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AGENDA

Committee: DEVELOPMENT CONTROL

Date and Time: Tuesday 3rd May 2016 at 7.30 p.m.

Venue: Council Chamber

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

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

Canvey Island Town Councillors : Greig and Tucker

Officers attending: Steve Rogers – Head of Regeneration and Neighbourhoods
Fiona Wilson – Head of Legal Services
Rob Davis – Planning Development and Enforcement Manager

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 5th April 2016 is attached.

4. Public Speakers

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

5. Deposited Plans

Report of the Head of Regeneration and Neighbourhoods is attached.

| | Application No. | Address | Page |
|----|------------------------|---|-------------|
| 1. | 15/0994/OUT | Land at Holland Avenue, Canvey Island, Essex, (Canvey Island West Ward) | 1 |
| 2. | 16/0087/FUL | 4A Champlain Avenue, Canvey Island, Essex, SS8 9QL (Canvey Island Winter Gardens) | 31 |
| 3. | 16/0138/FUL | Bankside Bramble Crescent, Benfleet, Essex, SS7 2UZ (Victoria Ward) | 38 |
| 4. | 16/0140/FUL | 6 Beachway, Canvey Island, Essex, SS8 0BD (Canvey Island South Ward) | 44 |
| 5. | 16/0144/FUL | 573-581 and Rear of 583-585 London Road, Hadleigh, Benfleet, Essex, SS7 2EB (St James' Ward) | 49 |
| 6. | 16/0168/FUL | Canvey Island Football Club, Park Lane, Canvey Island, Essex, SS8 7PX (Canvey Island East Ward) | 56 |

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DEVELOPMENT CONTROL COMMITTEE

5th APRIL 2016

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

Councillors Dick, Ladzrie, Riley and Walter also attended.

Apologies for absence were received from Councillors Anderson and Varker.

35. MEMBERS' INTERESTS

There were none.

40. MINUTES

The Minutes of the meeting held on 1st March 2016 were taken as read and signed as correct.

41. DEPOSITED PLANS

- (a) **15/0865/FUL – 37 MORELAND CLOSE, BENFLEET, ESSEX, SS7 4ER (ST GEORGE'S WARD) – CONSTRUCTION OF A TWO STOREY SIDE EXTENSION, CONVERSION OF GARAGE TO A DISABLED GUEST ROOM, SINGLE STOREY REAR EXTENSION, PORCH, ADDITION OF A SLOPING ROOF TO 1ST FLOOR FRONT ELEVATION AND JULIET BALCONY TO REAR (REVISION TO CPT/394/13/FUL) – MR G EDWARDS.**

The application sought planning permission for the construction of a two storey side extension, a porch, conversion of garage to a disabled guest room, single storey rear extension, the provision of a hipped roof to the front elevation and a Juliet balcony and rooflights to the rear.

The application was presented to the Committee at the request of Councillor Walter in order for the Committee to consider the effect of the development on the surrounding area and its comparability to the previously approved scheme.

The proposal satisfied all policy and guidance requirements and was recommended for approval, subject to appropriate conditions.

Mr Lane, a local resident, spoke in objection to the application.

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

Councillor Walter, a Ward Member, spoke on the application.

During discussion the Committee noted the concerns raised by Mr Lane particularly in regard to loss of privacy, the proposed materials for the extension and the effect he believed the building works would have on his disabled son. It was suggested by some Members that the item be deferred so that a solution which was agreeable to both parties could be found. The Planning Officer advised that it was not possible to defer the application as the deadline for determination would be missed. Furthermore, as the proposal was in line with planning guidance the Local Planning Authority could not compel the applicant to undertake different or additional works.

Other Members stated that whilst they were sympathetic to the concerns raised by Mr Lane they also noted the comments of the applicant and that the proposed works were to provide a guest room for a disabled relative. The planning application submitted complied with all relevant planning regulations and there was therefore no valid reason to refuse the application.

Following detailed discussion it was:-

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

(b) 15/1046/FUL – CARNINGLE, THE COMMON, BENFLEET, ESSEX, SS7 3LH (ST PETER'S WARD) – 1 NO DETACHED HOUSE WITH INTEGRAL GARAGE – MR ALAN FOSTER

The site was allocated for residential purposes and, subject to appropriate conditions, could adequately accommodate the proposed dwelling without adverse impacts on biodiversity or the amenity of adjoining residents. The achievement of the proposed access would require an easement as the land over which it was proposed to pass was within the ownership of the Authority.

The application had been brought before the Committee at the request of Councillor Sharp, to assess the impact of the proposal on the surrounding area. The proposal was recommended for approval, subject to appropriate conditions.

Mr Green, the agent for the applicant, spoke in support of the application and requested that Conditions 3, 10, 11, 12 and 13 in the Planning Officer's report be removed.

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

The Head of Regeneration and Neighbourhoods stated that the conditions recommended by the Planning Officer had been imposed as part of an approval for a previous application and by a Planning Inspector on appeal. Whilst it was recognised that some of the terminology in those conditions could be changed he advised against completely removing them.

Councillor Dick also requested that a condition be added to grant the applicant a licence for Council owned land adjacent to the site so that the applicant could tidy up the site as it was currently in a poor condition and access to it was difficult. The Head of Legal Services advised that the Development Control Committee did not have the power to licence land; however the Council's Asset Management Group could consider this if the applicant wished to submit an application to licence the land.

During discussion the Committee indicated they were in favour of the proposal but agreed that some of the conditions should be amended. It was also suggested that a condition should be added for the retention of trees at the site, that the hedge on the boundary of the site should be retained as much as possible and that the applicant be requested to change the design of the rooflights to the front roof slope as it was considered that they were unsuitable for a development in this location.

Following discussion it was:-

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

Chairman

ITEM 1

| | |
|------------------------------------|---|
| Application Number: | 15/0994/OUT |
| Address: | Land At Holland Avenue Holland Avenue Canvey Island Essex (Canvey Island West) |
| Description of Development: | 27 new build houses; 7 detached and 20 semi detached. |
| Applicant: | Golden Circle Limited |
| Case Officer | Ms Kim Fisher |

Summary

The application seeks outline permission for the erection of 7 detached and 20 semi-detached dwellings and associated works on the site, which is allocated for Green Belt purposes in the adopted Local Plan.

The proposal represents inappropriate development in the Green Belt in respect of which the Planning Authority has failed to identify very special circumstances or material considerations which might justify a departure from established Green Belt policy. The proposal is therefore contrary to Government guidance as contained in the National Planning Policy Framework (NPPF).

In addition within the context of Government guidance and in the light of the Secretary of State's decision of the 26th June 2013 in respect of a similar case at 'Glebelands' in Thundersley, it is considered that the current proposal is premature in that it seeks to determine the location of future residential development outside the confines of the Examination in Public of the New Local Plan.

An objection is therefore raised to the proposal on the basis of prematurity.

The Applicant has also failed to submit adequate information in respect of ecology, flood risk, noise, vibration and air quality to allow appropriate consideration of these matters.

Finally it is considered that the proposal fails to optimise the use of land, contrary to Government guidance.

The proposal is therefore recommended for **REFUSAL**.

Site Visit

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

Supplementary Documentation

The submitted application was accompanied by the following documents, all of which may be viewed on the Council's website.

- Design and Access Statement
- Flood Risk Assessment (FRA) and Drainage Strategy
- Flood Response Plan

- Planning Statement

The Site

The application site extends to 1.23ha and comprises an irregularly shaped area of land having a maximum width of some 161m and a maximum depth at its eastern edge of some 100m, reducing to some 48m on its western edge. The site is currently unused, and heavily overgrown.

Access is intended to be provided from Holland Avenue, to the south of the site. Holland Avenue and the supporting road network are unadopted and private roads of limited width and largely poor condition.

The site is abutted to the south by residential development fronting Holland Avenue, and to the west by the A130, Canvey Road. To the east and north is open land the subject of a current application for residential development.

The site will share no direct access with Canvey Road.

The character of the surrounding area is that of residential development on the urban edge.

The Proposal

Outline permission is sought for the erection of 7 detached and 20 semi-detached, houses and associated works and landscaping. The illustrative drawings suggest that the houses will be two storey, three bedroomed properties with associated on site and on street parking.

The applicant has indicated that all matters are reserved. The only matter for consideration at this stage is therefore the principle of residential development on this site.

An indicative layout has been provided which suggests a layout providing a single spine road entering the site from Holland Avenue, then branching east and west to serve frontage development. Pedestrian access will be provided on both sides of the carriageway.

Ecological enhancement and mitigation is proposed within the application site in the form of native planting.

Relevant Planning History

CAN/12/58 94 Bungalows. Withdrawn by applicant.

CAN/176/62 Residential development. Refused 21.8.1962.

CAN/644/73 Residential development. Refused 81.1974. Appeal Dismissed 19.11.1980.

In more recent times the site has been the subject of consideration within the context of the preparation of the Draft New Local Plan.

The site was identified, as part of a larger site including land to the north and east, as being suitable for release from the Green Belt, for residential purposes, in the 2014 Draft New Local Plan (Site Reference H16).

Following consideration of the responses to the 2014 Plan, Members resolved to prioritise the protection of the Green Belt over meeting the Borough's objectively assessed needs and deleted all undeveloped Green Belt sites that did not benefit from an extant planning permission from

further consideration. The application site was therefore deleted from the list of sites proposed for housing (Special Council Meeting 24th February 2016).

A revised New Local Plan was subsequently prepared and agreed by the Council for consultation and submission purposes on the 23rd March 2016. This Plan identified the retention of the application site within the Green Belt

This revised Plan (New Local Plan 2016), will be the subject of further consultation in May and June 2016, with a view to submitting the Plan for independent examination by an appointed Inspector in August 2016 and adoption in February 2017.

Relevant Government Guidance and Local Plan Policies

National Planning Policy Framework (NPPF).

Paragraphs 6, 7-10, 11, 12, 14, 47, 49, 56-58, 79-81, 83, 84, 87, 88, 89, 94, 99-103, 109, 118, 120. 186-187, 196, 197 and 203 - 206

Current Local Plan

| | |
|-------|---|
| EC2: | Design |
| EC4: | Control of Pollution |
| EC13: | Protection of wildlife and their habitats |
| EC38: | Archaeological Sites and Monuments |
| H7: | Affordable housing |
| H9: | New housing densities |
| H10: | Mix of development |
| H17: | Housing development – design and layout |
| T8: | Car parking |
| RE4: | Provision of children's play space and parks |
| CF1: | Social and physical infrastructure and new developments |
| CF2: | Education facilities |
| CF13: | Foul water and sewage disposal |
| CF14: | Surface water disposal |

Residential Design Guidance

Consultation

CPBC Legal Services

- A S.106 agreement will be required to secure the delivery of affordable housing and other developer contributions.

CPBC Environmental Health Officer

- Advocates construction with high energy performance in mind.
- Should also consider the installation of grey water storage systems, solar technology and electric vehicle charging points.
- Noise impact assessment required due to proximity of site to Canvey Road, A130.
- Air Quality Assessment required due to proximity of site to Canvey Road, A130.

CPBC Street Scene/Recycling

Applicant will need to demonstrate that the proposed roadway will support a 32t collection vehicle.

CPBC Emergency Planner

Comments awaited

Canvey Island Town Council

Objects to the proposal on the following grounds:

- Contrary to existing Local Plan
- Contrary to emerging Local Plan
- Contrary to NPPF
- Disposal method for foul sewerage unknown
- Increased flood risk
- Loss of informal open space
- Local of important wildlife habitat
- Protected and priority species inhabit the site
- Inadequate access via unmade roads
- Trees are important landscape feature

Natural England

- No objection in respect of statutory nature conservation sites
- No comment on protected species – refer to Standing Advice
- Would encourage provision of Green Infrastructure on the site.
- Submitted documents suggest that the site includes priority habitat
- Opportunity should be taken to enhance biodiversity of the site.
- Authority is under obligation to conserve biodiversity
- Proposal should make a positive contribution to character and function of landscape.

Anglian Water

Comments awaited

Environment Agency

Objects to proposal on following grounds:

- Inadequate Flood Risk Assessment (FRA) which fails to:
 - i. provide details of ground levels across the site in metres above Ordnance Datum. (A GPS verified topographic survey should be submitted).
 - ii. Provide floor levels above the flood level
 - iii. Confirm whether or not there will be any raising of ground levels across the site.

Lead Local Flood Authority

Objects to proposal on following grounds:

- Assessment of pluvial flood risk required to allow assessment of off-site flows onto the site.
- Calculations showing how runoff rate and storage capacity has been calculated should be provided.
- 10% allowance on impermeable areas should be used to account for future urban creep when calculating required storage in accordance with BS852.
- Priority should be given to above ground Sustainable Drainage Systems (SuDS) which also provide an amenity value. Such schemes will be required to demonstrate adequate water quality treatment.
- Should above ground SuDS be unviable, demonstration of lack of viability must be provided.
- New climate change allowances should be applied
- 3m easement required to watercourse that surrounds the site.

Highway Authority

Comments awaited

RSPB

Comments awaited

Buglife

Comments awaited

Essex Wildlife Trust

Comments awaited

Badger Patrol

Not aware of any badger setts on this land.

Essex County Council – Education

- Financial contribution sought in respect of primary school provision.
- Developer should ensure safe walking/cycling access to local schools.

Essex County Council – Social Services

Comments awaited

Public Consultation

Responses to neighbour notification, press and site notices

94 letters of objection have been received from the following addresses:

| | |
|--------------------------|-------------------------|
| Holland Avenue: | 3,5,6,7,11,17,19. |
| Haven Road: | 34 |
| Bradley Avenue: | 5 |
| Church Road, (Basildon): | 59 |
| Atherstone Close: | 7 |
| Haarlem Road: | 4,6,8,12,16,23,31,33,35 |
| Landsburg Road: | 12 |
| Hudson Way: | 14 |
| Central Avenue: | 168 |
| Limburg Road: | 2,18,22,35,40,62 |
| Tilburg Road: | 20 |
| Temptin Avenue: | 24 |
| Thisselt Road: | 189, 248 |
| Lilac Avenue: | 25a |
| Furtherwick Road: | 272 |
| Brookside: | 3 |
| Brooklands Square: | 32 |
| Roggel Road: | 49 |
| Nevada Road: | 5 |
| Newlands Road: | 5 |
| The Parkway: | 56 |
| Jesmond Road: | 7 |
| Denham Road: | 69, |
| Thorney Bay Road: | The Lillypad, 83a |
| Lionel Road: | 116 |
| Lincoln Way: | 33 |
| Folly Lane, Hockley: | 19 |
| Delft Avenue: | 11 |
| Dovedale: | 12 |
| Canvey Road: | 13 |
| Lambourne: | 15 |
| Little Gypps Road: | 15,17 |

| | |
|----------------------------|--------------------------------|
| St Christopher's Close: | 25 |
| Fenwick Road: | 26 |
| Gwendalen Avenue: | 30 |
| Wittem Road: | 39, 54 |
| Ash Road: | 4 |
| Rochford Road: | 5 |
| St Peters Road: | 5 |
| Holbek Road: | No address |
| Link Road: | No address |
| Kent Road: | 12 |
| New Road: | 14 |
| Edith Close: | 5 |
| Sydervelt Avenue: | 54a |
| Dyke Crescent: | 18 |
| Bowers Road: | 20, 105 |
| Long Road: | 274 |
| Felstead Road: | 56a |
| Catherine Road: | Tudor House, No.2 Forest House |
| Welbeck Road: | 11 |
| Kimberley Road: | 31, 223 |
| Elmhurst Avenue: | 43 |
| Oakdale | |
| Canvey Green Belt Campaign | |

The issues identified by the objections may be summarised as follows:

- Proposal is contrary to provisions of emerging and existing Local Plan
- Proposal is contrary to NPPF regarding Green Belt
- Proposed drainage scheme inadequate
- Increased off site flood risk
- Local roads prone to flood
- Increased population in flood risk area.
- Increased population in area close to Control Of Major Accident Hazards sites (COMAH)
- FRA inadequate
- Inadequate foul drainage capacity
- Social infrastructure inadequate to meet needs of development
- Increased population in hazardous installation area
- Loss of wildlife habitat. Proposal will impact on badgers residing on the site.
- Inadequate access – adjoining roads unmade
- Increased traffic
- Impact on/loss of the Green Belt – strategic and amenity considerations
- Ground is waterlogged
- Local roads require improvement
- Development will place burden on local residents for road maintenance
- Loss of privacy
- Site has high amenity and landscape value
- Site provides protection against vandalism at the RSPB site
- Proposal fails to pass the sequential and exception tests
- Existing properties will suffer as a consequence of passing construction traffic.
- Loss of view/privacy
- Poor bus service
- Development will displace vermin into adjoining residential development

- On street parking an issue due to lack of on-site parking
- Loss of informal play space
- Increased crime
- Third road required off Canvey before more housing provision

Comments on Consultation Responses

All relevant comments will be made in the evaluation of the proposal.

Evaluation of Proposal

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise (paragraph 11 of the NPPF). The development plan is the starting point for decision making. Development that accords with the Local Plan should be approved and proposals which conflict with the Plan should be refused unless material considerations indicate otherwise.

Where the Development Plan is absent, silent or relevant policies are out of date, the Planning Authority should grant planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework or specific policies in the Framework indicate that development should be restricted (paragraph 14 of the NPPF).

Footnote 9 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.

This allocation is maintained in the New Local Plan (2016) which is currently being prepared for consultation prior to submission.

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 80 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.

Paragraph 83 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. This has recently been confirmed with regard to a specific site within the Borough (land at Glebelands, Thundersley) by the Secretary of State.

In paragraph 84 of the NPPF, the Planning Authority is advised that when reviewing Green Belt boundaries account should be taken of the need to promote sustainable patterns of development.

Paragraph 87 states that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. It is clear from the guidance and from Government Statements however that whilst inappropriate development is harmful to the Green Belt, consideration must be given to the weight that should be attributed to such harm.

The guidance states that when considering planning applications for development in the Green Belt, Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt by reason of inappropriateness and that any other harm, is clearly outweighed by other considerations.

Paragraph 89 states that the Planning Authority should regard all new buildings as inappropriate unless they are for one of a specified number of purposes.

Such purposes do not include large scale residential development.

As a consequence it can be concluded that residential development of the site constitutes inappropriate development in the Green Belt.

The proposal should therefore attract a recommendation of refusal. However, the NPPF states that inappropriate development may be justified by the identification of very special circumstances.

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

Whether such very special circumstances and material considerations exist will be examined in the remainder of this evaluation.

Very Special Circumstances and other Material Planning Considerations

The Planning Authority defines a 'very special circumstance' as one which is unique to the site or, at the very least, incapable of frequent repetition. This definition has no statutory basis, but has been applied by the Planning Authority for some 35 years.

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 has submitted a Planning Statement which appears to rely largely on the identification of the site in the 2014 Strategic Housing Land Availability Assessment (SHLAA) and the risks posed by the recent decision of the Council to prioritise protecting Green Belt over meeting objectively assessed needs, as the very special circumstances required to justify the release of the site from the Green Belt.

The applicant also cites the achievement of a clearly defined Green Belt boundary following the release of the land.

It should be noted that regardless of the provisions of the 2014 SHLAA and recent decisions in respect of the New Local Plan, the site is currently allocated for Green Belt purposes. Furthermore following consideration of the New Local Plan by the Council on the 23rd March 2016, it retains this allocation in the Plan now being prepared for consultation and submission purposes. There can be no assumption therefore that this site will be released for residential development.

The Planning Authority can identify the following factors which could be considered very special circumstances and material considerations:

- (i) The age of the Local Plan and consideration of whether the policies are out of date
- (ii) Prematurity
- (iii) The level of harm to the Green Belt
- (iv) The sustainability of the location
- (v) The need for housing
- (vi) The opportunity for the provision of affordable housing
- (vii) The opportunity for ecological enhancement
- (viii) The opportunity for improved access
- (ix) The opportunity for improved flood risk attenuation

(i) The age of the Local Plan and consideration of whether the policies are out of date

Paragraph 14 of the NPPF states that 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.

The question of what constitutes a relevant policy has recently been the subject of a Court of Appeal case (Suffolk Coastal District Council and Hopkins Homes Ltd and the Secretary of State for Communities and Local Government and Richborough Estates partnership LLP and Cheshire East Borough Council and the Secretary of State for Communities and Local Government – Case reference C1/2015/0583 and C1/2015/0894) which has implications for Green Belt applications.

The judgement clarified the meaning of “relevant policies for the supply of housing” (paragraph 49 of the NPPF) and confirmed that “relevant policies” could be taken to refer to all policies that “created” or “constrained” land for housing development - including Green Belt designation.

In effect, the judgement held that where a local authority cannot demonstrate an up-to-date five-year housing supply, then these other “relevant policies” also cannot be considered to be up to date.

It then becomes a matter for the decision maker to determine the weight that should be given to these policies when deciding on applications – but on the understanding that the “presumption in favour of sustainable development”, outlined in paragraph 14 of the NPPF, would now apply.

In their judgment, Justices Jackson, Vos and Lindblom said their interpretation of paragraph 49 recognised that the concept of ‘relevant policies’ extended to plan policies whose effect was to influence the supply of housing land by restricting the locations where new housing may be developed – including policies for the Green Belt.

It has been clearly established during the preparation of the Local Plan and in recent appeals, that this Authority cannot identify a five year housing land supply. As such the above judgement would hold that the Green Belt policies contained within the adopted Local Plan cannot be considered to be up to date and that planning permission should be granted for the proposed development 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.

The age of the adopted Local Plan would therefore appear to be a material consideration which weighs in favour of the proposal, provided the conditions attached to the positive statement in the NPPF can be satisfied. The satisfaction of these conditions will be considered below.

(ii) Prematurity

Paragraph 83 of the NPPF states that once established Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan.

While emerging plans may acquire weight during the plan-making process, in the context of the NPPF – and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than in exceptional circumstances (where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the NPPF and any other material considerations into account). Such circumstances are likely to be limited to situations where both:

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

Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a neighbourhood plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the 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.

As Members will be aware, the Council approved a New Local Plan for consultation purposes on the 23rd March 2016. This identified the application site as being retained for Green Belt purposes.

Within the context of Government guidance and in the light of the Secretary of State's determination of the appeal at 'Glebelands' in Thundersley, it is considered that the current proposal is premature in that it seeks to determine the location of future residential development outside the confines of the Examination in Public of the new Local Plan. It is considered that the current proposal represents an attempt to circumvent the Local Plan process. It is considered that the current proposal has the capacity to undermine the Council's New Local Plan for the development of Castle Point and as such the future of this land should be determined within the context of the Local Plan, when all relevant factors concerning the suitability and availability of all relevant sites can be considered, and not in isolation, in accordance with the provisions of paragraph 83 of the NPPF.

To seek to determine these matters within the context of an application for the development of a single site would be inconsistent with the advice of the Secretary of State, as provided in the determination of the appeal in respect of residential development in the Green Belt at Glebelands, Thundersley, and would fail to provide appropriate strategic consideration of the issue of housing needs and delivery. Release of the site at this time would therefore be harmful to the proper strategic planning of the Borough and could undermine the emerging Local Plan, to the significant detriment of the Borough. It is considered that this harm should be afforded considerable weight.

(ii) The level of harm to the Green Belt

Applicants will often argue that the release of their site from the Green Belt will cause no harm to the Green Belt, due to the limited size of the site, its relationship with the adjoining urban area or wider Green Belt or its poor appearance.

Paragraph 87 of the NPPF clearly states that inappropriate development in the Green Belt is by definition harmful to the Green Belt and paragraph 88 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.

The potential harm caused by the proposed development to the Green Belt may be identified as follows:

- (a) Harm to the strategic function of the Green Belt
- (b) Harm to the landscape value of the Green Belt

(a) Harm to the strategic function of the Green Belt

Paragraph 79 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of the Green Belt are its openness and permanence.

The Green Belt Functions Assessment was undertaken by the Council in 2010 to ensure that land designated as Green Belt continued to fulfil that function. This identifies the application site as part of a wider area of land known as Parcel 26. The parcel is identified as having the functions of checking the unrestricted sprawl of West Canvey and preventing encroachment into the countryside.

The wider parcel is identified as displaying a small amount of urban encroachment, in the form of school buildings in the central region of the parcel and along its southern edge, although it is noted that this does not detract from the openness and character of the countryside.

From a strategic viewpoint the Assessment identifies how the Green Belt parcel defines the boundary of the western extent of Canvey's urban settlement. The parcel directly to the north, (Parcel 24) and west, (Parcel 23) provide Parcel 26 with a link to the Green Belt parcels to the north and east of the borough. Parcel 26 is therefore part of a wider system that encircles and defines the boundary of Canvey's urban settlement. As part of that wider parcel the application site makes a positive contribution to that strategic function.

Development of the site is therefore considered to have an adverse impact on the openness and character of the Green Belt which is considered to constitute harm which in accordance with paragraph 88 of the NPPF should be given substantial weight.

The Castle Point Green Belt Boundary Review (November 2013) considered whether, in the light of the need for housing, any boundaries of the Green Belt could be adjusted without impairing the strategic function of the Green Belt. In this document the Green Belt boundary in the vicinity of this site was considered capable of being realigned without prejudicing the ability of adjoining land to fulfil a Green Belt function. However, given the decision of the Council on the 23rd March 2016 to prioritise protection of the Green Belt over meeting objectively assessed needs, this is no longer the Council's position.

It is now the view of the Council that release of the application site would cause harm to the Green Belt which in accordance with paragraph 88 of the NPPF should be given substantial weight.

(b) Harm to the landscape value of the Green Belt

The Green Belt Landscape Assessment 2010 again considers the wider area east of Canvey Road and describes the area as being generally flat and grassed. In some areas, there are scattered shrubs with shrubs on the field edges, which form thick hedges or shrub belts in places. The application site forms one of these shrubby areas.

The wider site is described as being defined by ditches with reeds on some field edges and a concrete-lined ditch along one of the area's edges. The traditional field pattern, vegetation and ditches have been retained.

It is noted that the wider site includes the grounds of a school (although much of it has a fairly similar character to the rest) and is bounded by metal palisade fencing, which detracts from the landscape quality. Parts of the area are bordered by housing, which overlooks some of the site, although some of this housing is partially screened.

The 'field' at the north-west of the wider site is of a different quality to the rest, and is used for formal recreation including sports pitches, as part of the Waterside Farm Sports Complex.

Overall, the wider area is described as being a valuable amenity and having an attractive landscape quality. The character is that of a quite extensive, fairly wild area, close to large areas of housing.

In terms of the historical landscape character the wider site is identified as falling within the Canvey Marshes Historic Character Area, which is described as having the following historic landscape character:

'This zone is bounded to the north by Benfleet Creek and to the west by East Haven Creek. Although the north of the zone, bordering Benfleet Creek, retains its saltmarsh, the zone consists mostly of reclaimed marshland, the central and western part of which has EU-designated Ancient Land status. This is an area of grazing marsh, comprising blocks of regular and irregular fields bounded by drainage ditches with often sinuous boundaries reflecting their origins in marshland creeks. The boundaries are mainly of medieval/post medieval origin resulting from the creation of grazing marsh; some elements of the earlier salt marsh can be discerned. There are a wide range of archaeological features including earthwork counter walls, and flood defences. Significant areas of this zone are being incorporated into the new RSPB reserve developed in south Essex as part of the Thames Gateway initiative.' (Essex County Council, 2007).

The visual sensitivity of the wider site is deemed to be high.

Development of the application site would diminish the extent of this wild and extensive landscape and would damage the visual quality of the area by introducing urban features into the open landscape. This is considered to represent significant harm to the Green Belt which in accordance with paragraph 88 of the NPPF should be given substantial weight.

The opportunity must be taken however to determine whether the proposed development presents some landscape benefit which would outweigh this harm.

Whilst the proposal is in outline form only with landscaping reserved for later consideration, the applicant does identify, within the submitted design and access statement, that the existing landscape will be cleared and the site completely redeveloped. It is noted that extensive soft landscaping will be reintroduced into the site with native trees and hedges provided to encourage wildlife.

The indicative layout identifies some unspecified limited planting within the scheme. It is not considered that the benefits provided by such a scheme outweighs the substantial harm to the character and appearance of the Green Belt arising from the proposed development, as discussed above.

(iii) The sustainability of the location

Applicants will often cite the proximity of proposed development to other areas of development and the opportunities available for linkages to and with the existing residential areas and facilities and contend that this sustainability factor represents a very special circumstance which would justify release of the land for development purposes.

The presumption in favour of sustainable development is the golden thread which runs through the whole of the NPPF and as such the issue of the sustainability of the site requires consideration.

The application site, as part of a larger parcel of land, known as Land to the East of Canvey Road, was formerly identified as being potentially suitable for release for residential purposes in the Draft Local Plan and as such was critically examined in 2011, in order to determine the sustainability impacts that might arise from its development.

The larger site was identified as having relatively good access to services in part of its area, with the exception of the northerly parts where access was identified to be more limited.

Development of the wider site was considered capable of supporting objectives to reduce car use, providing access to facilities and providing opportunities for combating some of the deprivation issues identified in the area. To this extent development of the wider site with a mixed use development was considered to have positive implications for the area.

However, it was recognised that development of the site was constrained by considerations of flood risk, the need to consider health impacts on future residents (due to the proximity of the A130) and the need to protect existing open space or replace it elsewhere as part of the development site (part of the wider site being identified as public open space which would need to be retained/re-provided as part of any development).

Other environmental sensitivities identified related to presence of a Scheduled Ancient Monument on the site.

The Sustainability Appraisal identified that in order to improve the sustainability rating of the wider site certain mitigation measures could be incorporated into any wider scheme. Such mitigation included the provision of new community services and facilities to support future residents and help make new communities. It was considered that this should include new open space and play space and access to education.

It was further recommended that a design brief or masterplan be prepared to ensure that any development maximised the potential for sustainable development benefits.

It was considered that development of the site could result in increased visitor pressure on the nearby protected areas; as a consequence it was recommended that a strategy to manage this risk be implemented.

It was also recommended that the design and layout of development on the site recognised the need to mitigate noise impacts from the nearby A130.

Given the propensity for the site to suffer surface water flooding the use of Sustainable Drainage systems was advocated and it was recommended that elements of the wild and open landscape character of the area be retained.

In view of the presence of the Schedule Ancient Monument, it was also recommended that archaeological evaluation be undertaken prior to development.

The location of the site within Flood Zone 3 was also identified as a potential constraint which would require consideration and potential mitigation.

The conclusion drawn from this analysis of the wider site and its sustainability impacts was that it performed relatively well. This conclusion was not adjusted in the reviews of the Sustainability Appraisal undertaken in 2013 and 2014.

The site the subject of the current application represents a small proportion of the larger site and represents a peripheral expansion of the urban area. As such it is considered that the site offers the same opportunities for linkages and integration with the existing urban area as any other Green Belt site on the urban periphery.

As such it is not considered that the location of the site adjacent to an existing residential area represents a unique or rare situation within the Borough. This aspect of the proposal does not therefore represent a very special circumstance and carries no weight in favour of the release of the site.

The application site, whilst having a lesser visual impact than the site identified in the 2014 Draft Local Plan by virtue of its more limited size, is not considered to have a similarly lesser impact in sustainability terms. The proposed scheme cannot achieve in isolation the same level of contribution to mitigate impacts as the larger parcel. The smaller site will experience the same level of access to the existing facilities and opportunities that exist within the surrounding area as the larger scheme, but could not seek to provide the scale of facilities and opportunities available with the development of the larger parcel of land. To this extent therefore the proposal represents a less sustainable option than the larger site. The proposal would result in growth but with limited benefits arising from that growth other than the provision of market and affordable housing.

The weight that may be attached to the provision of housing on this site will be examined in the following sections.

(iv) The need for housing

The inability of the Planning Authority to meet its housing needs is often cited as a very special circumstance sufficient to justify the release of land from the Green Belt.

In 2012, the Council undertook work to identify housing sites to meet the requirements of paragraph 47 of the NPPF to have a five year housing land supply. It was clear from a review of the SHLAA that there was insufficient land within the existing urban area (non Green Belt) to accommodate any significant increase in the provision of housing. At April 2012, the SHLAA identified a capacity of just 392 deliverable homes from the urban area compared to a requirement for at least 1,000 homes, plus an additional 20% allowance to provide flexibility in the supply.

In order to ensure a five year housing land supply, the Council undertook an exercise to identify additional sites for housing. The Green Belt in Castle Point is tightly drawn around the existing urban area, and as a consequence it was necessary to consider the appropriateness of bringing forward sites within the Green Belt to meet housing needs. This work culminated in the Council agreeing a list of 9 strategic sites for the provision of housing in December 2012, of which 4 were within the Green Belt. The capacity of these sites when combined with capacity within the existing urban area could accommodate in excess of 1,200 homes. The application site was not identified on this list.

The Draft New Local Plan (2014), identified the application site, as part of a wider site as a site suitable for release for housing (Policy H16); however, this allocation has not been brought forward into the 2016 New Local Plan, following a reprioritisation of objectives by the Council which now seeks to protect the Green Belt over meeting objectively assessed housing needs,

following consideration of responses to the 2014 Draft New Local Plan. The site has not therefore been identified for development purposes in the period to 2031.

The reduction in sites identified as suitable for residential purposes in the 2016 Plan will exacerbate the identified shortfall in housing supply and the continuing failure of the Authority to meet its objectively assessed housing needs.

The provision of 27 dwellings would make a contribution towards meeting those needs and could therefore be considered to represent a very special circumstance and material consideration in the determination of this application.

However, whilst it is undoubtedly the case that development of this site could contribute towards meeting housing needs, this could be said of any large site in the Green Belt. The site has not been specifically identified to meet housing needs within the New Local Plan (2016) and consequently the site cannot be said to benefit from the circumstance created by the Council in its identification of specific sites to meet housing needs on 23rd March 2016.

It should be noted that the Minister of State for Housing and Planning, in a statement dated 9th July 2015 reiterated that the single issue of unmet demand for housing alone would be unlikely to outweigh harm to the Green Belt. More recently, Government policy as set out in a letter dated 31st August 2015 and followed up in a Written Ministerial Statement on 17th December 2015 has stated that unmet need is unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.

(v) The opportunity for the provision of affordable housing

The opportunity to provide affordable housing in a Borough which is tightly constrained in terms of the availability of large housing sites is often cited as a very special circumstance which might justify inappropriate development in the Green Belt.

Policy H7 of the Local Plan sets out the Council's policy in relation to affordable housing provision. It states that the number of affordable dwellings to be provided will be dependent upon the size of the site, its location, and any substantial costs associated with the provision of necessary infrastructure. The Council's Developer Contributions Supplementary Planning Document provides guidance on the amount and type of contribution that is expected in relation to affordable housing provision. This requires the provision of 35% affordable housing on sites of 15 units or more. It also requires a tenure split requirement of 50% social rent, to 50% intermediate housing. It identifies the Council's preferred approach to the delivery of affordable housing provision being via a Registered Provider.

The current proposal makes no reference to the provision of affordable housing. However under current policy provision the Planning Authority would expect the provision of 10 of the proposed housing units as affordable housing.

Such provision can be achieved through a S106 agreement which would be attached to the grant of any consent.

It should be noted however that any large scale residential development would attract a requirement for the provision of affordable housing. The opportunity afforded by the current proposal is not therefore a unique or rare opportunity and cannot therefore constitute a very special circumstance or material consideration sufficient to outweigh harm to the Green Belt.

It should be noted that in determining the appeal for residential development on land adjacent to 'Glebelands', Thundersley in 2013, the Secretary of State concluded that the proposed development would cause harm to the Green Belt that would not be outweighed by the provision of affordable housing.

(vi) The opportunity for ecological enhancement

The applicants have indicated that as the Local Wildlife Review did not indicate that the site was of high ecological value, further surveys, whilst required, would not be undertaken at this time, as it is the view of the applicant that the surveys undertaken by Essex Ecology Services on behalf of the Council, are sufficient for current needs.

Local Plan Policy EC13 states that the Council will refuse development which is prejudicial to the interests of wildlife and their habitats.

Policy EC14 seeks to encourage the creation of new habitats and Policies EC22 and 23 seek to retain existing and encourage the planting of new trees.

The NPPF states at paragraph 118 that planning decisions should aim to conserve and enhance, restore or add to biodiversity interests. The policies of the Local Plan are consistent with this aim.

Section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on all public authorities in England and Wales to have regard in the exercise of their functions, to the purpose of conserving biodiversity.

The opportunity to secure ecological enhancement or protection as a consequence of development is often cited as a very special circumstance which would justify the release of land for development purposes. Similarly an absence of ecological importance has been cited in some cases where it is the view of the applicant that limited harm to ecology would arise as a result of development.

In this case the application site is located in close proximity to 2 Sites of Special Scientific Interest (SSSI) and a substantial nature reserve. The site is overgrown and has been largely undisturbed for a number of years. Local residents and Natural England suggest that the site provides significant wildlife habitat.

The Local Wildlife Site Review states that due to its undeveloped nature the site provides potentially good habitat for reptiles and birds and ecological survey work should be undertaken having regard to flora, reptiles and nesting birds. In designing any scheme for the development of the site consideration should be given to the ecological baseline conditions on the site and how biodiversity can be effectively integrated into the development proposals to achieve a net gain. At the present time no such consideration has been offered. It is not therefore possible to draw any conclusions as to whether the site offers significant opportunities for biodiversity, sufficient to represent a material consideration. This matter must therefore carry significant weight in the determination of the application. To afford less weight, in the absence of any assessment of the site, would be to potentially fail to identify issues of ecological significance to the detriment of the biodiversity of the Borough.

Whilst the applicant may consider that ecological surveys may reasonably accompany any submission for reserved matters that can only occur after the principle of development has been agreed. It is considered that determination of the principle should include consideration of the ecology of the site, as required by the NPPF and that is not possible with the current submission. This represents an objection to the proposal.

(vii) The opportunity for improved access

Applicants will frequently refer to the difficulties of congestion experienced within the Borough and seek to justify the release of land by offering opportunities for improved access to facilities and services.

It is intended to serve the proposed development from Holland Avenue. This is a private road at the northern end of Limburg and Haarlem Roads which are both private streets. These roads are accessed from the A130 by Dyke Crescent, some 290m to the south of the site, which is an unclassified highway.

All of the roads providing links to the A130 are in an extremely poor condition, largely unmade, with poor surfaces and liable to flooding. Responsibility for the maintenance of these roads would appear to fall on the frontagers.

There is no indication within the submissions to suggest that the roads serving the proposed development would be improved in order to serve the needs of the site without imposing a further burden on existing frontagers. Indeed it is considered that a requirement to this effect, if possible, would be likely to render the proposed development unviable.

There are no definitive public rights of way within or adjacent to the site and no opportunity to provide improved access to facilities such as the nearby Cornelius Vermuyden School or Waterside Farm Sports Complex arises from the proposed development.

It is not considered that the proposed development would offer any benefit to the area in terms of improved vehicular or pedestrian access and this cannot therefore be cited as a benefit of the scheme sufficient to outweigh the harm to the Green Belt.

(viii) The opportunity for improved flood risk attenuation

Canvey Island lies within an area identified as falling within Flood Zone 3a. Within such areas there is an identifiable risk of flooding. For Canvey this risk takes the form of both fluvial and pluvial inundation. A very special circumstance that might be cited in the submission of any proposal for the release of land on Canvey Island for development purposes might be that such development could provide wider flood risk/drainage benefits which would outweigh the harm to the Green Belt.

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 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.

The proposal is required to pass the sequential and exception tests as set out in the NPPF and the Planning Practice Guidance (PPG), in order to determine whether sites of lower flood risk probability exist which may be more suitable for the type of development proposed.

The applicant has submitted a FRA. The Environment Agency (EA) has stated that sequential and exception tests must be considered before any grant of planning permission.

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

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

Having passed the sequential test, the proposal must then pass the exception test. In order to meet the requirements of the exception test as described in paragraph 102 of the NPPF the proposal must demonstrate that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one

has been prepared; and a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

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

The second criterion requires that the applicant demonstrate that the development is safe and where possible will reduce flood risk overall. The applicant has provided a FRA which states that should the defences breach during a 1 in 200 year plus climate change storm event the depth of flood water on site could reach up to 0.5m deep. No information has been provided in respect of a breach during a 1 in 1000 year plus climate change storm event.

The applicants have advised that it is proposed to construct the proposed dwellings with a finished floor height set some 300mm above ground level. It is clear therefore that under 1 in 200 year flood conditions the proposed dwellings are likely to experience water entry.

The applicants have further stated that flood resilient measures will be introduced in the construction of the proposed dwellings and that safe refuge will be available at first floor above the flood water levels. A Flood Response Plan has also been provided.

In terms of the proposed development, the submitted FRA is considered to be flawed as it does not identify the consequences of a breach during a 1 in 1000 storm event.

Furthermore the submitted Flood Response Plan provides some inaccurate advice. For example, the Plan refers to Canvey having a number of warning sirens which will be operated in the event of a flood. This is inaccurate, the sirens having been removed some years ago.

The EA has considered the submitted FRA in detail and has responded that the submission does not provide an adequate basis for an assessment of flood risks arising from the proposed development. In particular the EA has identified that the FRA does not provide details of ground levels across the site, in metres above Ordnance Datum, provide floor levels above flood levels or identify if land-raising is to occur across the site. In the absence of such details the EA has raised a holding objection to the proposal but has indicated that these flaws may be resolved by the submission of a revised FRA.

It may be noted that the EA has however raised no objection to the proposal on the basis of fluvial flooding.

Local residents have indicated that the site and adjacent gardens are frequently wet, particularly following rainfall. The Local Lead Flood Authority (LLFA) considers that insufficient information has been provided on pluvial flood risk, runoff rates or storage capacity to enable an assessment of the risk of off-site flows onto the site and has consequently raised an objection to the proposal.

Whilst the LLFA notes the intention to provide a subterranean response to the issue of surface water storage on the site, this is inconsistent with its objective of securing above ground responses where possible, in order to achieve amenity benefit. This represents a further objection to the scheme by the LLFA.

Furthermore the submitted proposal fails to accommodate the most up to date climate change allowances.

The submitted drainage strategy is therefore considered inadequate.

In the light of the objections raised by the EA and the LLFA, it is not considered that it may be argued that the submissions currently 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, reduce flood risk overall. The proposed development does not therefore pass the exception test and no wider flood risk/drainage benefits may be ascribed to the proposal which would outweigh the harm to the Green Belt.

Furthermore, any detailed design work undertaken in respect of the proposed dwellings, would need to be supported by the submission of information and calculations to establish that the proposed dwellings will be able to withstand the hydrostatic and hydrodynamic pressures likely to be experienced by the dwellings under flood conditions and that flood resilient measures should be incorporated into any scheme. No reference to this is made in the FRA.

Conclusion on the existence and weight to be attached to identified 'Very Special Circumstances'

Residential development of the scale proposed on this site represents inappropriate development in the Green Belt which is by definition harmful to the Green Belt and prima facie should attract a recommendation of refusal.

Government guidance and a recent judgement however make it clear that circumstances and material considerations may, either in isolation or combination provide a compelling argument for the release of land for development purposes.

Thus far this report has sought to identify the circumstances and material considerations that might provide such a compelling argument; however, no benefits have been identified which would, in the opinion of the Planning Authority, either individually or in combination provide the very special circumstances and considerations that would justify a departure from Green Belt policy. The proposal therefore attracts a recommendation of refusal on this basis.

Consideration of other policy matters

Design and Layout

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.

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).

The application is in outline form with all matters reserved for subsequent consideration and it is not therefore possible to apply the RDG to the proposal in any meaningful fashion. The applicants are advised however that should planning permission be granted for the proposed development compliance with all appropriate RDG will be expected.

The applicant is also recommended to have regard to the provisions of the NPPF and in particular those paragraphs which encourage the use of grey water and solar technology and the introduction of electric vehicle charging points.

The applicant is advised that the indicative layout submitted is considered inappropriate, resulting in a poor use of land, the domination of some individual sites by parking, the excessive use of

hard surfacing, the provision of inconvenient and unsustainable parking arrangements, inadequate landscaping and in the case of plot 16, an inadequate degree of isolation between the rear elevation of the dwelling and the rear boundary of the site.

Loss of Privacy/View

A number of local residents have objected to the proposal on the basis of loss of privacy and view.

It should be noted that loss of view is not material planning consideration in this case and can have no weight in the determination of this application.

With regard to loss of privacy, this is an outline application with no finalised details of the layout provided. As a consequence it is not possible to determine the proximity of new dwellings to site boundaries or the potential for overlooking and loss of privacy. It should be noted however that the development of this site will be required to have regard to the Council's Residential Design Guidance (RDG) which establishes appropriate parameters for new development, sufficient to achieve appropriate levels of privacy and amenity for existing residents. Compliance with the requirements of the RDG will ensure no undue loss of privacy or amenity to local residents.

Mix of development

Paragraph 159 of the NPPF states that Planning Authorities should have a clear understanding of the mix of housing required to meet local needs and plan to meet those needs.

Local Plan Policy H10 states that the Council will expect the provision of an appropriate range of dwelling types in order to satisfy a variety of housing requirements.

Although the application is in outline form only the applicants have indicated that the development will comprise of three bedroomed properties only.

The provision of 3 bedroomed accommodation is considered suitable to meet the identified needs of the Borough and no objection is therefore raised to the proposal on the basis of housing mix.

Landscaping

Local Plan Policy EC22 states that in schemes for new development, existing trees, hedgerows and woods shall be retained wherever possible and loss of existing tree cover and hedgerows shall be kept to a minimum.

The site is heavily vegetated although much of the growth appears to comprise scrub and residual hedging. No assessment of the current vegetative state or details of the proposed landscaping scheme have been submitted, although the agents have stated that a strong landscape edge will be provided to the northern boundary of the site, to identify a new Green Belt boundary. In the absence of further details it is not therefore possible to comment on landscaping on the site. The applicant is advised however that the indicative landscaping scheme shown on drawing 15-163 0-003 dated 28.10.15 is considered inappropriate and inadequate to provide an appropriate setting for the adjoining Scheduled Ancient Monument or adequate buffering between the proposed development and the A130.

Comprehensive development

H12 of the adopted Local Plan states that where it appears to the Council that the comprehensive development of a large site or development in depth would be prejudiced by piecemeal development proposals, planning permission will be refused.

This is consistent with the principles contained in the NPPF which seek to facilitate sustainable development (paragraph 14), encourage the effective use of land (paragraph 17) and optimise the potential of sites (paragraph 58).

Paragraph 56 of the NPPF states that development should contribute positively to making places better for people.

The proposed development represents a peripheral expansion of the existing urban area. The site is served by Haarlem and Limburg Roads which are private roads and in a poor state of repair but in respect of which no improvements are proposed.

The provision of a further 27 dwellings served by these roads would not only provide poor access to the site, to the detriment of the amenity of future occupiers, but is also considered likely to contribute to the maintenance burden already imposed on local residents as a consequence of the status of the highway. Such imposition is considered unreasonable and unlikely to contribute positively to making places better for people. The proposal is therefore inconsistent with this aspect of sustainable development.

In the 2014 Draft New Local Plan it was envisaged that the application site would be comprehensively developed with the land to the north. The independent development of the application site, in isolation from the larger parcel, would not prejudice the development of the larger area, which subject to the achievement of planning permission could be developed for residential purposes, but would, in the opinion of the Planning Authority, have unacceptable consequences.

The 2014 Plan envisaged that the larger site would be served from a direct junction with the A130, avoiding the need for traffic to impact on the residents of Dyke Crescent, Limburg Road and Haarlem Road. The current proposal would be inconsistent with this objective. All traffic serving the site would be required to travel on Dyke Crescent, Haarlem Roads and Limburg Road, the latter of which are private roads. No improvements to the roads serving the site are proposed and it is considered that the roads would, as a consequence of the passage of more traffic, deteriorate further.

Furthermore, it is considered that the passage of additional traffic through the junction of the A130 and Dyke Crescent would be likely to contribute to greater congestion at the Northwick Road Roundabout on the A130, to the detriment of traffic flows, highway safety and local amenity. Such development would therefore be inconsistent with the provisions of paragraph 30 of the NPPF which seeks to encourage development which would reduce congestion.

In addition it is not considered that the independent development of the application site would result in the achievement of the three dimensions of sustainable development as set out in paragraph 7 of the NPPF. The proposal would simply expand the urban area without significant benefit to the area. This is inconsistent with the provisions of the NPPF.

An objection is raised accordingly.

The achievement of optimum use of land

Local Plan Policy H9 seeks to ensure the optimum housing density is achieved on any site.

The NPPF no longer sets a national minimum density requirement but states that Local Planning Authorities may wish to set out a range of densities across the plan area rather than one broad density range. The NPPF does however exhort planning authorities to achieve the optimum density of development on sites, consistent with the principles of sustainability.

The site has an area of some 1.23ha and provides a density of some 22 dwellings per hectare.

A proposed scheme to the north would provide some 32 dwellings per hectare and the existing development to the south provides some 28 dwellings per hectare.

If the Planning Authority were minded to release land from the Green Belt for development purposes, it would seek to achieve the highest practicable product from the site, given the need to protect Green Belt generally and the housing needs of the Borough. In this context the delivery of 27 dwellings on the site is not considered to represent the optimum use of land. This represents a further objection to the proposal.

Impact on Archaeology.

Policy EC38 of the adopted Local Plan states that if there is evidence that archaeological remains exist, the extent and importance of which is unknown, the Council will require developers to arrange for an archaeological field assessment to be carried out before the planning application can be determined in order to inform the planning decision.

The NPPF, at paragraphs 126 - 141 set out the Government's advice in respect of the protection of the historic environment and makes it clear that there is a presumption that where a site is known, or considered likely, to be of historical interest, the Council will require appropriate and adequate investigation of that site prior to the grant of any permission in order that the importance of the site may be assessed and appropriate mitigation and/or recording implemented.

Within the confines of the application site there are no recorded heritage assets, (scheduled monuments, listed buildings or conservation areas etc); however, there is the potential for currently unidentified archaeological remains to be disturbed and uncovered during the construction process due to the proximity of the site to a Scheduled Ancient Monument. As such it is considered that a condition should be attached to the grant of any consent requiring an archaeological programme of trial trenching followed by open area excavation if necessary. Conditions requiring such investigation could be appended to any grant of consent.

The proposed development is considered likely to have a negative visual impact on the setting of the nearby Scheduled Ancient Monument, through the erosion of the rural character of the area, which may result in some harm to the designated asset. This harm however is considered capable of mitigation through the retention and enhancement of open space around the monument and sensitive design that acknowledges the desirability of preserving the open character of the monument. As the application is in outline form only it is considered that a layout which would secure these objectives could be achieved in the event of consent being granted.

No objection is therefore raised to the proposal on the basis of its impact on the Scheduled Ancient Monument.

Subject to a condition in respect of appropriate archaeological investigation there is no objection to the proposal on the basis of Local Plan Policy EC38 or the provisions of the NPPF.

Impact on infrastructure, (social and physical)

Local Plan Policy CF1 states that where the infrastructure requirements generated by development cannot be met by existing provision, the Council will require developers to provide, prior to occupation of the development, appropriate highway and drainage improvements or appropriate improvements to social infrastructure. These matters are considered below:

(a) Highways

Whilst the views of the Highway Authority were still awaited at the time of the preparation of this report, it is the clear view of the Planning Authority that the proposed access to the site via Haarlem Road, Limburg Road and Dyke Crescent is inappropriate given the poor condition of the roads, their status in highways terms and the added burden that increased use of these substandard roads would have on the existing frontagers who pay for the upkeep of the roads. The 2014 Draft New Local Plan sought to avoid impact on the residents of these roads by requiring the larger site to be served from Canvey Road (A130). It is considered that this should remain the preferred access route to this land.

In terms of the use of the highway in amenity terms, local residents have objected to the proposal on the basis of the noise, vibration and dirt that would be experienced as a result of heavy vehicles accessing the site from the south. Noise and vibration are considered in more depth elsewhere in this report. However, with regard to the issue of the deposition of mud on the highway, provision may be made for the effective cleaning of the wheels of vehicles leaving the site to ensure that material is not deposited onto local roads. This provision may be secured by the imposition of a condition on the grant of any consent. This does not provide a robust reason for refusal. No objection is therefore raised the proposal on this basis.

(b) Sustainable Transport

The NPPF seeks to ensure that new development is sustainable. In the case of transport, developments are expected to demonstrate the opportunity for use of sustainable transport modes and limited journeys.

Access to public transport from the site is generally good with easy access to bus and rail facilities. Employment and shopping facilities are also within a short distance from the site, as are schools. The site would consequently appear to be well placed in terms of the opportunities available to limit use of the private car.

Under the circumstances it is not considered that an objection to the proposal on the basis of undue reliance on private vehicles could be sustained on appeal.

Whilst local residents have pointed out that the last bus passes the site at approximately 20:15, it is not considered that this represents a robust objection to the proposal.

Essex County Council, as Education Authority has indicated that whilst a contribution to school transport provision is not being sought, the proposal should incorporate measures for safe walking/cycling access to local schools. This is a matter which may be addressed at reserved matters stage.

(c) Education

The County Council has indicated that whilst there are sufficient early years and secondary school places to accommodate the needs of the proposed development, a contribution will be required to mitigate the impact of the proposal on primary school places. Such contribution can be included in a S106 agreement attached to the grant of any consent.

(d) Doctors Surgeries

A number of local residents have referred to the difficulties encountered in accessing local GP services and have expressed concern that the provision of further development will exacerbate these difficulties. It should be noted that access to GP provision in Castle Point is not affected by the distribution of growth. There is an existing deficit of GP provision across the borough that is a result of the recruitment and retention of GPs as opposed to the amount of facilities available. Growth will exacerbate this deficit. NHS England and the Castle Point and Rochford Clinical Commissioning Group are seeking to address this deficit in two ways. Firstly, they are seeking to recruit more GPs into the local area through the promotion and development of 'Training Practices'. They are also putting together a Primary Care Strategy which will seek special clinics developed for older people with complex care needs. This will relieve pressure on GPs to treat the remainder of the population

Under the circumstances it is not considered that an objection to the proposal on the basis of inadequate GP availability would be sustained on appeal. It is considered however that a contribution towards the securing of necessary GP facilities to serve the proposed development. Such contribution can be achieved through a S106 agreement attached to the grant of any consent.

Water Quality

Water quality was considered in the Sustainability Assessment of Sites undertaken in 2014 with advice sought from Anglian Water. Anglian Water has advised that the level and distribution of growth proposed within the 2014 Draft New Local Plan, which included the current site, could be accommodated with some capacity improvements at the Benfleet Waste Water Treatment Works.

On this basis it is not considered that an objection can be raised to the proposal on the basis of water quality.

Noise

Local residents have objected to the current proposal on the basis of the potential for noise generation and vibration both from the construction and operational phases of the development.

Consideration must also however be given to the potential for residents of the proposed development to experience noise and vibration from the adjoining A130.

Noise can have a significant effect on the environment and on the quality of life enjoyed by individuals and communities. Noise can interfere with residential and community amenity and the utility of noise-sensitive land uses. Noise exposure can have effects including sleep disturbance and annoyance. Recent evidence shows that noise can impair cognitive learning in school children. It is also agreed by many experts that environmental noise can lead to chronic health effects. For example, associations have been found between long term exposure to some types of transport noise, particularly from aircraft and road traffic, and an increase in the risk of cardiovascular effects (heart disease and hypertension).

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

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

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 109 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 120 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 during the constructional phase. Such noise is transitory and rarely provides a robust reason for refusal of an application for development of the type proposed. However, development of large sites can extend over significant periods and it is therefore incumbent upon the Planning Authority and the applicant to ensure that the levels of noise generated during the constructional periods are kept as low as practically possible, in the interests of the amenity of local residents, wildlife and the wider environment. No demonstration of the satisfaction of this objective has been submitted.

It should be noted that the original proposal, as presented in the 2014 Draft New Local Plan, sought to restrict access to and from the site via adjoining land, to the A130 only. In this form no construction traffic would be required to access the private roads serving the site from the south, with a consequent limitation on impact on local residents.

In terms of the operational phase of the development, there is no evidence to suggest that the noise generated by the occupiers of these dwellings would be significantly different from that generated by the occupiers of the existing dwellings. It is not considered that an objection can be raised to the proposal on the basis that neighbours may be noisy. Should this situation arise in the future, appropriate legislation exists to deal with the matter.

With regard to traffic noise, it is inevitable that the development will attract vehicles and that these vehicles will generate noise. No information has been submitted in respect of noise generated by the development; however recent draft guidance suggests that whilst noise may be noticeable following development of a site, it is not likely to be so intrusive that an objection on this basis could be sustained on appeal.

As with construction traffic noise however, it could be noted that comprehensive development of the site in association with land to the north as presented in the 2014 Draft New Local Plan, would have avoided such noise potential, had this option been retained in the 2016 New Local Plan.

The Council's Environmental Health Officer (EHO) has raised concerns in respect of the impact of traffic noise from vehicles on the adjacent A130 (Canvey Road) on future occupants of the proposed development.

The EHO has requested that an acoustic report be commissioned, with modelling and conclusions on the impact of noise from the A130 on the nearest proposed receptors.

In the absence of such information it is not considered possible to determine the existing acoustic environment and consequently it is not possible to determine the sustainability of the site in acoustic terms. The absence of this data represents an objection to the proposal.

Vibration

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.

With regard to construction vibration, it is possible that the passage of heavy vehicles and works undertaken in close proximity to adjoining dwellings may result in ground borne vibration. No analysis has been submitted by the applicant to indicate the potential for, or mitigation of, such vibration and it is not therefore possible to offer a view on the impact of vibration on the adjoining properties. This represents an objection to the proposal.

As with traffic noise however, it could be noted that comprehensive development of the site in association with land to the north, as presented in the 2014 Draft New Local Plan, would limit the adverse impact of vibration on existing residents, had this option been retained in the 2016 New Local Plan.

Air Quality

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.

The EHO has requested that an air quality report be commissioned, modelling and concluding on the impact of traffic pollution from the A130 on the nearest proposed receptors.

In the absence of such information it is not considered possible to determine the existing air quality environment and consequently it is not possible to determine the sustainability of the site in air quality terms. The absence of this data represents an objection to the proposal.

Open space

Local Plan Policy RE4 states that the Council will seek to provide and facilitate the provision of additional children's play space and parks in areas of identified need and that where possible such provision shall be made in association with new development.

The Open Space Appraisal Update prepared in September 2012 identified West Canvey (which includes the application site) as being generally well served in terms of access to open space. The site currently has good access to amenity greenspace at the eastern end of Dyke Crescent, outdoor sports facilities at Waterside Farm Sports Complex and natural and semi natural space at both the RSPB site at West Canvey Marshes and at Canvey Wick.

Whilst the Open Space appraisal did identify small deficiencies in the provision of play space for young people and children, allotments and Country Park provision, it is not considered that these deficiencies may be meaningfully enhanced as a consequence of the development of the site in the manner proposed.

Nor is it considered that such lack of provision is fatal to the proposed development.

Natural England's 'Suitable Accessible Natural Green Space' guidance states that 8ha per 1000 population provides an appropriate level of alternative greenspace to offset recreational pressures on designated sites.

The proposal seeks to provide 27 three bedroomed properties.

At a conservative estimate it is considered that these dwellings could accommodate some 108 residents.

This equates to a requirement for the provision of 0.74ha of alternative greenspace associated with the proposed development.

No provision is made for alternative greenspace on the site, and given the limited extent of the site it is not considered that provision to the extent required could be made. However, the application is in outline form only and provision of an appropriate level of open space could be required at reserved matters stage.

Given the proximity of the site to extensive areas of open space, it is not considered that an objection to the proposal based on inadequate accessible space could be sustained on appeal. No objection is therefore raised to the proposal on this basis.

Whilst it is acknowledged that local residents have objected to the proposal on the basis that it would result in a loss of informal play space, it must be noted that the site is private land and that no rights exist for the general public to use the land for recreational purposes.

Provision of Green Infrastructure

Natural England seeks to encourage the provision of Green Infrastructure within development sites. It defines Green Infrastructure as

“...a strategically planned and delivered network comprising the broadest range of high quality green spaces and other environmental features. It should be designed and managed as a multifunctional resource capable of delivering those ecological services and quality of life benefits required by the communities it serves and needed to underpin sustainability. Its design and management should also respect and enhance the character and distinctiveness of an area with regard to habitats and landscape types.

Green Infrastructure includes established green spaces and new sites and should thread through and surround the built environment and connect the urban area to its wider rural hinterland. Consequently it needs to be delivered at all spatial scales from sub-regional to local neighbourhood levels, accommodating both accessible natural green spaces within local communities and often much larger sites in the urban fringe and wider countryside.”

The submitted application fails to identify or promote the provision of Green Infrastructure and indeed given the limited size of the site it is considered unlikely that a significant contribution to Green Infrastructure could be made within its confines. This deficiency in the layout again speaks to the inappropriate nature of this form of development and the need for the site to be developed in a more comprehensive fashion if it is to achieve a satisfactory level of sustainability.

Comprehensive development of the site in association with land to the north as presented in the 2014 Draft New Local Plan, would facilitate the provision of meaningful Green Infrastructure, had this option been retained in the 2016 New Local Plan.

Resource efficiency

RDG9 requires all development to incorporate measures for achieving high levels of water and energy efficiency and to demonstrate how the design, siting and layout has maximised the opportunities for solar gain, daylight penetration, and the reuse/recycling of water.

No information has been submitted in respect of energy and water efficiency features of the proposed development however such matters are more appropriately considered in the context a reserve matters application.

The integration of such features within the scheme would be in compliance with RDG9.

Car Parking

Local Plan Policy T8 requires the provision of appropriate levels of off-street parking through the application of County parking standards. These require one space to be provided for one-bedroom properties and two spaces for properties with two or more bedrooms. Garages will only be counted as a parking space where they achieve internal dimensions of 3m by 7m. Parking spaces are required to be 2.9m wide and 5.5m deep. Forecourts to garages will be required to be 6m deep.

Unallocated visitor parking is required to be provided at a rate of one space per four dwellings.

On this basis a total of 61 parking spaces would be required within the scheme. Only 54 are identified within the indicative layout. Such under-provision of parking would represent an objection to the proposal at reserved matters stage.

The reliance on surface parking is disappointing and likely to lead to a car dominated environment. An alternative form of provision should be explored.

Other objections

A number of objections have been received in respect of the current proposal which do not directly relate to the proposal but which should attract a response. These are provided below.

Health and Safety

Local residents have objected to the proposal on the basis that it places a greater number of persons at risk, given the proximity of the site to two COMAH sites.

It should be noted that the site lies outside of the consultation distances identified by the Health and Safety Executive and would not therefore attract an objection from that body.

Under the circumstances it is not considered that an objection to the proposal on the basis of the presence of COMAH sites on the Island could be sustained on appeal.

The provision of a Third Road

A number of local residents have commented that there should be no more development on Canvey Island until a 'Third Road' is provided. This comment largely reflects the frustrations experienced as a result of traffic congestion on the Island, and the limited points of access which can be severely prejudiced in the event of an accident or other event.

Whilst the frustration is recognised it is not considered that an objection to this proposal based on the lack of a third access would be supported on appeal. No objection is therefore raised to the proposal on this basis.

Conclusion

The proposal represents inappropriate development in the Green Belt in respect of which the Planning Authority has failed to identify any very special circumstances which might justify a departure from normal Green Belt policy. The proposal is therefore contrary to Government guidance as contained in the NPPF.

In addition within the context of Government guidance and in the light of the Secretary of State's decision the 'Glebelands' site in Thundersley, it is considered that the current proposal is premature in that it seeks to determine the location of future residential development outside the confines of the Examination in Public of the New Local Plan.

An objection is therefore raised to the proposal on the basis of prematurity.

The applicant has also failed to submit adequate information in respect of ecology, flood risk, noise, vibration and air quality to allow appropriate consideration of these matters. Finally it is considered that the proposal fails to optimise the use of land, contrary to Government guidance. Whilst the majority of these matters may not be fatal to the proposal in the final analysis, the paucity of information provided at this time prejudices consideration of these matters. The absence of appropriate supporting material represents an objection to the proposal.

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

My Recommendation is Refusal for the following reasons

- 1 The 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, character and strategic function of this part of the Green Belt, contrary to national planning policy.
- 2 Within the context of Government guidance and in the light of the Secretary of State's decision regarding the Glebelands case in Thundersley , it is considered that the current proposal is premature in that it seeks to determine the location of future residential development outside the confines of the Examination in Public of the New Local Plan. The allocation of land for development on the basis of individual applications would lead to poorly planned growth and would fail to deliver housing 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.
- 3 The proposal fails to assess the specific ecological value of the site and consequently fails to identify opportunities for the conservation and enhancement of biodiversity on the site, contrary to Policy EC14 of the adopted Local Plan, Government guidance as contained in the National Planning Policy Framework and Section 40 of the Natural Environment and Rural Communities Act 2006.
- 4 The submitted Flood Risk Assessment does not provide an adequate basis for an assessment of the flood risks arising from the proposed development. In particular the Flood Risk Assessment does not accommodate the most up to date climate change allowances or provide details of ground levels across the site in metres above Ordnance Datum, provide floor levels above flood levels or identify if landraising is to occur across the site. In the absence of such details, the flood risk associated with the development cannot be properly assessed, contrary to Government guidance as contained in the National Planning Policy Framework.
- 5 Insufficient information has been provided on pluvial flood risk, run off rates and surface water storage capacity to enable an assessment of the impact of off site flows onto the site. In the absence of such details it cannot be demonstrated that the development will be safe for its lifetime, taking account of the vulnerability of its users, without increasing flood risk elsewhere, or that the proposal will reduce flood risk overall, contrary to Government guidance as set out in the National Planning Policy Framework.
- 6 The proposed development, by reason of its reliance on the private and unclassified highways known as Dyke Crescent, Haarlem Road and Limburg Road, for access, fails to provide appropriate vehicular access to the site, to the detriment of future occupiers of the

proposed development and to the detriment of the residential amenity and convenience of existing frontagers. The proposal would fail to contribute positively to making places better for people and is consequently inconsistent with Government guidance as contained in the National Planning Policy Framework.

- 7 The proposal seeks to achieve the provision of 27 dwellings. It is not considered that development of this scale would optimise the use of the land and consequently the proposal is considered to be inconsistent with Policy H9 of the adopted Local Plan and Government guidance as contained in the National Planning Policy Framework.
- 8 Insufficient information has been submitted to enable consideration of the impact of traffic noise generated by vehicles using the A130 on the health, wellbeing and amenity of future occupiers of the proposed development. As a consequence, it is considered that the applicant has failed to demonstrate that the proposal would provide an acceptable living environment for future occupiers, contrary to Policy EC4 of the adopted Local Plan and Government guidance as contained in the National Planning Policy Framework.
- 9 Insufficient information has been submitted to enable consideration of the impact of vibration from vehicles and construction operations on the site. As a consequence, it is considered that the applicant has failed to demonstrate that the proposal would not adversely affect the health, wellbeing and general amenity of existing residents in the roads serving the site, contrary to Policy EC4 of the adopted Local Plan and Government guidance as contained in the National Planning Policy Framework.
- 10 Insufficient information has been submitted to enable consideration of air quality in the environs of the application site and its impact on the health, wellbeing and amenity of future occupiers of the proposed development. As a consequence, it is considered that the applicant has failed to demonstrate that the proposal would provide an acceptable living environment for future occupiers, contrary to Policy EC4 of the adopted Local Plan and Government guidance as contained in the National Planning Policy Framework.

Informatives

- 1 The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal.
- 2 Please note that a site notice was displayed in a publicly visible location at the site. Castle Point Borough Council would appreciate your co-operation in taking the site notice down and disposing of it properly, in the interest of the environment.

ITEM 2

| | |
|------------------------------------|---|
| Application Number: | 16/0087/FUL |
| Address: | 4A Champlain Avenue Canvey Island Essex SS8 9QL (Canvey Island Winter Gardens) |
| Description of Development: | 1 No. four bedroom detached house and detached garage |
| Applicant: | Mr Laurence Lovett |
| Case Officer | Miss Emma Clay |

Summary

Planning permission is sought for one four bedroom detached house. The proposal complies with all relevant Council policies and guidance and is recommended for approval.

The application is presented to the Committee at the request of Councillor Watson in order for Committee to assess the effect of the development on surrounding properties.

Site Visit

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

Introduction

The application site is located on the southern side of Champlain Avenue. It is a regular shaped plot with a frontage of 8.65m and a depth of some 37.5m. It has a frontage onto Champlain Avenue, which is a pedestrian only 'green lane', with vehicular access to the rear onto Budna Road.

Champlain Avenue is predominantly comprised of detached houses and some bungalows which vary in terms of size, design, age and character.

No.4 Champlain Avenue is a detached house to the west of the application site and has a conservatory, pergola, shed and garage along the shared boundary. To the east is No.6 Champlain Avenue, a detached property comprising of two flats and two detached garages located to rear of the site. Nos.3 and 5 opposite the application site are detached houses, with vehicle access to their rear gardens.

Budna Road is characterised by rear aspects of the properties facing Champlain Avenue and Ruskoi Road.

The Proposal

Permission is sought for the erection of one detached four-bedroomed house with detached garage to the rear of the site. It would have a width of some 6.55m, a depth of some 12.5m and a pitched roof to a height of 7.5m and would be finished in face brickwork and cream render with concrete tiles.

The garage would be pitched roofed in design and measure 3.1m by 7.2m and have a height of 3.4m.

Supplementary Documentation

In addition to the application drawings there is a Flood Risk Assessment which can be viewed on the Council's website.

Planning History

CPT/413/91 - approved on 13th August 1991 for the subdivision of plot to provide one detached two bedroom house and flat roofed detached garage.

CPT/413/91/REN – Renewal of the above permission was approved on the 1st May 1996.

Relevant Government Guidance and Local Plan Policies

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Local Plan

EC2 – Design

T8 – Parking Standards

H16 – Winter Gardens

Residential Design Guidance

RDG1 – Plot size

RDG2 – Space around dwellings

RDG3 – Building lines

RDG5 – Privacy and living conditions

RDG6 - Amenity space

RDG7 – Roof development

RDG12 – Parking and access

Essex Parking Standards (Adopted August 2010)

These policies are consistent with the NPPF.

Consultation

Canvey Town Council

An objection is raised for the following reasons:

- Overdevelopment of the site
- Lack of amenity space
- Site within an area at risk of flooding

Environment Agency

No objection subject to condition relating to first floor levels.

Street scene/Recycling

No response received

Street scene/Waste

No objection. The occupants of the proposed dwelling should present their waste in Budna Road for collection.

Public Consultation

Neighbour notification letters were sent to seven properties. No responses received.

Comments on Consultation Responses

The comments raised by Canvey Town Council will be considered in the evaluation of the proposal.

Evaluation of Proposal

The main issues for consideration with this application are the flood risk, design, impact on neighbours and parking implications.

Principle

The land is allocated for residential purposes as delineated in the adopted Local Plan. There can therefore be no objection in principle to the residential development of the site.

Flood Risk

It should be noted that Canvey Island Town Council have raised an objection to the proposed development on the basis of flood risk.

The National Planning Policy Framework (NPPF) requires a sequential test to be applied to development proposals, requiring new development to locate within the lowest risk flood zone possible. The proposed dwellings would be located within Flood Zone 3, the zone with the highest probability of flooding.

The whole of Canvey Island settlement is located within Flood Zone 3. Most of the 'mainland' part of Castle Point is within Flood Zone 1. Prima facie it would seem that there are sites within Flood Zone 1 that could accommodate a development of a single house, which should be developed in preference of this site. However, applying the sequential test borough-wide ignores the fact that for a development to serve the community of Canvey Island it must be located within that settlement. An appropriate catchment for the sequential test would therefore be the boundaries of Canvey Island. As the whole of Canvey Island is within Flood Zone 3, it is not considered that sequentially preferable sites exist for the proposed development and the sequential test is considered to be passed.

Having passed the sequential test, the NPPF sets out in paragraph 102, that for this type of development to be located within Flood Zone 3a, the exception test must also be passed. This has two elements:

- it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and
- 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.

The planning authority considers that there are socio-economic reasons why it is desirable to permit continued development on Canvey Island, so that the settlement does not become blighted. Under these circumstances the first part of the test is considered to be passed.

In respect of the second part, a site-specific flood risk assessment has been submitted with the application. The ground floor of the property would be flooded in the residual scenario of flood defence failure on the Island; however, safe refuge would be available on the first floor in such a scenario, as this would be located above modelled flood levels. Subject to the response of occupiers to a flood warning or flooding occurring being managed by a Flood Response Plan, the second part of the exception test is considered to be passed. There is no objection to the proposal on the basis of the risk to occupiers, as that risk could be acceptably managed.

The application includes a Flood Response Plan. This is considered to represent an acceptable approach to flooding or a flood warning being issued and would be consistent with Castle Point Borough Council's advice of "go in, stay in and tune in". Subject to a condition requiring this plan to be enacted for the dwelling, there is no objection to the scheme on the basis of flood risk.

Paragraph 60 of the National Planning Practice Guidance (NPPG) states that flood resistance and resilience measures may be used as a measure to manage residual flood risk. Such measures, if incorporated into a building at the time of its construction, minimise damage that may be caused to a building should it be affected by flooding, and enable its faster reoccupation.

The scheme considers such matters by detailing the following measures:

- solid ground floor construction
- non-return valves to drainage outlets
- electrical sockets/TV point located as high as possible
- gas boiler located as high as possible
- internal walls lined with plasterboard sheeting fixed sideways to allow staged replacement
- plastic coated or stainless steel kitchen units
- sealed skirting boards, architraves etc.
- flood resilient internal doors at ground floor

These measures are incorporated into the submitted plans, and are considered to serve to minimise damage to the property in the event of flooding and are therefore considered acceptable.

Paragraph 54 of the NPPG states that the structural safety of buildings needs to be taken into account when considering flood risk. The application is accompanied by calculations from CWT Partnership Structural Engineering Consultants demonstrating that the building is designed to withstand flood water to a depth of 2m from raft level which is the 1 in 1000 year flood level. This is considered to be satisfactory demonstration of structural safety of the building and no objection is raised to the proposal on this basis.

It is proposed that the surface water drainage for the site is to be directed to an existing surface water sewer in Budna Road via a 375mm oversized diameter pipe through an attenuated discharge point to an existing surface water sewer in Budna Road. The hard standing surface water will discharge via permeable block paving as shown on the submitted plan.

Design

Policy EC2 of the Local Plan seeks a high standard of design in all new buildings. Policy H16 seeks to maintain segregated pedestrian and vehicular traffic flows within the area known as Winter Gardens. These policies are generally consistent with paragraphs 56 to 58 of the NPPF.

Policy RDG7 requires the roof design of any development to be compatible primarily with the dwelling, but should also be informed by the prevailing character of the area and surrounding

forms of roof development. The roof should be proportionate to the remainder of the dwelling but must not be top heavy, or appear prominent or dominant.

Policy RDG8 requires detailing elements for all developments to be consistent with the overall architectural approach of the dwelling and should result in well proportioned and balanced properties. The materials used for such detailing elements should integrate with or complement primarily the dwelling, but also those present in the surrounding street scene. Fenestration should be aligned both vertically and horizontally.

The proposed dwelling is considered to be of a good and well proportioned design with a projected gable wall to the front elevation. The building would have a maximum height of 7.5m. This scale of the development is reflective of development in this locality. The proposed materials stated on the application form also reflect the materials found on other development within the street scene and surrounding area.

The proposed dwelling fronts Champlain Avenue and has its garage located in the rear garden with access from Budna Road. The detached garage is of a satisfactory design. Overall, the proposal reflects the style and character of the surrounding area and no objection is raised on design grounds.

Other matters of detailed design and layout

Policy RDG1 requires the plot size of new development to be informed by the prevailing character of plot sizes.

With a depth of some 37.5m and a width of some 8.65m this would be reflective of the plot sizes of neighbouring properties and would not be at variance with the character of the local area.

Policy RDG2 requires the space around all new development to be informed by the prevailing character of space around dwellings

The dwelling would be located 1m from the boundary on both sides, with a detached garage located up to the boundary. This level of isolation provision is in keeping with the character of both street scenes of Champlain Avenue and Budna Road. No objection is raised to this aspect of the proposal.

Policy RDG3 requires proposals to be informed by the prevailing building lines to the public realm it faces. The front walls of the proposed dwelling would be located some 5.3m back from the front boundary of the site which is consistent with the nearby dwellings. The rear walls of the dwelling would be located some 18.1m from the boundary fronting Budna Road and the garage 6m. This is consistent with other properties in Champlain Avenue.

Policy RDG6 requires the provision of appropriate levels of outdoor amenity space with 15m² per habitable room provided.

The dwelling would have eight habitable rooms requiring an amenity area of 120m². An amenity area of 119m² would be provided. The deficiency is negligible, and therefore the amenity area provided is considered sufficient to meet the outdoor needs of future occupants. No objection is raised to the proposal under RDG6.

Impact on neighbours

Policy RDG3 also requires proposals not to cause excessive overshadowing or dominance of adjacent properties. The proposal is not considered to be harmful in this respect. The level of projection and isolation provided by the proposal is comparable to the neighbouring properties

and is unlikely to result in overshadowing or dominance to these occupiers. No objection is raised to the proposal on this basis.

Policy RDG5 requires a distance of 9m to be provided between first floor windows and the boundaries of the site. The first floor rear windows would be compliant with this requirement.

The front windows would overlook the street which is within the public realm and would not cause undue loss of privacy to the properties opposite.

Windows are proposed in both side elevations. These windows have the potential for overlooking the neighbours; however they serve non-habitable rooms (bathrooms and landing area) and can be conditioned as obscured glazed and non opening to a height of 1.7m above finished floor level to prevent overlooking without leading to unsatisfactory living conditions for the occupiers. Subject to such a condition there is no objection on the basis of RDG5.

Parking

Policy T8 of the Local Plan requires the provision of off-street parking in accordance with adopted standards. This is consistent with paragraph 39 of the NPPF which requires local planning authorities to set such standards reflecting local circumstances.

Policy RDG12 requires parking not to be visually dominant.

The currently adopted standards require the provision of two parking spaces for properties with two or more bedrooms. The proposal would provide a detached garage of acceptable dimensions, together with a parking space of 6m in depth. A vehicular crossover is also proposed. Such parking provision is characteristic of the parking arrangements of Budna Road and satisfactory.

Conclusion

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

My Recommendation is Approval with the following conditions

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

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

- 2 The design of the external walls of the development hereby approved shall be constructed in accordance with the details that accompanied the application submitted by CWT Partnership, reference 6199, dated January 16.

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.

- 3 Finished first floor levels shall be set no lower than 2.325 metre above Ordnance Datum (AOD).

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

- 4 The approved dwelling shall be constructed and fitted out in accordance with the approved scheme of flood resistance and resilience measures.

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

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

REASON: To ensure a satisfactory form of development in sympathy with the existing development and the character of the surrounding area.

- 6 Prior to first occupation of the development hereby approved the garage and forecourt parking area shall be made available for the parking of vehicles.

REASON: To ensure the provision and retention of a satisfactory level of off-street parking within the site in accordance with the Council's adopted standards.

- 7 Prior to the first occupation of the development hereby approved a vehicular crossover shall be provided in accordance with the details submitted on the approved plans and permanently retained as such thereafter.

REASON: In order to provide adequate on site car parking facilities for the accommodation proposed.

- 8 The window(s) created above ground floor level in a wall or roof slope forming eastern and western elevation shall be obscure glazed to at least Level 3 on the Pilkington Scale and non-opening to a height of 1.7m above the finished floor level of the room in which the window(s) is installed and permanently retained as such thereafter.

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

- 9 Upon occupation of the dwelling, 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.

Informatives

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

ITEM 3

| | |
|------------------------------------|--|
| Application Number: | 16/0138/FUL |
| Address: | Bankside Bramble Crescent Benfleet Essex SS7 2UZ (Victoria) |
| Description of Development: | Two storey rear extension and internal alterations, new vehicular access and turning circle |
| Applicant: | Mr John East |
| Case Officer | Mrs Ishita Sheth |

Summary

Planning permission is sought for a two storey rear extension and internal alterations, canopies and new vehicular access and turning circle.

The land is allocated for Green Belt purposes and whilst no objections are raised in respect of any internal alterations or the vehicular access and turning area, it is considered that the proposed extension would result in what is considered to be a disproportionate enlargement of the property.

In this context, it is considered that the proposed development would have a significant adverse impact on the visual amenity, openness, character and function of the Green Belt.

Furthermore, the applicant has failed to demonstrate any very special circumstances why the proposal might exceptionally be permitted.

The proposed development would be harmful to the Green Belt, and it represents inappropriate development, the approval of which would be contrary to Government guidance as contained in National Planning Policy Framework.

The proposal is therefore recommended for REFUSAL.

The application is presented to Committee at the request of Councillor Riley in order for the Committee to consider the potential conflict of the development with Green Belt policy

Site Visit

It is not considered necessary for a Committee visit this site, since the application turns on policy matters.

Introduction

This application relates to a site located on the southern side of Bramble Crescent. The site has a frontage of some 46.2m and a maximum depth of some 91m.

A detached house with two storey rear and side extensions currently occupies the site.

The site is located within an area allocated for Green Belt purposes as defined in the Council's Adopted Local Plan.

The Proposal

The proposal seeks to provide a two storey rear extension having a maximum depth of some 5m and a width of some 7.4m. The roof of the existing dwelling is proposed to be extended above the proposed extension with a hipped end to the rear. A projecting mono-pitched roofed enclosed

balcony is proposed to the rear having a width of some 7.4m, a depth of some 1.6m and a maximum height of some 6.9m.

A canopy supported by posts is also proposed to the southern, eastern and western elevations which wraps around the dwelling in these locations. The canopy would have a maximum width of some 1.75m along the eastern elevation and a maximum depth of some 15.75m along the western elevation.

It is proposed to provide a new vehicular access from the western end of the application site and a turning circle to the front of the western elevation of the dwelling.

Supplementary Documentation

None

Planning History

BEN/472/70 – Car Port. Approved on 21st October 1970.

CPT/700/76 – Alterations and additions. Approved on 29th June 1976.

CPT/464/81 – Pitched roof to existing detached garage. Approved on 12th May 1981.

15/0439/FUL – Two storey rear extension, remodelling of main house to include alterations to roof and additional balconies and new vehicular access and turning circle. Refused on 22nd January 2016 for the following reason:

The proposed development is situated within an area of land allocated for Green Belt purposes as defined in the Council's Adopted Local Plan, where development is only allowed in the most exceptional circumstances. The proposed extensions would disproportionately increase the size of the original dwelling, resulting in an oversized, inappropriate form of development, which if allowed would be likely to have an adverse impact on the character, appearance and openness of the Green Belt. The applicant has failed to demonstrate any very special circumstances which would demonstrate why the proposal might exceptionally be permitted and in the absence of such very special circumstances approval of the proposal would be contrary to Policy GB5 and Appendix 2 of the Adopted Local Plan and national policy as set out in the National Planning Policy Framework (NPPF).

Subsequent to the refusal, the agent has been advised that a proposal of this nature would be contrary to Policy and would be unlikely to attract a recommendation of approval.

An application for a Lawful Development Certificate for alternative works to be carried out under permitted development rights has also been submitted (reference 16/0137/CLP). This application has not yet been determined.

Local Plan Allocation

Green Belt

Relevant Policies and Government Guidance

National Planning Policy Framework (NPPF)

Paragraph 89 – exceptions to inappropriate development in Green Belt

Local Plan

| | |
|------------|---|
| Appendix 2 | Development in the Green Belt |
| GB5 | Extensions to Dwellings in the Green Belt |
| EC2 | Design |
| H17 | Housing Development – Design and Layout |
| T8 | Car Parking Standards |

Residential Design Guidance

| | |
|------|------------------------|
| RDG2 | Space around Dwellings |
| RDG3 | Building Lines |
| RDG6 | Amenity Space |

Consultation

Essex and Suffolk Water – No objection. However, they have an existing 30-inch Trunk Water Main and a 30-inch Distribution Water Main within the highway that will be crossed by the new vehicular access. Requests detailed drawing showing the proposed construction of the access.

Public Consultation

No responses have been received

Comments on Consultation Responses

Details requested by Essex and Suffolk Water can be required by attaching a condition to any consent granted.

Evaluation of Proposal

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

The National Planning Policy Framework (NPPF) states that the fundamental aim of Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and permanence.

Paragraph 87 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 goes on to state that very special circumstances will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Paragraph 89 of the NPPF specifies that a Local Planning Authority should regard the construction of new buildings as inappropriate in Green Belt. It goes on to state that exceptions to this include the extension or alteration of a building providing that it does not result in disproportionate additions over and above the size of the original building.

Policy GB5 of the adopted Local Plan states that within the Green Belt extensions to dwellings should not adversely impact on the scale and character of the dwellinghouse or the Green Belt and its surroundings.

Supplementary guidance at Appendix 2 to the adopted Local Plan clearly defines what the Planning Authority would consider to be an appropriate extension to a dwelling in the Green Belt.

The General Permitted Development Order, at the time of the preparation of Appendix 2 to the adopted Local Plan allowed, subject to specific criteria, the extension of dwellings by up to 70

cubic metres or 15%, whichever is the greater, to a maximum of 115 cubic metres, without the need for specific planning permission.

Appendix 2 of the Local Plan allows for a further enlargement of 25m³ in addition to those unimplemented permitted development rights existing to the original dwelling as a reasonable enlargement of a dwelling in the Green Belt

It is recognised that this advice is based on the provisions of Class A of the 1995 General Permitted Development Order, which has now been superseded. However, it is considered that the principle it enshrines, which is to limit to a reasonable degree the extent by which a dwelling in the Green Belt may be extended, remains valid despite the more recent changes to domestic permitted development rights.

The NPPF clarifies that the original dwelling is the building as it existed on 1st July 1948 or, if constructed after 1st July 1948, as it was built originally.

The Planning Authority does not hold any records of the original consent for the dwelling. However, it is considered that the dwelling as existing when an application for alterations and additions was submitted under CPT/700/76 in 1976 may be considered to be the original dwelling. The dwelling as existing in 1976 had a volume of some 573m³.

A proportionate extension to the property would therefore be one which did not exceed the volume of the original dwelling by more than 111m³.

The existing dwelling has a volume of some 664m³ which is some 91m³ greater than the original volume of the dwelling. A further volume of some 20m³ would be acceptable in policy terms.

The previously refused proposal resulted in an extended dwelling having a volume of some 1043m³, some 460m³ greater than the original dwelling and some 349m³ greater than what may be accepted as a proportionate enlargement of the dwelling. This previously refused proposal represented an approximately 82% enlargement of the original property.

The current proposal is similar in volume to this previously refused application; the two storey rear extension being of a similar size to the previously refused proposal under 15/0439/FUL. Changes from the previously refused application comprise changes to the roof of the proposed extension to a hipped roof rather than a gabled roof. The current proposal does not seek to provide first floor balcony in the western elevation which was proposed under application 15/0439/FUL; however the proposal now seeks to provide canopies along the eastern, western and southern elevations and would not result in a significant difference between the proposed increase in volume of the previous scheme and the current scheme.

An enlargement of this magnitude is considered to be a disproportionate enlargement of the dwelling and consequently constitutes inappropriate development which would cause harm to the Green Belt by unreasonably diminishing its openness, to the detriment of its function, character and appearance. The proposal should therefore attract a recommendation of refusal under the provisions of the NPPF and Policy GB5 and Appendix 2 of the adopted Local Plan.

However it is incumbent upon the Planning Authority to consider whether there are any very special circumstances that would justify a departure from Green Belt Policy. The Local Authority defines a special circumstance as something that is unique to the application site and not capable of repetition elsewhere.

No very special circumstances have been cited by the applicant which would justify the disproportionately sized extension proposed which is therefore considered to represent

inappropriate development which by definition would harm the character, appearance and function of the Green Belt. An objection is raised accordingly.

Other Matters

Policy EC2 states that the Council will expect a high standard of design in relation to new buildings and extensions and alterations to existing buildings having regard to scale, density, siting, design and layout and materials of any development which shall be appropriate to its setting and which should not harm the character of its surroundings.

Policy H17 states that in assessing the design aspects of the proposals for housing, the Local Planning Authority will have regard to its adopted Residential Design Guidance (RDG). These policies are considered to be in compliance with the NPPF.

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

The proposed works would result in a well proportioned and balanced property in line with the provisions of Policy EC2 of the adopted Local Plan and RDG8 of the Residential Design Guidance. This lack of objection on the basis of design however does not outweigh the principle objection to the proposal.

RDG2 is concerned with space around buildings and requires new development to reflect the prevailing character of the area. The proposed dwelling is set within a large site and provides beyond 3m between the proposed dwelling and the surrounding boundaries. The area is characterised by dwellings with substantial space around buildings. The setting of the proposed dwelling is considered to reflect the prevailing character of the area and no objection is raised under RDG2 of the Residential Design Guidance.

RDG3 states that development which would result in excessive overshadowing or dominance to any elevation of an adjoining property will be refused. The proposed dwelling is set substantially away from other neighbouring properties and is considered unlikely to result in excessive overshadowing or dominance to any elevation of surrounding residents. No objection is raised to the proposal under RDG3 of the Residential Design Guidance.

RDG6 states that amenity space should cater for all the outdoor needs of all occupiers and that development involving individual dwellings should be provided with at least 15m² amenity space per habitable room. The property benefits from a retained amenity area beyond that required under RDG6 of the Residential Design Guidance.

Policy T8 of the adopted Local Plan requires off-street parking to be provided in accordance with county parking standards which require a minimum of two spaces to be provided for properties with two or more bedrooms.

The proposal property requires a minimum of two parking spaces, and the site provides sufficient parking for the property.

The proposal also seeks to provide a new crossover to the western end of the application site with access to a turning circle.

Essex and Suffolk Water have requested details of the construction of access to be submitted. These details can be required by condition to any consent granted.

Furthermore, details of the proposed materials for the turning circle can also be required by condition.

Subject to such conditions, no objection is raised to this aspect of the proposal.

Conclusion

Planning permission is sought for a two storey rear extension and internal alterations, canopies and new vehicular access and turning circle.

The land is allocated for Green Belt purposes and whilst no objections are raised in respect of any internal alterations or the vehicular access and turning area, it is considered that the proposal would result in what is considered to be a disproportionate enlargement of the property. This would be harmful to the Green Belt and as such the proposed development represents inappropriate development, the approval of which would be contrary to Government guidance as contained in National Planning Policy Framework.

Furthermore, the applicant has failed to demonstrate any very special reasons why the proposal might exceptionally be permitted.

In this context, it is considered that the proposed development would have a significant adverse impact on the visual amenity, openness, character and function of the Green Belt.

The proposal is therefore recommended for REFUSAL.

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

My Recommendation is Refusal for the following reasons

- 1 The proposed development is situated within an area of land allocated for Green Belt purposes as defined in the Council's Adopted Local Plan, where development is only allowed in the most exceptional circumstances. The proposed extensions would disproportionately increase the size of the original dwelling, resulting in an oversized, inappropriate form of development, which if allowed would be likely to have an adverse impact on the character, appearance and openness of the Green Belt. The applicant has failed to demonstrate any very special circumstances which would demonstrate why the proposal might exceptionally be permitted and in the absence of such very special circumstances approval of the proposal would be contrary to Policy GB5 and Appendix 2 of the Adopted Local Plan and national policy as set out in the National Planning Policy Framework (NPPF).

Informatives

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

ITEM 4

| | |
|------------------------------------|---|
| Application Number: | 16/0140/FUL |
| Address: | 6 Beachway Canvey Island Essex SS8 0BD (Canvey Island South) |
| Description of Development: | Demolish existing dwelling and construct one detached house with integral garage |
| Applicant: | Mr Scott Smith |
| Case Officer | Mr Keith Zammit |

Summary

The application seeks to replace the existing dwelling on the site with a larger, replacement dwelling.

It is felt that the proposal is of unsatisfactory design and it is recommended that permission be REFUSED.

The application is presented to the Committee at the request of Cllr Palmer, in order for the Committee to assess the effect of the development on the surrounding area.

Site Visit

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

Introduction

The application relates to a site on the eastern side of Beachway, currently occupied by a detached bungalow. It is located in a row of bungalows, with an area of garages to the rear of the site.

The Proposal

Permission is sought for the replacement of the existing bungalow with a detached house. This would be a four bedroomed property with an overall ridge height of some 7.5m. It would have a brick finish and a plain tiled roof.

Supplementary Documentation

The application is accompanied by Surface Water Drainage Calculations, a Sequential Test Report, Flood Risk Worksheet, Flood Warning and Response Plan and a set of Structural Calculations.

Planning History

None

Relevant Government Guidance and Local Plan Policies

National Planning Policy Framework

Paragraphs 39, 56-58

Current Local Plan

EC2 – Design

T8 – Parking standards

Residential Design Guidance

RDG2 – Space around dwellings

RDG3 – Building lines

RDG5 – Privacy and living conditions

RDG6 – Amenity space

RDG7 – Roof development
RDG8 – Detailing
RDG12 – Parking and access

Consultation

Canvey Town Council

Object – imposing and out of keeping with the street scene

Environment Agency

No objection subject to conditions

Public Consultation

Objections have been received from the following nine properties:

1, 2, 3, 4, 5, 7, 11, 20, 28 Beachway

and a petition of three names in opposition to the proposal has also been received.

The following points are made in the objection comments:

- a house would be dominant and out of character with the street
- loss of privacy to adjoining gardens
- applicant runs business selling and repairing cars from the site

The applicant has also made comments in support of the application.

Comments on Consultation Responses

- the impact on the character of the area and on adjacent residents is discussed in the evaluation of the proposal
- the Council has not received any formal complaints of a vehicle related business being run from the site

Evaluation of Proposal

The site is allocated for residential purposes on the Proposals Map accompanying the adopted Local Plan. Therefore there is no objection in principle to a replacement dwelling. The main issues with this application are flood risk, design, impact on neighbours and parking implications.

Flood Risk

The principle of allowing replacement dwellings on Canvey Island is established. The assessment of proposals from a flood risk perspective therefore focuses on how the proposed dwelling would be affected by floodwater and whether the risk to occupiers can be acceptably managed.

The ground floor of the property would be liable to flooding if there were a breach of sea defences. However, the first floor of the property would be above maximum predicted flood levels. The Environment Agency has raised no objection subject to a condition requiring the finished first floor level to be set at 4.725m AOD to ensure that this is achieved. Subject to such a condition there is no objection on the basis of flood risk.

It is important that occupiers of the dwelling are aware of the risks of flooding and know how to respond if a flood warning is issued, or if flood water appears around the property. The applicant has submitted a document entitled “Flood Warning and Response Plan”. The contents of this

document are considered satisfactory for the purpose of making occupiers aware of flood warnings and actions to be taken.

The Planning Practice Guidance requires that the structural safety of buildings is considered as part of the planning process. Given that the first floor of the building would act as a refuge in a flood situation, it is important that the building is able to withstand the hydrostatic and hydrodynamic pressures that may act upon it in a flood event.

The calculations that have been submitted show that the building is designed to withstand a flood water depth of 2m on site which is the maximum predicted level in the 1 in 1000 year flood event. This is considered to be satisfactory demonstration that the buildings would not suffer structural failure.

The Planning Practice Guidance also notes that flood resistance (a water exclusion strategy) and flood resilience (a water entry strategy) can be incorporated into the design of buildings to manage residual flood risk. In the case of this development, only flood resilience measures would be appropriate as likely flood depths would be in excess of 0.6m, above which water exclusion measures are not recommended.

Flood resilience measures contained within a water entry strategy are intended to enable the faster recovery and re-occupation of the building following a flood, by fitting out the building in such a way that uses fittings that are either not damaged by water, or are easily replaced. The submission contains no consideration of such matters but if permission was granted for the development an informative drawing the applicant's attention to the possibility of incorporating such measures into the construction could be attached.

Surface water from the hard surfaced driveway areas and dwelling roof are to be directed to an existing surface water sewer in Beachway, at a maximum rate of 5 litres per second. The submitted information states that there is currently no agreement with Anglian Water for runoff from the site to be discharged to this surface water sewer. As such, the application does not satisfactorily demonstrate that surface water from the site would be acceptably managed, as the sewerage undertaker may decline to give consent. This should be addressed in any revised application. If the Committee decides that permission should be granted for this development, a condition will need to be imposed requiring the submission and approval of surface water drainage arrangements.

Design

The main issue raised by the proposal is whether a two storey house, albeit with the front aspect designed to have the appearance of a chalet, would be out of keeping with the surrounding area.

The proposed dwelling would have a height of some 7.5m. This would be taller than the bungalow to the north by about 1 metre, that property having a height of approximately 6.4m. It would also be taller than the adjacent bungalow to the south at No.8 by a greater amount, this bungalow being of similar height to the existing property on the application site.

The property further along the street at No.12 has been rebuilt to a height of some 7.2m so this proposal would also be taller than No.12, by about 0.3m. In other respects the proposed dwelling would be similar to No.12, having a half hipped roof design and being located approximately 1m from the boundaries of the site.

However, the current proposal has three dormer windows of which one is of a substantial size whereas No.12 has a single eyebrow window which is quite unobtrusive. The provision of dormer windows as proposed on the application dwelling would be out of character with the street as such

features are not currently present. The size of the dormer over the garage in particular is likely to be quite prominent and obtrusive in the street scene.

Were the applicant to amend the design of the proposal to be more in line with the dwelling at No.12, it is unlikely that a further objection would be raised.

Discussions have taken place with the applicant and his agent in an attempt to secure revisions to the scheme, in order that a favourable recommendation to the Committee could be made; however these discussions have been unsuccessful, and the applicant would like the Council to consider his scheme as originally submitted.

As it stands the proposal is contrary to Policy EC2, RDG7 and RDG8.

Such a stance is consistent with the NPPF at paragraph 58 which states that developments should establish a strong sense of place, should respond to local character and reflect the identity of local surroundings.

The proposed dwelling is not considered to raise any issues in respect of the isolation spaces provided or the rear garden area available to occupiers. Therefore there is no objection on the basis of RDG2 or RDG6.

The proposal is considered to be in keeping with the building line on this side of the street therefore there is no objection on the basis of RDG3.

Impact on neighbours

The proposed dwelling is not considered to be situated such that undue loss of amenity to adjacent properties would be caused by way of obtrusiveness or dominance. Therefore there is no objection under this part of RDG3.

The proposed layout shows the provision of side windows at first floor level which have the potential to overlook adjacent sites. However, as these are secondary windows, they would be suitable for a condition requiring obscure glazing to protect adjacent residents' privacy. Subject to such a condition there is no objection on the basis of RDG5.

Parking implications

The proposal includes an integral garage but at some 5.1m in length it is of insufficient size to be considered a valid parking facility. However, there is driveway parking provision for two cars which is acceptable under Policy T8, RDG12 and the adopted parking standards.

Conclusion

The proposed replacement dwelling is considered to be of an unacceptable design in which would be out of keeping with the character of the surrounding area. An objection is therefore raised to the proposal on this basis.

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

My Recommendation is Refusal for the following reasons

- 1 The proposed dwelling, by reason of its height and the provision of large dormer windows to the front elevation, would be visually prominent and obtrusive in the street scene to the detriment of the character and appearance of the surrounding area, contrary to Policy EC2

of the adopted Local Plan, RDG7 and RDG8 of the Council's Residential Design Guidance and Government guidance as expressed in the National Planning Policy Framework.

Informatives

- 1 The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. Unfortunately, it has not been possible to resolve those matters within the timescale allocated for the determination of this planning application. However, the Local Planning Authority has clearly set out, within its report, the steps necessary to remedy the harm identified within the reasons for refusal - which may lead to the submission of a more acceptable proposal in the future.

ITEM 5

| | |
|------------------------------------|---|
| Application Number: | 16/0144/FUL |
| Address: | 573-581 And Rear Of 583-585 London Road Hadleigh Benfleet Essex SS7 2EB (St. James') |
| Description of Development: | Demolition of existing buildings and construction of part 2/part 4 storey block of 14 self-contained flats with car parking, refuse and cycle storage and alteration of vehicular access |
| Applicant: | Springfield Residential Ltd |
| Case Officer | Mr Keith Zammit |

Summary

This is a revised application for 14 flats on this site, following refusal of a scheme last year.

Whilst the proposal represents an improvement over the previous scheme it does not overcome all reasons for refusal and therefore it is again recommended for refusal.

Site Visit

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

Introduction

The application site is located on the eastern side of the junction of London Road and Broughton Road. The existing building on the site is a two storey building with roof accommodation in use for the retailing of bulky electrical goods with residential accommodation on the upper floors. There is a further warehouse type building and a storage container to the rear of the site.

The external parts of the site are hard surfaced.

The Proposal

Permission is sought for the redevelopment of the site with a part two storey, part four storey block of 14 self-contained flats. The building would have a width of some 27.8m, depth of some 18m. The upper two storeys would have a lesser footprint of some 27.8m by 10.6m.

The maximum overall roof height of the building would be some 11.3m.

A white rendered finish is proposed to the exterior, with a plain tile or slate roof and UPVC windows and doors.

Supplementary Documentation

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

Planning History

May 2015 – permission refused for demolition of existing buildings and erection of part 2/part 4 storey block of 14 self-contained flats with car parking, refuse storage, cycle storage, alteration of vehicular access to Broughton Road and closure of vehicular access to London Road (15/0013/FUL) for the following reasons:

1. The proposed building would be of uncharacteristic design in relation to the surrounding area, with inappropriate use of materials and would be of excessive height and overly dominant in the street scene. The proposal would therefore present an incongruous and unattractive feature in the street scene, out of context with its surroundings and contrary to

Policy EC2 of the adopted Castle Point Local Plan and Government guidance within the National Planning Policy Framework.

2. The proposed building, due to the limited space available around it, would appear cramped and mean in its setting, resulting in a visually poor development, contrary to Policy EC2 of the adopted Castle Point Local Plan, RDG2 of the Council's adopted Residential Design Guidance and Government guidance as set out in the National Planning Policy Framework.
3. The proposed apartments and the associated refuse and cycle storage building, due to their proximity to Broughton Road in advance of the general building line on that side of the road, would present an unduly dominant and obtrusive feature in the street scene, to the detriment of the street scene and the character of the area, contrary to Policy EC2 of the adopted Castle Point Local Plan, RDG3 within the Council's adopted Residential Design Guidance and Government guidance as set out in the National Planning Policy Framework.
4. The proposed side bedroom window to apartment 12 would be likely to cause overlooking of the adjacent site and would lead to a limited outlook from that room resulting in poor living conditions for the occupier of that room, contrary to RDG5 within the Council's adopted Residential Design Guidance and Government guidance as set out in the National Planning Policy Framework.
5. The proposed development would not make satisfactory provision of amenity space for apartments 1, 2, 3, 4, 5, 6, 7, 9, 10 and 11 and as such would not offer a high standard of residential accommodation, contrary to Policy EC2 of the adopted Castle Point Local Plan, RDG6 of the Council's Residential Design Guidance and Government guidance as set out in the National Planning Policy Framework.
6. The quantum of car parking at the rear of the site would cause the development to be dominated by parking and hard surfacing, to the detriment of visual amenity, contrary to Policy EC2 of the adopted Castle Point Local Plan and guidance at RDG12 within the Council's adopted Residential Design Guidance.

Relevant Government Guidance and Local Plan Policies

The site is allocated for residential purposes on the Proposals Map accompanying the adopted Local Plan. The following policies and guidance are of relevance.

National Planning Policy Framework

Paragraphs 17, 39, 50, 56-58, 100

Current Local Plan

EC2 – Design

H10 – Mix of development

H13 – Location of development

T8 – Parking standards

Residential Design Guidance

RDG2 – Space around dwellings

RDG3 – Building lines

RDG4 – Corner plots

RDG5 – Privacy and living conditions

RDG6 – Amenity space

RDG10 – Enclosure and boundary treatment

RDG11 – Landscaping
RDG12 – Parking and access
RDG13 – Refuse and recycling storage

Consultation

County Highways

To be reported

County Education

To be reported

Refuse and Recycling

No objection

County Fire and Rescue Service

Additional fire hydrants to serve the development are not necessary. If a fire appliance is not able to gain access to within 45m of all parts of a new dwelling, an automatic water suppression system will need to be incorporated into the building design.

Public Consultation

Neighbour notification, press and site notices – One letter of objection received making the following points:

- excessive height
- loss of privacy
- would add to existing on-street parking
- noise and disruption from building work
- closeness of accommodation, refuse and cycle storage to adjacent property
- increased traffic in Broughton Road

Comments on Consultation Responses

- the building height is considered in the following evaluation
- except for where indicated in the evaluation, the proposed development is compliant with guidance on overlooking and privacy
- the amount of car parking is considered acceptable for the location
- noise and disruption from building work is transient in nature and so cannot be a reason for refusal
- refuse storage is in enclosed bins therefore odour nuisance should not be an issue
- cycle storage is not considered to be a noisy facility that would be likely to give rise to undue disturbance
- the objection “closeness of accommodation” is on the grounds of proximity of development to neighbouring property, which is considered in the evaluation below
- the development is not considered to have the potential to generate such increased levels of traffic in Broughton Road that there would be a significant effect on the general character and amenity of the area

Evaluation of Proposal

This is a revised application for 14 flats on this site, following refusal of permission for a different scheme last year. The main issue with this application is to what extent, if at all, the proposal overcomes the previous reason for refusal, together with any new issues raised.

Reason 1:

The proposed building would be of uncharacteristic design in relation to the surrounding area, with inappropriate use of materials and would be of excessive height and overly dominant in the street scene. The proposal would therefore present an incongruous and unattractive feature in the street scene, out of context with its surroundings and contrary to Policy EC2 of the adopted Castle Point Local Plan and Government guidance within the National Planning Policy Framework.

The design of the building has certainly been changed. It now proposes to adopt a more traditional style, with corner turret feature, mimicking the building on the other corner of Broughton Road, albeit on a much larger scale. Were the two lower floors of this proposal, along with the associated roof accommodation, to be looked at on their own, it is considered that this part of the proposal would blend acceptably into the street scene.

The proposal still features two upper floors of accommodation on a lesser footprint than the lower floors. Previously, this was felt to be an awkward design feature which would have been dominant in the street scene, an impact made worse by the use of metal cladding. The overall height of the proposal has not been reduced as part of this revised scheme, in fact it is slightly taller at 11.3m rather than 11.2m. Comparing this scheme to the last, the upper two floors are not as prominent because the second floor is now in the form of a pitched roof to the ground and first floors. The third floor, however, would still be a bulky structure. It also does not relate well to the lower parts of the building, appearing as an add-on rather than an integral part of the design. Such design is not characteristic of the surrounding area. The applicant has submitted sight line diagrams suggesting the top floor would not be visible from the kerb line on the far side of London Road, but longer views of this site are available, and it would be possible to tell that a third floor existed. As was mentioned when evaluating the previous scheme, blocks of flats along this part of London Road do not exceed three storeys, and a four storey building is held to be out of character. Reason for refusal number 1 is therefore not overcome and an objection is maintained on the basis of Policy EC2.

Reason 2:

The proposed building, due to the limited space available around it, would appear cramped and mean in its setting, resulting in a visually poor development, contrary to Policy EC2 of the adopted Castle Point Local Plan, RDG2 of the Council's adopted Residential Design Guidance and Government guidance as set out in the National Planning Policy Framework.

The previous scheme was felt to be lacking in space on its eastern and western side, although on the western side, adjacent to Broughton Road, it was not felt that an objection could be raised, as the adjacent road provided additional space. This continues to be the case with the current scheme. On the eastern side, however, the earlier isolation space of 1.1m was felt to be inadequate.

The proposed development would now provide 1.8m to 2.5m of isolation space on the eastern side. This is a marginal improvement on the previous scheme, but it is not felt that it would make a significant difference to the perception of space around the building as a whole, particularly as the narrowest space would be at the front of the building. Council guidance states that isolation spaces equivalent to 25% of the width of the building should be provided. The previous scheme had isolation spaces totalling some 14% of the width of the building when assessed against this guidance. The current scheme has isolation spaces of some 3.3m against a building width of 27.8m, which equates to 12% of the building width. The current scheme has therefore not improved on the previous scheme in terms of its space and setting. An objection is maintained on the basis of Policy EC2 and RDG2.

The corner turret feature reduces the side isolation space to some 1.5m at one point, but as this is an interest feature it is not considered that this would adversely affect the street scene under the circumstances. This is, however, insufficient to redeem this aspect of the proposal.

Reason 3:

The proposed apartments and the associated refuse and cycle storage building, due to their proximity to Broughton Road in advance of the general building line on that side of the road, would present an unduly dominant and obtrusive feature in the street scene, to the detriment of the street scene and the character of the area, contrary to Policy EC2 of the adopted Castle Point Local Plan, RDG3 within the Council's adopted Residential Design Guidance and Government guidance as set out in the National Planning Policy Framework.

The main part of the refused block of flats would have been around 2.5m from the highway boundary in Broughton Road, with bay window features decreasing this to 1m to 1.3m at two points.

The main part of the currently proposed building would be located some 2.5m from the highway boundary in Broughton Road, with a reduction to 1.5m in the location of the corner turret feature. This is no improvement on the previous scheme. The buildings on this side of Broughton Road are some 4.5m from the highway. The proposed development would still be in advance of this building line. Whilst the existing building on the site is not located 4.5m from Broughton Road, the proposal would be a larger building than that which stands on the site at present and therefore has the potential to have a greater adverse impact on the street scene. As such it is considered that the effect of the development would be to provide a building that is more dominant and obtrusive in Broughton Road than the existing structure, to the detriment of the street scene. This reason for refusal is therefore not overcome, and an objection is maintained on the basis of Policy EC2 and RDG3.

The refuse/cycle store was objected to for being some 0.6m to 0.7m from Broughton Road. This has now been increased to some 3.5m. Given the limited scale of this structure it is considered that this would achieve an acceptable visual relationship with No.2 Broughton Road. However, this is insufficient to redeem this aspect of the proposal.

Reason 4:

The proposed side bedroom window to apartment 12 would be likely to cause overlooking of the adjacent site and would lead to a limited outlook from that room resulting in poor living conditions for the occupier of that room, contrary to RDG5 within the Council's adopted Residential Design Guidance and Government guidance as set out in the National Planning Policy Framework.

This related to a first floor apartment with a bedroom window in the east facing side elevation of the building. The applicant has now shown a hexagonal bay window to this side of the building at first and second floor level, with one clear and two obscure glazed sections. At ground floor level, it is not considered that the proposal would lead to undue opportunities for overlooking. At first floor, whilst the obscure glazed panes would not allow overlooking of the adjacent site, the clear pane is still considered to be a feature that would provide opportunities for overlooking. Whilst there are no windows in the front half of the flank wall of the adjacent building, that situation may change, and the planning authority would not be able to impose controls on glazing retrospectively.

Whilst the use of this style of window would allow some outlook for the occupiers, the use of this window design represents a contrived form of development indicative of overdevelopment of the site which has not reason 4. An objection is maintained on the basis of RDG5.

Reason 5:

The proposed development would not make satisfactory provision of amenity space for apartments 1, 2, 3, 4, 5, 6, 7, 9, 10 and 11 and as such would not offer a high standard of residential accommodation, contrary to Policy EC2 of the adopted Castle Point Local Plan, RDG6

of the Council's Residential Design Guidance and Government guidance as set out in the National Planning Policy Framework.

Guidance at RDG6 requires appropriate amounts of outdoor amenity space to be provided in proportion to the size of the dwelling. For flats, 8m² per habitable room should be provided, with a minimum of 25m² per flat. Balconies with a depth of at least 1.5m and floor area of 5m² may count towards this provision.

The development requires the following:

| <u>Apartment nr.</u> | <u>Habitable rooms</u> | <u>Amenity space required</u> | <u>Balcony</u> |
|-------------------------|------------------------|-------------------------------|---------------------|
| 1 | 3 | 25m ² | - |
| 2 | 3 | 25m ² | - |
| 3 | 2 | 25m ² | - |
| 4 | 2 | 25m ² | - |
| 5 | 3 | 25m ² | - |
| 6 | 3 | 25m ² | - |
| 7 | 3 | 25m ² | 3m ² |
| 8 | 3 | 25m ² | 5.5m ² |
| 9 | 2 | 25m ² | - |
| 10 | 2 | 25m ² | - |
| 11 | 3 | 25m ² | - |
| 12 | 3 | 25m ² | 5.5m ² |
| 13 | 4 | 32m ² | 18.75m ² |
| 14 | 4 | <u>32m²</u> | 18.75m ² |
| Total 364m ² | | | |

A roof amenity area of some 150m² would be provided which is below this requirement; however apartments 7, 8, 12, 13 and 14 have balconies which are likely to be used in preference to the communal amenity area. The roof amenity area would therefore need to provide an area of 225m² to serve nine apartments, which it fails to achieve. However, when the outdoor space of approximately 180m² is taken into account, communal amenity areas of 330m² would be available, which is adequate for the apartments on site. Reason for refusal 5 is therefore overcome. No further objection is raised on the basis of RDG6.

Reason 6:

The quantum of car parking at the rear of the site would cause the development to be dominated by parking and hard surfacing, to the detriment of visual amenity, contrary to Policy EC2 of the adopted Castle Point Local Plan and guidance at RDG12 within the Council's adopted Residential Design Guidance.

The number of parking spaces has been reduced from 22 to 18. This has allowed more landscaping to be included to the rear of the building. Whilst there would necessarily still be car parking visible from the street, it is not now thought that it could be said that the rear of the building was dominated by car parking. Therefore, reason for refusal 6 has been overcome. No further objection is raised on the basis of Policy EC2 and RDG12.

Other matters

It is also necessary to consider whether or not the proposed development raises any new issues that were not significant to the previously refused scheme.

There continues to be no objection in principle to the development. The amount of car and cycle parking is satisfactory. The amount of landscaping is considered acceptable. The bin area for the

apartments is considered satisfactory. Notwithstanding officers' design objections, the development is felt to turn the corner adequately. The positioning of the building relative to adjacent buildings is still felt to be acceptable. Therefore there is no objection to the proposal on the basis of Policies H10, H13, T8, RDG4, RDG10, RDG11 or RDG13.

Conclusion

Whilst the proposal represents an improvement on the previous scheme in some areas, it does not overcome all reasons for refusal. In particular, reasons for refusal 5 and 6 have been overcome, but reasons 1 to 4 have not. Therefore the scheme is again recommended for refusal.

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

My Recommendation is Refusal for the following reasons

- 1 The proposed building, because of the recessed upper storey and its lack of visual cohesion with the rest of the building, would be of uncharacteristic design in relation to the surrounding area, of excessive height and overly dominant in the street scene. The proposal would therefore be an incongruous and unattractive feature, out of context with its surroundings contrary to Policy EC2 of the adopted Castle Point Local Plan and Government guidance within the National Planning Policy Framework.
- 2 The proposed building, due to the limited space available around it, would appear cramped and lacking adequate setting, resulting in a visually poor development, contrary to Policy EC2 of the adopted Castle Point Local Plan, RDG2 of the Council's adopted Residential Design Guidance and Government guidance as set out in the National Planning Policy Framework.
- 3 The proposed apartments, due to their proximity to Broughton Road in advance of the general building line on that side of the road, would present an unduly dominant and obtrusive feature in the street scene, to the detriment of the street scene and the character of the area, contrary to Policy EC2 of the adopted Castle Point Local Plan, RDG3 within the Council's adopted Residential Design Guidance and Government guidance as set out in the National Planning Policy Framework.
- 4 The proposed side bedroom window to apartment 12 provides the potential for overlooking the adjacent site and represents a contrived form of development, indicative of overdevelopment of the site, contrary to RDG5 within the Council's adopted Residential Design Guidance and Government guidance as set out in the National Planning Policy Framework.

Informatives

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

ITEM 6

| | |
|------------------------------------|---|
| Application Number: | 16/0168/FUL |
| Address: | Canvey Island Football Club Park Lane Canvey Island Essex SS8 7PX (Canvey Island East) |
| Description of Development: | Provide 21no. vehicle parking spaces adjacent to existing car park |
| Applicant: | Mr Rodney Hall |
| Case Officer | Mr Keith Zammit |

Summary

The proposal seeks to expand the existing car parking area serving the football club. In all the circumstances it is not considered that there are any adverse impacts that would arise as a result of the proposal, and it is recommended that permission be granted.

The application is presented to the Committee because the Council is the owner of the land.

Site Visit

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

Introduction

The application relates to land to the east of the existing football club parking area, adjacent to Leigh Beck Road. The land is currently grassed and vehicular access from the surrounding highways is prevented by means of bollards. A post and rail fence separates the land from the existing parking area.

The Proposal

Permission is sought for the enlargement of the existing car parking area to provide 21 additional parking spaces. A tarmac surface is proposed, with falls to gullies draining surface water to a system of perforated underground pipes in a shingle filled trench to act as a soakaway.

The area measures some 20.3m by 30.5m.

Supplementary Documentation

There are no documents other than the planning drawings to view.

Planning History

November 2015 – permission granted for demolition of existing clubhouse and construction of single storey extension to existing players' changing rooms/WCs to form community centre and turnstiles (15/0661/FUL)

Relevant Government Guidance and Local Plan Policies

The land is allocated as public open space on the Proposals Map accompanying the adopted Local Plan. The following policies and guidance are of relevance:

National Planning Policy Framework

Paragraphs 56 to 58, 69 to 74

Local Plan

EC2 – Design

Consultation

Legal Services

To be reported

Canvey Town Council

To be reported

Public Consultation

No response to neighbour notification

Comments on Consultation Responses

There are none.

Evaluation of Proposal

The main issues with this application are the principle of additional car parking, the impact on visual amenity, highway safety issues and drainage.

Principle

The proposal would result in the loss of some land designated as public open space for use as a car park. Policy RE3 of the adopted Local Plan expired on 27th September 2007. There is therefore no adopted policy of the Council which requires the retention of open space.

The National Planning Policy Framework states at paragraph 69 that planning policies and decisions should aim to achieve places which promote high quality public open space. Paragraph 74 states that existing open space should not be built on unless

- an assessment has been undertaken which clearly shows the space to be surplus to requirements,
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location, or
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

The proposed hard surfacing and use of the land for car parking would prevent its use for as public open space, so it is deemed appropriate that the proposal is assessed in light of paragraph 74.

The site forms part of Leigh Beck Recreation Ground which is identified as an amenity green space in the Castle Point Open Space Appraisal (2012). The study identifies that amenity green spaces throughout the borough are popular with residents. The recommended quantitative standard for amenity green space is 0.452 hectares per 1,000 people. East Canvey has 0.567 hectares of amenity green space per 1,000 people, exceeds the recommended standard and is therefore is well provided for. Whilst the above is not a justification for permitting the loss of amenity green space, in this particular case it is considered that the land is not particularly attractive for recreational use given its location between the football club boundary fence, a road, and an existing car park.

The main part of Leigh Beck Recreation Ground is located to the south of the football club, which would be unaffected by this proposal. On this basis, it is not considered that there can be an objection to the proposal on the basis of a loss of open space.

Visual amenity

Policy EC2 of the Local Plan requires spaces around buildings to be enhanced by appropriate hard and soft landscaping. The proposed additional car parking would result in the loss of some of the grassed area, but sufficient grass to the east of the hard surface would remain so that the area would not appear completely dominated by hard surfacing. No objection is therefore raised to the proposal on the basis of Policy EC2.

Highway safety

The proposed car parking spaces would be accessed via the existing car parking area. No new vehicular access to the highway is proposed. Whilst the proposal would result in a marginal increase in the number of vehicles using the existing access, it is not considered that this would be so significant as to have a perceptible impact on the highway.

The proposed additional parking may go some way to alleviating the on-street parking problem that occurs on match days, which is known to be a source of stress for local residents. It is also welcomed as when permission was granted for a new community centre/clubhouse last year, the level of parking provision to serve that development was deficient, although it was not felt that this amounted to grounds to refuse the application.

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

Drainage

The volume of the soakaway system has been shown to be adequate for the area of hard surfacing it is to drain. It is not considered that the proposed car parking would cause additional pressure on surface water drains in the area. It is recommended that a condition is imposed requiring the drainage to be put in during construction and then maintained in perpetuity, so that the proposal does not add to pressure on the existing drainage infrastructure in the future.

Conclusion

The proposed hard surfacing and car parking use would have no adverse impacts on the local area. Whilst the proposal represents a small reduction in the area of public open space currently available its loss is considered to be outweighed by the benefits of providing additional parking for use in association with the football club. It is therefore recommended that permission be granted.

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

My Recommendation is Approval with the following conditions

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

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

- 2 The vehicle parking area shall be provided with drainage for surface water in accordance with the approved details prior to it being made available for use. This drainage system shall thereafter be maintained in good order unless otherwise agreed in writing with the local planning authority.

Reason: To avoid increasing the flow of surface water entering the existing surface water drains in the area in the interest of sustainable drainage.

Informatives

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