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AGENDA

Committee: DEVELOPMENT CONTROL

Date and Time: Tuesday 6th June 2017 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), Acott, Anderson, Blackwell, Cole, Mrs King, Mumford, Sharp, Taylor, Varker, Walter and Mrs Wass.

Canvey Island Town Councillors : Greig and Tucker

**Officers attending: Rob Davis – Planning Development and Enforcement Officer
Kim Fisher - Special Projects Officer
Fiona Wilson – Head of Legal Services**

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 4th April 2017 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 No
1.	17/0249/FUL	30 Hellendoorn Road, Canvey Island (Canvey Island East Ward)	1
2.	17/0284/FUL	20 Ouida Road, Canvey Island (Canvey Island South Ward)	11
3.	17/0143/OUT	54 Beech Road, Hadleigh (St James' Ward)	21
4.	14/0620/FUL	Thorney Bay Park Ltd, Thorney Bay Road, Canvey Island (Canvey Island South Ward)	44

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DEVELOPMENT CONTROL COMMITTEE

4th APRIL 2017

PRESENT: Councillors Hart (Chairman), Smith (Vice-Chairman), Acott, Anderson, Blackwell, Mrs King, Mumford, Sharp, Sheldon, Varker, Mrs Wass, Wood and Canvey Island Town Councillor Greig.

Councillors Campagna, Ladzrie, Palmer and Sach also attended.

An apology for absence was received from Councillor Taylor.

31. MEMBERS' INTERESTS

There were none.

32. MINUTES

The Minutes of the meeting held on 7th March 2017 were taken as read and signed as correct.

33. DEPOSITED PLANS

(a) 16/0940/FUL – 65 THUNDERSLEY PARK ROAD/1 & 1A CLARENCE ROAD, BENFLEET, ESSEX SS7 1EG (ST. MARY'S WARD) – DEMOLITION OF 1 AND 1A CLARENCE ROAD AND ERECTION OF 14 NO APARTMENTS. EXTENSIONS AND ALTERATIONS TO 65 THUNDERSLEY PARK ROAD TO CREATE 3 NO APARTMENTS – CHIGNAL PROPERTIES LIMITED

The application was for the development of the site to provide flats, mostly through construction of a new block but also through the conversion of an existing building. The proposal was felt to be unacceptable in principle as it sought to provide flats in an inappropriate location and was therefore recommended for refusal.

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

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

Councillor Sheldon, the Ward Member, spoke on the application.

Members debated the proposal noting that the development was inappropriate development and would be a dominant feature in relation to the surrounding street scene and they considered would present privacy issues for neighbouring

residents. Members also discussed the presence of a badger sett on the site and a Member requested officers to ask Essex Badger Group to undertake a survey to update the Council's badger sett records.

During debate some Members raised concerns that the use of the rear gardens to provide car parking to satisfy the requirement for the application represented a form of back land development that would adversely affect adjoining neighbours' amenity and it was decided that this be included as an additional reason for refusal.

Following detailed discussion it was:-

Resolved - That the application is refused for the following reasons -

- 1 The proposal, by reason of its location away from a main road, is contrary to Policy H13 of the Council's Adopted Local Plan and if approved would result in an intensification of the residential use of the land with increased levels of activity on and around the site to the detriment of the amenity of neighbours and character and appearance of the area.
 - 2 The proposed building, notwithstanding its articulated frontage, is considered to be a large single mass with a lack of space around it which would be out of character with the pattern of development in the area and fail to provide the building with an adequate setting, contrary to Policy EC2 of the Adopted Local Plan, RDG2 of the council's Residential Design Guidance and Government guidance as expressed in the National Planning Policy Framework.
 - 3 The proposed parking on the frontage of the site near the junction of Thundersley Park Road and Clarence Road is considered likely to be a visually dominant feature in the streetscene to the detriment of the appearance and setting of the building and visual amenity of the surrounding area, contrary to RDG12 of the Council's Residential Design Guidance.
 - 4 The proposal, by reason of a lack of parking provision, is likely to result in cars being parked on the highway to the detriment of highway safety, the amenity and convenience of surrounding residents and the character and appearance of the surrounding area contrary to Policies EC2 and T8 of the Council's Adopted Local plan.
 - 5 The car parking to the rear of the proposed flats is considered to be a form of back land development which would be out of character with its surroundings and be likely to give rise to noise and disturbance to adjoining neighbours.
- (b) **16/0965/OUT – 514 LONDON ROAD, BENFLEET, ESSEX SS7 1AA (BOYCE WARD) – DEMOLISH EXISTING DWELLING AND CONSTRUCT THREE STOREY BUILDING CONTAINING 24 NO FLATS – MR MATTHEW GOLDING**

This application had been withdrawn by the applicant.

(c) **17/0120/FUL – 29 ST. ANNES ROAD, CANVEY ISLAND, ESSEX SS8 7LS (CANVEY ISLAND EAST WARD) – DEMOLISH EXISTING PROPERTY AND CONSTRUCT TWO DETACHED CHALETs WITH VEHICLE CROSSOVERS AND ASSOCIATED FACILITIES – MR STEVE STARKEY**

The application sought permission for the replacement of the existing bungalow on the site with two detached properties.

The proposal complied with all relevant residential design guidance and there were no objections from statutory consultees. It was not considered there was a sustainable reason for refusing planning permission and the application was therefore recommended for approval.

The application was presented to the Committee at the request of Councillor Sach, who had received representations from a local resident.

Mrs Dunford, a local resident to the rear of the site, spoke in objection to the application.

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

Councillor Mrs Sach, the Ward Member, spoke on the application.

Members debated the proposal and some were in favour of the application, commending the inclusion of attenuation tanks in the design to assist in alleviating surface water flooding. Other Members raised concerns about the effects that the proposal might have on bats seen entering and exiting the loft space of the existing building and the impact of the root system from the willow tree present on the site, and its possible removal as part of the development of the site.

During the debate it was considered that a 2.1 metre high fence should be erected along the rear boundary of the site as an additional condition, to protect the amenity of residents of adjoining properties to the rear in Gainsborough Avenue.

Resolved - That the application is approved subject to the conditions as set out in the Planning Officer's Report and to an additional condition as follows –

3. That a fence of 2.1 metres high shall be erected along the rear boundary of the site.

(d) **17/0141/FUL – 24 OXFORD ROAD, CANVEY ISLAND, ESSEX SS8 7SJ (CANVEY ISLAND SOUTH WARD) – REPLACEMENT DWELLING AND DETACHED GARAGE – MS LUCY MARSHALL**

The application sought permission for a revised scheme of a detached dwelling on this site following a refusal of planning permission last year.

It was felt that the revised scheme as now presented was acceptable and overcame the previous reasons for refusal. It was therefore recommended for approval.

In presenting his report, the Planning Officer advised that the applicant had further revised the construction of the roof to the garage at the rear boundary of the site, to reduce its obtrusiveness and dominance to occupiers of dwellings to the rear.

The application was presented to the Committee at the request of Councillor Campagna who had received representations from neighbouring residents to the rear of the site about the over dominance of the property, especially the garage, which was located on the rear boundary.

Councillor Campagna, the Ward Member, in speaking on the application, acknowledged that the redesigned features of the application would assist in addressing the representations made by residents about over dominance.

In debating the proposal some Members considered that the developer should be requested to consider providing water attenuation tanks and permeable hard surfacing to assist in reducing surface water flooding.

Resolved - That the application is approved subject to the conditions as set out in the Planning Officer's Report.

Chairman

ITEM 1

Application Number: 17/0249/FUL
Address: 30 Hellendoorn Road Canvey Island Essex SS8 7JA
(Canvey Island East)
Description of Development: Demolish existing property and construct
1No. detached house with integral garage.
Applicant: Mr Tom Sanders
Case Officer: Robert Davis
Expiry Date: 14.06.2017

Summary

The proposed development seeks to replace an existing chalet bungalow with one 4 bedroomed chalet with attached part pitched part flat roofed garage. The proposal is considered to comply with the Council's adopted policies and design guidance and is recommended for APPROVAL.

The application is presented to Committee because the applicant is related to a member of staff.

Site Visit

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

Introduction

This application relates to a site located on the eastern side of Hellendoorn Road. It is rectangular in shape, with a frontage of some 21.5m and depth of some 18.5m. It currently contains a detached chalet bungalow. There is no vehicular access to the site.

To the south of the site are bungalows, whilst to the north are houses. To the rear are houses facing Margraten Avenue. These houses have shallow rear gardens, some only 5.5m – 6m deep. No. 58 Margraten Avenue has a two storey rear extension and large balcony overlooking the site.

The Proposal

Permission is sought for the replacement of the existing dwelling on site with one four bedroomed chalet with an attached, part pitched, part flat roofed, garage and utility room. The dwelling measures approximately 13.6m wide by 8.8m deep and has a projecting front extension centrally locate some 1.1m deep.

The attached garage measures some 5.9m wide by 7.6m deep and is set back from the front wall of the main elevation of the dwelling by approximately 3.3m.

The maximum height of the dwelling and garage would be 6.6m and 4.8m respectively. The dwelling is to be finished externally with Marley Ludlow Plus interlocking smooth grey roof tiles, white smooth finish rendered chimney stack and walls with a plinth using Ibstock

Staffordshire Blue Brindle Dragface brickwork.

The garden is to be landscaped and set to lawn with 1.8m high fences to its side and rear boundaries. The garage forecourt and footpaths are to be constructed using autumn gold Brett Alpha Antique Flow permeable paving set on a permeable sub-base.

Supplementary Documentation

In addition to the application drawings there is a Flood Risk Assessment and schedule of materials for the development which can be viewed on the Council's website.

Planning History

15/0538/FUL – demolish existing property and construct 2 No. detached houses with integral garages, refused for the following reasons:

1. The proposed development, by reason of its fenestration to the rear and its proximity to adjacent property, is likely to lead to a perception of overlooking of existing residential properties to the rear of the site, detrimental to the amenity enjoyed by occupants of those properties. The proposal as such would be contrary to RDG5 within the Council's Residential Design Guidance.
2. The proposed development, due to the size and height of the proposed new dwellings, would be dominant and overbearing especially when seen from existing residential properties at the rear of the site, detrimental to the amenity enjoyed by occupants of those properties, and would thereby be contrary to RDG3 within the Council's Residential Design Guidance.
3. The proposal, due to the scale of the proposed new dwellings, and the restricted size of the site as a whole, represents an oppressive overdevelopment of the site, out of scale and character with its surroundings and would fail to provide high quality residential development, contrary to Government guidance as expressed in the National Planning Policy Framework.

An appeal was lodged and subsequently dismissed.

Local Plan Allocation

The site is allocated for residential purposes in the Council's Adopted Local Plan.

Relevant Policies and Government Guidance

The following policies and guidance are of relevance:

National Planning Policy Framework

Chapter 7 Requiring good design

Chapter 10 Meeting the challenge of climate change, flooding and coastal change

Local Plan

EC2 Design

T8 Parking Standards

Residential Design Guidance

RDG1 Plot size

RDG2 Space around dwellings

RDG3 Building lines

RDG5 Privacy

RDG6 Amenity space

RDG10 Enclosure and boundary treatment

RDG12 Parking and access

Consultation

Canvey Town Council

No response to date

Environment Agency

No objection subject to the planning permission being carried out in accordance with the approved Flood Risk Assessment and following mitigation measures:

1. Finished first floor levels are set no lower than 4.46 metres above Ordnance Datum (AOD).
2. Finished ground floor levels are set no lower than 1.81 metres above Ordnance Datum (AOD).

Essex County Council Highway Authority

No objection subject to conditions

Public Consultation

Responses from 2 neighbours have been received, which make the following comments and observations

- Still overlook property
- Less dominant if living/bedroom plan were reversed
- Garage would be within 2m of boundary, omitting the window would counter overlooking
- Enclosing effect of garage has been lessened
- Object to replacement of boundary fence, which would destroy established natural screening however no objection to additional fence behind existing provided no higher than 1.8m
- Revised proposal brings the development even closer
- New proposal has not sufficiently addressed the potential effect on our living

conditions Like the look of the new property but just don't want to be overlooked

- Does not provide suitable housing for first time buyers
- Too few parking spaces for number of bedrooms
- Dwelling will stand on a 3m plinth and dominate our property

Comments on Consultation Responses

1. Ownership of boundary fences is a private matter and not a material planning consideration
2. The proposed height of the plinth of the dwelling is indicated at 300mm, not 3m.
3. Other matters raised are discussed in the evaluation of the proposal

Evaluation of Proposal:

Principle

The land is allocated for residential purposes on the proposals map accompanying the adopted Local Plan. There can therefore be no objection in principle to the residential development of this site.

Flood Risk

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

With regard to the sequential test, the proposal seeks to provide a replacement dwelling within the settlement of Canvey Island. For residential development to serve the community of Canvey Island it is considered that it would need to be located within that settlement. Since the settlement of Canvey Island is located entirely within Flood Zone 3 it is not considered that there are reasonably available alternative sites within the area with a lower probability of flooding that could accommodate the proposed development. Under the circumstances it is considered that the proposal 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 at paragraph 102 of the NPPF, the proposal must demonstrate that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and a site-specific Flood Risk Assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

In response to the first criterion, in a very broad sense, the continued development of Canvey Island is necessary to sustain the local community and prevent any social and economic decline of the settlement. However, in assessing whether these benefits

outweigh the flood risk, the flood risks surrounding the development must be considered in more detail.

The second criterion requires that the applicant demonstrates that the development is safe, will not increase flood risk elsewhere and where possible will reduce flood risk overall.

The applicant has provided a Flood Risk Statement (FRS). The FRS identifies that the ground level of the site is 1.51mAODN and that during a 1 in 200 year breach event water levels are likely to reach 3.81mAOD.

The finished habitable ground floor level of the property would be set at 1.81mAODN and therefore would be liable to flooding under such circumstances to a depth of some 2m within the accommodation.

For a 1 in 1000 year breach event, water would again flood the site to a depth of up to 3.81mAODN.

The finished first floor of the property is being proposed at 2.95m above ground level, which equates to a level of 4.46m AOD. The first floor would then be 0.65m above projected flood water during wither a 1 in 200 or 1 in 1000 year event. The first floor would therefore remain dry and be an area available to occupiers where they can stay out of floodwater that may enter the ground floor. The Environment Agency has requested that these floor levels be secured by condition. Subject to such a condition and provided that the response of occupiers to flooding or a flood warning is managed by a Flood Response Plan, it is not considered that there would be undue risk posed by the development.

A Flood Response Plan (FRP) and flood resilience measures (FRM) have been included as part of the Flood Risk Statement at sections 4 and 5. These are satisfactory and subject to a condition that the FRP is enacted upon occupation of the dwelling and the dwelling to be constructed and fitted out in accordance with the FRM submitted measures there is no objection to the proposal on this basis.

The National Planning Practice Guidance states at paragraph 054 Reference ID: 7-054-20140306 that when considering safety, the depth and velocity of flood water and the structural safety of buildings needs to be considered. The submission contains no consideration of such matters. Were permission granted, it would be necessary to impose a condition requiring demonstration of the ability of the building to withstand the hydrodynamic and hydrostatic pressures that may act upon it during a flood.

Subject to the imposition of the conditions as described, there are no objections to the proposal on the basis of flood risk.

Design

Policy EC2 of the Local Plan seeks a high standard of design in all new buildings. This is consistent with paragraphs 56 to 58 of the NPPF.

Hellendoorn Road comprises mainly of bungalows and houses. The proposed dwelling is a chalet of fairly traditional design with the exception of the two storey gabled entrance hall

and landing above.

The proposed dwelling has a ridge height of some 6.6m, which is approximately 0.7m lower than that of the dwellings previously refused and is similar to the ridge height of the dwelling to its north. Beyond this property there are houses with roof heights of some 7.2m.

Guidance at RDG1 requires all new development to be informed by the prevailing character of plot sizes. At 21.5m wide the application site is wider than some of the other plots in Hellendoorn containing detached dwellings. However, the character of the area is not so distinct, or plot sizes so clearly defined, that it has an exceptionally strong pattern of development which the proposal would noticeably disrupt. Accordingly no objection to the proposal on the basis of RDG1 is raised.

Guidance at RDG2 requires the space around all new development to be informed by the prevailing character of space around dwellings. The proposed dwelling is shown to have side isolation gaps of 1150mm. This reflects or improves upon the isolation spaces to other dwellings in the area and is satisfactory in terms of the guidance contained at RDG2.

Guidance at RDG3 requires proposals to respect established building lines. The main wall of the principle elevation of the proposed dwelling is shown to be set back 2.9m to 3.05m from the front boundary of the site, which is consistent with the building line to this side of Hellendoorn.

An element of the development projects some 1.1m forward of the main wall to facilitate access and provide light to the stairs. The projection extends to within 1.8m of the highway, which is a similar distance to the dwellings to its south.

The size of this front projection has been reduced in scale and the position of the front wall of the proposed dwelling set back from the highway after officers raised concerns about the inadequate setting for the dwelling and the potential impact of the front projection on the visual amenity of the area. Following the submission of revised drawings this element of the proposal is no longer considered to be contrary to the guidance set out at RDG3.

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

The proposed dwelling has five habitable rooms but could easily be altered internally to provide six. This requires an amenity area of 90m². The area of garden immediately behind the main dwelling and garage measures approximately 137m², which is in excess of this requirement.

However, given the limited depth of the garden to this property, and those gardens to the rear of the application site, it would be sensible to restrict permitted development rights to extend the dwelling in order to ensure the retention of appropriate levels of back to back separation between dwellings.

Impact on neighbours

Guidance at RDG3 also requires proposals not to cause excessive overshadowing or dominance of adjacent properties.

The proposed garage, which is orientated to the south of the adjoining house would project no more than 5m past this property's rear wall. The rear half of the garage is flat roofed and, unlike the previous application, is not located up to the boundary. Furthermore, the adjoining property is set back in excess of 1.5m from the side boundary. In these circumstances it is not considered that the garage would lead to undue overshadowing or dominance being caused to the adjacent residents.

The rear wall of the habitable part of the proposed dwelling projects some 1.9m beyond the rear wall of the property to its north and is located approximately 7m away from the side boundary. To the south, the rear wall of the development would be roughly level with the rear wall of the adjacent bungalow. This is satisfactory in terms of RDG3.

The properties to the rear of the site have shallow rear gardens of some 5.5m in depth. The proposed development provides a garden depth of some 7.05m to the habitable part of the dwelling, less than the previously refused scheme which provided approximately 8.1m.

However, the rear wall of the previous scheme was two storey in height whereas the current proposal is only single storey at this point. Furthermore, there is no first floor above the garage to the current scheme and this has resulted in increased levels of lateral separation between the first floor flank walls of the dwelling and side boundaries of the plot when compared to the previous scheme. The proposal is therefore less likely to dominate the outlook of the neighbours in Margraten Road than was previously the case. At 6.6m the ridge height of the proposed chalet also represents a reduction in overall height and an improvement on the previous scheme.

Guidance at RDG5 deals with privacy and overlooking.

Guidance at RDG10 deals with means of enclosure and boundary treatment. It states that public and private space should be informed by the prevailing character of the area, without repeating poor forms of development.

A distance of 9m should be provided between first floor windows and the boundaries of the site. Where this is not achieved, the use of obscure glazed, fixed or high level windows, or some combination thereof, may be used to prevent overlooking, but only where the windows concerned are secondary windows or serve areas where a high level of privacy is required.

The front windows overlook the street which is within the public realm and would not result in a loss of privacy to properties opposite. No side openings at first floor level are proposed.

The roof lights in the rear elevation serve a bathroom and an en-suite which are shown located 9m from the rear boundary of the site. This is sufficient to comply with the above guidance. However, the agent has confirmed that should it be necessary to obscure glaze

these windows to address a perceived issue of overlooking the applicant would be willing to do this. Notwithstanding this, the windows are shown to be located at a high level in the roof slope and unlikely to be located below 1.7m above finished floor level. There is very little prospect therefore of any overlooking from these first floor windows taking place.

It is noted in dismissing the previous appeal the Inspector considered that the ground floor windows would overlook the properties to the rear because of the raised ground floor finished levels required to give additional flood protection. Whilst the possibility of a high boundary enclosure was considered by the Inspector to mitigate the problem this was rejected as it was considered that it would add to the effective enclosure of the already small neighbouring gardens and further adversely affect their outlook. The Inspector's consideration of this matter needs further discussion.

In the first instance it is not the practice of the Local Planning Authority to protect the privacy of neighbours from ground floor windows unless there are very good reasons for doing so as a standard 1.8m boundary fence is usually adequate to protect a neighbour's privacy. This might not always be effective where there are changes in ground levels but in this particular case the site is for all practical purposes level.

With regard to the height of finished floor levels, it should be noted that the damp proof course of the adjoining property to the north is four courses of face brickwork high, which at approximately 75mm per course is 300mm in total. The property to the rear of the application site has a rendered plinth of similar or even greater height.

The height of the floor levels of the proposal are, as with the previous application, also 300mm above ambient ground levels. Therefore, contrary to what the Inspector inferred, the floor level of the proposal would appear to be no higher than other properties in the area.

The height of the main part of the existing fence to the rear boundary of 58 Margraten Avenue already measures 1.8m above ground level from the applicant's side. In addition to this there is a trellis some 0.45m in height above with vegetation growing through it. The concern of the Inspector that the provision of a high fence to protect privacy would add further to the sense of enclosure to this property is therefore unfounded as, at 2.25m above ground level, it already has a boundary enclosure high enough to prevent overlooking from any ground floor windows at the application site.

Officers cannot therefore agree with the Inspector's assessment of this matter that the ground floor windows of the proposal would overlook neighbours. Accordingly no objection to the proposal is raised on the basis of RDG5 or RDG10.

Parking

Policy T8 requires the provision of 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.

Guidance at RDG12 requires parking not to be visually dominant.

The current standards require the provision of a minimum of two parking spaces for properties with two or more bedrooms. Garages will only be counted as a parking space where they have internal dimensions of 3m by 7m and should be provided with a forecourt depth of 6m.

The size of the proposed garage and forecourt parking space exceed these standards and are satisfactory. Whilst the number of spaces provided only meets the Council's minimum standards this level of parking provision is not unusual.

Subject to a condition that any hard surfacing is constructed with permeable paving in accordance with the details submitted and the garage forecourt provided with an appropriate crossover to the highway no objection is raised to the proposal on parking grounds.

Conclusion

The proposal has been shown to be consistent with national and local policy. The relationship of this proposal to adjoining dwellings reflects the context of the area and no unacceptable impact on the amenity of neighbours or the character of the streetscene can be demonstrated. It is therefore recommended that planning 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 three years beginning with the date of this permission.

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

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

For the purposes of this condition 'construction of development' does not include the demolition of existing structures on site required to be demolished to facilitate the approved development.

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

- 3 The development shall be constructed in accordance with the scheme submitted by a qualified structural engineer pursuant to condition 2 attached to this consent.

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.

- 4 Finished ground floor levels shall be set no lower than 1.81m above Ordnance Datum (AOD). Finished first floor levels shall be set no lower than 4.46m above Ordnance Datum (AOD).

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

- 5 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.

- 6 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.

- 7 Any first floor windows created in the roof of the rear elevation of the dwelling hereby approved shall be obscure glazed to at least level 3 on the Pilkington Scale and non-opening unless the parts of the window which can be opened are more than 1.7m above the floor level of the room in which the window is to be located.

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

- 8 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.

- 9 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.

Informatives

- 1 The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application and negotiating acceptable amendments to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for a revised scheme, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

ITEM 2

Application Number: 17/0284/FUL
Address: 20 Ouida Road Canvey Island Essex SS8 7JP
(Canvey Island South)
Description of Development: Demolish existing property and construct a pair of semi-detached houses
Applicant: Lord Residential Ltd
Case Officer: Mrs Sophie Adams
Date of Expiry: 01.06.2017

Summary

The applicant seeks permission for the replacement of the existing bungalow on the site with a pair of semi-detached houses.

The proposal complies with all relevant residential design guidance. There are no objections from statutory consultees and it is not considered that there is a sustainable reason for refusing planning permission. It is therefore recommended that planning permission be GRANTED.

The application is present to the Committee at the request of Councillor Campagna, so that the Committee may consider whether the proposal would increase surface water flooding in the area.

Site Visit

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

Introduction

The application site is located at the furthest westerly point of Ouida Road, on its northern side. A detached bungalow, detached garage and detached outbuildings occupy the site. The highway finishes outside the application site, and vehicular access is gained from the south easterly corner of the site to the detached garage.

The Proposal

Permission is sought for the construction of a pair of semi-detached houses. Each would be three bedroomed with one charcoal coloured permeable paved parking space and recessed garage. The applicant seeks to extend the roadway to ensure vehicular access is provided to the centre of the site to allow access to the parking spaces and garages. The roof height would be 7m. The development would be finished externally in lbstock gault cream stock brick, Marley Cedral grey weatherboard and Marley Eternit Modern smooth grey coloured interlocking concrete tiles.

Supplementary Documentation

The application is accompanied by a Non-Technical Summary, Flood Risk Statement and Materials Specification which are available to view on the Councils website.

Planning History

None of relevance

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 March 2012

Section 7 – Requiring good design

Section 10 – Meeting the challenge of climate change, flooding and coastal change

Planning Practice Guidance

Flood Risk and coastal change

Current Local Plan (Adopted November 1998)

Policy EC2 – Design

Policy H17 – Housing Development – Design and Layout Policy

T8 – Parking Standards

Residential Design Guidance (Adopted January 2013)

RDG1 – Plot Size

RDG2 – Space around Dwellings

RDG3 – Building Lines

RDG5 – Privacy and Living Conditions

RDG6 – Amenity Space

RDG7 – Roof Development

RDG8 – Detailing

RDG12 – Parking and Access

Essex County Parking Standards September 2009 (Adopted June 2010)

Consultation

Canvey Island Town Council

No response received at present, any comments received will be reported on the late letters schedule

Environment Agency

No objection subject to condition

Highways Authority

In order to provide the vehicular access, the applicant will need to apply to the Highways Authority to carry out the required improvements and alterations to the Highways. All works shall be fully at the applicant's expense. No objection subject to conditions.

Public Consultation

No response received at present, any comments received will be reported on the late letters schedule

Comments on Consultation Responses

All relevant and reasonable recommended conditions by consultees will be attached to any consent that may be granted.

The requirement to apply to the Highways Authority to carry out required works to the highway can be dealt with via an informative to any consent that may be granted.

All material considerations raised are discussed in the evaluation of the report.

Evaluation of Proposal

The main issues with this application are flood risk to the occupiers, whether the proposal would increase surface water flooding in the area, the design of the buildings, their impact on neighbours, and any parking and access implications.

Flood risk to the occupiers

The National Planning Policy Framework (NPPF) requires a sequential test to be applied to development proposals, requiring new development to be located within the lowest risk flood zone possible.

The proposed development would be located within Flood Zone 3, the zone with the highest probability of flooding. The whole of Canvey Island is located within Flood Zone 3, and for residential development to serve Canvey it needs to be within the Island. Therefore the principle of allowing redevelopment of existing residential sites on Canvey Island is necessary as there are no reasonably available alternative sites within the area with a lower probability of flooding. Consequently the proposal passes the sequential test.

Having passed the sequential test, the NPPF sets out in paragraph 102, that the exception test must also be passed. In order to meet the requirements of the exception test 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 (SFRA) 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 stagnant. Under these circumstances the first part of the test is considered passed.

A Flood Risk Statement (FRS) has been submitted which assesses the site-specific flood risk and this shows the maximum modelled flood depth for the site is 4.06m above Ordnance datum (AOD). The first floor of the proposed dwellings would be set at 4.785m AOD. Whilst the ground floor would be liable to flooding, the first floor of the dwellings would remain dry in the event of a flood and offer a place of safety. Subject to the finished floor levels being the height as indicated, this would provide a dry refuge above the extreme floodwater levels.

It is however necessary that the properties are supported by a robust Flood Response Plan (FRP). A FRP, at Appendix E of the FRS, has been submitted and is considered satisfactory for the purpose of making occupiers aware of the actions they should take in a flood event. Subject to a condition requiring this plan to be enacted upon occupation of the dwelling and thereafter maintained, there is no objection to this aspect of the proposal.

The Planning Practice Guidance (PPG) states that the structural safety of buildings is a material planning consideration. Details on the structural safety of the buildings has been submitted, along with a non-technical summary for hydrostatic and hydrodynamic wall construction in flood events by qualified consulting structural engineers. This summary confirms that provided the dwellings have a thicker, stronger wall with reinforcement, along with the additional bracing support of the stud posts, their structures would be able to resist a 1:1000 year flood event. Subject to the development being constructed in accordance with this advice the structural safety of the buildings is considered satisfactory.

It is noted that there is the possibility to minimise damage that may occur to the building, and speed up its reoccupation, should it ever be flooded, through the use of flood resistant and resilient construction techniques. Section 4 of the FRS covers this matter. The submission of this document is considered to demonstrate commitment to the use of such methods and there is no need for an informative to be added to the decision notice regarding this matter, which would be the council's normal practice.

The above paragraphs only consider the tidal flood risk to the site. There is also the possibility that the development may be affected by fluvial (watercourse) and pluvial (surface water) flooding.

The submitted FRS considers that there is no indication that the site is vulnerable to localised risks of flooding from sources other than tidal flooding from the Thames.

The applicant has requested information from the Canvey Island Integrated Urban Drainage Model in respect of pluvial flooding, and this is provided within the FRS. It states that in a worst case scenario (1:1000 year event + climate change) that the maximum flood

depth in a pluvial event would be up to 0.75m above ground level (2.51m AODN). The proposed ground level is set at 0.4m above ground level (2.16m AODN) and there may be approximately 0.35m of water within the building. To combat this the applicant intends to provide flood defence barriers to all openings which would be below 2.60m AODN. This would provide adequate protection to the dwellings in the event of pluvial flooding, and is included within the flood resilience measures.

The proposed dwellings have refuges above tidal flood water levels in a reasonably safe environment, the occupiers would be furnished with a robust flood and evacuation plan and the dwellings protected from pluvial flooding and constructed to a safe structural standard offering resilience to floodwaters. In these circumstances it is considered that the development will be safe for its lifetime and the proposal to have passed the exception test.

Surface water flooding in the area

The planning authority is aware that during heavy rainfall events the highway drainage infrastructure can struggle to cope with the volume of surface water that this generates and this can sometimes lead to localised flooding of the highway. However, the developer is only required to demonstrate that the development will not increase flood risk elsewhere, and cannot be required to solve existing problems with drainage.

Details of the surface water run-off from the proposed dwellings have not been provided however this is controlled under Building Regulations.

The proposal would increase the existing highway in Ouida Road to provide access for the dwellings. The specification for these highway works is a matter for the Highway Authority but will include the provision of drainage and therefore these works will not increase flood risk elsewhere.

The car parking areas would be constructed using a permeable paving design specification. Provided this is implemented in accordance with Sustainable Drainage Principles, the additional hard surfacing is unlikely to result in additional surface water.

Subject to conditions regarding the construction of the extended highway, and provision of the hard surfaced parking areas being provided in accordance with Sustainable Drainage principles, it is not considered that an objection can be raised on the basis of increased surface water runoff.

Design

Policy EC2 of the Local Plan seeks a high standard of design in all new buildings. This is consistent with paragraphs 56 to 58 of the NPPF.

Policy H17 states that in assessing the design aspects of proposals for housing, the Local Planning Authority will have regard to its Supplementary Planning Guidance. The Council has adopted the Residential Design Guidance (RDG) and this guidance is considered to be in compliance with section 7 the NPPF.

RDG7 states that the roof of a dwelling, either built as new or extended or altered, should

be proportionate to the remainder of the dwelling and not be top heavy, prominent or dominant.

RDG8 requires the provision of detailing elements for all developments to be consistent with the overall architectural approach of the dwelling, creating well-proportioned and balanced properties.

The proposed dwellings have a hipped roof form which is proportionate to the size of the dwelling. The front elevation of the dwellings have several detailing features which provide sufficient interest to prevent the dwellings appearing bland and uninteresting. To the rear there are large flat roofed elements, as the first floor is set back to provide sufficient isolation to the rear boundary (rear isolation distance will be considered later in the report). It is not unusual to find flat roofed single storey elements to the rear of dwellings, but these tend to be additions after the dwelling is built and not original features. There are nevertheless several flat roofed elements within Ouida Road, including garaging and front canopies, and therefore the principle of providing flat roofed elements is already established. Given the presence of such features and the rear location of the flat roofed elements it is considered that limited harm will be caused by this part of the proposal.

Ouida Road has a mixture of low level bungalows to a height of some 4m and two storey houses. The houses are located to the eastern end of Ouida Road with the bungalows predominately to the western end. The proposal would replace a low detached bungalow within the section of the road dominated by bungalows at the furthest westerly point of Ouida Road. The provision of 7m high dwellings in this location is consequently a departure from the site's immediate surroundings.

However, to the west of the application site sits two storey houses to a similar height of the proposed dwellings, namely Nos.27, 29 and 31 Hilberry Road. Whilst these dwellings do not front onto Ouida Road, they are seen in context with the single storey bungalows and the application site. Furthermore, the proposal has been designed to provide maximum isolation between the proposed houses and the nearest adjacent bungalow, to lessen the impact of the height difference. Under these circumstances it is considered that the provision of two storey houses on site would result in limited harm to this street scene.

The proposed external finishing materials are considered acceptable.

RDG1 requires the plot sizes of new development to be informed by the prevailing character of plot sizes. Where there is no clear pattern of plot sizes, the size of the plot should be proportionate to the size of the dwelling occupying it.

The proposed plots would be a minimum of 9m and 10.8m wide and a minimum of 18.7m deep. The depth of the plot is consistent with the character of the surrounding area. The dwellings within the surrounding area sit within a variety plot widths and therefore there is no overwhelming character for plot width. The dwellings are provided with adequate side isolation spaces and the plot widths considered to be proportionate to the width of the proposed dwellings. Consequently no objection is raised to the proposal under RDG1.

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

The proposed dwellings provide a minimum of 1.4m or 2.7m between the pair of dwellings flank walls and the side boundaries of the plots. This is not out of character with the street scene and therefore no objection to the proposal on the basis of RDG2 is raised.

RDG3 requires proposals to respect established building lines. The proposed dwellings would be in keeping with the general building line on this side of Ouida Road and there is therefore no objection to this aspect of RDG3.

Impact on neighbours

RDG3 also requires proposals not to cause excessive overshadowing or dominance of adjacent properties.

The proposed dwellings would extend slightly beyond the eastern neighbour, however due to the level of isolation and the existence of the neighbours' garage, the proposal would not adversely overshadow or dominate the eastern neighbour. Due to the orientation of the application site, the layout of adjacent sites and the level of isolation to adjacent neighbours, no other properties will be adversely harmed by reason of overshadowing or dominance. No objection is raised under RDG3.

RDG5 deals with privacy and overlooking. A distance of 9m should be provided between first floor windows and the boundaries of the site.

The proposed first floor front windows are below the requisite distance to the front boundary but overlook the public highway. There would be no loss of privacy to neighbours opposite. The proposed first floor rear windows are located beyond 9m from the boundaries they directly face. No first floor windows are proposed to the side of the dwellings.

The rear neighbour, No.19 Rosbach Road, is a two storey house with considerably less than 9m between their rear wall and the boundary with the application site. Consequently the neighbour can overlook the application site. However, since the applicant has no control over this situation it is not considered that this justifies refusing the scheme.

The FRS states that the finished ground floor level of the dwellings would be raised, 0.4m, above natural ground level. The ground floor rear openings to the lounge areas would be located 7.1m from the rear boundary, which is marked by a fence in excess of 1.8m. In these circumstances there would be no harm to the amenity of the rear neighbour. There would be additional openings to the rear of the garages, however, the ground floor of the garages would not be raised. Therefore the rear openings would not result in a loss of privacy. There are proposed ground floor side windows. Due to the orientation and the layout of adjacent side neighbours, these windows would also have no harmful impact.

Consequently the proposal would not result in a loss of privacy and no objection is raised to the proposal on the basis of RDG5.

Parking and access implications

Policy T8 of the Local Plan requires the provision of 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.

The adopted standards require the provision of a minimum of two parking spaces for properties with two or more bedrooms. Parking spaces are to have dimensions of 2.9m by 5.5m. Garages will not be counted as a parking space unless they have dimensions of 3m by 7m internally and should have a forecourt of 6m in depth to allow vehicles to stand clear of the highway whilst garage doors are being operated.

The properties would each have a garage of acceptable dimensions together with a frontage parking space of 6m in depth (partially recessed). This is considered to represent acceptable parking provision. Such parking provision would not visually dominate the frontage of the dwellings.

In order to access the garages and forecourts the proposal would need to extend the existing roadway. The Highway Authority raises no objections to the extension of this unclassified road, subject to applying to the Highways Authority to carry out the required improvements and alterations, and that the works are at the applicant's expense. The applicant has shown an intention to comply with these Highway stipulations by specifying on the submitted plans that the contractor gain permission to extend the road to allow for a double crossover. Subject to the road extension and appropriate drop kerb access being implemented it is considered that adequate vehicular access would be provided to the parking facilities.

Consequently there would be adequate off-street parking provided by the scheme, and subject to the provision and retention of the forecourts and garages, and the extension of the roadway no objection is raised to scheme in respect of parking and access.

Other matters

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

The application dwellings would each have four habitable rooms requiring an amenity area of 60m². The submitted plans show that the dwellings would have some 84m² and 93m² of private amenity space, which is well in excess of this requirement.

However, given the limited depth of the dwellings future extensions could adversely affect the usefulness of the amenity area for occupiers and the amenity of neighbours. Accordingly it is considered appropriate to remove permitted development rights to extend the dwellings.

Conclusion

The proposal can be shown to be consistent with national and local policy. The design of the dwellings is acceptable in terms of the Council's residential design guidance and no unacceptable impact on the amenity of neighbours or character of the streetscene can be demonstrated. It is therefore recommended that planning 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 three years beginning with the date of this permission.

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

- 2 The external surfaces of the development hereby approved shall be treated in accordance with the approved schedule of materials specified in the Materials Specification received on 6th April 2017 and there shall be no departure without the prior formal consent of the Local Planning Authority.

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

- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, no development of the type specified in Class A of Part 1 of the Second Schedule to that Order (or the equivalent provisions of any statutory instrument revoking, amending or re-enacting that Order) shall be carried out without the formal consent of the Local Planning Authority.

REASON: In order to ensure an adequate level of residential amenity for occupiers of the site and adjacent properties.

- 4 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.

- 5 The development shall be constructed in accordance with details specified in the approved drawing by Millard & Partners Ltd. drawing number 9296-1 dated APR.'17 and nontechnical summary by Millard & Partners Ltd dated 3rd April 2017.

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.

- 6 The finished ground floor level of the development shall be set no lower than 2.16mAOD and the finished first floor level of the development shall be set no lower than 4.785mAOD.

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

- 7 The dwellings hereby approved shall not be occupied until the highway has been extended in line with the details shown on the site plan drawing number CAD/PP/17123/002 received on 6th April 2017.

REASON: To ensure adequate vehicular access to the dwellings hereby approved in the interests of providing sufficient parking facilities to meet the needs of the occupiers of the dwellings.

- 8 Prior to first occupation of the development hereby permitted the vehicular access shall be provided for the proposed dwellings as shown on the proposed site plan on approved drawing number CAD/PP/17123/002 received on 6th April 2017. The width of the access at its junction with the extended highway shall be 6 metres and shall be provided with an appropriate dropped kerb vehicular crossing.

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

- 9 The garages shall be retained for the purpose of vehicle parking and not converted to living accommodation.

REASON: To retain a satisfactory level of off-street parking provision and to avoid the generation of excessive on-street parking in the interests of highway safety and the amenity and convenience of surrounding residential occupiers.

- 10 The hard surfaced parking spaces as shown on the proposed site plan on approved drawing number CAD/PP/17123/002 received on 6th April 2017 shall be designed and constructed in accordance with SUDS principles and installed prior to the first occupation of the development hereby approved. Following installation the hard surfaced parking spaces shall be maintained in accordance with SuDS principles and retained for the lifetime of the development.

REASON: In order to ensure the provision of adequate on-site parking facilities, commensurate with the level of accommodation provided and to limit the potential for increased surface water run-off from the site.

Informatives

- 1 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and determining the proposal in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 2 The applicants attention is drawn to comments received from Essex Highway Authority, and the fact that to extend the highway an application would need to be submitted to the Highway Authority to carry out the required improvement and alterations.

ITEM 3

Application Number:	17/0143/OUT
Address:	Warehouse 54 Beech Road Hadleigh Benfleet Essex (St. James')
Description of Development:	Demolish existing buildings and construct three/four storey building comprising of 14 No. 2 bedroomed apartments and commercial unit to ground floor
Applicant:	Mr and Mrs R J Hill
Officer:	Miss K Fisher
Date of Expiry	09.06.2017

Summary

The application seeks outline consent for the provision of 14 two bedroomed flats arranged across three floors above a commercial unit at ground floor. The proposal provides three parking spaces to serve the commercial element and 15 spaces to serve the residential development. Amenity space for the flats is provided at first floor level.

The scheme constitutes a departure from the Development Plan as the site is allocated for shopping purposes in the Adopted Local Plan.

The proposed development, by reason of its excessive scale, prominent siting, poor relationship with the adjoining development, obtrusive, dominant and cramped setting, adverse impact on the privacy and amenity of adjoining residents and lack of servicing facilities for the proposed commercial development, represents overdevelopment of the site, contrary to Government guidance set out in paragraphs 58 and 60 of the NPPF, Policies S5, H9 and EC2 of the adopted Local Plan and RDG3 and 5.

In addition the proposal fails to make an appropriate contribution towards the provision of affordable housing, contrary to Policy H7 of the adopted Local Plan.

The proposal is therefore recommended for REFUSAL.

The application is presented to this Committee as the Agent is a relative of an elected Member.

Introduction

The site fronts onto Beech Road, Hadleigh and is irregular in shape, having a frontage of some 25m, widening out to 27m before narrowing to 21m on the rear boundary with a maximum depth of some 53m.

The site is currently occupied by a part two storey commercial building some 36m deep and 18m wide with a maximum height of some 7.8m. The existing building is set approximately 17m from the front boundary of the site, approximately 3m from the western boundary and at the front elevation, approximately 5m from the eastern boundary.

To the north the site is bounded by 3 and 4 storey flatted development at 'Poppy Meadows' and 'Wilkinson Drop' whilst to the west the site abuts 3 storey flatted development on Castle Lane.

To the east the site abuts a semi-detached bungalow which has been altered to provide dormer accommodation. This dwelling is located approximately 0.7m from the site boundary and has a maximum height of 6m.

To the south Beech Road is fronted by two storey residential development.

The site is currently provided with a single access point direct from Beech Road.

The Proposal

The application is for outline consent only with all matters reserved (Reserved Matters are access, appearance, landscaping, layout and scale). Despite this however, the applicant has submitted elevational and layout drawings which are considered to be for illustrative purposes only. Such drawings do however indicate how the applicant envisages the quantum of development proposed could be achieved on the site and comment will therefore be made on the submission in order to inform any future application.

It is proposed to demolish the existing buildings on the site and construct a part 3 storey, part 4 storey building providing a commercial unit at ground floor level which is identified as being for Class B1(a) purposes, (office other than for financial and professional services) with 14 flats arranged over three floors above. The illustrative drawings indicate the provision of a flat roofed building having a maximum width of 19.8m, a maximum depth of 49m and a maximum four storey height of some 12.2m.

The building is shown to be located on the western and northern boundaries of the site and some 1.3m from the eastern boundary. The building would be set some 4m from the front boundary of the site.

The illustrative drawings indicate that the development will be provided with communal amenity space within a first floor terrace arrangement in the middle of the development, with private terraces and balconies provided to each unit, to the northern, southern and eastern elevations.

Vehicular access to the residential element of the development would be located in the position of the current access which would lead to undercroft parking for 15 vehicles. Parking for the commercial element would be provided at the front of the site towards the western boundary and would provide three parking spaces.

Planning History

The site has a history of warehouse and light industrial use, none of which is relevant to the current planning application.

Supplementary Documentation

The application was not accompanied by any supplementary documentation.

Relevant Government Guidance and Local Plan Policies

The site is allocated for shopping purposes and located within the Hadleigh Town Centre boundary as defined on the Proposals Map accompanying the adopted Local Plan.

The following policies and guidance is applicable:

National Planning Policy Framework (NPPF)

Paragraphs; 23, 30, 37, 39, 50, 51, 56, 57, 58, 95, 97, 103, 113, 118, 109, 120, 121 and 123.

Castle Point Borough Council Adopted Local Plan 1998

Policy S4 Non-Retail Development

Policy S5 Parking and Servicing

Policy H13 Location of Development

Policy H7 Affordable Housing

Policy H9 New Housing Densities

Policy H17 Housing Development – Design and Layout

Policy T8 Car Parking Standards Policy

Policy EC2 Design

Policy EC3 Residential Amenity

Policy EC4 Pollution

Policy EC7 Natural and Semi-Natural Features in Urban Areas

Policy EC13 Protection of Wildlife and their Habitats

Policy EC22 Retention of Trees, Woodland and Hedgerows

Policy EC38 Archaeological Sites and Monuments

Residential Design Guidance –
RDG2 – Space around Dwellings

RDG3 -Building Lines

RDG5 – Privacy & Living Conditions

RDG6 – Amenity Space

RDG9 – Energy & Water Efficiency & Renewable Energy

RDG10 – Enclosure & Boundary Treatment

RDG11 – Landscaping

RDG12 – Parking & Access

RDG13 – Refuse & Recycling Storage

RDG16 – Liveable Homes

Essex County Council Parking Standards – September 2009

Parking Standards for Use Class C3: Dwellinghouses

Consultation

Anglian Water

Surface Water Drainage Scheme inadequate. Alternative scheme required.

Environment Agency

No response received.

Lead Local Flood Authority

Holding objection: Surface Water Drainage Scheme inadequate.

Environmental Health

No response received.

Essex County Council – Highways Observations

No response received.

Waste & Recycling Officers

No response received.

Essex County Council Education

No response received.

Public Consultation

The application was advertised in the press as a Major and Departure application, site notices were displayed at the site and individual letters were delivered to the following addresses:

Beech Road: 52, The Workshop, CKG. Flats 1-4 Jemma House

Wilkinson Drop: 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 76.

Castle Court, Castle Lane: Flats 1 – 29.

Poppy Meadows, Wilkinson Drop: Flats 1 – 19.

Five responses have been received from the following addresses:

Beech Road: 52

Castle Lane: 49

Wilkinson Drop: 61,

Poppy Meadows: 3

Anonymous: x 1

Which contain the following comments and objections:

- Loss of Sunlight
- Loss of view
- Extra traffic
- Continued noise and disruption from construction phase and occupation.
- Impact of use of drive on adjoining resident
- No need for more flats
- Building is too tall
- Will lower quality of life further
- Hadleigh already overrun with purpose built flats
- Loss of residential privacy and amenity
- Currently available visitor parking spaces already oversubscribed at weekends and evenings forcing additional visitors to park in surrounding side roads
- Inadequate parking will lead to cars being parked in surrounding streets
- Too much congestion in already crowded car park
- Out of character with area
- Inadequate drainage infrastructure

Comments on Consultation Responses:

- Loss of view is not a material planning consideration
- There is no right to light under planning legislation

All other relevant planning matters are dealt with in the evaluation of the proposal below.

Evaluation of Proposal

The main issues to be considered are:

- The principle of flats on the site
- The retention of commercial activity on the site.
- Scale, density, design, layout and external materials
- Other material considerations:
 - Residential Amenity
 - Pollution
 - Energy and Water Efficiency
 - Internal Space Provision
 - Trees and Landscaping
 - Drainage
 - Archaeology and
 - Affordable Housing

The principle of flats on the site

The site is allocated for shopping purposes and is located within the town centre, where Policy S4 of the Local Plan seeks to retain town centre uses (A1, A2, A3, A4, A5, B1, D1 and D2).

The proposal seeks to provide a B1 use on the site together with residential accommodation. The provision of a B1 use would be consistent with the provisions of the Local Plan, however the provision of residential accommodation would, prima facie, appear inconsistent.

The NPPF at paragraph 23 supports the allocation of a range of suitable sites to meet a variety of uses, including residential development, in town centres. Paragraph 51 further encourages local authorities to approve planning applications for the change to residential use from commercial buildings, currently in the B use class, where there is an identified need for housing in that area, provided that there are not strong economic reasons why such development should not be allowed. In this context the proposed residential use demands further consideration.

This site is not considered to be a particularly attractive commercial site being located on

the fringe of Hadleigh town centre, some distance from the primary commercial frontage of the town centre and adjoined on all sides by residential development. The site has for many years performed a warehouse/storage function with no demonstrated links to uses within the Town Centre. The loss of this use is therefore considered unlikely to have a significant adverse impact on the viability or vitality of the Town Centre. No strong economic reason why the redevelopment of the site for residential purposes should not be allowed can be identified.

Furthermore, the delivery of residential development on this previously developed site would provide an important contribution towards the provision of new homes within the Borough which exhibits a significant deficiency in housing land supply.

In respect of the location of flatted forms of development, Policy H13 of the Local Plan requires their location to be on, or near, a main road. This is to ensure that the higher levels of activity usually generated by such intensive forms of development do not have an adverse impact on the character of the area or amenity of occupiers in more traditional forms of residential development and to encourage sustainable patterns of development.

This is consistent with paragraph 30 of the NPPF and paragraph 37 which seeks a balance of land uses so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, education and other activities.

The application site is not located on or near a main road and as such the proposed development may be considered to be inconsistent with the Policy provision. However, the site is located immediately adjacent to existing flats to the north and west, and is in reasonable proximity to the A13 London Road to the north.

Furthermore the location of the site provides convenient access to local facilities within the town centre and to public transport. As such it is considered that the site conforms to the principal requirements of Policy H13.

Given the location and circumstances of the site, the neighbouring forms of development and the contribution the site could make towards the provision of housing in the Borough, it is not considered that an objection to the redevelopment of the site for residential purposes could be sustained on appeal. The principle of residential flatted development is therefore considered acceptable.

Policy H13 is also concerned with ensuring that the location of flats does not adversely affect the amenity of adjoining residents. Detailed matters relating to residential amenity are discussed later in the evaluation of this proposal.

The retention of commercial activity on the site.

The proposal includes the provision of some 204m² of commercial floorspace. The applicant identifies that such floorspace will be used for Class B1(a) purposes (Offices).

The provision of such accommodation on the site would be consistent with it's the Local Plan allocation, although its presence would perhaps appear a little incongruous in the context of the redeveloped site and surrounding area. Despite this consideration

however, the retention of a low key commercial operation on this site, provided it is served by appropriate parking and servicing arrangements, is not considered likely to have a significant adverse impact on the amenity of local residents and the character of the area and as such no objection is raised to the principle of its provision on this site.

Scale, density, siting, design, layout and external materials

Although the application is in outline form only with all matters reserved, the illustrative drawings indicate the form of development likely to be favoured by the applicant and required to achieve the quantum of development proposed on this site.

In order to assist the applicant in the preparation of future applications for the site the following advice is offered based on the illustrative drawings submitted.

Policy EC2 of the Local Plan seeks a high standard of design in all development, which should have regard to the scale, density, siting, design, layout and external materials, in respect of both the development and its surroundings. This is consistent with paragraph 56 of the NPPF which requires development to contribute positively to making places better for people, paragraph 57 of the NPPF which seeks the achievement of high quality and inclusive design for all development, and paragraph 58 which seeks to ensure that development responds to local character and history, and reflects the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation, and are visually attractive as a result of good architecture and appropriate landscaping.

Policy H9 of the Local Plan requires the optimum density of housing to be achieved on any site, whilst ensuring that the proposal does not harm the character of the surrounding area, provides a functional and attractive layout with adequate building lines, landscaping, setting and space around the building and ensuring that the proposal accords with all appropriate policies. This is broadly consistent with para 58 of the NPPF which requires development to optimise the potential of a site to accommodate development, create and sustain an appropriate mix of uses and support local facilities and transport networks.

Policy H17 of the Local Plan requires consideration of the provisions of the Residential Design Guidance (RDG) Supplementary Planning Document, which is consistent with the design policies contained in the NPPF.

In the context created by the above policies and guidance consideration will be given to the scale, density, siting, design, layout and external materials as follows:

Scale

In order to achieve the quantum of development proposed, the applicant has suggested the provision of a part three storey, part four storey building. The inspiration for a building of this scale appears to have been drawn from the flatted development located immediately to the north and west of the site, which is three and four storeys in height. In such a context the provision of a similar scale of development would appear, prima facie, acceptable.

However in considering the scale of development, consideration of all aspects of context is critical. In the case of the flatted development to the north and west the development is seen in the context of the Town centre, being immediately adjacent to the active

commercial frontages, which themselves exhibit three-storey elements. The proposed development however would be more closely associated with the smaller scale domestic character of the residential area around the Town Centre. Beech Road is dominated by single and two storey dwellings, and in this context the provision of a three/four storey building which extended across almost the full width and full depth of the site and above the height of the adjoining development by some 6m, dominating the skyline, when viewed from the east in particular, would present an overdominant and incongruous feature in the street scene, completely alien to the character and appearance of Beech Road.

Whilst it is acknowledged that a four storey development adjoins the rear of the site, it is not considered that the impact of this development on Beech Road is so significant as to create an environment for development of the scale now proposed in the street frontage. A more sensitive approach which paid greater attention to the Beech Road context and was perhaps graded to provide two storey development at the southern end of the site rising to four storey development at the northern end of the site could be more favourably received, however such a scheme would be unlikely to achieve the quantum of development sought.

In its current form the proposed development is considered to be out of scale with the adjoining area and represents overdevelopment of the site, contrary to the provisions of paragraphs 56 – 58 of the NPPF and policies EC2 and H9 of the adopted Local Plan. An objection is raised accordingly.

Density

Flatted developments will inevitably likely to achieve a higher density of development than would be achieved through the development of the site with individual dwellings and in the context of the site, given its location and proximity to other flatted developments and the Town Centre, the principle of higher density development is acceptable. However it remains the case that increased density should not be pursued at the expense of good design, the character and appearance of the area or the amenity of future and existing residents. These issues will be explored later in this report, when the proposal is considered in the context of the RDG.

Siting

RDG2 considers the provision of appropriate space around dwellings, which should be informed by the prevailing character of the area. Where dwellings are located adjacent to public open space and other areas of land which serve as a buffer to development, or the prevailing pattern of development requires a tighter urban grain, less space may be considered appropriate.

RDG3 is concerned with the provision and protection of appropriate building lines.

In proposals for flats isolation space equivalent to at least 25% of the width of the building is required with at least 1m provided between the building and the site boundary.

Beech Road is characterised primarily by two storey development, much of which is set at least 1m off the side boundaries of the site. The only exception to this in the immediate locality lies to the south of the site where a two storey dwelling has been extended up to

the highway boundary at ground floor level and to the west of the site where modest two storey dwellings constructed in the early 20th Century have been constructed tight to the highway edge. In more modern development a greater degree of isolation is achieved, which creates an attractive suburban character.

Immediately to the north and west of the site, the landscape is dominated by three and four storey flatted development. These structures are significantly larger in scale than the domestic dwellings on Beech Road and the space retained around the buildings is similarly increased in scale. Castle Court, to the west is located some 11m – 14m from the boundary it shares with the application site and some 24m from the southern boundary, creating a spacious setting when viewed in the context of the surrounding street scape. To the north of the site, new flats at Poppy Meadows exhibit a tighter grain which reflects the more tight-knit character of the development of which it forms part but even here side isolation spaces of at least 1m are achieved at ground floor level and 3.5m at third floor level.

The flats at Wilkinson Drop are located some 16m from the western boundary and a minimum of some 8.5m from the southern boundary of the site.

In each case therefore the existing flats achieve a level of setting, consistent with the adopted guidance, within the confines of their own sites.

The proposed flats are shown to have a width of some 19.2m. Isolation spaces the equivalent of at least 4.8m are therefore required, with at least 1m required between the flank elevations and the boundary of the site.

An isolation space of some 5m is provided which would appear to satisfy the guidance however all of this space is provided on the eastern side of the building, the western side elevation, which extends to four storeys in height, being located directly on the western boundary of the site. In this position the proposal would be inconsistent with the provisions of the adopted Residential Design Guidance, prima facie therefore an objection would be raised to the proposed development,

Consideration must however be given to the relative harm of this element of non-compliance.

Whilst the proposed flats are located close to flats on Castle Lane and within Wilkinson Drop, the block will most readily and clearly be viewed in the context of Beech Road, a road characterised by single and two storey dwellings which with limited exception exhibits reasonable and proportionate levels of isolation, resulting in a visually balanced and relatively attractive street scape.

The proposed development, as shown on the submitted illustrative drawings, by virtue of its mass and proximity to the western and southern boundaries of the site, fails to achieve an appropriate setting for the building and results in a building of cramped appearance, out of character with the setting of adjoining development, including adjoining flatted development.

The inability of the scheme to achieve an appropriate setting for the building demonstrates that the scheme represents overdevelopment of the site and an objection is therefore

raised to the proposal on this basis under RDG2.

An essential element of the siting of a building is how it relates to the established landscape.

Castle Court is located immediately to the west of the application site and is set back some 25m from the Beech Road frontage. Whilst it is acknowledged that garages are provided between the building and the highway, these are single storey buildings which have limited impact on the street scene, being low level and set some 6m from the highway boundary. The overall impression gained is one of a spacious setting to the existing flats, which is currently reflected in the setting of the building on the application site, which is some 17m from the highway boundary. The existing dwellings located to the east of the application site are much smaller in scale than their neighbours and are set some 6m from the highway boundary. These establish a relatively strong building line to Beech Road which is only marginally disturbed by the dwelling located at the junction of Beech Road and Oak Road North.

In order to achieve the quantum of development proposed the applicants seek to locate the proposed building some 4m from the highway boundary and approximately 2m in advance of the front elevation of the adjoining bungalow. In this location it is considered that the building would result in the creation of an obtrusive and overdominant feature in the street scene, detrimental to the character and appearance of the area contrary to the provisions of paragraph 58 of the NPPF, Policy EC2 of the adopted Local Plan and RDG3. An objection is raised to the proposal accordingly.

Design

The proposal is in outline form with all matters reserved. Detailed consideration of design is therefore inappropriate at this time. However, the applicant has provided an indication of the style of development likely to be provided on the site and some comment is therefore possible.

The provision of a flat roofed, modular style building, whilst inconsistent with the majority of the development on Beech Road, is consistent with the character of other flat roofed developments in the area. Notwithstanding the comments made in respect of the scale and siting of the development, the modular design of the building is considered acceptable in its context. No objection is therefore raised to this aspect of the proposal.

Layout

Assessment of the layout of the proposed development as indicated on the illustrative drawings will be against the provisions of the Council's adopted Residential Design Guidance.

The indicative drawings show a building with commercial usage and parking provided to the ground floor and residential accommodation over three floors arranged around a first floor landscaped garden.

Pedestrian access to the flats would be via the undercroft car parking. Both stair and lift access would be available. The flats are identified as being accessible to persons in wheelchairs.

Five of the flats would overlook the street, the remaining 9 would overlook the garden area which is shown to be located on the eastern side of the building at first floor level. Almost taking the form of a large balcony, the edge of the proposed garden area would be located approximately 1.5m from the eastern boundary of the site.

RDG5 is concerned with the ability of any proposed residential development to secure the privacy and amenity of both existing and proposed occupiers. In order to achieve this RDG5 requires a distance of 9m be maintained between any boundary and first floor (2nd storey) windows, 15m to be maintained between any boundary and second floor (3rd storey) windows and 18m to be maintained between any boundary and third floor (4th storey) windows. However if the design/layout of a development does not result in direct views between primary windows, a reduced distance between windows and boundaries may be considered appropriate. The guidance is clear that edges of balconies should be treated in the same manner as windows.

The guidance also states that all windows should be designed and be of a size which provides for adequate natural light and ventilation. High level, fixed shut or obscure glazed windows should be restricted to secondary windows serving rooms or areas which are not occupied for any length of time and/or require a high degree of privacy, or provide only secondary light/ventilation to a room.

The proposed development provides windows to all elevations.

Those provided within the development's southern and northern elevations will directly overlook opposing flats within the same development. Whilst this is not ideal, future residents will be aware of this situation prior to determining occupation and will make any decision to occupy accordingly. Whilst the windows in the internal northern and southern elevations are capable of achieving oblique views across adjoining private amenity areas this cannot be controlled. No objection is therefore raised to the proposal on this basis.

Windows overlooking the street would not normally lead to a loss of privacy or amenity, however in this case, the height of the proposed building, its siting on the plot and the narrow width of Beech Road combine to create a situation where fourth floor accommodation will be located less than 18m from the amenity areas of properties on the other side of the road, leading to significant potential for overlooking and loss of privacy.

The capability of the proposed development to have such an impact is considered to demonstrate the inappropriate scale of development.

In the eastern elevation, all windows provided at first floor level are located some 9.6m from the opposing boundary of the site which satisfies the requirements of RDG5, however the windows located at second and third floor level are also located 9.6m from the opposing boundary. As such the requisite levels of isolation are not achieved and the occupiers of the flats would be able to directly overlook the amenity area of the adjoining block of flats at 'Poppy Meadows', to the detriment of the privacy and amenity of the occupiers thereof.

Furthermore, it should be noted that the edge of the first floor garden would be located some 1.5m from the boundary of the site. Users of this space could therefore stand at the edge of the garden and directly overlook the adjoining amenity area. This situation is

considered unacceptable and prima facie should attract an objection.

The applicant however has suggested that the privacy and amenity of adjoining residents to the east could be protected through the simple device of providing planting between the building and the boundary in order to create a screen at first floor level.

Two options have been suggested.

The first provides for the provision of Fastigate Oak, which have a tall columnar habit, along the boundary of the site. These have a mature height of some 10m – 15m but would be planted as semi-mature specimens some 4 – 5m high at 3 – 4m centres. When planted the trees would have crowns with a width of some 2m. Whilst this would be expected to increase to in excess of 4m within approximately 2 years, it is clear that when first planted the trees would present considerable opportunity for overlooking of the adjoining properties, with a consequent loss of privacy.

Furthermore it should be noted that Fastigate Oak are deciduous trees and that for at least four months of the year would be bare branched and therefore of limited value in the achievement of an effective screen.

As such it is not considered that the provision of Fastigate Oak represents an appropriate response to the objective of protecting the privacy and amenity of adjoining residents.

The second option provides for the provision of a 'green wall'. This would be created by installing 7 two metre high posts along the edge of the first floor garden terrace at 3m centres. These posts would then provide a framework for a stainless steel wire grid across which Honeysuckle & Virginia Creeper would be trained.

This option has the advantage of being relatively quick growing and capable of providing a screen in a short period. It does however share the deciduous habit of the Fastigate Oak and its ability to provide an impermeable screen cannot therefore be guaranteed.

At 2m in height such a screen would clearly not prevent overlooking from second and third floor windows.

The concept of providing either trees or a green wall in this situation is considered contrived and impractical. It is not considered that either option would satisfactorily secure the privacy of adjoining residents. Neither option therefore overcomes this objection to the proposal.

No windows are provided on that part of the western elevation of the building which is aligned on the western boundary of the site, although the illustrative drawings suggest the provision of an obscure glazed screen at first and second floor levels in order to allow light into an internal corridor providing access to four of the flats. It is not considered that the provision of such a screen would have an adverse impact on the privacy and amenity of adjoining residents, although its presence on the boundary may be considered oppressive by adjoining occupiers.

Further windows, less than the requisite distance from the boundaries are provided in the remainder of the western elevation. The majority of these appear to serve communal areas

and may therefore be obscure glazed and fixed, thus avoiding the potential for overlooking the development to the west, however units 6 and 12, located to the rear of the site have windows some 6.5m from the western boundary serving living accommodation. In the case of Unit 6, the windows would look out onto a 5m high brick wall and whilst not perhaps providing the best outlook to future occupiers, would not result in any loss of privacy, however those provided to Unit 12 would be set above the retained wall and would provide views across the adjoining site potentially into windows in the rear elevation the adjoining flats. Such a relationship is considered likely to result in a loss of privacy and amenity on the part of the occupiers of Castle Court. This represents a further objection to the proposal.

As previously stated all of the flats have private terraces/balconies, all of which have the capability of providing vantage points across adjoining land. Whilst many of these may be screened to limit direct overlooking, several, including those serving the penthouses, would require such extensive screening that it would unacceptably add to the mass of the building.

The inability of the illustrative scheme to meet the requirements of RDG5 and the reliance placed on contrivances in an attempt to secure the privacy of adjoining residents strongly suggests that the site cannot satisfactorily accommodate the quantum of development sought.

The proposal represents overdevelopment of the site and an objection is therefore raised under RDG5.

RDG6 is concerned with the provision of amenity space and requires the provision of 8m² of amenity space per habitable room for flats. Where flats contain 3 or less habitable rooms a minimum of 25m² of amenity space should be provided for each flat. Such provision can be either private or communal and can include balconies provided they have a minimum depth of 1.5m and a useable floor area of 5m². Habitable rooms do not include bathrooms, en-suites and utility rooms.

Fourteen flats are proposed, each having 3 habitable rooms. 25m² of amenity space is therefore required for each flat, resulting in a total requirement of 350m².

The proposed first floor landscaped garden has an area of some 140m² and is therefore significantly smaller than the level of amenity area usually sought for a development of this size. This communal area is however supplemented by eligible terraces and balconies which provide a further 268m² of amenity area, thus a total of 408m² is provided, which exceeds the requirement. It should be noted however that some 189m² of this space is provided within the private terraces serving the penthouses, if this is deducted from the communal provision, some 219m² is provided to meet the needs of all other residents. This is equivalent to the provision of some 18m² per flat. Whilst this is below the requisite level, given the form of development and the proximity of the site to large areas of open space at the John Burrows Recreation Ground and the Hadleigh Castle Country Park, it is not considered that an objection based on inadequate amenity space provision would be supported on appeal.

A significant element in the layout of any scheme is the provision of adequate, safe and

convenient car parking.

Policy T8 of the adopted Local Plan sets out a requirement for development to make provision for car parking in accordance with the Council's adopted vehicle parking standards. This is consistent with para 39 of the NPPF which requires local planning authorities to set such standards reflecting local circumstances.

The current car parking standards require each two bedroomed dwelling to be provided with two on-site parking spaces. Each space should be 2.9m wide and 5.5m deep. One secure covered space per dwelling for cycles is also required.

The proposed development provides 14 two bedroomed properties which would require the provision of 28 car parking spaces.

In addition visitor parking at a ratio of 0.25 spaces per dwelling (rounded up) is required, thus the total parking requirement for the residential element of the development would be 32 spaces

The residential element of the proposal provides 15 spaces and is therefore deficient in parking provision.

However, the parking standards indicate that in urban areas a reduction in these standards may be considered, particularly for residential development where there is access to public transport, cycling and walking links and local services and facilities.

The proposal indicates a 1:1 provision of parking (including a disabled parking bay) and one visitor bay.

The site is immediately adjacent to the town centre which provides good access to public transport and services as well as public car parking spaces and given these circumstances it is considered that flexibility in the application of the parking standards would be appropriate.

Two of the bays proposed are less than the requisite 2.9m wide and all of the bays on the eastern side of the building are less than the requisite 5.5m deep, however it is considered that sufficient space is available within the proposed arrangement to accommodate these spatial deficiencies. No specific objection is therefore raised to the quantum of parking provided.

The Highway Authority was consulted on the scheme but at the time of the preparation of this report had not responded. The applicant had however undertaken pre application discussion with the Highway Authority which resulted in some minor amendments to the scheme which satisfied the Highway Authority requirements. In the absence of any subsequent comment and in light of advice provided on other edge of Town Centre schemes, it is not considered that the Highway Authority would find the on-site parking provision inadequate due to the town centre location with its proximity of public car parks and the opportunity for sustainable travel. To facilitate this it is considered that any consent granted for the development of the site be accompanied by a requirement for the provision of a Travel Plan and information Pack, including vouchers for Bus Travel.

In respect of cycle parking a cycle storage facility is shown within the undercroft parking area, however the number of cycles which may be accommodated is not identified. The provision of the requisite number of cycle parking spaces can be secured by the imposition of a condition on the grant of any consent.

In terms of the location and design of the vehicle parking area, RDG12 requires the siting of parking not to dominate the public realm, and not to have an adverse impact on visual or residential amenity.

Parking areas are expected to be provided with ample opportunity for the exercise of natural surveillance and must be safe and convenient to use. Communal parking should be integrated into the overall design of the scheme.

The proposed residential parking is provided in the form of an undercroft located centrally under the residential accommodation. In this location the parking area would have no adverse impact on the character and appearance of the surrounding area. Whilst surveillance of the area may be limited the opportunity to provide gates at the entrance to the car park will enhance the security of the area such that high levels of natural surveillance are not considered necessary.

Whilst planting is indicated within the parking area, the undercroft nature of the parking area suggests that such planting is unlikely to thrive.

In terms of the commercial parking the Parking Standards require the provision of one space for every 30m² of floorspace. The proposed commercial unit has a floorspace of some 204m² and therefore requires the provision of 7 car parking spaces. The proposal achieves three. This element of the scheme therefore exhibits a significant deficiency in the level of parking provided.

Opportunity does exist to increase the level of commercial parking available across the front of the site and it is considered that some five spaces could be provided in total. Whilst this would result in the loss of a potential planting area and the domination of the front of the site by parked vehicles, this is considered preferable to the likely alternative of more vehicles parked on the highway, and in the context created by the residential property opposite the site and the area immediately to the west of the site, it is not considered that the impact of such parking provision would be so injurious to the character and appearance of the area that an objection on this basis could be reasonably sustained.

Whilst the level of parking would still be below the requisite provision of seven, as with the residential development the Standards advise that in urban areas a lower provision may be acceptable. On this basis no objection would be raised to a limited deficiency in commercial parking provision on the site.

Of greater concern however is the lack of servicing facilities available. Policy S5 of the adopted Local plan requires adequate staff parking and servicing areas to be provided on site.

The application states that the unit will be used for Class B1(a) purposes (as an office other than a use within class A2 (financial and professional services)). No servicing facilities are

provided.

The lack of servicing facilities suggests that suppliers' vehicles visiting the site would be required to wait on the highway. This would be likely to have a detrimental impact on the amenity of local residents and traffic flows and represents a further demonstration of the inability of the site to satisfactorily accommodate the quantum of development sought.

With regard to residential vehicular access to the site, this is shown to utilise the existing access serving the existing commercial site, taken from Beech Road. Within the site adequate turning space is provided for the spaces. At the time of the preparation of this report the Highway Authority had not raised an objection to the proposed access arrangements.

RDG13 requires the provision of safe, adequate and suitable means of refuse and recycling storage. Access to and from such storage must be clear, flat and unobstructed, and there should be adequate space to remove, empty and navigate round the waste receptacles. Suitable landscaping and screening to storage areas is also required. Free standing buildings for such purposes must make a positive contribution and be of a design, material, scale, roof pitch and detailing which integrates with or compliments the main dwelling.

The submitted drawings indicate the provision of a rectangular bin storage building located adjacent to the access to the undercroft parking. In this location it is considered that conflict could arise between operatives emptying the bins and drivers entering and exiting the site.

The need to negotiate a potentially locked security gate further prejudices the proposed location of the bin store.

This aspect of the proposal is considered to warrant further consideration. Provision of facilities for commercial waste and recycling must also be considered.

Other Material Considerations

Residential Amenity

Policy EC3 of the Local Plan is concerned with ensuring that development does not have a significant adverse impact on residential amenity in respect of traffic, noise, fumes or other forms of disturbance.

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

RDG12 seeks to ensure that parking provision is sited so as to avoid adverse impact on visual or residential amenity.

One resident has objected to the proposal on the basis that the passage of vehicles along the proposed access to the undercroft car park would result in undue noise and disturbance.

Whilst it is recognised that the passage of vehicles immediately adjacent to a garden fence could potentially result in noise and disturbance, such activity in the future must be considered in the context of past and current activity levels on the site.

The site represents an operational warehouse facility with no limitation on the number of vehicles which may access the site or the hours of operation. At the present time therefore large vehicles may enter the site at any time. Such vehicles are required to manoeuvre within the open areas of the site in order to exit in forward gear thus resulting in noise and disturbance.

The proposed development will attract movements from potentially fifteen cars. It is not considered that the noise and disturbance generated by such activity would be significantly different from that currently experienced and as such it is not considered that an objection can be raised the proposal on the basis of such disturbance.

The impact of the proposal in terms of loss of privacy and overlooking has already been discussed in the context provided by RDG5 and is not revisited here.

Pollution

Policy EC4 of the Local Plan states that development which would have a significant adverse effect on health, the natural environment, or general amenity by reason of noise, dust, vibration, light or heat, will be refused. This is generally consistent with paragraph 109 of the NPPF which seeks remediation and mitigation of despoiled, degraded, derelict, contaminated and unstable land, paragraph 120 which requires development to be appropriate for its location in order to prevent unacceptable risks from pollution and land stability, and paragraph 121 which requires decisions to ensure that sites are suitable for their new use taking account of ground conditions, including from pollution arising from previous uses.

The site has most recently been used for warehouse purposes and does not display any evidence of contaminative uses on the site, nevertheless, the potential for contamination is considered to exist and the applicant is therefore advised to consult the Council's Environmental Health Officer in the preparation of any future applications for this site.

Energy and Water Efficiency

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

This is consistent with paragraph 95 of the NPPF which encourages development which reduces greenhouse gas emissions, and paragraph 97 which requires policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including visual impacts.

No information has been submitted in respect of these aspects of the proposed development. The Planning Authority would expect these matters to be addressed in any

application for reserved matters.

Internal Space Provision

RDG16 requires all new dwellings to provide appropriate internal space and circulation, and to meet the existing and future needs of occupiers over their lifetime without the need for extensive alteration or adaptation.

This is consistent with paragraph 50 of the NPPF which seeks the delivery of a wide choice of high quality homes to meet the needs of different groups in the community including families with children older people, people with disabilities, and service families.

The flats proposed appear to have good sized rooms with suitable turning and circulation space capable of accommodating disability living requirements. The accessibility of the flats is also attested to by the provision of disabled parking facilities.

It is considered that a scheme providing units of the size currently proposed would be acceptable in the context of RDG16.

Trees and Landscaping

Policy EC7 of the Local Plan seeks the retention and enhancement of natural and semi-natural features. Policy EC22 of the Local Plan seeks the retention of existing trees and hedgerows wherever possible. Policy EC13 of the Local Plan states that development which is prejudicial to the interests of all wildlife and the retention and management of important habitats will be refused.

These policies are generally consistent with paragraph 109 of the NPPF which seeks the protection and enhancement of valued landscapes, geological conservation interests and soils, paragraph 118 which aims to conserve and enhance biodiversity and Paragraph 113 which requires distinctions to be made between the hierarchy of international, national and locally designated wildlife or geodiversity sites, so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks.

RDG11 requires the provision of soft and/or hard landscaping, the provision and maintenance of which should be contained in a landscaping scheme.

RDG10 seeks high quality means of enclosure and surface treatment appropriate to its context and ongoing maintenance. It should not dominate the public realm.

The site is completely hard surfaced and currently provides no opportunity for landscaping or biodiversity.

The redevelopment of the site affords an opportunity for the introduction of landscaping and the Planning Authority would expect the submission of a detailed landscaping scheme as part of any reserved matters application.

Drainage

RDG9 requires the design of all development to incorporate measures for achieving high levels of energy and water efficiency. RDG11 seeks the incorporation of SuDS into

landscaping schemes.

This is consistent with paragraph 103 of the NPPF which requires local planning authorities to ensure flood risk is not increased elsewhere when determining planning applications.

The submitted proposal gives no consideration to the provision of a sustainable drainage system.

This approach has been found to be unsatisfactory by both the Lead Local Flood Authority (LLFA) and Anglian Water. The former has raised a holding objection to the proposal, contesting that the absence of an appropriate drainage strategy precludes consideration of flood risk. Specifically the LLFA is concerned that the applicant has failed to demonstrate how the drainage scheme complies with national and local standards and has not provided information on appropriate run off rates, storage provision, water quantity or water quality. The LLFA has indicated that the provision of this information could lead to the objection being withdrawn, and the applicant has been advised of the LLFA position. No additional information has however been provided.

Whilst the viewpoint of the LLFA is understood, it must be remembered that this application is seeking outline consent only, with only the principle of development available for consideration at this time.

It must also be recognised that Government guidance, as provided by the NPPG, states that where conditions may be imposed to mitigate the adverse impacts of development this course of action should be preferred over the refusal of consent.

In this case, whilst the caution of the LLFA is noted, it is considered that the imposition of a condition requiring the submission and approval of an appropriate drainage scheme, would secure the appropriate drainage of the site and would facilitate development in accordance with the Government's advice, consequently it is not considered that an objection to the proposal based on inadequate drainage details would be supported on appeal and no objection is therefore raised to the proposal on this basis.

It should be further noted that Anglian Water, whilst noting the absence of a scheme suggests the imposition of a condition on the grant of any consent to secure the submission of such a scheme.

Archaeology

Policy EC38 of the adopted Local Plan is concerned to ensure that the archaeological record of the Borough is not diminished by insensitive development in zones of identified interest.

The application site lies within an Archaeological Consultation Zone and a number of monuments and spot finds have been recorded within the area which attest to Hadleigh being a site of continuous human occupation since the Neolithic period (circa 4000 - 2500BC), examination of the Historic Environment Records however has failed to reveal any finds on or within the immediate environs of the site. Under the circumstances archaeological investigation of the site cannot be justified and no objection may be raised to the proposal under the provisions of EC38.

Affordable Housing

Policy H7 seeks to secure affordable housing on sites of fifteen or more units. In its original form the proposal sought to provide 15 units, however following discussions in respect of the scale of development proposed on the site the applicants reduced the number of units to 14. This reduction was primarily secured through the removal of a number of internal walls and has resulted in a situation where the floor space of one of the penthouse units is some 2 – 3 times larger than all other units within the development and is clearly capable of providing two units.

Where it appears to the Planning Authority that a developer is deliberately trying to avoid contributing to the provision of affordable housing, the Planning Authority will seek a contribution regardless of the number of units identified.

This point has been raised with the applicant's agent who has advised that the applicant intends to keep the front penthouse for their personal dwelling.

The agent further states that the internal hall arrangement precludes subdivision and that any consent granted may be subject to conditions which restrict the conversion of the unit into two. On this basis the applicant considers that the scheme should not attract a requirement for a contribution towards the provision of affordable housing.

Whilst the larger penthouse may be intended for the owner of the site, this factor is largely irrelevant to the planning merits of the case. The fact remains that the proposed penthouse is uncharacteristically large and clearly capable of providing two units, as was demonstrated by the original submission.

The internal arrangement of the walls is also largely irrelevant in the context of an outline application. Internal walls can clearly be rearranged where desired and may be reintroduced at some point in the future.

The applicant suggests that such alterations would be within the control of the Planning Authority and indeed, the conversion of one dwelling into two will require the formal consent of the Planning Authority. However, consideration must be given to how reasonable a determination to refuse such a proposal would be. Given that the site can provide adequate parking facilities to serve 15 units and a deficiency of amenity space is unlikely to provide a sustainable reason for refusal, there is considerable doubt as to whether the Planning Authority could prevent the provision of a fifteenth unit in the future. As such the arguments presented by the applicant's agent are not considered sufficiently robust to demonstrate that the current scheme does to seek to avoid the provision of an affordable housing contribution and this represents a further objection to the proposal.

Conclusion

The scheme constitutes a departure from the Development Plan as the site is allocated for shopping purposes in the Adopted Local Plan. No objection is therefore raised to the principle of a mixed commercial/residential development on this site. However, the proposed development, by reason of its excessive scale, prominent siting, poor relationship with the adjoining development, obtrusive, dominant and cramped setting,

adverse impact on the privacy and amenity of adjoining residents and lack of servicing facilities for the proposed commercial development, represents overdevelopment of the site, contrary to Government guidance a set out in paragraph 58 and 60 of the NPPF, Policies S5, H9 and EC2 of the adopted Local Plan and RDG3 and 5.

In addition the proposal fails to make an appropriate contribution towards the provision of affordable housing, contrary to Policy H7 of the adopted Local Plan.

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, as shown on the submitted illustrative drawings, by virtue of its mass, scale and prominent siting would present an overdominant and incongruous feature in the street scene, alien to the character and appearance of Beech Road contrary to the provisions of paragraphs 56 -58 of the NPPF and policies EC2 and H9 of the adopted Local Plan.
- 2 The proposed development, as shown on the submitted illustrative drawings, by virtue of its mass and proximity to the western and southern boundaries of the site, fails to achieve an appropriate setting for the building and results in a building of cramped appearance, out of character with the setting of adjoining development, including adjoining flatted development. The inability of the scheme to demonstrate an appropriate setting for the quantum of development sought demonstrates that the scheme represents overdevelopment of the site contrary to paragraph 58 of the NPPF, Policy EC2 of the adopted Local Plan and RDG2 and 3.
- 3 The proposed development, by reason of the provision of a first floor garden terrace and windows and balconies in the eastern elevation at second and third floor level and a window in the western elevation at second floor level, would result in significant overlooking of the adjoining properties to the detriment of the privacy and amenity of the adjoining residents, contrary to Policy EC2 and RDG5. It is considered that the need to rely on a significant number of windows and balconies in the side elevations of the proposed building, overlooking adjoining properties demonstrates that the proposal represents overdevelopment of the site.
- 4 The proposed development fails to make adequate provision for on-site servicing of the commercial element of the proposed scheme. As such it is considered that commercial vehicles visiting the site would be likely to stop on the highway, to the danger and inconvenience of local residents and the detriment of traffic flows, contrary to Policy EC2 of the adopted Local Plan. The inability of the proposal to satisfactorily accommodate servicing arrangements is considered to demonstrate that the scheme represents overdevelopment of the site.
- 5 The proposal fails to demonstrate the provision of adequate, safe and convenient refuse and recycling storage facilities for the residential and commercial elements of

the proposal, contrary to RDG13.

- 6 The proposed scheme is clearly capable of providing 15 units which would attract a requirement for a contribution towards affordable housing provision in accordance with Policy H7 of the adopted Local Plan. The applicant has however amended the scheme through the device of removing a number of internal walls to secure 14 units on the site. Such amendment is considered to be an attempt to avoid the payment of an appropriate contribution. The lack of affordable housing provision is contrary to Policy H7 of the adopted Local Plan.

Informatives

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 4

Application Number:	14/0620/FUL
Address:	Thorney Bay Park Ltd Thorney Bay Road Canvey Island Essex SS8 0DB (Canvey Island South)
Description of Development:	Residential development comprising of 89 detached dwellings and 24 flats, including access, landscaping and associated facilities
Applicant:	Thorney Bay Park Ltd
Case Officer:	Ms Kim Fisher
Date of Expiry:	30.06.2017

Summary

The development site comprises some 5.2ha of land within a wider application site extending to some 9.3ha located on the south side of Thorney Bay Road, within the Thorney Bay Camp site, on Canvey Island.

The application seeks consent for the provision of 113 dwellings and associated infrastructure and in effect represents Phase 1 of a larger residential development on some 27ha which was considered by Members in February 2013, and approved subject to the applicant entering into a S106 agreement, which has yet to be completed.

The current proposal satisfies all adopted spatial and policy requirements and subject to appropriate conditions and a further S106 Agreement to secure appropriate contributions towards, inter alia, affordable housing, open space provision and relevant infrastructure, the proposal is recommended for APPROVAL.

Site Visit

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

Introduction

The application site is a narrow and irregularly shaped area of land located within the Thorney Bay Camp site which lies on the southern side of Thorney Bay Road. Access to the site will be gained via the main entrance to the camp site, located directly to the south of its junction with Craven Avenue. The shape of the development area is defined by the curvature of Thorneyfleet Creek and the associated buffer zone and the need to take account of the proposed route of Phase 2 of the Roscommon Way Extension.

The development site has an area of approximately 5.2ha and currently forms part of a residential caravan park with ancillary services such as a clubhouse and swimming pool. The wider site has the capacity for up to 1600 caravans and at the present time supports some 1100 units. There is no restriction on the occupancy of these units many of which

appear to be permanently occupied. The caravans are interspersed with hardstandings for car parking and access and areas of grass. Access from Thorney Bay Road provides a spine road through the centre of the site in a north-south direction with primary access roads then extending to the east and west.

To the north of the site is the Local Wildlife Site (LoWS) Thorneyfleet Creek, which comprises a water body with Common Reed and rough grassland; beyond this is residential development. To the east is Public Open Space, in the form of a grassed area and children's play space. To the south and west is the wider expanse of the Campsite. A water treatment works lies to the west of the wider site and beyond this is the Calor gas terminal. To the south is the Canvey Island Sea Defence, beyond which is the River Thames.

The Proposal

Permission is sought for the erection 89 detached, two storey houses and 24 self-contained flats arranged in one three-storey block and one four storey block. In total 113 new residential units would be provided.

The composition of development is as follows:

4 x one bedroomed flats 20 x two bedroomed flats 23 x three bedroomed detached houses
61 x four bedroomed detached houses and 5 x five bedroomed detached houses.

In addition, new roads, parking provision, street lighting, landscaping and other street furniture and engineering works are proposed to serve the development.

Two launch platforms for use by a weed boat to be used in the management of the Fleet, are also proposed.

The layout of the development area would be essentially linear with a loop at either end of the main access road. The flats would be provided at the western end of the site, fronting a communal landscaped area including a pond and pergola. A further communal landscaped area with pond and pergola would be provided at the eastern end of the development. Two public artwork plinths are to be incorporated into the landscaped areas.

The existing bridge across Thorneycreek Fleet into the site would be reconstructed and a new bridge would be formed to provide access to the eastern end of the development site, across a tributary of the Fleet.

The proposal would result in the removal of some 149 caravans from the site together with the existing office/clubhouse complex, shop and other ancillary facilities.

Supplementary Documentation

- The application is accompanied by a number of supporting documents:
- Planning Statement

- Design and Access Statement
- Contributions Schedule
- Transport Statement
- Archaeology and Heritage Statement
- Phase 1 Habitat Survey
- Protected Species Surveys
- Street Furniture Specification
- Landscape and Visual Impact Statement
- Arboricultural Report
- Landscape Report – Soft Landscape Method Statement
- Pre-construction Health and Safety Plan
- Hydraulic Modelling Report & Addendum
- Drainage Report Review
- Preliminary Model Outline Report
- Foul Sewerage Design Calculations
- Storm Sewerage Design Calculations
- Drainage Drawings, Details and Schedules

These are available to view on the Council's website.

Planning History

The application site has a long history as a caravan park with no extant restrictions on its occupancy. Of note are:

CAN/336/49: granted permission for layout of camping and caravan site -no restrictions on occupation.

CAN/49/50: granted permission for layout of camping and caravan site -no restrictions on occupation.

CAN/435/71: granted consent for additional position for caravans – no restrictions

on occupation.

CAN/435/71/B: granted consent for use of land for 100 caravans – restriction on habitable use between 31st October and 1st March.

CAN/435/71/B/VAR: granted consent to vary consent to allow use of caravans for habitation all year.

CPT/1282/75: granted consent for extension of caravan areas – no restrictions on occupation.

In January 2012 an outline planning application was submitted to Castle Point Borough Council for the redevelopment of Thorney Bay Caravan Park with dwellinghouses and residential institutions (CPT/707/11/OUT). This application was reported to the Development Control Committee in February 2013, at which time Members were minded to grant outline planning permission, subject to the developer entering into a Section 106 Agreement relating to the:

- provision of affordable housing
- safeguarding of land for the extension of Roscommon Way
- provision of residential travel information packs to occupiers
- maintenance of a 19m buffer zone next to the sea wall
- provision of public open space to offset the loss of open space arising from the additional access required from Thorney Bay Road
- provision of a scheme for the ongoing management of landscaping and open space
- provision of appropriate youth facilities
- provision of a scheme for the involvement of local businesses during construction
- provision of a scheme for the involvement of apprentices during construction
- provision and maintenance of public art
- provision of financial contributions towards:
 - bus services and infrastructure upgrades on Thorney Bay Road
 - tidal defence improvement
 - provision of indoor sport and recreation facilities
- enhancement of access, improved signage and general street furniture and footpath and cycleway connections along the Inland Esplanade and Thames Estuary Waterside
- library services
- provision and maintenance of CCTV
- health care
- adult social care
- post 16 education services
- adult education services

The developer has not completed the agreement and therefore no decision notice has been issued in respect of this proposal.

The current proposal seeks to progress the development of part of the site, the subject of

the earlier resolution.

Relevant Government Guidance and Local Plan Policies

The site is allocated for long term residential purposes on the 1998 Local Plan (in the context of the adopted Local Plan long term is defined as post 2001).

The following policies and guidance are of relevance:

National Planning Policy Framework (NPPF)

Paragraphs 6, 7-10, 11, 12, 14, 17, 32, 34, 35, 36, 47, 49, 56-58, 60, 61, 70, 73, 94, 95, 99-103, 109, 118, 120, 186-187, 196, 197 and 203 – 206.

Adopted Local Plan (1998)

EC2 Design

EC3 Residential Amenity

EC7 Natural and Semi-Natural Features in Urban Areas

EC13 Protection of Wildlife and their Habitats

EC16 Protection of Landscape

EC22 Retention of Trees, Woodland and Hedgerows

EC23 Tree and Shrub Planting

H4 Safeguarding of Land for Long-Term Housing Needs

H7 Affordable Housing

H9 New Housing Densities

H10 Mix of Development

H12 Piecemeal Development

H13 Location of Development

T8 Car Parking Standards

CF1 Social and Physical Infrastructure and New Developments

RE4 Provision of Children's Playspace and Parks

RE14 Planning Agreements & Recreational Development

CF1 Social and Physical Infrastructure and New Developments

CF14 Surface Water Disposal

Adopted Residential Design Guidance

RDG1 Plot Size

RDG2 Space around Dwellings

RDG3 Building Lines

RDG4 Corner Plots

RDG5 Privacy & Living Conditions

RDG6 Amenity Space

RDG7 Roof Development

RDG8 Detailing

RDG9 Energy & Water Efficiency & Renewable Energy

RDG10 Enclosure & Boundary Treatment

RDG11 Landscaping

RDG12 Parking & Access

RDG13 Refuse & Recycling Storage

RDG16 Liveable Homes

Additional Guidance

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

Developer Contributions Guidance Supplementary Planning Document (Adopted October 2008)

Castle Point Draft New Local Plan Whole Plan Viability Assessment Phase 1 Report (October 2013)

Thames Gateway South Essex Strategic Housing Market Assessment (May 2016)

Strategic Housing Land Availability Assessment Update (November 2015)

South Essex Surface Water Management Plan (2012)

Castle Point Borough Local Wildlife Sites Review (November 2012)

Open Space Appraisal Update (September 2014)

Technical housing standards – Nationally Described Space Standard (March 2015)

Consultation

Highway Authority

No objection subject to conditions and the provision of infrastructure improvements and a Residential Travel Plan and travel vouchers.

Essex Badger Protection Group

Objection: The proposed development would result in a highly significant and permanent impact on the local badger population through the loss of suitable foraging habitat, disturbance and fragmentation of habitats and the setts.

Environment Agency

No objection: following the receipt of a revised FRA, subject to conditions and the satisfaction of the LPA that the proposal will be safe for its lifetime.

Health and Safety Executive

No objection.

Anglian Water

The Canvey Island Water Recycling Centre has available capacity for these flows, however there is an unacceptable risk of flooding downstream of the development. A foul water strategy must be submitted and approved.

Natural England

It is unclear whether there is provision for an appropriate quantum of greenspace to mitigate the effects of recreational disturbance to the Benfleet and Southend Marshes Site of Special Scientific Interest (SSSI). 113 dwellings would require 2.64ha of open space to be provided.

Strategic Planning

No objection: Concern is raised at the highly linear layout design and lack of relationship with the Fleet and development to the north.

NHS England

No objection

Education

The following contributions are requested: -Early years and childcare: £74,483 -Primary school: £217,743 index linked from April 2014.

Canvey Town Council

Objection: On the following grounds:

- road infrastructure is inadequate –
- potential for pollution from sewage works to residential homes –
- development should not be considered until drainage study completed –
- proximity to Calor Gas site –
- schools and doctors' surgeries cannot accommodate the development –
- drainage in the area cannot accommodate the development

SuDS (Essex County Council)

No objection: subject to conditions.

Refuse and recycling

No objection: Refuse collection for houses will be part of normal kerbside collection. Both stores for flats should be made the same size (as block A). The road needs to be able to take a 32 tonne refuse collection vehicle.

Public Consultation

32 objections, 1 comment in support and 2 representations neither objecting to nor supporting the proposal have been received.

The objections are as follows:

- Would add to congestion on local roads
- Access onto and off Island already very difficult. Third road required.
- Liable to flooding
- Drainage/sewerage infrastructure unable to cope
- Facilities such as schools/doctors are at capacity
- Loss of open space
- Development should be restricted until needs of existing residents are met.
- Flats would be out of keeping with the area
- Area was intended to be Green Belt.

The supportive comments are as follows:

- Overall reduction in dwellings would reduce the burden on the island infrastructure
- The new dwellings would have enough parking so would not have to park in roads adjacent to the Thorney Bay Park as is the case with caravan dwellers at present

The comments neither in objection or support of the proposal simply draw attention to the need to consider the proximity of the nearby Calor Gas installation.

Comments on Consultation Responses

The application site has not been identified as an appropriate extension to the Green Belt.

It should be noted that the Highway Authority has requested the submission of a Construction Method Statement, to identify:

- i. areas for the parking of vehicles of site operatives and visitors
- ii. areas for loading and unloading of plant and materials
- iii. areas for storage of plant and materials used in constructing the development and
- iv. areas for wheel and underbody washing facilities.

The applicants have submitted a 'pre construction Health and Safety Plan, which identifies the provision of areas for unloading and storage of plant and materials used in constructing the development and a Site Management Plan which identifies areas for the parking of vehicles of site operatives and visitors and wheel and underbody washing facilities. In the light of these submissions the imposition of a condition requiring submission of these details is unnecessary.

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

Evaluation of Proposal

The Need for Environmental Impact Assessment (EIA)

The aim of Environmental Impact Assessment is to protect the environment by ensuring that a local planning authority when deciding whether to grant planning permission for a project, which is likely to have significant effects on the environment, does so in the full knowledge of the likely significant effects, and takes this into account in the decision making process. The Town and Country Planning (Environmental Impact Assessment) (Amendments) Regulations (2011) set out a procedure for identifying those projects which should be subject to an Environmental Impact Assessment, and for assessing, consulting and coming to a decision on those projects which are likely to have significant environmental effects.

The aim of Environmental Impact Assessment is also to ensure that the public are given early and effective opportunities to participate in the decision making procedures.

Government guidance is clear that Environmental Impact Assessment should not be a barrier to growth and will only apply to a small proportion of projects considered within the town and country planning regime. Local planning authorities have a well-established general responsibility to consider the environmental implications of developments which are subject to planning control. The 2011 Regulations integrate Environmental Impact Assessment procedures into this framework and should only be applied to those projects which are likely to have significant effects on the environment.

The NPPG states that local planning authorities and developers should carefully consider if a project should be subject to an Environmental Impact Assessment before determining an application.

Consideration of the proposal in the light of schedules 1 and 2 of the Regulations has revealed that the proposal is not a development type listed in Schedule 1 of the Regulations. The proposal does however fall to be considered within Schedule 2 of the

Regulations under the broad range of development identified as "Urban Development Projects" (para 10b). Although the proposal falls within this schedule, the need for an EIA is not automatic.

A Screening Opinion was sought, in relation to the previous application for a larger scheme which included the application site, on whether the development was likely to have significant effects on the environment such that an environmental impact assessment (EIA) should be carried out and an environmental statement (ES) submitted.

After full consideration the Council considered that the development then proposed was unlikely to have significant effects on the environment such that an environmental impact assessment should be carried out.

There has been no material change of circumstance since the original screening opinion was determined, other than a significant reduction in the scale of the development proposed. Under the circumstances it is not considered that an environmental statement is required to accompany the current application.

The Main Issues

The main issues for consideration are:

- (i) The Principle of Residential Development,
- (ii) The Form And Scale of Development,
- (iii) Design, Layout
- (iv) Car Parking
- (iv) Landscaping
- (v) Ecology
- (vi) Provision of open space
- (vii) Flood Risk,
- (ix) Proximity To Hazardous Installations
- (x) Impact on Infrastructure
- (xi) Impact on Heritage Assets

(i) The principle of residential development

Since the adoption of the Local Plan in November 1998, the application site has been allocated as land safeguarded for long term housing needs under Policy H4 of that

document.

For the purposes of Policy H4 “long-term” is defined as beyond 2001. No end date was envisaged.

In this context, as with the earlier application for the development of the wider site for residential purposes which Members resolved to approve subject to conditions and the achievement of an appropriate S106 Agreement (CPT/707/11/OUT), in February 2013, there can be no objection to the principle of the development of this site for residential purposes.

Consideration must still however be given to the acceptability of the details of the proposal.

Policy H12 of the adopted Local Plan seeks to prevent the partial development of large sites in a manner which would prejudice their comprehensive redevelopment. This is consistent with the NPPF because it supports the delivery of the core planning principles set out at paragraph 17.

The application relates to a portion of the Thorney Bay Caravan Site, the whole of which is allocated for (long-term) residential purposes. An outline application for development of the whole site was submitted to the Council in 2011. This was subject to a resolution to grant outline planning permission, subject to conditions and the completion of a legal agreement.

The current proposal is a full application for only the northern part of the site, between the projected alignment of the Roscommon Way extension and Thorneycreek Fleet. In effect the proposal seeks to provide Phase 1 of the larger scheme. The proposed layout shows the existing access point from Thorney Bay Road into the development site and the route into the retained part of Thorney Bay Caravan Site being maintained. This arrangement would ensure that future development of the wider site was not prejudiced by the current proposal and no objection is therefore raised to the proposal on the basis of Policy H12.

It should further be noted that the proposed development is provided on land to the north of the proposed alignment of the extension to Roscommon Way. This scheme would not therefore prejudice the completion of the Roscommon Way Project.

(ii) The form and scale of development

The proposed development comprises:

- 23 X 3 bedroomed detached houses
- 61 X 4 bedroomed detached houses
- 5 X 5 bedroomed detached houses
- 20 x 2 bedroomed self-contained flats and
- 4 x 1 bedroomed self-contained flats.

Three of the five bedroomed houses are two storeys high with accommodation in the roofs, the remainder of the detached dwellings are two storeys in height.

Block A of the proposed flats comprises a mix of one and two bedroomed flats, arranged

over three floors with refuge in the roof space.

Block B is comprised entirely of two bedroomed flats arranged over two floors with storage space in the roof. Refuge is provided at first floor level in this block.

In terms of the 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.

Policy H10 of the Adopted Local Plan is concerned with providing a mix of development. It states that in all proposals for residential development, the Council will expect the provision of an appropriate range of dwelling types in order to satisfy a variety of housing requirements. This policy is however considered vague and inconsistent with the requirements of paragraph 50 of the NPPF which states that Local Planning Authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community and should identify the size, type, tenure and range of housing reflecting local demand.

The most up to date information regarding housing within the Borough, the 2016 Thames Gateway South Essex (TGSE) Strategic Housing Market Assessment (SHMA) identifies the size and mix of homes likely to be required in each of the TGSE districts. For Castle Point the mix is approximately 85% 1, 2 and 3 beds, some 13% 4 beds and approximately 2% 5 beds plus.

The proposal intends to provide 3.5% 1 bedroomed properties, 18% 2 bedroomed properties, 20% 3 bedroomed properties, 54% 4 bedroomed properties and 4.5% 5 bedroomed properties. One, two and three bedroomed properties therefore comprise some 41% of the total provision.

The preponderance of larger properties within the housing mix does not reflect the up-to-date information regarding the dwelling sizes required to meet identified needs within the Borough. However, it is important to note that the scheme does provide a significant proportion of smaller dwellings and that the information contained within the SHMA is a product of an indicative exercise based on historic evidence in each of the TGSE authorities. In reality, the profile of housing delivered is likely to be driven by the market, which will judge the type of housing most appropriate at any point in time; as a consequence it is considered that limited weight can be placed on this assessment of need.

Furthermore, given the overall need for housing in the Borough as indicated by the Objectively Assessed Needs Assessment and the Strategic Housing Land Availability Assessment (SHLAA) and the presumption in favour of sustainable development within the NPPF, it is considered that a reason for refusal on the basis on an inappropriate mix of dwellings would be difficult to sustain at appeal.

No objection is therefore raised to the proposal on this basis.

The scheme includes the provision of flats.

Policy H13 of the adopted Local Plan states that proposals for flats will be permitted where:

(i) the development has no adverse effect on the amenity of adjoining residents or character of the area by reason of traffic generation,

(ii) the scale, siting and design of the proposal would not have an adverse effect upon the character or appearance of the area;

(iii) the development proposed demonstrates appropriate building lines, setting and space around the building, car parking, access, amenity space, and landscaping provision, and accords with all other policies contained in the plan.

The Policy also makes the provision that the development should be located on or near a main road site.

The policy therefore seeks to locate flats in areas where they will have no adverse impact on adjoining residents by reason of the noise and general disturbance which may arise with more intensive forms of residential development.

The location of the proposed flats is not associated with a main road frontage and prima facie there would appear to be some conflict with the established policy. However, consideration must be given to the harm that such development would cause to adjoining residents.

Harm associated with flats is usually derived from noise and general disturbance arising from general occupation and from traffic movements.

Policy EC3 of the adopted Local Plan is concerned to ensure that adjoining residents are not adversely affected, inter alia, by noise and general disturbance emanating from proposed development.

In terms of general occupation, it should be noted that the proposed flats would be located a minimum of some 70m from the nearest residential dwelling. At this distance it is not considered that general occupation of the flats would result in any noise and disturbance issues for existing residents. No objection is therefore raised to the proposal under policies EC3.

In terms of traffic noise and disturbance, the proposed flats and associated housing would be located in an area that currently hosts some 149 residential units, each of which would attract a requirement for two car parking spaces. The current development, in policy terms, is therefore potentially capable of generating traffic movements associated with the use of up to 298 vehicles.

The proposal seeks to replace these units with 113 dwellings, 109 of which would attract a requirement for the provision of two parking spaces, the remainder attracting a requirement for one parking space. The proposed development, in policy terms is therefore capable of generating traffic movements associated with the use of up to 230 vehicles.

The proposal could therefore result in a net reduction in traffic entering the wider site.

This will have an obvious beneficial impact on the amenity of those residents living beyond

the confines of the site.

In terms of impact on the character of the site, it must be remembered that the site is within an operational park home site with high levels of traffic entering and leaving the site throughout the day and night. In this context it is not considered that the traffic generated by the proposed development would have an adverse impact on the character of the area.

The proposed flats are essentially two and three storeys in height, with development in the roof space.

Block A will have a ridge height of some 10.6m rising to a maximum of some 14m whilst Block B would have a ridge height of some 7.7m rising to a maximum of some 11.2m.

In the context of the proposed adjoining two storey development which has a proposed height of some 8.3m, the height of the flats seems somewhat excessive, however, the flats are provided with sufficient isolation space to mitigate the impact on the setting of the proposed dwellings and by virtue of their location within the scheme, would provide an appropriately substantial termination of the vista created by the linear plan form.

In terms of the relationship achieved between the proposed flats and the existing development, minimum isolation spaces of about 70m are achieved. At this distance it is not considered that the proposed flats would adversely impact on the character of the surrounding area, being completely isolated from it apart from in long views.

The third criterion of Policy H13 requires that the development proposed demonstrates appropriate building lines, setting and space around the building, car parking, access, amenity space, and landscaping provision, and accords with all other policies contained in the plan. More detailed consideration will be given to these features of the proposal when the scheme is assessed against the provisions of the Residential Design Guidance.

It is noted that objection has been received in respect of the principle of the provision of flats on this site, on the basis that they are out of character with the surrounding development.

Whilst it is acknowledged that blocks of flats do not feature in the locality, the determination of whether flats are appropriate on this site must rely on the identification of harm. As identified above, it is not considered that the proposed flats would be harmful to the character or appearance of the surrounding area, or harmful to the amenity of adjoining residents. Given these considerations and the Government's recent restatement of the need for higher density and more intensive forms of development in urban areas (Government White Paper – 'Fixing our broken housing market' February 2017), it is not considered that a reason for refusal based on the premise that the proposed development is different from that around it is sufficiently robust to be capable of defence on appeal. No objection is therefore raised to the provision of flats on this site.

(iii) Design and Layout

The NPPF at paragraph 56 states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development,

is indivisible from good planning, and should contribute positively to making places better for people.

Paragraph 57 sets out that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public, and private spaces and wider area development schemes.

Paragraph 59 of the NPPF states that Local Planning Authorities should consider using design codes where they could deliver high quality outcomes. However, design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally.

Paragraph 60 precludes the dictation of architectural styles and form by the Local Authority.

Policy EC2 of the Adopted Local Plan is concerned with design. A high standard of design is expected throughout the Borough. In particular, the Council will have regard to the scale, density, siting, design, layout and external materials of any development, which shall be appropriate to its setting and which should not harm the character of its surroundings. Policy EC2 is considered to be consistent with the provisions of the NPPF.

Adopted 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 development site is to be served from the existing access point on Thorney Bay Road, opposite the junction with Craven Avenue. This route will travel south into the site then bifurcate to produce a primary east-west road with looped ends, which encircle landscaped areas. This layout creates a highly linear layout which reflects the linear nature of the site but provides little articulation or variety in the setting of dwellings and is considered likely to create an environment that feels narrow and cramped, a perception emphasised by repetition of narrow elements within some of the elevations.

Furthermore the proposed development is visually inward facing and isolated from the Fleet and open space provided to the north and east, by 1.8m to 2.7m fencing. This feature of the development is disappointing as both the Planning Statement and the Design and Access Statement associated with the application refer to Thorneyfleet Creek as a natural feature with visual and wildlife importance.

The impact of the extensive boundary treatment, particularly along the northern boundary of the site, is further exacerbated by local topography which necessitates the provision of a retaining wall running in an east-west direction through the northern part of the site, either along the boundary, or through rear gardens.

In some cases the retaining wall would not be visible from the north, however in many cases it would be located immediately below the 1.8m fencing, which would result in an even more dominating boundary, comprising a 1.8m fence atop a retaining wall, resulting in structures up to 2.7m high.

In other cases the wall is located in the middle of the rear gardens which slope up from the Fleet. Given the changes in land levels, these walls would be visible above the 1.8m fence line.

It is also evident that given the combination of the proposed orientation of the dwellings (rear aspects facing north) and the change in land levels from the Fleet up to the dwellings, rear gardens and their associated activities and structures would be visible from the north. This would not create an attractive vista from the north and could also result in detriment to the visual amenity of the surrounding area as well as the privacy of new residents.

The applicant has proposed that sections of screen fencing be placed within the rear gardens of properties to mask domestic paraphernalia and create a more attractive vista, however it is considered that such screens themselves would be randomly placed and incongruous in the landscape. Their presence is therefore unlikely to be helpful.

The applicant has been advised of these concerns on several occasions. Revised plans have been which address some of the detailed design concerns raised, such as the inadequate articulation of dwellings on corner plots; however the basic layout has not been changed which is disappointing.

The scheme is considered to demonstrate a lack of understanding of the site context and the way in which it relates to, and links with, the surrounding area. It is considered that it represents a lost opportunity to provide a high quality residential development that would enhance the setting of the Fleet and maximise its potential as a visual amenity for future occupiers. These deficiencies in the scheme must, however, be balanced against the current climate of Government advice and housing provision in Castle Point. At the present time the Council cannot demonstrate a five year supply of deliverable housing sites. This will weigh against the Council in any appeal situation were permission refused on this non Green Belt site.

The presumption in favour of sustainable development must also be remembered, this instructs Councils to approve proposals unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. Whilst it is considered that the proposal provides a poor layout, which could be amended to achieve a better scheme, when considered in the context of current Government advice, it is considered that a refusal of planning permission on the grounds of poor layout would be difficult to sustain on appeal.

It is however considered that any consent granted should be subject to a condition requiring extensive and substantial landscaping between the dwellings and the Fleet and a S106 to secure the appropriate management of the area for recreational purposes. Such treatment would mitigate to some extent the impact of the proposed development in visual terms and would assist in achieving appropriate levels of privacy for future residents.

In terms of the design of the individual dwellings, the submitted plans indicate an eclectic mix of modern and traditional dwelling forms. The houses are primarily two storeys in form, although some exhibit accommodation within the roof. There are twenty six different house types proposed. The dwellings are generally of a rectangular footprint, but there are also a number of dwellings with 'L' shaped footprints and projecting front and rear gables. The roofs are hipped or gabled with some exhibiting dormer windows. Detail and articulation is

provided to the dwellings with the provision of canopies over doors and windows, brick banding, brick quoins, brick plinths, bay windows and a mix of materials. All properties are provided with garages, most are integral.

The palette of materials proposed is similarly wide, including yellow, red and brown stock bricks, coloured Cedral weatherboarding, five different render colours, three different cement wall panel colours and three different roof treatments. The intention is to create a varied and interesting streetscape through use of materials. In the context of the somewhat limited variation achieved in the layout, such interest is welcomed.

It is not considered that the modern elements sit particularly comfortably in the context provided by the wider development, being limited in number and location, however, paragraph 60 of the NPPF states that planning decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. In this context it is considered unlikely that an objection based on the general design of the dwellings or the materials proposed, would be sustained on appeal.

In terms of the spatial details of the design, the proposed development has been assessed against the provisions of the adopted Residential Design Guidance.

RDG1 states that within the existing built up area the plot sizes for new development should be informed by the prevailing character of plot sizes. All of the properties have plot widths in excess of 11m. This is generally reflective of the surrounding traditional residential development and is considered satisfactory.

RDG2 states that in forms of development where there is no clear pattern of development the space around a dwelling should be proportionate to the size of the dwelling, and should seek to provide at least 1m between the properties and the boundary. In all appropriate cases an adequate external access should be provided to the rear of dwellings. For new large scale developments a different character, with varying degrees of space around dwellings, can be created; however this is expected to be accompanied by a robust design rationale.

The character of the surrounding traditional residential area is essentially of dwellings with a minimum of 1m isolation space to either side – unless a garage is provided up to the boundary on one side.

Within the proposed development, all of the individual dwellings exhibit the requisite isolation space to both sides and no objection is raised to the proposal on this basis.

In respect of flats RDG2 requires space equivalent to 25% of the width of the property to be provided. In this case both Blocks measure some 43m in width and each provides some 12m – 15m of isolation space. Such provision satisfies the requirements RDG2.

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

In all cases projections into building lines which face the public realm must make a positive contribution to the streetscape.

For new large scale developments, a different character, with varying building lines can be created; however, this must be accompanied by a robust design rationale.

The proposed development represents an isolated phase which does not share a common relationship with any of the adjoining dwellings. As such there are no existing building lines to accommodate. Nevertheless the layout seeks to provide an appropriate setting for development, with a minimum building line of 3m achieved in all cases. This is reflective of the setting of development generally on Canvey Island and is considered acceptable in the proposed context. No objection is raised under RDG3.

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

The siting of the proposed dwellings indicates that it would be unlikely that they would result in excessive overshadowing or dominance to any of the dwellings within the adjoining development to the north and west. Within the site there is similarly limited potential for the proposed development to result in overshadowing or dominance between dwellings. Under the circumstances no objection is raised to the proposal on this basis.

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

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

In all instances within the scheme dwellings on corner plots have been designed to present active elevations to both frontages. This satisfies the requirements of RDG4 and no objection is raised to the proposal on this basis.

In the limited instances where gardens abut the highway, sufficient space is available to introduce landscaping to soften the impact of screen walls and fences. Subject to a condition requiring the submission of details of an appropriate landscaping scheme, this is considered to adequately meet the requirements of RDG4.

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

The windows in the rear elevations of the two storey dwellings on Plots 1 – 21, 46 – 68, 70 – 75, 76 -78, 81 – 91, 94 -107 would achieve minimum isolation distances in excess of 9m between the rear elevation and the rear boundaries of the plots and would satisfy the requirement. The front elevations would be considerably less than this from the front boundary; however, these windows would overlook the highway and are considered

unlikely to result in any loss of privacy to adjoining residents No windows are provided in the side elevations of these properties.

The dwelling on Plot 69 is a two storey dwelling; however a minimum rear garden depth of only 7.48m is achieved. In this instance the first floor is recessed over the ground floor and a distance in excess of 9m is achieved between the first floor windows and the boundary which satisfies the requirement of RDG5.

The dwellings on Plots 79 and 80 are three storey dwellings which attract a requirement for the provision of 15m between second floor windows and the boundary of the site. In these cases, a dormer is provided in the rear roof plane which is set some 3.4m behind the rear wall of the dwelling. A distance some 14.77m is therefore achieved between the window and the rear boundary. Whilst this figure is below the requisite 15m it should be noted that the level of deficiency is marginal and that when constructed these dwellings will overlook the extension to Roscommon Way and would have no impact on the privacy or amenity of adjoining residents.

Under the circumstances no objection is raised to the proposal on the basis of inadequate garden depth at these plots.

The proposed dwelling on Plot 92 has a rear garden depth of some 7.92m. However the first floor windows would overlook an area of open space and a tributary of the Fleet. As such the dwelling would not give rise to overlooking or loss of privacy to any adjoining resident. No objection is therefore raised in respect of this deficiency.

Similarly the dwelling on Plot 93 has a rear garden depth of some 8.8m over part of its curtilage. Again the first floor windows to this dwelling would overlook a large area of open space and as such the dwelling would not give rise to overlooking or loss of privacy to any adjoining resident. No objection is therefore raised in respect of this minor deficiency.

In all cases of individual dwellings, the windows in the front elevations would overlook the highway and are considered unlikely to result in any loss of privacy.

With regard to the proposed flats, these are respectively four and three storeys high. A minimum isolation distance of 18m is therefore required to be provided between any windows and the site boundary.

A minimum distance of 9m is achieved between the rear elevation of Block A and the site boundary.

This is clearly inadequate in the context of the Guidance, however, immediately to the rear of the site is a tributary to Thorneyfleet Creek, beyond which is an area of open land which forms part of the site and can be retained as open space. Under the circumstances it is not considered that the proposed location of Block A relative to the boundary of the development site would have an adverse impact on the privacy or amenity of adjoining residents, the nearest of which would be located some 70m from the building.

To the south, Block B would be located a minimum of 10m from the boundary of the site. Again this level of isolation is inadequate in the context of RDG5; however the building

would overlook the carriageway of the proposed Roscommon Way and as such would have no adverse impact on the privacy and amenity of adjoining residents. No objection is therefore raised to the proposal under RDG5.

RDG6 is concerned with the provision of private amenity area so that the outdoor needs of the family are provided for. It states that all residential development involving individual dwellings should be provided with at least 15m² of amenity space per habitable room. All properties are provided with amenity areas which exceed the guidance. Under the circumstances no objection is raised to the proposal under RDG6.

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

The proposed development contains a number of dwellings which exhibit dormers and roof lights. Where provided these are generally sympathetic to the scale of the roof and align with fenestration in the elevation. In some cases roof lights and dormers are both used in the same plane, which is inconsistent with the provisions of RDG7, however where this occurs the treatment is sensitive and the effect is not harmful to the character and appearance of the proposed development. No objection is raised the proposal on the basis of RDG7.

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

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

RDG9 is concerned with the achievement of energy and water efficiency and renewable energy. No detailed provision is made for such matters within the submissions; other than a reference that all of the proposed buildings have been designed to accord with Part L of the Building Regulations (2014). Whilst this is noted it is disappointing that a more positive approach to energy and water efficiency could not be incorporated into the scheme. In particular there is no overt evidence of the exploitation of solar power, despite the orientation of the majority of the scheme and the obvious benefits of such provision. Nevertheless, the layout of the scheme does exhibit some reference to solar gain and daylight penetration, with many of the principal elevations predominantly orientated to the south, east and west in accordance with policy.

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

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

The proposed layout offers significant opportunity for expanses of boundary treatment – the most significant being along the external boundary of the site. This feature has the potential to create a significant unattractive feature in the landscape, which would be exacerbated by changes in local topography. As indicated earlier however, it is considered that a substantial landscaping scheme could be introduced in order to mute the level of visual intrusion.

Within the development the most significant expanse of boundary treatment occurs at the eastern end of the site to the side of Plots 110 and 111, the impact of this however could also be mitigated by extensive planting between the enclosure and the highway.

Elsewhere in the layout visible means of enclosure are restricted to corner plots and those plots adjacent to the Fleet and its tributaries. The scale and disposition of these enclosures across the site is not considered to result in a public realm that is dominated by enclosure.

Subject to an agreement to provide and maintain a landscaping scheme to mitigate the impact of boundary treatments on public visual amenity, and as required under RDG11, no objection is raised to the proposal under RDG10.

RDG 13 states that all forms of residential development must be provided with safe, adequate and suitable means of refuse and recycling storage to cater for all occupiers.

The provision of refuse and recycling facilities taking the form of free standing structures must make a positive contribution to the streetscape, and must be of a design, material, scale, roof pitch and detailing which integrates with or complements primarily the dwelling, but also those present in the surrounding streetscene. All communal waste collection points and waste storage facilities should be provided with suitable landscaping and screening.

The proposal seeks to provide domestic dwellings which will be subject to the normal waste collections service. Whilst no specific provision is made for refuse and recycling within the scheme for the detached dwellings, adequate space is available within each curtilage to facilitate waste storage and presentation for collection.

With regard to the flats, further details of the proposed bins stores are required to ensure secure storage of domestic waste and recycling consistent with the provisions of RDG13. Such details can be required by condition.

Subject also to a further condition requiring the access roads being provided to a standard sufficient to accommodate the weight and movements of a 32 tonne refuse collection vehicle, the scheme is considered to be provided with adequate refuse and recycling facilities. No objection is therefore raised to the proposal under RDG13.

In terms of the construction phase of the development, a Site Waste Management Plan has been submitted which seeks to ensure that the waste generated by the site will be minimised. Subject to the imposition of a condition the grant of any consent requiring full implementation of the Site Waste Management Plan no objection is raised to the proposal on this basis,.

RDG16 states that all new dwellings should be provided with appropriate internal space and circulation which reflects the character of the surrounding area, but also current best practice. All new dwellings should meet the existing and future needs of occupiers over their lifetime without the need for extensive alteration or adaptation.

The Planning Practice Guidance (PPG -paragraph: 018 and reference ID: 56-018-20150327) refers to an optional “Technical housing standards -Nationally Described Space Standard” (March 2015). This document is the result of a housing standards review undertaken by Government and reflects current best practice as required by RDG16. As such it provides a good bench mark by which proposals can be assessed.

The housing standards identify minimum gross internal floor areas and storage for dwellings. Taking a snapshot of the dwellings within the scheme many are above this minimum; however some, primarily the proposed flats, exhibit marginal deficiencies when considered against the technical guidance. The standards are however optional and have not been formally adopted by this Authority. Consequently it is considered that a reason for refusal based on such marginal deficiencies would be difficult to sustain on appeal. No objection is therefore raised to the proposal under RDG16.

(iv) Car Parking

Policy T8 of the Adopted Local Plan requires the provision of appropriate levels of on-site car parking in accordance with the current car parking standards. These are set out in the Essex Planning Officers Vehicle Parking Standards 2009. Standard C3 is relevant to residential development.

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

In terms of the quantity of parking provision on the site, the standards require the provision of two on-site spaces for dwellings with 2 or more bedrooms. Dwellings with only one bedroom are only required to provide one parking space.

Each car parking space should be 2.9m wide and 5.5m.

Parking spaces may be in the form of garages, carports or forecourt parking. Where parking is provided within garages, these must have a minimum width of 3m and a minimum depth of 7m.

All garages must be served by a 6m deep forecourt.

The Essex Parking standards also require the provision of 0.25 visitor parking spaces per dwelling.

All houses are provided with a minimum of two adequately sized parking spaces on hard surfaced forecourts and within garaging. The garages are all of the requisite size and have adequate forecourts.

Within the development there are 113 dwellings, generating a requirement for 29 visitor

parking spaces. The scheme provides no visitor parking spaces, representing a deficiency in unallocated visitor parking of 29 spaces. Prima facie the absence of visitor parking represents an objection to the proposal, however, the proposed development represents an isolated enclave and any visitors attending the site are likely to park within the enclave rather than on the adjoining established road network. As such any visitor parking is only likely to be an issue for future residents.

Furthermore the site is located on a bus route thus facilitating the attendance of visitors by means other than the private car.

Whilst the absence of visitor parking spaces is not ideal, it is not considered that this deficiency in the scheme is sufficiently harmful to the amenity of residents that an objection to the proposal on this basis could be sustained on appeal. No objection is therefore raised to the proposal on the basis of inadequate visitor parking under Policy T8 and EC2 of the Adopted Local Plan.

RDG12 states that the provision of all forms of parking must not dominate the public realm. All parking provision should be sited to avoid an adverse impact on visual or residential amenity. Access to all forms of development must be safe and convenient for all users, and the design, size, orientation and location of parking spaces should enable the spaces to be utilised conveniently and not deter vehicles from using them.

Where the provision of in-curtilage parking for individual dwellings is contained within the dwelling in the form of garages (semi-integral or integral), carports and recesses, they should be an integral part of the dwelling and must be consistent with the overall architectural approach of the dwelling.

The development provides a significant level of parking provision; however, the majority is provided within garages or to the sides of the detached dwellings, or primarily to the rear of the proposed flats. Eight parking spaces are provided to the front of the flats, however, the location and disposition of such provision does not dominate or detract from the character and appearance of the proposed development.

All of the parking provision is considered to be safely and conveniently located.

No objection is raised to the proposal under RDG12.

Policy T10 states that the Council will encourage improved facilities on existing highways and will promote the provision of facilities for cycling, including the provision of bicycle parking when considering development proposals. This policy is considered consistent with the provisions of the NPPF. The parking standards state that a minimum of one secure covered cycle space should be provided per dwelling.

No specific provision is made for cycling parking for individual dwellings, although the proposed garages are considered of sufficient size to accommodate bicycles.

A cycle storage building is provided for the proposed flats, however no information has been provided in respect of capacity. Twenty four flats are proposed and the Planning Authority would expect the provision of 24 secure cycle parking spaces. A condition may be attached to the grant of any consent to ensure that such provision is achieved.

Subject to such a condition, no objection is raised to the proposal on the basis of cycling parking provision.

(v) Landscaping

Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

Policy EC16 of the adopted local plan states that development which would have a significant adverse visual impact on the surrounding landscape will not be permitted. When assessing the impact of a development the Council will have regard to:

(i) the prominence of the development in terms of its scale, siting and external materials and

(ii) the visual relationship of the development to the open countryside.

Planning permission for potentially obtrusive development upon ridgelines or prominent hillsides will be refused.

In terms of baseline conditions, the development site is a relatively flat area containing no material changes in level, save for embankments to Thorneycreek Fleet which forms part of the natural drainage system of Canvey Island.

The surrounding area is dominated to the south by the presence of the seawall which rises above and wraps around the Park Home site on a grass embankment. The boundaries to the sewage treatment plant provide semi-mature trees and vegetation and there are mature trees and vegetation adjoining Thorney Fleet Creek in the vicinity of the entrance to the Residential Park Homes park; the latter subject to Tree Preservation Orders. The site contains a number of other trees but is otherwise laid to grass and hardsurfacing.

By virtue of the flat landscape and the seawall the present development is not perceived in the landscape other than from its immediate environs. Even then, the full extent of the park cannot be easily perceived from the local public highways, although viewers would generally see a continuous band of caravans.

Elevated views can be obtained from the public footpath along the seawall embankment which runs the full extent of the southern boundary of the Park Homes site. This is the only public footpath through or adjoining the application site.

The existing caravan development is highly intensive in density and rigid in visual context. Due to the requirements of Model Standards for caravan-park development enacted through the Site License there is little scope for the introduction of landscaping measures

on the site which appears somewhat barren and uninviting as a consequence.

The only significant feature of natural landscape value within the site is Thorney Fleet Creek and its margins which have significant visual and wildlife importance and provides an open aspect to the street scene.

In landscape and visual impact terms the redevelopment of the application site for permanent residential dwellings will materially alter the current physical appearance of the northern part of the caravan park. However, the existing landscape quality of the application site is considered to be low and it is not considered that redevelopment of the site with permanent residential accommodation would have a significant adverse impact upon the landscape. Indeed, the provision of gardens, amenity open space and highway margins etc. will afford opportunities to improve the existing landscape features and introduce visual breaks and significant new landscaping, consistent with Government guidance and the policy provisions of the adopted Local Plan, which may be considered to enhance the appearance of the site.

Under the circumstances, it is not considered that an objection to the proposal on the basis of adverse impact on the landscape could be sustained on appeal.

A landscape scheme has been submitted by the applicants; however this is highly focussed on the space between the dwellings rather than the space around the development and along the Fleet which rather limits its value.

It is however considered that appropriate conditions should be imposed on the grant of any consent to ensure the provision of an appropriate landscaping scheme along the northern development boundary in particular, in order to soften the impact on the visual amenity of residents to the north, secure improved privacy and amenity for future residents and enhance the biodiversity value of the site.

Subject to such a condition no objection is raised to the proposal on the basis of impact on the landscape.

(vi) Ecology

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

Policy EC14 seeks the creation of new wildlife habitat in conjunction with development.

Policy EC22 states that in schemes for new development, existing trees, hedgerows and woods shall be retained wherever possible. Where development takes place, loss of existing tree cover and hedgerows shall be kept to a minimum. All trees and shrubs to be retained after development shall be suitably protected throughout the duration of construction.

Paragraph 109 of the NPPF states:

The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils; recognising the wider benefits of ecosystem services; minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures

In paragraph 118 it states:

When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site's notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest;
- development proposals where the primary objective is to conserve or enhance biodiversity should be permitted;
- opportunities to incorporate biodiversity in and around developments should be encouraged;
- planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.

The Need for Habitat Regulations Assessment (HRA) – The Impact on Internationally and Nationally Designated Sites

The application site lies within 1.9km of Benfleet and Southend Marshes Site of Special Scientific Interest (SSSI), Special Protection Area (SPA) and Ramsar site. This European designated site comprises an extensive series of salt marshes, mud-flats, scrub and grassland supporting a diverse range of flora and fauna. The site is of international importance for wintering birds such as Knot, Dark Bellied Brent Goose and Grey Plover, as well as of national importance for Wintering Dunlin, Redshank and Ringed Plover and supports eleven nationally scarce plants. A section of the site is of outstanding importance for invertebrates, with 30 Red Data Book species recorded to date.

Due to the proximity of the site to the Benfleet and Southend Marshes Site of Special Scientific Interest (SSSI), Special Protection Area (SPA) and Ramsar site, and its status as a European designated site, consideration of the application is subject to the requirements and obligations of the Conservation of Habitats and Species Regulations 2010. In determining the planning application this Authority must determine whether this development could cause 'likely Significant Effects' in the context of the Habitats Regulations (regulation 61).

Natural England (NE) has previously advised that an assessment of the impact of the proposal on Designated Sites could only be secured by the provision of sufficient information on the likely significant effects on the qualifying species of the designated areas and to the integrity of the site overall. The key concern previously expressed by NE in respect of the residential development of the larger site was the potential for increased recreational pressure on Benfleet and Southend Marshes Special Protection Area.

At some 3km from the application site, these pressures were not considered so significant in respect of other designated sites at Canvey Wick and Holehaven Creek.

The current scheme represents the same general threat to the integrity of the European site, albeit at a reduced level due to the more limited nature of the development. Despite the reduction in the scale however, NE remains concerned that the development will result in an increase in visitor numbers to the SPA which would adversely affect its integrity.

It is now generally accepted that the provision of spatially targeted and appropriate levels of alternative green space, can mitigate adverse effects on sensitive sites. In the case of the previously considered scheme NE considered that the provision of 14.48ha of recreational land within the development site would adequately mitigate the impact on the designated site. The applicants offered some 13.66ha of land which whilst less than the provision requested was provisionally accepted by NE in mitigation of the impact on the SPA. As a consequence NE confirmed that an increase in visitor numbers to these sites was less likely to have an adverse impact and did not object to the proposal.

The response to the previous application has some relevance to the current proposal. The current submission provides no clear statement on the provision of open space, in terms of its location and quantum, but clearly such provision is required in order to mitigate any potential impact on the designated site.

On the basis that the previous scheme was for up to 600 dwellings and sought to provide some 14ha of open space, an appropriate level of open space provision would be in the order of some 0.023ha per dwelling. This equates to the provision of 2.64ha of open space for the level of development currently proposed.

No specific open space is identified within the submitted drawings however, it is considered that sufficient opportunity exists within the general confines of the 'red line' application site to satisfy this requirement. Subject to the applicant entering into a S106 agreement to secure the provision and future maintenance of such open space; it is considered that the proposal would have no significant effect on the SPA.

It should be noted that the provision of such open space would also serve to satisfy the

requirements of Policies RE4 of the adopted Local Plan, the properly managed dual use of land for ecological and recreational purposes, being appropriate in all but the most sensitive environments.

Impact on Local Designated Sites

The far northern part of the application site includes part of, and abuts, Local Wildlife Site CP35 Thorneycreek Fleet (LoWS). This site largely consists of a wet reed-bed, with associated marginal grassland and scrub and is derived from one of the original main fleets draining Canvey Island prior to its reclamation.

As is typical of the habitat type, there are few other plant species within the reed-bed, a small quantity of Great Willow-herb occupying some of the drier margins. Between the eastern edge of the Fleet and Thorney Bay Road is an area of essentially unimproved rough grassland that supports a reasonable diversity of herbaceous species, despite being largely dominated by False Oat-grass. More interesting species include Meadow Vetchling, Grass Vetchling, Common Knapweed, Oxeye Daisy, Common Bird's-Foot-Trefoil and Agrimony.

Blackthorn and Bullace form dense thickets and other locally dominant species include Common Nettle, Greek Dock, Goat's Rue and Hedge Bedstraw.

The grassland supports Common Lizard and Slow Worm and Reed Warblers breed within the reed-bed.

Badger setts are also present on the site.

Essex Wildlife Trust have previously expressed concern that whilst not encroaching into the LoWS, the proposed development would abut directly onto its margins and that such close proximity would result in adverse impact on wildlife.

The Essex Badger Patrol has particularly expressed concern in respect of the impact of the proposal on Badgers on the site.

An updated Phase 1 Habitat Survey was undertaken in 2014, at the submission of the application and identified the presence of Badgers, Bats, Water Voles, Reptiles and Birds. It also identified the potential for Great Crested Newts. The impact of the proposal on each species will be considered below:

Badgers

Badger Surveys were originally undertaken in September 2011 and identified a number of setts primarily on the northern edge of the eastern part of the proposed development site. A very large main sett with numerous active holes and a width of approximately 125m was identified on the southern edge of Thorney Creek, just west of the site entrance road. In addition one other outlier sett was found within or adjacent to the development site. The resurvey undertaken in October 2014 identified no significant change in circumstances.

The proposed development would necessitate the destruction of the main badger sett on

the site and the partial destruction of the outlying one.

Paragraph 118 of the NPPF states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. Wherever possible development should be located where it would not cause significant harm to features of ecological value, however, if significant harm resulting from development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

Ideally therefore the proposed development should be located elsewhere in order to avoid impact however, land allocated for residential development in Castle Point is limited in extent and it is not considered that the development may be reasonably located elsewhere without significant harm to the Authority's requirement to meet its housing need and stated aim of protecting the Green Belt from inappropriate development. Relocation of the development is not therefore considered a realistic option.

It must also be remembered that the site benefits from a resolution to grant consent for residential purposes, subject to the applicant entering into a S106 agreement.

As alternatives the guidance offers the opportunity for mitigation or compensation.

In this case it is not considered that the scheme may be reasonably altered to mitigate the impact, given the limited extent of the development site, it is however considered that the loss of the existing Badger setts may be compensated.

The applicants have indicated the intention to translocate the badgers into new sett(s) on land within the confines of the red line site, but to the north-west of the development area. This land is owned by the applicant and the achievement of such translocation is considered acceptable within the context of the NPPF and Policy EC13 of the adopted Local Plan.

Badgers are protected under the Badger Act (1992) from killing, injury or disturbance; their setts are also protected against intentional or reckless, damage, destruction, obstruction or disturbance. (It should be noted that foraging grounds are not protected). If damage or disturbance to a sett is likely to occur, as in this case, then a Natural England Licence will be required for such works/disturbance.

To gain a licence a comprehensive method statement detailing works to be carried out along with mitigation for any impacts on badgers must be submitted to and agreed by Natural England. The mitigation planned would need to demonstrate the maintenance or improvement of the current status of badgers on site.

In this case, as the development would necessitate the removal of the main sett compensatory measures would need to include the creation of new setts, the exclusion of badgers from the existing sett(s) by fencing and the use of one-way badger gates. In addition works would need to be put in place to ensure habitat corridors were maintained to enable badgers to move safely within their range. Other measures might include planting of native trees and shrubs to provide berries, habitat management to ensure the provision

and retention of suitable foraging areas and use of suitable fencing to allow badgers free movement.

It is considered that the introduction of these measures as part of an appropriate Badger Impact Mitigation Strategy would adequately compensate the impact on Badgers on the site such that their presence no longer provides an impediment to the development of the site.

Subject to a condition to secure the implementation of such a Strategy the proposal is considered to be compliant with Government guidance and the provisions of EC13 of the adopted Local Plan. No objection is raised to the proposal on the basis of impact on Badgers.

Bats

All species of British bat are listed in Appendix II of the Berne Convention and various Annexes of the Habitats Directive. They are protected under Schedule 5 of the Wildlife and Countryside Act 1981 and Schedule 2 of the Conservation (Natural Habitats, etc.) Regulation 1994 (Regulation 38). It is therefore illegal to kill, injure or handle any bat or obstruct access to, destroy or disturb any site that they use. Breach of the legislation could result in potential fines of £5000 per animal injured and/or up to 6 months imprisonment.

The application site contains significant potential bat habit and a bat survey was therefore carried out in August 2011. This identified that both Soprano and Common Pipistrelle bats were active on the site. The highest level of activity was detected at the point at which the site entrance road crosses the creek, extending westwards along the northern edge of the development area. In this area trees run parallel to a wide section of the creek providing good foraging opportunities both within the trees and over the water.

The other water channels on site were also shown to attract foraging bats. Where trees and scrub were absent bat activity was less, although still at a fairly high level. The level of activity over the site suggested to the ecologists examining the site in 2011 that there was a high probability of bats roosting in some of the suitable trees on site.

Because of the large number of potentially suitable trees on site for roosting bats, and the fact that development plans available to the ecologists at that time did not detail specific trees to be removed, no attempt was made at that time to carry out emergence surveys or inspections of trees. Instead the ecologists recommended that once plans were completed arrangements be made to survey those trees which were directly affected by the development. If bats were found roosting in trees on site then a licence would be required to remove them and mitigation required to replace any lost roosting areas.

Further surveys of the trees within the development area were undertaken in 2013. The first identified several trees with the potential to contain bat roosts. However a later emergence survey failed to find any evidence of the use of the trees for such purposes.

Under the circumstances mitigation for the loss of bat roosts would not appear necessary, however, in the interests of improving the biodiversity of the site and in the light of the presence of bats on the site, it is considered that bat boxes could be included within the

scheme, either within the fabric of the proposed buildings or within the retained trees. A condition to this effect can be attached to the grant of any consent.

Furthermore it is considered that wherever possible existing hedges should be maintained in order to retain appropriate foraging areas on the site and that a lighting strategy be prepared which protected the water channel areas and tree-lines to avoid disturbance to bats. Conditions in respect of the submission and approval of appropriate, ecologically led landscaping and lighting may be attached to the grant of any consent. Such imposition would ensure compliance with Policy EC13 of the adopted Local Plan.

Water Voles

No clear evidence of water vole presence was identified within the 2011 or 2013 ecological surveys. The only potential evidence seen was possible water vole footprints which were found in the mud under bridges crossing the channel which leads to the sea. Water vole prints are however unreliable as evidence of presence as they are almost indistinguishable from young rat foot prints.

In the absence of clear evidence of the presence of Water Voles in the site, it is not considered that it may be argued that the proposed development would have a significant adverse impact on this species. No objection is therefore raised to the proposal on this basis.

Reptiles

Surveys undertaken revealed the presence a good population of Common Lizards over the whole site area, in suitable habitats and an overall low population for both Slow Worms and Grass Snakes.

Development of part of the site will clearly have an impact on the area of habitat available for such species however mitigation of that impact is possible.

Mitigation for loss of reptile habitat is likely to include translocation to another part of the application site and the fencing of the development area to prevent reptiles from re-entering the site.

It is considered that an appropriate scheme for the trapping and translocation of reptiles should be submitted prior to the commencement of development on the site. This may be required by the imposition of a condition attached to the grant of any consent. Such imposition would ensure compliance with Policy EC13 of the adopted Local Plan.

Birds

The 2011 survey found that suitable habitats for nesting birds occurred within the development area. Development of the site would therefore lead to a potential loss of habitat and injury/disturbance to birds.

In order to mitigate this impact it is recommended that site clearance of vegetation or buildings where possible be carried out outside the nesting season (March to August) and

appropriate mitigation, in the form of new planting and the provision of bird boxes, provided.

A condition may be attached to the grant of any consent to secure such mitigation. Such imposition would ensure compliance with Policy EC13 of the adopted Local Plan.

Great Crested Newts A walkover survey undertaken in 2013 identified only one area within the site which had potential for crested newt breeding. However a more detailed torchlight search found that the ditch was unsuitable as a breeding site because of the presence of three spined-sticklebacks which would eat any eggs.

In the absence of any evidence of their presence, no mitigation in respect of Great Crested Newts is sought.

Water Channels

The proposed development does not directly impact on the water channels which pass through the wider site, however it is clear that indirect impacts may arise which could affect the foraging value of these features. As a consequence it is considered appropriate to impose conditions on the grant of any consent which secure the appropriate management of these features to secure ecological enhancement. The provision of two weed boat launch points, at the eastern end of the Fleet and adjacent to the central spine road, would assist in achieving this objective. (Weed boats are vessels which are specifically designed for cutting unwanted vegetation from waterways and their embankments).

Trees

Paragraph 61 of the NPPF states planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

The NPPF further states that planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.

Policy EC7 of the adopted Local Plan is concerned with natural and semi-natural features in urban areas and requires their retention and enhancement wherever possible in order to safeguard their physical, visual, recreational and wildlife value.

Policy EC22 of the adopted Local Plan is concerned with the retention of trees, woodland and hedgerows, and requires that in all schemes for new development, existing trees, hedgerows and woods be retained wherever possible. Where development takes place, loss of existing tree cover and hedgerows shall be kept to a minimum.

Policy EC23 seeks to ensure that in all schemes the planting of native trees and shrubs will be encouraged in order to improve the physical environment.

The submitted arboricultural report identifies that some 140 trees are located within the development site, most of which are subject to Tree Preservation Orders made by the

Council in 1992 and 1996. The proposed development will necessitate the removal of some 111 trees from the site. The loss of this quantum of trees would generally be a source of concern, particularly on Canvey Island where the number of mature trees in existence is limited; however, detailed assessment of the trees has revealed that the condition, significance and overall quality of the identified trees is generally poor with many of the trees having less than 10 years life expectancy remaining.

Whilst the proposed development may hasten the loss of the trees in the short term, given the limited life expectancy remaining it is not considered that the proposed development would have a significant adverse impact on the character, appearance or ecological value of the site arising from the presence of the trees, in the long term.

Indeed, it is considered that the proposal offers an opportunity to improve the arboreal quality of the site through the implementation of a robust tree planting programme which is designed to provide high quality habitat, recreational open space and screening. Under the circumstances, and subject to the submission, approval and implementation of an appropriate tree planting scheme outside the immediate development envelope, no objection is raised to the loss of trees as identified within the arboricultural report.

(vii) Provision of Open Space

Policy RE14 of the adopted Local Plan requires that, in appropriate cases, developers enter into planning agreements to secure the provision of open space or other appropriate recreational facilities.

This policy is broadly consistent with the principles contained in the NPPF which seek to secure and retain appropriate open space for the health and well-being of local residents.

Paragraph 6.71 of the Council's Developer Contributions Guidance states that where larger developments generate a need for additional localised open spaces, particularly for use by young children, developers will be required to make on-site provision in accordance with the provisions of Appendix G of that document. This identifies the following standards for provision:

Urban Parks and Gardens. Standard required: 0.103 hectares per 1000 population. 0.1 square metres per person.

Outdoor Sports. Standard required: 3.217 hectares per 1000 population. 30 metres per person.

Amenity Green Spaces (Informal Open Space). Standard required: 0.584 hectares per 1000 population. 0.6 square metres per person.

Children's Play Area. Standard required: 0.25 sites per 1000 population. Maximum of 2.3 square metres per child, but depends on child occupation formula used to calculate Education Contributions..

The current proposal seeks to provide 113 family dwellings on a site with an area of some 5.2ha.

The ONS paper 'Families and households in the UK: 2016', indicates that the average household size is 2.4 persons. On this basis 113 dwellings would generate some 272 persons.

Applying these figures the following contributions are required:

Urban Parks and Gardens. 27.2m²

Outdoor Sports. 8160 m²

Amenity Green Spaces (Informal Open Space). 163.2 m²

Children's Play Area. This is dependent on the child occupation formula used to calculate Education Contributions. As this calculations has not been undertaken as yet the contribution cannot be finally determined. It may however be noted that a contribution will be required, the extent of which may be determined through the S106 negotiation process.

The proposal therefore attracts a requirement for the provision of at least 0.83ha of Public Open Space to satisfy recreational needs associated with the development. It will be recalled however that some 2.64ha is required to mitigate the impact mitigate the effects of recreational disturbance to the Benfleet and Southend Marshes Site of Special Scientific Interest (SSSI). A minimum of 2.64ha of open space is therefore required.

It is considered that this can be achieved within the redline site.

The specific identification of this land would satisfy the requirement for Public Open Space provision within the site and could be achieved by condition.

Management of this land for recreational purposes would however need to be made the subject of a S106 Agreement.

(viii) Flood Risk

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.

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

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 the continued development of Canvey Island is necessary to sustain the local community and prevent the social and economic blight of the settlement. To this extent the proposal does therefore have sustainability benefits. However, it must also be remembered that at the present time the site is occupied by park homes. These are single storey, relatively lightweight structures, which would offer little resistance to flood waters. The replacement of these structures with robust brick buildings, incorporating flood resilience measures and providing safe refuge in the event of a flood is considered to represent a significant sustainability benefit which far outweighs flood risk. In risk terms the proposal is considered to offer significant benefits for occupiers of the site.

The submitted documentation clearly identifies that the applicants have adopted a water entry strategy in the development of the site. This means that in an extreme flood event it is accepted that water will enter the buildings. Such a strategy may be considered acceptable where safe refuge is available above flood water levels and where buildings are constructed in a manner to facilitate rapid recovery after a flood. In this case, the submitted drawings show refuge is provided above flood levels for both the individual dwellings and the flats. This can be secured through a condition imposed on the grant of any consent

A condition may also be appended requiring the incorporation of flood resilience measures into all dwellings to be constructed and in respect of the accommodation of the hydrodynamic and hydrostatic pressures that will impact buildings under flood conditions.

Subject to such conditions the dwellings will have an acceptable level of flood risk and on this basis no objection is raised to the proposed development on flood risk grounds.

In addition to consideration of flood risk on the site, consideration must also be given to the implications of such development on adjoining land, it being a key principle of Government guidance that development should not increase the risk of off-site flooding.

Detailed modelling has revealed that whilst the proposed development would result in an increased risk of off-site flooding, this can be fully mitigated by the construction of a bund which would retain any flood waters on the site. The Environment Agency has acknowledged the provision of a bund as a suitable and appropriate response to off-site flood risk and subject to detailed design work has raised no objection to the proposal on this basis.

A condition requiring the submission of such details can be attached to the grant of any consent

Concern was initially raised in respect of the provision of sleeping accommodation to flats at ground floor level, however the applicant has demonstrated that all ground floor sleeping accommodation will be provided above the 1 in 1000 flood event level and as such flood risk associated with such accommodation is considered acceptable.

It should also be noted that refuges above predicted flood levels are provided within each block.

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

It should be noted that the site is influenced by the Thames Estuary 2100 (TE2100) Plan. This document, published in November 2012, sets out the EA recommendations for flood risk management for London and the Thames Estuary through to the end of the century and beyond. This site is located within the Canvey Island unit, which is subject to Policy P4 of the document which seeks to take action to keep up with climate and land use change so that flood risk does not increase. Essentially the Plan seeks to maintain and improve the sea defences around Canvey. This may require land take to secure the stability of walls of increased height and the EA has identified a buffer along the sea defence in order to ensure that the aspirations contained within the TE2100 Plan are not prejudiced.

The proposed development lies outside the buffer zone and as such has no direct consequences for the TE2100 proposals. No objection is therefore raised to the proposal on that basis.

Non-Tidal Flood Risk

In 2015, Anglian Water, Essex County Council and the EA completed an Integrated Urban Drainage (IUD) model for Canvey Island. This provides detailed information on non-tidal flood risk on Canvey Island. The EA has consulted the predicted flood extent and depth maps for the 1% annual event probability with climate change from the IUD model for this site and has confirmed high confidence that the site is not vulnerable to flood risk from a designated main river watercourse.

No objection is therefore raised to the proposal on that basis.

Surface Water Drainage and Flooding

The Lead Local Flood Authority (LLFA) has identified that whilst it has no objection to the principle of the proposed development on the basis of surface water drainage, the details submitted to date are inadequate to demonstrate the provision of a robust sustainable drainage system. The LLFA has therefore requested that conditions be attached to the grant of any consent requiring the submission of a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development. A condition requiring the submission of such a scheme may be attached to the grant of any consent.

It should be noted that there is no evidence to suggest that the site would suffer flooding from other sources such as reservoirs or groundwater.

(ix) Proximity to Hazardous Installations

Where a development site lies in proximity to a major hazard chemical installation or pipeline the Planning Authority has a statutory duty to refer the planning application to the Health and Safety Executive (HSE) in order that an assessment of the proposed development in respect of the installation can be undertaken.

Members will recall that in responding to the previous application (CPT/707/11/OUT), the HSE applied the 'straddling rule' to its consideration of the application because the application site was identified as falling within two consultation zones around the hazardous installations. Under the provisions of the straddling rule, if more than 90% of the proposed development area falls outside of the middle zone, the Executive would not advise against development. However an objection would be attracted if more than 10% of the development area fell within the middle zone.

In respect of application CPT/707/11/OUT, less than 10% of the total development area fell within the middle zone and the Executive did not therefore object to the proposal. However, for the current application more than 10% of the housing development area does lie within the middle zone and the HSE initially advised against the granting of planning permission.

Following discussion however the HSE has given more detailed consideration to the current proposal and concluded that it is appropriate in this instance to provide case specific advice on this proposal outside of the codified planning methodology which is provided through the HSE Planning Advice Web App used for the initial consultation response.

The 'Proposed Site General Arrangement Plan' (Drawing No: ABD/TBP/PP/P1/001, Revision C, dated 29.11.13) submitted with the application provides specific details of the housing layout across the proposed development site area, particularly the number of dwellings which will be located within the middle zone. Such details were not available when the HSE considered CPT1707/11/OUT. The layout indicates that a total of 30 dwelling units will be located within the middle zone, at a density of approximately 38 dwelling units per hectare.

The HSE's advice is that, in general, significant housing should be prevented from being built in the inner zone and only a limited number of houses, at a low density, should be built in the middle zone. Pragmatically, 30 dwellings at a density no greater than 40 dwellings per hectare, within the middle zone of HSE's land use planning consultation zones, is taken as the limit at which HSE would not advise against planning permission. Beyond the middle zone, HSE does not advise against the granting of planning permission for housing developments. The overall objective is to maintain the separation of incompatible development from the major hazard.

HSE has taken into account the following specific circumstances and considerations in determining its advice in this case:

- the development proposes that a total of 30 dwelling units will be located wholly or partly within the middle zone, with the remaining 83 dwelling units located within the outer zone;
- the housing density of the overall proposed development within the middle zone will be less than 40 dwelling units per hectare;
- no dwelling units are proposed within the inner zone.

Consequently, the conclusion of the assessment is that HSE does not advise, on safety grounds, against the granting of planning permission for the current development.

In coming to this conclusion the HSE is however at pains to point out that the outline planning application CPT/707/11/OUT covered a larger area of land than that which is proposed in the current application, which is described as phase 1 of the development and wished to make clear that the 30 dwelling units within the middle zone proposed in the current application should be regarded as the maximum number of dwellings permitted in the area of land covered by CPT/707/11/OUT which lies within the middle zone. The HSE sought to ensure this situation through a planning condition attached to both applications.

The HSE further advised that it would advise against any planning application which sought to locate any additional dwellings within the middle zone of Calor Gas Ltd and specifically advised that in order to inform any future planning applications which proposed further residential development at Thorney Bay Park within the middle zone of Calor Gas Ltd reliance should not be placed on the web based advice system and that bespoke advice should be sought.

In the light of this advice no objection is therefore raised to the proposal on the basis of proximity to the hazardous installations.

With regard to the imposition of conditions on the grant of any consent, whilst a condition could be appended to the current application, such application is considered unnecessary and therefore contrary to Government advice. Any proposal for the provision of an alternative layout will require the further consent of the Planning Authority and will entail consultation of the HSE which would then have an opportunity to consider the specific details of the proposal. Under the circumstances it is not considered appropriate to append a condition to the current application in the manner suggested.

With regard to the earlier proposal, whilst the above rationale equally applies it should be noted that an additional condition cannot be appended as this matter is no longer before this Committee for consideration.

Any future reserved matters application will however be the subject of consultation and matters on the density of development within the middle zone can be discussed at that stage.

(x) Impact on infrastructure

Policy CF1 of the Local Plan requires developments to provide the necessary highway and drainage improvements and social infrastructure required to serve the needs of the new

development. This is consistent with the core planning principles set out at paragraph 17 of the NPPF. However, advice is also given in the NPPF that developments should not be made unviable as a consequence of the scale of obligations and policy burdens placed upon them.

Paragraph 32 of the NPPF states that developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Account should be taken of whether:

- The opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure
- Safe and suitable access to the site can be achieved for all people; and
- Improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds, where the residual cumulative impacts of development are severe.

Policy T2 of the Adopted Local Plan also requires planning applications, for the type of development proposed, to be accompanied by a Transport Assessment and the Council to consult the Highway Authority. Such submission has been made which satisfies the policy position in this regard.

The Highway Authority has considered the submissions but has raised no objection to the proposal, subject to conditions and the provision of improvements to local bus stops and the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator. Subject to such conditions and obligations being met no objection is raised to the proposal on the basis of impact on the highway network.

There have been objections raised to the proposal by local residents on the grounds that local roads are unable to cope with new development on this scale. Given that there is no objection from the Highway Authority to the principle of residential development on the site and that the proposal will result in a net reduction in the number of residential units present on the site, it is not considered that an objection on this basis could be successfully sustained at appeal.

In respect of the Roscommon Way Phase 2 Extension, it should be noted that the alignment is beyond the confines of the application site. No conditions may therefore be imposed in respect of this feature.

(xi) Impact on Heritage Assets

In terms of archaeology, the site contains an archaeological site associated with the use of the land as a military camp during World War II. Whilst of interest it is not considered that the archaeology of the application site is so significant or the impact of development upon it so harmful as to constitute a robust objection to the proposal.

No Listed Buildings or other Heritage assets would be adversely affected by the siting of the proposed development. No objection is therefore raised to the proposal on the basis of impact on the historic environment.

Other Matters

Education

It has also been suggested that the local schools would have difficulty absorbing the additional pupil numbers arising as a result of this proposed development.

Essex County Council as education authority has advised that there is sufficient capacity within existing secondary schools to accommodate the proposed development but primary school, day care and preschool capacity is limited and would need to be enhanced to accommodate the proposed development. Essex County Council has therefore requested that the following index linked contributions be made:

-Early years and childcare: £74,483

-Primary school: £217,743

The enhancement of local education facility capacity to meet the needs of the development appears reasonable and in the event of permission being granted it is considered that the developer should be required to enter into an Agreement under Section 106 of the Town and Country Planning Act to secure the provision of a financial contribution towards this objective.

Health Services

Concern has also been raised by local residents in respect of the impact of the proposed development in access to GPs and similar health services. NHS England has confirmed that it has no objection to the proposal and that the GP practices within the vicinity of the site have the capacity to absorb the number of patients likely to be generated by this development.

It should be remembered that the proposed development will replace existing residentially occupied units present on the site. The net impact of the change from park home occupation to the proposed development is considered likely to be positive or at worst neutral.

Construction Management Plan

The applicant has not submitted a specific Construction Management Plan; however a Pre-construction Health and Safety Plan has been submitted which sets out the matters which would be included within such a plan. It is considered that this document, together with the submitted Transport Statement, lorry routing plan and the provisions of the Environmental Protection Act are sufficient to appropriately manage the construction phase of the development. No further submissions are therefore required in this regard.

Planning Obligations

Looking at the Council's Developer Contributions Guidance SPD and Essex County Council's Developers' Guide to Infrastructure Contributions, the proposed development attracts contributions towards the following matters:

- Affordable housing
- Highways / Public Transport
- Flood Defences
- Open space, sport and recreation facilities
- Education
- Libraries
- Public realm & public art
- Community safety
- Health Care
- Adult social care & day care provision for adults
- Youth services
- Employment.

Many of these matters have been discussed in the forgoing report; however, some require initial or further consideration

Affordable Housing

Policy H7 of the adopted 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 the current guidance on the amount and type of contribution that is expected in relation to affordable housing provision. This currently requires the provision of 35% affordable housing on sites of 15 units or more. This would equate to the provision of 40 affordable housing units on this site.

The applicant has indicated acceptance of the need to provide affordable housing on the site and has offered 17 flats within Block A.

Whilst this figure may have been consistent with the provisions of the 2016 New Local Plan, this document has been withdrawn and its policies and guidance may no longer be applied to proposed development. The provision of 17 units is inconsistent with the current adopted Local Plan/Developer Contribution Guidance and represents an objection to the proposal. However the evidence underpinning the now withdrawn 2016 Local Plan remains valid and this would suggest the provision of a lower level of affordable housing than the current policy position demands.

The level of affordable housing provision that should be achieved from the site is considered to be somewhere between 17 and 40 units. The actual number achieved may be determined by viability and negotiation in the context of a S106 Agreement.

On this basis no objection is raised to the proposal on the basis of affordable housing contribution.

Flood Defences

In terms of the wider scheme, the EA has been in discussion with the applicants regarding maintaining and improving the flood defences in line with the TE2100 Plan.

Recommendation 6 of Action Zone 7 of the Plan, in which Canvey Island is located, is to maintain, enhance, improve or replace the river defence walls and active structures, including the Canvey Island Barriers over the first 25 years of the Plan from 2010 to 2034. It sets out that when works to flood defence structures are planned, it is important to take opportunities to integrate flood defence into developments, and ensure that the development is designed with a proper understanding of the flood risk they face.

Recommendation 7 of Action Zone 7 is to maintain, enhance and improve or replace the defence walls and active structures during the 15 year period of the Plan from 2035 to 2049. It sets out that the EA staff responsible for spatial planning and flood risk will promote these works as part of on-going development applications, with how land allocated for development can take account of the need for the raising of flood defences.

Recommendation 11 of Action Zone 7 is to maintain, improve, enhance or replace the river defence walls and active structures post 2050 and into the 22nd century. It sets out that recommendation 6 and 7 will be continued.

The Plan also introduces the concept of third party costs towards floodplain management.

The EA has been in consultation with TE2100 colleagues and has consulted the Council's Developer's Contribution SPD, in respect of providing a financial contribution towards the capital construction works for the raising of the sea defences as a principle and has concluded that in order to secure improvements, in addition to capital funding it also requires land. Specifically, the EA requires the provision of a 19m buffer zone on the landward toe of the existing tidal defences, to allow for future defence raising requirements, defence re-profiling and landscaping, the provision of a surfaced access track along the landward base of the defence and the EA's 9m byelaws distance.

In the context of the larger scheme the applicants indicated that they would maintain such a buffer zone undeveloped and unfettered.

In the context of the current application no such request has been made. However, as the reduced scheme is isolated from the sea defence such a stance is not unreasonable. No request for the retention of a buffer zone therefore forms part of the determination of this application.

The EA had previously indicated, in the context of the larger scheme that a contribution of some £100,000 was required as a proportionate contribution towards the capital construction costs of the first phase of tidal defence improvements required by c.2040. £2.4 million was estimated as the overall capital construction cost, for the length of the defence along Thorney Bay frontage, which is approximately 1000m. The contribution had

been calculated using the formula set out in the Council's Developer Contributions SPD.

The EA indicated that the requirement for the contribution to be proportionate was based on the fact that Thorney Bay frontage provides protection to more than just the proposed development, and it would be unreasonable to expect the developer to fully-fund the works.

Whilst the current application has no direct relationship with the sea defences, as phase 1 of the larger scheme it would appear appropriate to secure a proportion of the funding within the context of the current application. This would ensure that the full sum agreed could be realised without placing an undue burden on the later phases of development.

The earlier application had been in outline form only and did not specify the number of units to be provided, although the submissions did suggest that some 600 units might be provided across the whole site.

On this basis, each dwelling unit would have generated a requirement for a contribution of some £166.66. As a consequence the reduced scheme would attract a requirement for the payment of the sum of £18,833.32.

The EA had previously suggested that the most appropriate way to secure this contribution would be for it and the developer to enter into a Section 30 agreement under the Anglian Water Authority Act 1977, and that permission should not be granted until this agreement was signed.

Such an agreement does not fall under planning legislation and would not therefore be within the jurisdiction of the planning authority. However it is considered that the security sought by the EA could be achieved in the form of an obligation contained within the S106 Legal Agreement, requiring the applicants to provide the financial contribution requested.

The applicants have previously indicated their acceptance to such a provision being contained within a Section 106 Legal Agreement. It is not considered that circumstances have significantly changed since that agreement to suggest an alternative means of achieving contribution would be more appropriate.

Open Space, Sport and Recreation Facilities

In respect of open space, sport and recreation facilities Appendix G and H of the Council's SPD identifies quantity and accessibility standards for different types of such facilities, as well as capital and maintenance costs. It is considered that both indoor and outdoor facilities are of relevance to this planning application.

In considering the application for the development of the wider site with up to 600 dwellings it was determined that the development was likely to generate additional demand for high quality leisure and community facilities. Whilst the current proposal represents a reduction in the scale of development, it is still considered likely to generate additional demand for high quality leisure and community facilities. As a consequence provision for such facilities should be made.

The adopted Developer Contributions Supplementary Planning Guidance (DCSPD)

indicates that a contribution of £2,133.41 per dwelling should be sought for indoor recreational facilities. This would equate to the sum of £241,075.33 for the scheme.

The applicants have offered the sum of £1,458.26 per net residential dwelling. Depending on the net figure identified, this equates to a maximum sum of £164,783.38 for the scheme. This figure is substantially below that identified within the DCSPD.

At the present time the site provides some 149 residential units. The provision of 113 units represents a net reduction in the number of residential units on the site and as such, it could be argued that under the currently proposed wording, no provision would be made in the context of Phase 1. However, at the present time the recreational facilities provided inter alia for occupiers of the camp, are located within the area proposed for development. The proposal would therefore result in a net loss of recreational facilities. It is considered that the loss of these facilities should be compensated for regardless of any net loss or gain in residential units.

Furthermore, it is considered, as stated above, that the occupiers of the proposed dwellings will have a requirement for high quality recreational facilities and that these should be provided for regardless of any net loss or gain in residential units.

Under the circumstances it is considered that the applicant should be invited to enter into a S106 agreement to achieve an appropriate contribution towards indoor sports and recreational facilities to meet the needs of residents of the site. Subject to such an agreement no objection is raised the proposal.

In respect of outdoor provision, the provision of some 2.64ha of public open space is required to satisfy the open space needs of the occupiers of the proposed development. The provision of this land can be achieved by condition; however the long term maintenance of the Public Open Space can only be achieved by an Obligation.

Given the sites location close to the seawall path it is considered likely that the proposed development would generate additional demand on the Inland Esplanade and Thames Estuary Waterfront. In order to accommodate this demand and facilitate effective use of the resource a financial contribution towards the enhancement of access, signage, general street furniture and footpath and cycleway connections will be sought.

The applicants have offered the sum of £155.15 per net residential dwelling which could, depending on the net figure identified, equates to a maximum sum of £17,531.95 for such works. It is considered that this level of provision would be inadequate to secure appropriate enhancements to the seawall and Esplanade. At the outline stage it was suggested that the contribution be set at £655.15 per unit. No material change in circumstances has been identified which would suggest that this level of provision is no longer appropriate and it is therefore recommended that this level of provision be sought. This would achieve a contribution of £74,031.95 which is considered a more appropriate level of contribution.

Again, it is considered that any contribution should be made regardless of any net loss or gain in residential units.

Education

As stated above the current proposal attracts the following education contribution.

- Early years and childcare: £74,483
- Primary school: £217,743.

In respect of the larger scheme it was considered that the development would also generate additional demand for post-sixteen education services. No request for such funding has been received in respect of the reduced scheme, however, as with work to improve the flood defences, as phase 1 of the larger scheme it would appear appropriate to secure a proportion of the funding within the context of the current application. This would ensure that the full sum agreed could be realised without placing an undue burden on the later phases of development. The level of funding to be secured will be the subject of negotiation.

Libraries

The nearest library is located in Canvey Town Centre.

The occupiers of the proposed development are considered likely to make use of these facilities and it is considered appropriate to seek a contribution towards the provision of the library facilities, to serve their needs.

The adopted Developer Contributions Guidance (2008) provides the formula for the calculation of appropriate contributions which can be secured through a S106 Agreement.

The applicant has previously indicated a willingness to make an appropriate contribution to improvements to the library service and subject to the achievement of a satisfactory contribution, in accordance with the provisions of the adopted DCSPD no objection is raised to the proposal on the basis of inadequate consideration of library provision.

Public Realm and Public Art

Given the nature and size of the application site, it is considered appropriate to seek the provision of public art within or adjacent to the site. Such provision should seek to provide a high quality landmark gateway entrance feature.

'Percent for Arts' is an internationally used funding mechanism for commissioning public art and is endorsed by the Arts Council of England. In accordance with normal practice under this scheme, at least 1% of the capital costs of residential schemes over 20 dwellings will be required to be allocated for public art. The contribution would cover the commissioning, design costs, artists' fees, fabrication costs, installation and maintenance.

The applicant has indicated the provision of two plinths for Public Art within the proposed development.

In the context of the above initiative such provision would appear inadequate and it is therefore considered that a more detailed discussion on the provision of public art within

the site be entered into within the auspices of a S106 agreement. Subject to the applicant being willing to enter into such an agreement no objection is raised to the proposal on the basis of inadequate public art provision.

Community Safety.

In the consideration of the outline application, Members were advised that Essex Police had advised that any development could give rise to the opportunity for new or an increase in crime and anti-social behaviour. This remains the situation.

Preventative measures are always the best solution and would be welcomed by Essex Police. This can be achieved through the provision of CCTV cameras. These can be linked to the existing council system, which can be accessed by officers at Canvey Police Station. The installation cost per camera was previously identified as £11,412 and the costs for 10 year maintenance, electricity & broadband per camera site was £20,252, making a total contribution of £31,664 per camera site.

Given the outline nature of the previous planning application, it was difficult to provide certainty on the number or location of the CCTV cameras. However the more detailed nature of the current submission suggests that a specific scheme can now be prepared. A condition to this effect can be attached to the grant of any consent with subsequent maintenance and monitoring funded through a S106 Agreement.

Health Care

Whilst a contribution towards the provision of health care facilities was sought in respect of the larger scheme, NHS England has advised that contributions will not be required in respect of this reduced scheme.

No such contribution may therefore be sought.

Whilst local residents have raised concerns that the provision of dwellings on the site will result in increased demand for healthcare facilities, it must be remembered that the proposal seeks to replace existing residential units and will result in a net loss in dwellings and a potential reduction in population, with obvious beneficial consequences for healthcare provision.

Adult Social Care

The means of delivering adult social care is shifting from segregated residential and day centre based options to community and home based facilities. In this context it is considered that residential schemes should contribute to the provision of adult social care. The current guidance suggests a contribution of £241 per dwelling.

Based on the current scheme the sum of £27,233 would be attracted.

The provision of such monies can be secured through the S106 agreement.

Youth Services

The Essex County Council Developers' Guide to Infrastructure Contributions identifies that youth services can be delivered in a range of ways, including youth centres, outdoor centres, mobile units and information points. Many of these facilities however, are only likely to be achieved in the context of much larger developments, (for example, a bespoke youth centre would require a development of some 1,200 homes).

The County's guide refers to smaller developments achieving facilities such as teen shelters. Such provision can be secured through an obligation in the S106 agreement.

The applicant has not however indicated a willingness to provide such facilities.

Employment

Currently 6% of the borough's employment is within the construction sector. This is above average with around 4.5% of people nationally employed in this sector. Therefore, there is the potential for this proposal to provide positive benefits to the local economy in particular. Such benefits can also be secured through the use of a S106 Agreement requiring the scheme to include the involvement of local businesses and apprentices during its construction.

Where possible, the applicant will be encouraged to participate in practices which favour local businesses and persons.

Conclusion on S106 Contributions.

The scope for requiring S106 contributions is significant; however there is a need to ensure that the development remains viable in order to ensure deliverability. During the drafting of the S106 Agreement, Officers and the applicant's advisors will determine the viability of the scheme and the capacity to achieve the obligations identified. In any such negotiation the Council will prioritise the achievement of affordable housing, ecological and landscape enhancement, the provision of open space, education and flood risk mitigation.

Conclusion

The development site comprises some 5.2ha of land located on the south side of Thorney Bay Road, within the Thorney Bay Camp site, on Canvey Island.

The application seeks consent for the provision of 113 dwellings and associated infrastructure and in effect represents Phase 1 of a larger residential development which was considered by Members in February 2013, and approved subject to the applicant entering into a S106 agreement, which has yet to be completed.

The current proposal satisfies all adopted spatial and policy requirements and appropriate mitigation of impact may be achieved through the imposition of appropriate conditions and a S106 Agreement to secure appropriate contributions towards inter alia, affordable housing and open space provision and relevant infrastructure.

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: that subject to the completion of a satisfactory S106 Agreement covering:

- The provision of Affordable housing
- Improvements to local bus infrastructure
- The provision of a Residential Travel Information Pack and travel vouchers for each dwelling
- The provision of open space and landscaped areas and measures to ensure their future maintenance and management
- A contribution to the improvement of the pedestrian access along the Flood Defences (the Inland Esplanade and Thames Estuary Waterside)
- The provision of indoor sport and recreation facilities and measures to ensure their future maintenance and management
- A contribution to the provision of appropriate educational facilities
- A contribution to the provision of appropriate library facilities
- A contribution to the provision of appropriate improvements to the sea defences
- The provision of public realm works and public art, consistent with the provisions of 'Percent for Arts'
- The provision of CCTV cameras and measures to ensure its future maintenance and management
- A contribution to the provision of appropriate Adult social care & day care provision for adults
- A contribution to the provision of appropriate Youth services
- The provision of an Apprentices Scheme and a Scheme for the employment of Local Businesses

the Head of Regeneration and Neighbourhoods, be authorised to **GRANT PERMISSION**, subject to the following conditions:

1 This permission should be read in conjunction with the Agreement under Section 106 of the Town and Country Planning Act 1990 dated contemporaneously with this permission.

REASON: In order to ensure the provision of:

- (i) an appropriate level of affordable dwelling units on the site,
- (ii) improvements to local bus infrastructure,
- (iii) a Residential Travel Information Pack and Travel vouchers for each dwelling,
- (iv) indoor sports and recreation facilities and measures to ensure their future maintenance and management
- (v) open space and landscaped areas and measures to ensure their future maintenance and management

- (vi) CCTV cameras and measures to ensure its future maintenance and management
- (vii) public realm works and public art, consistent with the provisions of 'Percent for Arts'
- (viii) an Apprentices Scheme and a Scheme for the employment of Local Businesses , and:

financial contributions towards:

- (ix) the improvement of flood defences,
- (x) improvements to the Inland Esplanade and Thames Estuary Waterside,
- (xi) the provision of appropriate educational facilities
- (xii) the provision of appropriate Adult social care & day care provision for adults
- (xiii) the provision of appropriate Youth services
- (xiv) the provision of appropriate library facilities

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

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

3 The proposed development shall be set out in accordance with the levels shown on drawing nos. ABD/TBP/PP/P1/004/C, ABD/TBP/PP/P1/005/C, ABD/TBP/PP/P1/006/C, and ABD/TBP/PP/P1/007/C.

For the avoidance of doubt it should be noted that all ground floor flats shall have a minimum finished floor level no lower than 3.12mAOD and all multi-storey dwellings shall provide refuge on a first floor at a level no lower than 3.12mAOD

REASON: In order to ensure an appropriate form of development, in the light of flood risk and visual amenity considerations.

4 The estate roads and footways layout (including gradients, surfacing and means of surface water drainage) shall in all respects accord with the requirements of the Essex Design Guide.

REASON: To ensure roads/footways are constructed to an appropriate standard in the interests of highway safety in accordance with Policy EC2 of the adopted Local Plan, and Policy DM7 of the Development Management Policies, (adopted as County Council Supplementary Guidance in February 2011).

5 The development hereby approved shall be undertaken wholly in accordance with the details and mitigation set out in the documents submitted, and listed below, from which there shall be no departure without the formal consent of the Local Planning Authority:

- Revised Flood Risk Assessment Final Report (GTA Civils Ltd -November 2016)
- Hydraulic Modelling Report (Civil Engineering Solutions Ltd -September 2012 and Addendum November 2012)
- Atkins (2007) Canvey Island Drainage Report Review (Civil Engineering Solutions Ltd - October 2012)
- Protected Species Survey (Green Shoots Ecology Ltd) July 2013

- Updated Extended Phase 1 Habitat Survey (Green Shoots Ecology Ltd) November 2014
- Arboricultural Report (Green Shoots Ecology Ltd) Ref: 231028-PD-11b) November 2014
- Transport Statement Ref: 4255 / 3.2a (GTA Civils Ltd -5 November 2014)
- Preconstruction Health and Safety Plan (Received 7 November 2014)

REASON: In the interests of protecting the sensitivities of the site and its surroundings.

6 Prior to the commencement of development a scheme for the phasing of the development shall be submitted to and formally approved by the local planning authority. Such a scheme shall include details on the construction of development and infrastructure, removal of caravans, access to each phase of the development and to the remaining caravans, and timings.

REASON: In ensure the development of the site in an appropriate manner, given the extant use of land to the south of the application site.

7 The Phasing Scheme approved under Condition 6 shall be fully implemented unless otherwise formally agreed with the Local Planning Authority.

REASON: In order to ensure the development of the site in an appropriate manner.

8 No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

REASON: The National Planning Policy Framework paragraph 103 and paragraph 109 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

9 Prior to the commencement of the development hereby approved a scheme for the provision and implementation of surface water drainage, incorporating sustainable drainage principles, an assessment of the hydrological and hydrogeological context of the development, and measures to prevent the discharge of surface water from the development onto the highway, shall be submitted to and formally approved by the Local Planning Authority. The scheme should include but not be limited to:

- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA

SuDS Manual C753.

- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation.

REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, ensure the effective operation of SuDS features over the lifetime of the development, provide mitigation of any environmental harm which may be caused to the local water environment and to prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.

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

10 Prior to the first occupation of the development hereby approved the surface water drainage scheme as formally approved shall be implemented and permanently maintained thereafter.

REASON: To ensure a satisfactory method of surface water drainage, and to prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.

11 No works shall take place until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.

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

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

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

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

REASON: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as

intended to ensure mitigation against flood risk.

13 The submitted Flood Response Plan dated 7th March 2017 shall be periodically reviewed, updated and implemented for the lifetime of the development hereby permitted.

REASON: To ensure the appropriate protection to users of the development in the event of a flood.

14 Prior to commencement of the development, the areas to be provided within the site, clear of the highway, for the purpose of loading/unloading/reception and storage of building materials and manoeuvring of all vehicles, including construction traffic, as shown on drawing ABD/TBP/PP/P1/073/B shall be provided and maintained for the duration of the construction phase.

REASON: To ensure that the highway is not obstructed by activities associated with the loading/unloading/reception and storage of building materials and manoeuvring of all vehicles, including construction traffic, during the construction period in the interest of highway safety in accordance with Policy EC2 of the Local Plan, and with policy DM1 of the Development Management Policies (adopted as County Council Supplementary Guidance in February 2011).

15 The proposed development shall be undertaken in accordance with the provisions of the submitted Pre Construction Health and Safety Plan received by the Planning Authority on the 7th November 2014.

REASON: In order to ensure the safety of contractors and users of the site.

16 Prior to the commencement of development a Site Waste Management Plan shall be submitted to and approved by the Local Planning Authority.

REASON: In order to ensure the appropriate minimisation and management of waste arising from the development of the site.

17 Prior to the commencement of development details of the measures to be implemented to secure adherence to the provisions of the identified Lorry Route Plan (ABD/TBP/PP/MP/0013), shall be submitted to and approved by the Local Planning Authority and thereafter implemented and maintained through out the construction period.

REASON: In order to limit the impact of development on users of the highway network.

18 Prior to commencement of the development the proposed wheel cleaning facility and contractor's car park shall be provided in accordance with the details shown on drawing No. ABD/TBP/PP/073/B and thereafter shall be retained for the duration of the construction phase.

REASON: To ensure that loose materials and spoil are not brought out onto the highway, in the interests of highway safety in accordance with Policy EC2 of the Local Plan, and with

policy DM1 of the Development Management Policies (adopted as County Council Supplementary Guidance in February 2011).

19 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with Policy EC2 of the Local Plan, and with policy DM1 of the Development Management Policies (adopted as County Council Supplementary Guidance in February 2011).

20 Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

REASON: To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety, in accordance with Policy EC2 of the Local Plan, and Policy DM1 of the Development Management Policies (adopted as County Council Supplementary Guidance in February 2011).

21 Any tree planting must be sited clear of all underground services and visibility splays and must be sympathetic to the street lighting scheme.

REASON: To avoid the interference with visibility splays and lighting of the highway in the interest of highway safety in accordance Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

22 Prior to occupation of any dwelling, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.

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

23 Prior to occupation details the required bus infrastructure upgrades to be provided on Thorney Bay Road shall be submitted to and approved by the Local Planning Authority.

REASON: To make adequate provision for passenger transport as a result of the proposed development.

24 The bus infrastructure upgrades approved in relation to condition 23 shall be implemented prior to the first occupation of the development.

REASON: To make adequate provision for passenger transport as a result of the

proposed development.

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

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

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

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.

27 The proposed dwellings shall be constructed incorporating the flood resilience measures identified on Drawing No. ABD/TBP/PP/P1/075.

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

28 The development hereby permitted shall not be commenced until such time as a detailed scheme to ensure the proposed development does not increase flood risk off-site via construction of an embankment along the northern bank of Thorney Creek Fleet, has been submitted to, and approved in writing by, the local planning authority. The scheme shall include a final detailed design of the embankment -considering profile, crest level (mAOD) fill/construction material and an ongoing maintenance plan.

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

The embankment shall be designated as a flood risk management asset by the appropriate risk management authority under the Flood and Water Management Act 2010.

REASON: To ensure no detriment in off-site flood hazard.

Section 7 "Offsite Impacts" of the applicant's FRA considers the off-site impacts of the proposed development on the overall flood hazard classification. The FRA "highlighted a potential for an increase in flood hazard offsite", on the northern bank of Thorney Creek Fleet. The proposed embankment will be effective at negating the potential offsite impact which might otherwise occur during a breach of the tidal defences during the "design" or "extreme" flood. Designating the asset aims to 'safeguard' the asset in perpetuity as it is remote from the flood risk source it mitigates for. This will to ensure compliance with paragraph 100 of the National Planning Policy Framework -where development is necessary, making it safe without increasing flood risk elsewhere.

29 Prior to the commencement of development a Wildlife Protection, Habitat Creation and Management Plan (including measures for appropriate monitoring and maintenance), targeting in particular the proposed open space, water channels and those species which currently use, or are likely to use, the application site and adjacent water bodies, shall be submitted to and approved in writing by the Local Planning Authority.

The plan shall provide specific details in respect of planting regimes, plant species, size of plants or densities of planting and the means of preparing, constructing and maintaining landscaped areas.

REASON: In order to protect the interests of wildlife present on the site and provide a visually attractive development.

30 The Wildlife Protection, Habitat Creation and Management Plan approved pursuant to Condition 29 above shall be fully implemented unless otherwise agreed in writing with the Local Planning Authority.

REASON: In order to protect the interests of wildlife present on the site and provide a visually attractive development.

31 Prior to the commencement of development a Badger Impact Mitigation Strategy shall be submitted to and approved by the Local Planning Authority.

Such strategy shall include details of the proposed sett replacement and badger translocation, together with the measures to be introduced to secure the provision and future maintenance of foraging grounds.

All works associated with the translocation of the badgers and closure of the setts shall be completed prior to the commencement of the development of the site.

REASON: In order to ensure that the impact on a protected species is adequately addressed, in accordance with the provisions of Policy EC14 of the adopted Local Plan and Government guidance as set out in the National Planning Policy Framework.

32 A wooden ramp sufficient to enable the escape of any badger which may inadvertently enter the construction site, shall be placed in any trench left open overnight during the construction period.

REASON: In order to provide an appropriate means of escape for any foraging badgers.

33 Prior to the translocation of the reptiles within the application site details of the management and monitoring of the translocated reptiles shall be submitted and approved by the Local Planning Authority.

REASON: This information is required prior to the translocation of the reptiles to ensure the longevity and vitality of the protected reptiles from the application site.

34 The translocation of reptiles from the development area shall be undertaken prior to the commencement of the development.

REASON: In order to ensure the adequate translocation of reptiles from the development site and to protect such reptiles from injury or death.

35 The approved reptile management and monitoring plan shall be implemented in its totality.

REASON: To ensure the longevity and vitality of the protected reptiles from the application site.

36 Prior to the removal of trees from the site, details of a strategy for the provision of bird and bat boxes shall be submitted to and approved by the Local Planning Authority.

Such strategy shall thereafter be fully implemented, in accordance with the agreed phasing of the development, before the first occupation of the development within that phase.

REASON: In order to ensure that the impact on protected species is adequately addressed, in accordance with the provisions of Policy EC14 of the adopted Local Plan and Government guidance as set out in the National Planning Policy Framework.

37 The trees and hedgerows identified for retention within the Tree Protection Plan, Drawing No. 231028-P-12 Rev B dated January 2014 and received on the 7th November 2014, shall be protected in accordance with the provisions of the submitted Arboricultural Method Statement.

REASON: In order preserve as far as possible the natural amenity of the site, in the interests of the character and appearance of the area and amenity of future and existing residents.

38 Prior to the first occupation of the development hereby approved, a detailed landscaping scheme for the area to the north of the proposed development area, south of Thorney Fleet Creek, shall be submitted to the Local Planning Authority for approval.

Such scheme shall be dominated by native species of trees and shrubs, suitable for the provision of forage for protected species known to be present on the site, and shall secure an appropriate level of screening of the northern boundary of the proposed development.

Any such approved scheme shall thereafter be fully implemented prior to the first occupation of the proposed development.

REASON: In order to ensure the provision of appropriate foraging areas for protected species, privacy for future residents and the creation of an attractive natural green space, in the interests of the amenity of future and existing residents.

39 Prior to the first occupation of the development hereby approved, a detailed landscaping scheme for the open areas provided throughout the site, including those areas located between flank garden enclosures and the highway, shall be submitted to the Local Planning Authority for approval.

Such scheme shall be dominated by native species of trees and shrubs, suitable for the provision of forage for protected species known to be present on the site.

Any such approved scheme shall thereafter be fully implemented prior to the first occupation of the proposed development, in accordance with the agreed phasing of the development.

REASON: In order to ensure the provision of appropriate foraging areas for protected species and the creation of attractive natural green spaces, in the interests of the amenity of future and existing residents.

40 The proposed development shall be laid out in accordance with drawing No. ABD/TBP/PP/P1/001/Rev C dated 29.11.13 and received by the Planning Authority on 27th August 2015, from which there shall be no departure without the prior approval of the Local Planning Authority.

REASON: In order to ensure that the number of dwellings built within the middle zone of the Health and Safety Executive Land Use Planning Consultation Zones is not increased without the further consideration of the Health and Safety Executive, in the interests of Public Safety.

41 Prior to the first occupation of the proposed flats, details of the design of suitable enclosed storage facilities for 24 bicycles shall be submitted to the Local Planning Authority for approval.

Any such approved scheme shall thereafter be implemented prior to the occupation of the proposed flats and thereafter permanently maintained.

REASON: In order to ensure the provision and retention of appropriate cycle storage facilities on the site.

42 Prior to the first occupation of the proposed flats, details of the design of suitable enclosed storage facilities for refuse and recycling bins shall be submitted to the Local Planning Authority for approval.

Any such approved scheme shall thereafter be implemented prior to the occupation of the proposed flats and thereafter permanently maintained.

REASON: In order to ensure the provision and retention of appropriate refuse and recycling storage facilities on the site.

43 Prior to the first occupation of the development, in accordance with the agreed phasing plan, the proposed roads within the development shall be constructed to withstand the weight and turning requirements of 32 tonne refuse vehicles.

REASON: In order to ensure the capability of the Local Authority to provide an appropriate refuse and recycling waste collection service within the development.

44 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.

45 Details of any lighting of any phase shall be submitted to and approved in writing by the local planning authority prior to the commencement of development of that phase. Development shall be carried out in accordance with the approved details.

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

46 No phase of the proposed development shall be occupied until such time as the access roads and vehicle parking areas serving the dwellings within that phase, as indicated on the approved plans, have been provided. The vehicle parking areas and associated turning areas shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

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

47 Prior to the vehicular accesses serving the proposed dwellings being brought into use, within the confines of each plot, a 1.5m x 1.5m clear to ground visibility splay shall be provided at the junction of the vehicular access and the highway which shall be maintained free of obstruction in perpetuity.

REASON: In the interests of highway and pedestrian safety.

48 Where car parking spaces, including unallocated visitor parking spaces, and garages are provided on the site, these facilities shall be retained solely for that use and for no other purpose whatsoever without the formal consent of the Local Planning Authority.

REASON: To ensure the retention of adequate on site car parking facilities to meet the Councils adopted standards for the amount of accommodation to be provided on the site.

Informatives

1 The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

2 All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.

3 Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of the Environment Agency is required for any proposed works or structures in, under, over or within 9 metres of the top of the bank of the main river (Thorneyfleet Creek). This includes work such as bank protection, channel modification, bridging or culverting. An assessment of the hydraulic effect of any proposed structure will be required to accompany the required flood defence consent application.

Under the Land Drainage Act 1991, any works that will create or alter a mill dam, weir or other similar obstruction to the flow of an ordinary watercourse (a stream, ditch, drain or piped watercourse), including any proposals to install culverts or alter them in a manner that would be likely to affect the flow of water, require consent from Essex County Council's Flood Management team.

Under Section 23 of the Land Drainage Act 1991, prior written consent from the Lead Local Flood Authority (Essex County Council) is required to construct any culvert (pipe) or structure (such as a dam or weir) to control, or alter the flow of water within an ordinary watercourse. Ordinary watercourses include ditches, drains and any other networks of water which are not classed as Main River.

Planning permission does not negate the requirement for consent, and full details of the proposed work will be required at least two months before commencement of works.

4 The grant of planning consent does not absolve the applicant from complying with the relevant law protecting species, including obtaining and complying with the terms and conditions of any licences required, as described in Part IV B of Circular 06/2005.

If the development is not commenced within 2 years of the grant of consent a full protected species assessment must be undertaken and submitted to the Planning Authority for consideration.

5 All works affecting the highway to be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary

works should be made to the Essex County Council on 0845 603 7631.

The Highway Authority cannot accept any liability for cost associated with a developer's improvement. This includes design check safety audits, site supervision a commuted sum for maintenance and any potential claims under Part 1 and Part 2 of the land compensation act 1973.

6 The Applicant is advised to liaise with the appropriate agency(s) regarding the water course to ensure that all necessary precautions are taken to protect the integrity of the site and the condition of the water course.

7 All proposed tree planting within the highway must be supported by a commuted sum to cover the cost of future maintenance, to be agreed with the Highway Authority.

8 Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to suds@essex.gov.uk.

Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.

Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.

It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.

The Ministerial Statement made on 18th December 2014 (ref. HCWS161) states that the final decision regarding the viability and reasonableness of maintenance requirements lies with the LPA. It is not within the scope of the LLFA to comment on the overall viability of a scheme.