive.
- 7 Access for Fire Service is considered satisfactory subject to fire brigade access and water supplies for firefighting purposes to the proposed development being fully compliant with Building Regulations Approved Document B, B5. Your attention is drawn to ADB B5, Volume 2, Section 15
- 8 Essex County Council strongly recommends looking at the Essex Green Infrastructure Strategy to ensure that the proposals are implementing multifunctional green/blue features effectively. The link can be found below.  
<https://www.essex.gov.uk/protecting-environment>
- 9 All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to:

SMO3 - Essex Highways, Childerditch Highways Depot, Unit 36, Childerditch Industrial Park, Childerditch Hall Drive, Brentwood, Essex, CM13 3HD

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

Prior to any works taking place in the public highway the developer shall enter into the appropriate legal agreement with the Highway authority under the Highways Act 1980 to regulate the construction of the highway works. 4. In all cases where spoil is unavoidably brought out onto the highway, the applicant / developer must be reminded of their responsibility to promptly remove such spoil at their own expense and to the satisfaction of the Highway Authority.

The Construction Management Plan as submitted shall be adhered to throughout the construction period. The Plan shall provide for;

- I. vehicle routing,
- II. the parking of vehicles of site operatives and visitors,
- III. loading and unloading of plant and materials,
- IV. storage of plant and materials used in constructing the development,
- V. wheel and underbody washing facilities

