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AGENDA

Committee: DEVELOPMENT CONTROL

Date and Time: Tuesday 6th September 2016 at 7.30 p.m.

Venue: Council Chamber

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

Membership: Councillors Hart (Chairman), Smith (Vice Chairman), Acott, Anderson, Blackwell, Mrs King, Mumford, Sharp, Sheldon, Varker, Mrs Wass, N. Watson and Wood.

Canvey Island Town Councillors : Greig and Tucker

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

Enquiries: Cheryl Salmon, ext. 2454

PART I (Business to be taken in public)

1. Apologies

2. Members' Interests

3. Minutes

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

4. Public Speakers

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

5. Deposited Plans

Report of the Head of Regeneration and Neighbourhoods is attached.

	Application No.	Address	Page
1.	16/0212/OUT	74 High Street, Canvey Island (Canvey Island South Ward)	1
2.	16/0418/FUL	271 Rayleigh Road, Benfleet (Cedar Hall Ward)	23
3.	16/0504/FUL	Land Adjacent to Former King Canute PH, Canvey Road, Canvey Island (Canvey Island Central Ward)	30
4.	16/0512/FUL	Land adj to Concord Rangers Football club, Thames Road, Canvey Island (Canvey Island West Ward)	61
5.	16/0538/FUL	41 Homestead Gardens, Benfleet (St James' Ward)	65

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DEVELOPMENT CONTROL COMMITTEE

2nd AUGUST 2016

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

Councillors Campagna, Howard, Ladzrie, Palmer, Riley, Sach and Taylor also attended.

Apologies for absence were received from Councillors, Mrs King, Mrs Wass and N. Watson.

7. MEMBERS' INTERESTS

There were none.

8. MINUTES

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

9. DEPOSITED PLANS

- (a) **16/0350/FUL – 450 RAYLEIGH ROAD, THUNDERSLEY, BENFLEET, SS7 3SU (VICTORIA WARD) – ERECT DORMER WINDOWS AND PORCH TO FRONT AND GROUND AND ROOF LEVEL EXTENSIONS TO REAR OF EXISTING BUNGALOW TO FORM FOUR-BEDROOMED DWELLING AND ERECT TWO DETACHED THREE BEDROOMED HOUSES TO REAR – MARK BECKFORD**

The application sought to extend and alter an existing bungalow to convert it to a four bedroomed property and also to erect two new three-bedroomed dwellings to the rear. It was considered that in the context of the local area this form of development was not out of character. There were no other reasons for refusal that could be found. The proposal was therefore recommended for approval.

The application was presented to the Committee at the request of the Chairman in order that it might assess the impact of the extensions to the existing dwelling, and the impact of the two new dwellings, on the surrounding area.

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

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

During discussion a Member expressed the view that a site visit would have been beneficial to the Committee to enable Members to fully understand the concerns of local residents. However it was considered that the proposed development would not cause undue harm to the character of the area or the amenity of local residents.

In response to a question from a Member it was confirmed that the Highway Authority had no objection to the proposal as any concerns would be dealt with by the suggested conditions.

Following discussion it was:-

Resolved - That the application be approved subject to conditions as set out in the Planning Officer's report, with an amendment to Condition 2 reflecting the receipt of a satisfactory Construction Management Plan.

(b) 16/0106/FUL – OIKOS STORAGE LTD, HOLE HAVEN WHARF, HAVEN ROAD, CANVEY ISLAND, ESSEX (CANVEY ISLAND WEST WARD) – CONSTRUCTION OF A NEW DEEP WATER JETTY FACILITY CONSISTING OF THE REFURBISHMENT OF AN EXISTING 12 TANK STORAGE COMPOUND AND THE UNDERTAKING OF RELATED OPERATIONAL AND SITE INFRASTRUCTURE WORKS – OIKOS STORAGE LTD

The application sought planning permission for the construction and operation of a new deep water jetty and associated infrastructure including the replacement of 12 tanks at the Oikos site at the southern end of Haven Road, on Canvey Island.

The proposed development was consistent with national, sub regional and local planning and economic policy and subject to appropriate mitigation would have no adverse impact on ecology, landscape or visual amenity, the historic environment, commercial or recreational navigation, highway considerations or flood risk.

Furthermore, appropriately mitigated the proposal would have no significant adverse impact on the environment in terms of noise, vibration, air quality or contamination and would have no adverse impact on the safety of local residents or workers on the site.

The proposed development would not give rise to any significant cumulative or in combination effects when considered with other permitted developments. The proposal was therefore recommended for approval.

The Committee noted that the proposed development also required consent/licence from The Marine Management Organisation (MMO), Environment Agency and the Port London Authority and that the jurisdiction of the Planning Authority only extended to the low water mark, beyond that point control rested with the MMO and the Port Authority.

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

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

During debate some Members raised concern that the new tanks would lead to a significant increase in the amount of hazardous substance stored on site as it was believed that currently many of the tanks were empty. The Planning Officer explained that the site already had Hazardous Substance Consent and the owner could increase the amount of substance stored at the site without the permission of the Local Planning Authority. Furthermore, it was not the role of the Committee to consider health and safety matters, these were the responsibility of other bodies such as the Health and Safety Executive.

Other Members noted that the proposal was consistent with policy and did not feel it would have an adverse impact on either the environment or the safety of local residents. However concern was raised regarding the impact the construction works would have on local residents and Members wanted to ensure the minimum disruption was caused. It was suggested that the Chairman, Vice Chairman and Ward Members be included in discussions with the applicant and planning officers regarding the Construction Environment Management Plan, required by Condition 3.

Following detailed discussion it was:-

Resolved – That the application is approved subject to the conditions as set out in the Planning Officer's report and that the Chairman, Vice Chairman and Ward Member are involved in the consideration and determination of the Construction Environment Management Plan, required by Condition 3.

Chairman

ITEM 1

Application Number:	16/0212/OUT
Address:	74 High Street Canvey Island Essex (Canvey Island South Ward)
Description of Development:	Demolish all buildings and construct two blocks of 24 No. self contained flats with 2 No. retail shops at ground floor
Applicant:	Canvey Supply Co Ltd
Case Officer:	Ms Kim Fisher
Expiry date:	30.09.2016

Summary

The proposal seeks outline consent for the provision of 24 flats and two retail units, arranged in the form of two, three-storey blocks, with associated parking, refuse and cycle storage facilities, on land to the south of the High Street, west of Venables Close, on Canvey Island.

The proposal is considered satisfactory in the context of the adopted Local Plan, The New Local Plan and Residential Design Guidance and is therefore recommended for conditional approval.

Issues have been identified with the ability of the submitted proposal to adequately mitigate the impacts of surface water flooding; however it is considered that this matter may be resolved through the submission of a more detailed and robust Flood Risk Assessment at the reserved matters stage.

The application attracts a requirement for the provision affordable housing and due to the scale and configuration of the proposed development, a financial contribution towards the provision of off-site affordable housing is considered acceptable. Such provision will require the applicant to enter into a S106 agreement to this effect.

Site Visit

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

Introduction

The site is located on the southern side of the High Street, at its junction with Venables Close. The site currently hosts a builder's supply merchants with yard, warehouses and a shop with two flats at first floor level.

The site has an irregular shape with a frontage of some 35.5m to High Street and a return frontage to Venables Close of some 45m.

The site has a maximum width of some 57m and a maximum depth of approximately 73m.

Immediately to the west of the site is a flat roofed, two-storey building used for banking purposes, behind which is a vacant yard with storage buildings.

To the east is a flat roofed, two storey building used as a hot food takeaway, beyond which is the carriageway of Venables Close and a parade of single storey shops behind which is a three storey development comprising a nursing home and residential flats.

To the north is a three storey block of flats and a KFC takeaway unit whilst to the south are the playing fields associated with the Castle View School.

The Proposal

The proposal seeks outline consent for a mixed retail/residential development.

Access, appearance, layout and scale are reserved matters for which approval is sought at this time. Only landscaping is reserved for later consideration.

The applicant seeks planning permission for the construction of 2 three-storey buildings. Block A provided on the High Street frontage would comprise two shop units at ground floor level above which would be formed 16 one and two bedroomed flats. This building would have a maximum width of some 35.5m, completely filling the width of the site, and a depth of some 13m.

Block B would be provided to the rear of the site and would provide 8 two bedroomed flats. This building would have a width of some 21.5m and a depth of some 16m and would be set some a minimum of 2.7m from the western boundary of the site and 5.5m from the eastern boundary of the site. It would be set some 2m from the highway edge.

The scheme would provide 24 car parking spaces and 32 cycle parking spaces to serve the needs of the residential development and 4 spaces and a service area to serve the shops.

Vehicular and pedestrian access to the flats would be provided from Venables Close.

Surface water is proposed to be directed using gullies and falls to grassed areas and retention tanks located within the car park and amenity area. A restrictive valve is proposed to be used to control the flow of water stored in the retention tank to an existing surface water pipe which runs under the site if the capacity of the tanks is exceeded during storm conditions.

Supplementary Documentation

The applicant has submitted the following supplementary documentation:

Design and Access Statement
Structural Design Summary (Hydrodynamic and Hydrostatic analysis),
Flood Risk Assessment
Sequential Test Report
Statement of Flood Resilient Design and Construction
Flood Response Plan
SuDS Design Statement
Details of Materials

All of which are available to view on the Council's website.

Planning History

None of relevance to the current proposal.

Local Plan Allocation

The site is allocated for shopping purposes on the adopted Local Plan, but is not within a primary shopping frontage.

This allocation is maintained in the New Local Plan (2016).

Relevant Policies and Government Guidance

National Planning Policy Framework (NPPF)

Paragraphs:

23	Ensuring the vitality of Town Centres
50, 51	Delivering a wide choice of quality homes
56-58	Requiring good design
73	Promoting healthy communities
100- 104	Flood Risk

Castle Point Borough Council Local Plan (Adopted November 1998)

EC2	Design
EC3	Residential Amenity
EC4	Pollution
EC5	Crime Prevention
H7	Affordable Housing
H9	New Housing Densities
H10	Mix of Development
H11	Accessible and Wheelchair Housing
H13	Location of Development
H17	Housing Development – Design and Layout
S1	Location of Retail Development
S5	Parking and Servicing
T8	Car Parking Standards
CF14	Surface Water Disposal

Residential Design Guidance (Adopted January 2013)

RDG2	Space around Dwellings
RDG3	Building Lines
RDG5	Privacy and Living Conditions
RDG6	Amenity Space
RDG8	Detailing
RDG10	Enclosure and Boundary Treatment
RDG12	Parking and Access
RDG13	Refuse and Recycling Storage
RDG15	Design Codes
RDG16	Liveable Homes

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

Developer Contributions Guidance Supplementary Planning Document (Adopted October 2008)

New Local Plan (2016)

Policy H1 Housing strategy

Policy H12 Location of housing development

Policy DES1 General design principles

Additional Guidance

Canvey Town Centre Master Plan (2010)

Strategic Housing Market Assessment (May 2016)

Strategic Housing Land Availability Assessment Update (October 2014)

Planning Minister Statement (25th March 2015)

Written Ministerial Statement (WMS), 'Planning for Growth' (March 2011)

Technical Housing Standards (March 2015)

DEFRA Non-statutory technical standards for sustainable drainage systems (March 2015)

Consultation

Environmental Health Officer

No comments.

Street Scene/Recycling Officer

No objection provided:

- ☐ The roadway is built to a standard to take a 32t vehicle
- ☐ The doors of the bin bay building open outwards (or slide) and are large enough for the removal of the bins
- ☐ Any paths from the bin bays to the vehicle waiting area level or have appropriate drop kerbs in place.

Canvey Island Town Council

Objects to the proposal on the following grounds:

- Overdevelopment of the site.
- Additional development is a strain on current infrastructure.
- Knowledge of existing drainage issues.

Environment Agency

No objection to the planning application, providing the LPA is satisfied that the development would be safe for its lifetime and the LPA assess the acceptability of the issues within its remit.

The Sequential and Exception Tests need to be passed and a flood risk assessment (FRA) submitted that meets the requirements set out in the National Planning Policy Framework (NPPF).

A FRA prepared by Richard Allit Associates Ltd: W1858, February 2016 has been submitted. The important points from the FRA are:

· All habitable rooms will be set at a minimum of 4.67mAOD which is above the 1 in 1000 plus climate change breach depth.

- Residual breach risk depth of flooding in building is up to 1m in the 1:200 plus climate change event.
- Residual breach risk depth of flooding in building is up to 2m in the 1:1000 plus climate change event.
- A Flood Response Plan has been submitted within this FRA. The safety of this development is reliant upon an effective FRP.
- A Topographic survey has been included within this FRA.

Natural England

No comment.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. Natural England advises that it is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. Natural England advises LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

Essex County Council – Education

ECC will not be seeking a s106 education contribution on this occasion.

Essex County Council – Highways

No objection subject to conditions.

Essex County Council - Lead Local Flood Authority

Holding objection to the granting of planning permission based on inadequate FRA.

Section 7 of the submitted FRA does not provide details on how the surface water runoff from the new development will be managed on site and not increase offsite flooding.

Expect the ECC Canvey Island Integrated Urban Drainage Study to be used in identifying the potential flood risk to the site and appropriate measures implemented following the latest evidence base.

Runoff from any new development (including re-developed sites) to be limited to the 1 in1 year greenfield 2 rate unless if this would make the development unviable, or to at least 50% betterment from brownfield sites.

No hydraulic modelling has been provided to support the surface water management from the proposed site.

Provide detail on the outfall location for surface water run-off from the site, including details of available capacity if discharging to the surface water sewers.

Evidence of water quality treatment from the development using the risk based approach as outlined in the CIRIA SuDS manual C753 is required to demonstrate compliance with S.109 of the NPPF which asks for new development not to increase pollution to various sources including water.

Public Consultation

65 letters were sent to local residents and businesses.

In addition Site Notices were posted on the site and a Press Notice placed in a Local Newspaper.

One response has been received from the Directors of Stafford Court Care Home, raising no objection to the proposal but seeking assurances that their business and residents will not be disturbed by the proposed development.

Also concerned about noise and excessive parking.

Comments on Consultation Responses

Disturbance arising from the construction process is a transitory phase and cannot provide a robust objection to the development of a site.

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

Evaluation of Proposal

The issues to be considered are the principle of a mixed development on this site, the density and mix of proposed housing, design and layout, the provision of affordable housing, highways and car parking, drainage and flood risk, and other matters including amenity, ecology and trees and contamination.

The Principle of Development

The site is located within an area allocated primarily for shopping purposes in the adopted Local Plan. Policy S4 seeks to retain such areas for shopping purposes. This is consistent with paragraph 23 of the National Planning Policy Framework (NPPF). The development of the site for residential purposes would be contrary to this provision. However, paragraph 51 of the NPPF states that local planning authorities should normally approve planning applications for change from commercial to residential use where there is an identified need for additional housing, provided there are no strong economic reasons why such development should not be permitted.

The Written Ministerial Statement (WMS), 'Planning for Growth', dated 2 March 2011 gives significant weight to the provision of housing in sustainable locations close to significant employment opportunities. The WMS states that:

“Government’s clear expectation is that the answer to development and growth should wherever possible be ‘yes’, except where this would compromise the key sustainable development principles set out in national planning policy.”

There is a clear and recognised need for additional housing provision within the Borough and as such a presumption in favour of the development of the site for residential purposes exists, unless there are strong economic reasons for refusing the development or the proposal would compromise the key sustainable development principles set out in national planning policy.

The site is within the Town Centre but is not within a primary shopping frontage.

Furthermore, the site currently provides a builders yard and retail unit. The builder’s yard is not considered to significantly contribute to the retail activity of the town centre and the proposed scheme will provide replacement retail units for that lost. On balance it is not considered that the redevelopment of this site in the manner proposed would have a significant adverse impact on the retail vitality or viability of the town centre and it is not considered that development of the site for a mixed commercial/residential purpose would compromise key sustainable development principles as set out in national planning policy.

Furthermore, the existing builder’s yard building is of poor appearance and not considered particularly attractive for alternative business uses. This, together with the fact that the site adjoins residential development on two sides strongly suggests that the principle of residential development on this site would be acceptable, being consistent with Government policy and guidance. No objection is therefore raised to the principle of a mixed commercial/residential development on this site.

Policy H13 of the Adopted Local Plan considers the principle and location of flatted development and provides criteria on design, scale and siting. This policy is considered generally consistent with the NPPF.

The policy specifically states that proposals for flats should be located on main roads. Block A would be onto the High Street which is the major distributor through the town. Whilst it is recognised that the proposed development would also share a frontage with Venables Close which is a residential street and not a major route, Venables Close is characterised by three storey flatted development. Under the circumstances the site is considered an appropriate location for the proposed development. In respect of the other criteria, it is more appropriate to make such an assessment of the proposal against the Council’s Residential Design Guidance (RDG), which will be discussed later in the report.

The provision of flats on this site would be consistent with the provisions of Policy H12 of the New Local Plan (2016).

The Canvey Town Centre Master Plan identifies the application site for highway purposes, forming part of an improved route through the Town Centre. Development of the site in the manner proposed would prejudice the provision of such route. This could represent an objection to the proposal. However, whilst an adopted policy document, the implementation of the Canvey Town Centre Master Plan is at an embryonic stage and aspirational in its context with limited commercial commitment. As such it is not considered that this document is of significant weight in the determination of the current application. A reason for refusal based on conflict with the Canvey Town Centre Master Plan is considered unlikely to be supported on appeal.

Density and Mix of Housing

Policy H9 of the current Local Plan requires the optimum density of development to be achieved on any site. The optimum number is generally defined as the quantum of development that can be achieved whilst providing an attractive layout and without causing harm to the surroundings.

Whilst broadly consistent with paragraph 58 bullet 3 of the NPPF, Policy H9 is somewhat vague and a better test of whether the density of the development is appropriate is assessment of the proposal against the Council's Residential Design Guidance, which will be undertaken later in this report.

Policy H10 of the adopted Local Plan states that in all residential developments the Council will seek an appropriate range of dwelling types. This also a vague policy which is inconsistent with the requirements of paragraph 50 of the NPPF which requires local planning authorities to plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community.

Policy H1 of the New Local Plan, whilst of limited weight at this stage, seeks to encourage the provision of smaller dwellings in order to meet local needs.

The most up to date local evidence of need in respect of the mix of development on sites is the 2016 Strategic Housing Market Assessment (SHMA May 2016). This identified that for the Castle Point area, in the period 2014 – 2037, 33% of new dwellings should be 1 and 2 bedroomed properties and 67% of new dwellings should be 3 and 4+ bedroomed properties.

The proposed development consists of a mixture of one and two bedroomed flats, the provision of which will meet an identified need.

Under the circumstances the proposal is considered to satisfy the requirements of Policy H10 of the adopted Local Plan.

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

It is noted that the commercial site immediately to the west of the application site is currently vacant. It is considered that this site has the potential to contribute towards housing needs and that a comprehensive scheme for both sites might be beneficial.

The applicant has been approached in order to explore the potential for a comprehensive scheme; however following discussions with the adjoining landowner, it is clear that there is no immediate desire to develop this land for residential purposes. The absence of a comprehensive scheme involving both sites does not preclude determination of the current application as it is not considered that the proposed development would unduly prejudice the independent development of the adjoining site.

Development of the application site in isolation would not conflict with Policy H12 of the adopted Local Plan and no objection is therefore raised to the proposal on this basis.

Design and Layout

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

Whilst the applicants seek outline consent for the development of the site at this stage, access, appearance and layout are reserved matters identified for approval at this time. It is therefore appropriate to consider design and layout at this stage.

EC2 specifically states that the scale, density, siting, design, layout and external materials of any development, which shall be appropriate to its setting and should not harm the character of its surroundings; that the appearance and treatment of spaces around buildings shall be enhanced by appropriate hard and soft landscaping and that all modes of movement are to be safe and convenient.

These principles are broadly reflected in the provisions of Policy DES1 of the new Local Plan (2016).

In terms of scale, the proposed flats would be three storeys in height. Whilst higher than the existing building and those immediately abutting the site, this part of the High Street exhibits several examples of three storey flatted development. In the context of this development it is not considered that there can be an objection to the principle of a three storey development on this site.

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, adopted RDG. This guidance is considered to be in compliance with the NPPF.

RDG2 requires space around new development to be informed by the prevailing character of space around dwellings. Dwellings should be provided with at least 1m provided between the properties and adjoining boundaries and flatted development should be provided with space equivalent to 25% of the width of the building.

Block A would be some 35.5m wide at its frontage to the High Street, with no space retained between the building and the side boundaries of the site. As such this element of the proposal fails to meet the requirements of RDG2. However, the site is located within a Town Centre where a tighter grain of development is considered acceptable. The utilisation of the full width of the plot reflects the current situation on the site and under the circumstances it is not considered that an objection to the setting of Block A could be sustained on appeal. No objection is therefore raised to the proposal on this basis.

On the Venables Close frontage, space equivalent to 250% of the width of Building B is provided.

No objection is therefore raised under RDG2.

Guidance at RDG3 requires proposals to respect established building lines. The submitted layout indicates that the proposed buildings would be located in general conformity with the established building lines to both the High Street and Venables Close.

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

The proposed flats would not extend beyond the front or rear elevations of the adjoining commercial properties and as such it is not considered that the occupiers of the adjoining buildings would be adversely affected by the proposed development in terms of overshadowing or dominance.

The proposed flats are considered too remote from any residential properties to give rise to a significant adverse impact on residential amenity in this respect.

No objection is therefore raised to the proposal under the provisions of RDG3.

RDG5 provides guidance on privacy and living conditions; and states that for all development above ground floor level a distance of 9m shall be provided between the first floor opening and the boundary it directly faces. For development at second floor level a distance of 15m shall be provided. It also considers that all new dwellings should be provided with windows to ensure adequate natural light and ventilation to the rooms they serve.

In respect of Block A, first and second floor windows and balconies would be provided to the front and rear elevations only. The windows and balconies provided to the front elevation would overlook the highway and public realm and would not result in any loss of residential amenity for adjoining occupiers.

Windows and Juliette balconies provided in the rear elevation would be in excess of 30m from the first and second floor windows on the side elevation of Block B. The privacy of the future residents of the opposing flats would not therefore be prejudiced by the proposed layout.

Windows in the front elevation of Block B would overlook Venables Close and the side elevation and amenity area of Venables Court. The side elevation of Venables Court is heavily perforated by windows across three floors, some 7.5m – 12m from the site boundary. The proposal maintains windows between 11m and 15m from the site boundary. A minimum distance of some 20m would be maintained between the buildings. Under the circumstances it is not considered that the privacy and amenity of the occupiers of Venables Court would be unduly compromised by the proposed development.

Block B is located close to the rear boundary of the site and windows in the facing elevation would be some 5m – 8.5m from the boundary. This is significantly below the requirements of RDG5 and would normally attract a recommendation of refusal. However, the proposal will overlook the playing fields attached to Castle View School and consequently would not give rise to any loss of residential privacy

Furthermore it should be noted that the development to the east, at Venables Court is a three storey development of flats located some 4.5m – 7m from the rear boundary of the site, overlooking the school playing fields. Under the circumstances, whilst it is acknowledged that the development fails to fully achieve the requirements of RDG5, in the light of the context created by adjoining development it is not considered that an objection to the proposal on the basis of overlooking and loss of privacy could be sustained on appeal.

Block B also exhibits the provision of kitchen windows in the western elevation at first and second floor level, some 2.7m from the boundary. These windows would look into the blank elevation of the adjoining commercial property and would not result in any loss of privacy. The windows would however provide limited light and outlook to occupiers of the flats. The areas served by these windows are also served by primary windows in the front and rear elevations. The presence of these primary windows is considered sufficient to ensure that the rooms they serve receive adequate light and ventilation. No objection is therefore raised to the proposal on this basis.

Guidance at RDG6 requires appropriate amounts of amenity space to be provided to ensure the outdoor needs of the occupiers are met. For flats, a minimum of 25m² is required for each unit either privately or communally. Balconies can be included in this required if they provide a floor space of at least 5m².

The flats generate a requirement for the provision of an amenity space of some 600m².

Three amenity areas are identified within the site providing a total of some 380m² of useable amenity space. In addition balconies are provided to the flats overlooking the High Street within Block A. The site therefore provides a total of some 414m² of amenity space, which is less than the requisite provision and ordinarily would attract a recommendation of refusal. However, the site is located within a densely developed urban area where flats generally have limited amenity space. Whilst the site is not in close proximity to a significant area of open space this characteristic is shared by all of the other flatted developments in the area and under the circumstances it is not considered that an objection to the proposal based on inadequate amenity area provision could be sustained on appeal.

RDG8 requires that all development is designed to provide well proportioned and balanced properties which complement the surrounding area. The elevations of Block A are reasonably articulated and the fenestration is aligned and balanced, presenting an acceptable façade to the street scene.

The design of Block B originally suffered as a consequence of the desire to achieve undercroft parking which extended beyond the envelope of the building. Following discussion the scheme has been revised to remove this element from the proposal, to the benefit of the character and appearance of the proposed building.

The buildings are to be finished in buff multi-coloured stock bricks with beige Cedral cladding and grey Ardonit roof slates. Hardsurfaced areas would be finished in charcoal coloured Omega block paving. These materials are considered to provide a pleasing appearance which would harmonise with adjoining development.

No objection is now raised to the design and appearance of the proposed development.

RDG10 is concerned with the appropriate treatment of enclosure and boundary treatments. No specific details of enclosure have been provided. However such detail can be required to be submitted as a reserved matter. Subject to such a condition, no objection is raised to the proposal on the basis of RDG10.

RDG12 is concerned with the provision of appropriate access and parking arrangements.

The proposed development seeks to take all access from Venables Close as is currently the case.

In terms of parking, Policy T8 of the adopted Local Plan requires the provision of car 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 currently adopted standards are the 2009 County Parking Standards which require the provision of one space for one bedroomed properties and two spaces for properties with two or more bedrooms, plus visitor parking at a rate of 0.25 spaces per dwelling, rounded up to the nearest whole space.

The maximum parking requirement for this development is therefore as follows:

12 x 1 bed apartments	12 spaces
12 x 2 bed apartments	24 spaces
Visitors $0.25 \times 24 = 6 =$	<u>6 spaces</u>
	42 spaces

Retail parking should be provided on the basis of one space for every 20m² of floorspace. The proposed retail units have an area of some 268m² and therefore attract a requirement for 14 parking spaces.

A maximum total of 56 spaces is therefore required on the site.

In addition Policy S5 also requires the provision of servicing on site for the retail element.

The proposal seeks to provide 24 residential parking spaces which equates to one car parking space for each property and two car parking spaces for each of the proposed shops. In addition a service area is provided.

The proposed development is deficient in parking provision and ordinarily would attract a recommendation of refusal. However, the site is located within a Town Centre where the availability of private parking and service areas is extremely limited and where access to other public car parks and public transport is available.

Furthermore the adopted parking standards make it clear that a lower provision of vehicle parking may be appropriate in urban areas, including town centres, where there is good access to alternative forms of transport and existing parking facilities.

This policy advice, coupled with the lack of objection from the Highway Authority strongly suggests that an objection to the proposal based on inadequate parking and servicing provision is unlikely to be supported on appeal. No objection is therefore raised to the proposal on the basis of car parking or servicing provision.

The currently adopted parking standards require bay sizes of 2.9m by 5.5m. The proposed spaces meet this requirement.

The residential cycle parking requirement is one space per dwelling plus one space per eight dwellings for visitors. 27 residents' cycle spaces are needed.

The retail element attracts a requirement for 2 cycle parking spaces.

32 cycle parking facilities are identified within the scheme which exceeds the policy requirement. No objection is therefore raised to the proposal on the basis of cycle parking provision.

The Highway Authority has sought the imposition of a number of conditions on the grant of any consent, primarily concerning the provision and retention of appropriate parking and access, improvements in access to public transport, improvements to public transport facilities and the protection of public access on the highway. All are considered to be reasonable, necessary, enforceable, precise, relevant and proportionate to the development proposed. These conditions may, with modification to reflect adopted planning policies, be attached to the grant of any consent.

RDG13 is concerned with the provision of appropriate refuse and recycling facilities. The proposal shows the provision of commercial and residential bin stores within the envelope of the buildings. The Council's Refuse and Recycling Officer has raised no objection to the proposal, subject to the imposition of conditions to ensure the provision of appropriate access to the bin store areas. Such conditions can be attached to the grant of any consent.

Provision of Affordable Housing

Policy H7 of the Local Plan is concerned with the provision of affordable housing and states that the Council will seek to negotiate a proportion of affordable housing for rent, shared ownership, or outright sale, where appropriate to the scale of development schemes. This policy is considered consistent with paragraphs 50 and 73 of the NPPF.

The Council's adopted Developer Contributions Supplementary Planning Document (SPD) requires the provision of 35% affordable housing on sites of 15 or more proposed units.

Since the adoption of the Developer Contributions SPD, additional assessments have been undertaken in respect of affordability and the need for affordable housing. The 2016 SHMA shows a need for 236 new affordable homes per annum in order to meet identified need. This figure exceeds the annual build rate adopted by Members and in effect would require that all new dwellings built in the Borough were provided as affordable housing units. This is clearly an unrealistic proposition as to adopt such a position would be to render development unviable. A proportion of dwellings provided on appropriate sites is therefore sought.

The Castle Point Draft New Local Plan Whole Plan Viability Assessment Phase 1 Report (VA) tested the viability of different types of site within Castle Point, and showed that the provision of 15% of units to be provided as affordable units for sites on Canvey Island would be viable. The current scheme seeks to provide 24 dwellings. This generates a requirement for the provision of four affordable housing units, 2 x 1 bedroomed properties and 2 x 2 bedroomed properties.

No affordable housing provision is provided on site and the configuration of the proposed development makes such provision difficult to achieve; however the SPD and the VA does allow for financial contributions to be made for offsite provision where circumstances preclude provision on site. In this case there is limited opportunity to provide affordable housing units independently of the market flats and mixed affordable/market housing developments are not generally favoured by social housing providers. In this instance therefore it is considered that the provision of a financial contribution would be acceptable.

The SPD provides a formula for the calculation of financial contributions for off-site provision. However the calculation relies on the availability of market value of the proposed flats. No financial information has been submitted as part of the application and it is not therefore possible to determine the level of contribution required, however such details can be determined within the context of a S106 agreement and their absence at this time does not preclude determination of the application.

Drainage and 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.

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

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

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

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

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

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

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

The second criterion requires that the applicant demonstrate that the development is safe and where possible will reduce flood risk overall. The applicant has provided a FRA which states that should the defences breach during a 1 in 200 year plus climate change storm event the depth of

flood water on site would be between 0.5m and 1m deep. For a 1 in 1000 year plus climate change storm event this would increase to between 1m and 2m.

The proposal seeks to provide shop units and associated service and parking areas at ground floor level within Block A and parking and service areas at ground floor level within Block B. Whilst it is clear that these areas would flood during a 1 in 200 and 1 in 1000 year event, residential accommodation would be provided approximately 1m above the highest predicted flood levels on the site. Under either scenario therefore residential accommodation within the Blocks is unlikely to experience water entry.

Water entry at ground floor level is accepted as part of the flood risk strategy for the site.

Furthermore the buildings will be of a traditional masonry construction with precast floors at upper levels. The ground floor will be finished in a manner, and with materials, which are sufficiently robust but capable of easy repair/replacement in the event of a damaging flood event.

As such it is considered that the proposed development is likely to be reasonably safe under fluvial flooding conditions for its lifetime and unlikely therefore to result in significant risk to life or property.

To further safeguard occupiers however a Flood Response Plan has been prepared, the content of which is appropriate in terms of its response to flood events.

In terms of surface water (pluvial) flooding, the Surface Water Management Plan has identified Canvey Island as a critical drainage area in respect of surface water flooding; however surface water flood events on the site are likely to be of lesser depth than would be encountered in the event of a breach of the sea wall and the measures in place to protect residents against fluvial flooding, as identified above are considered adequate to mitigate the impact of any surface water flooding event on occupiers of the site.

The applicant has identified that within the proposed development a number of measures will be implemented to limit the frequency and impact of surface water flooding, these include:

- The provision water butts for first floor flats with balconies
- Permeable paving to car parking areas.
- Planted areas to act as natural soakaways.

It should be noted that drive areas will not be constructed to permeable standards in order to limit the potential for contamination of any watercourses.

These are relatively standard surface water attenuation measures and in principle are acceptable. However, the Lead Local Flood Authority has raised a holding objection to the proposal and has particularly identified deficiencies within the FRA in respect of the management of surface water runoff from the site and the potential for increased off site flood risk.

It is considered that the submission of a robust surface water management scheme which addresses these issues can be required by condition attached to the grant of any consent. It is not

therefore considered that the LLFA holding objection is fatal to the development of the site or the determination of this application, subject to such a condition being imposed.

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

Other Matters

Amenity

The effect of development on residential amenity is an important planning consideration. Policy EC3 of the adopted Local Plan states that development proposals which would have a significant adverse effect upon the residential amenity of the surrounding area by reason of traffic, noise, fumes or other forms of disturbance will be refused.

The proposal seeks to redevelop an existing commercial yard and associated buildings with a mixed retail/residential development on an edge of town centre site. The surrounding area is characterised by retail and residential development. It is not considered that the proposed use would give rise to unusual levels of noise and disturbance relative to the context of the site and no objection is therefore raised to the proposal on the basis of loss of amenity.

It is noted that the operators of an adjoining care home have commented on the potential for disturbance arising from the construction phase and particularly that associated with heavy goods vehicles.

The noise associated with construction traffic is transitory and whilst it might result in some limited disturbance to local residents, the timeframe for such development will be limited.

It must also be remembered that the site is currently a commercial yard which is visited by heavy goods vehicles on a regular and recurring basis. The proposed development is considered to represent betterment over the lawful use on site as a builder's yard, with its associated industrial noise and traffic.

No objection is therefore raised to the proposal on the basis of Policy EC3.

Ecology and Trees

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 states that the council will encourage proposals for further nature reserves. it will also promote the creation of new wildlife habitats in conjunction with development proposals. In considering planning applications, the Council will take into account the potential for the creation of wildlife habitats, particularly where these would enhance and complement existing elements of nature conservation on adjoining land.

The New Local Plan (2016) does not have a generalist nature conservation policy, focussing on ecologically sensitive and designated sites only; however, the NPPF makes it clear that decision makers should minimise impacts on biodiversity and provide net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity.

The site is a former builder's yard with significant built form and areas of hardsurfacing. The site currently provides no landscaped areas and offers limited opportunities for wildlife. Under the

circumstances it is not considered that the development of the site would have a significant adverse impact on wildlife in the vicinity.

The proposal does however offer an opportunity to improve the biodiversity for the site which may be achieved through the use of native species within a proposed landscaping scheme.

Landscaping is a matter reserved for later consideration but the applicant may wish to note at this time that the Planning Authority would be seeking a landscaping scheme heavily biased in favour of native species in order to enhance the biodiversity value of the site.

Contamination

The site has been categorised a low risk in terms of contamination. No objection is therefore raised to the proposal on the basis of potential adverse impact on the health of contractors or future occupants.

Conclusion

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

My Recommendation is **Approval** subject to the applicants being willing to enter into a S106 agreement, and the following conditions:

- 1 This permission shall be read in conjunction with the Agreement entered into under Section 106 of the Town and Country Planning Act, 1990, dated contemporaneously with the permission.

REASON: In order to ensure the provision of an appropriate financial contribution towards the provision of off-site Affordable Housing.

- 2 The development shall be carried out in accordance with details of the layout, scale and external appearance of the building(s, and the means of access thereto, as shown on the drawings identified above.

Details of the landscaping of the site (hereinafter called "the reserved matters"), shall be submitted to and approved by the Local Planning Authority before development is begun.

Application for the approval of the reserved matters shall be made to the local planning authority within three years beginning with the date of this outline permission.

The development hereby permitted shall be begun on or before whichever is the latter of the following dates- (a) the expiration of three years beginning with the date of the outline permission; or (b) the expiration of two years from the final approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.

REASON: The particulars submitted are insufficient for consideration of the details mentioned, and also pursuant to Section 92 of the Town and Country Planning Act 1990.

- 3 Prior to the construction of the proposed development, a revised Flood Risk Assessment providing the following details shall be submitted:
- (i) details of how surface water runoff from the new development will be managed on site, to avoid increased off site flood risk. Such details to be in accordance with the approach set out in the Essex County Council SuDS Design Guide.
 - (ii) details of the outfall location for surface water runoff from the site, including details of available capacity if discharging to the surface water sewers,
 - (iii) Evidence of water quality treatment from the development, using the risk based approach outlined in the CIRIA SuDS Manual C753.

REASON: In order to ensure appropriate surface water management on site, in accordance with Government Guidance as set out in paragraphs 17, 94, 100, 103 and 109 of the National Planning Policy Framework.

- 4 The proposed development shall be undertaken in accordance with the submitted 'General Principles of Flood Resilient Design and Construction at 74 High Street, Canvey Island, Essex, Job Ref 1515, Revised March 2016.

REASON: In order to ensure the resilience of the building in the event of a flood, in accordance with Government Guidance.

- 5 The proposed development shall be constructed in accordance with the provisions of the Structural Design Report prepared by John Sime and Associates Ltd, (Job No.5968), received by the Planning Authority on the 28th April, 2016.

REASON: In order to ensure the structural stability and resilience of the buildings in a flood event.

- 6 The proposed landscaping scheme shall be heavily biased (70:30) towards the provision of native species.

REASON: In order to enhance the biodiversity value of the site, in accordance with Government Guidance.

- 7 The external surfaces of the development hereby approved shall be treated in accordance with the submitted detail of finishes from which 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.

- 8 Where parking spaces are provided on the site these facilities shall be retained solely for that use and for no other purpose whatsoever without the formal consent of the Local Planning Authority.

REASON: To ensure the retention of adequate on site car parking facilities to meet the Councils adopted standards for the amount of accommodation to be provided on the site.

- 9 Prior to the vehicular access being brought into use, within the confines of the site, 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.

- 10 Upon occupation of the development, the approved Flood Response Plan shall be enacted and thereafter maintained at all times that the buildings are occupied. Any revisions to the Plan shall be submitted to and formally approved by the Local Planning Authority.

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

- 11 Prior to occupation of the development hereby approved details of the proposed boundary treatments shall be submitted to and approved by the Local Planning Authority.

REASON: In order to ensure an appropriate form of development, consistent with the character of the surrounding area.

- 12 Prior to first occupation of the proposed dwellings and as shown on planning drawing 1515/SG/E the proposed private drive shall be constructed to a width of 6 metres for at least the first 15 metres from the back of the Highway Boundary.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety in accordance with Policy EC2 of the adopted Local Plan.

- 13 Prior to first occupation, the existing dropped kerb vehicular crossover at the southern radii at the existing site entrance on Venables Close shall be reinstated to full height of the highway footway and kerbing. This reinstatement shall include the provision of a pedestrian crossover; the width of this access shall not be less than 1.8 metres and shall be provided with an appropriate dropped kerb pedestrian crossover of the footway.

REASON: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway and to ensure that pedestrians can enter and leave the highway in a controlled manner in the interests of highway safety in accordance with Policy EC2 of the adopted Local Plan.

- 14 Prior to first occupation of the development a pedestrian crossover at the northern radii at the existing site entrance on Venables Close shall be constructed. The width of this access shall not be less than 1.8 metres and shall be provided with an appropriate dropped kerb pedestrian crossover of the footway.

REASON: To ensure that pedestrians can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with Policy EC2 of the adopted Local Plan.

- 15 The proposed development shall not be occupied until such time as the vehicle parking areas as shown on planning drawing 1515/SG/E, have been hard surfaced, and marked out in parking bays. The parking spaces shall have minimum dimensions of 2.9 metres by 5.5

metres. 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 EC2 of the adopted Local Plan.

- 16 The cycle parking facilities as shown on planning drawing 1515/SG/E are to be provided prior to the first occupation of the development and retained at all times.

REASON: To ensure appropriate cycle parking is provided In accordance with Policy EC2 of the adopted Local Plan.

- 17 Prior to the first occupation of the development, a scheme showing how the bus stops adjacent to the site on the southern side of High Street (Marked west-bound) and the northern side of High Street, (opposite May Avenue) shall be provided with Passenger Transport infrastructure. Such scheme shall be submitted to, and approved in writing by the Local Planning Authority.

This shall include details of Real Time Information and all other works deemed necessary by the Highway Engineer.

The scheme as agreed shall be provided within three months of first occupation of the development hereby approved

REASON: To make adequate provision within the highway for the promotion of sustainable travel modes as a result of the proposed development and in the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with Government advice as contained in the National Planning Policy Framework.

- 18 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 adopted Local Plan.

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

REASON: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety to ensure accordance with Policy EC2 of the adopted Local Plan.

- 20 The proposed balconies at the site frontage as shown on planning drawing 1515/A/310/E shall afford minimum headroom of 2.70 metres above the footway.

REASON: To ensure the unimpeded passage of pedestrians and cyclists, in the interests of highway safety and in accordance with Policy EC2 of the adopted Local Plan.

- 21 No development shall take place, including any ground works or demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

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

REASON: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy EC2 of the adopted Local Plan.

- 22 Prior to first occupation of the proposed dwellings 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, to each dwelling.

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with Government guidance as contained in the National Planning Policy Framework.

- 23 The proposed access road shall be constructed in a manner capable of sustaining the passage of 32 tonne refuse vehicles.

REASON: In order to ensure the provision of appropriate refuse collection facilities within the site, in accordance with the provisions of RDG13 of the adopted Local Plan.

- 24 The doors of any refuse storage areas shall be designed to open outwards, or slide, and shall be large enough to facilitate the easy removal and manoeuvring of refuse receptacles.

REASON: In order to ensure the provision of appropriate refuse collection facilities within the site, in accordance with the provisions of RDG13 of the adopted Local Plan.

- 25 Any paths provided from the refuse storage areas to the refuse vehicle waiting areas shall be provided with appropriate dropped kerbs.

REASON: In order to ensure the provision of appropriate refuse collection facilities within the site, in accordance with the provisions of RDG13 of the adopted Local Plan.

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.

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- 2 In undertaking the works hereby approved you are advised to satisfy yourself of your obligations to occupiers of adjoining properties in accordance with the Party Wall etc. Act 1996, details of which can be inspected at these offices or you may obtain details free of charge from the Planning Portal website (www.planningportal.gov.uk) under Building Regulations.
 - 3 Please note that a site notice was displayed in a publicly visible location at the site. Castle Point Borough Council would appreciate your co-operation in taking the site notice down and disposing of it properly, in the interests of the environment.
 - 4 The applicant is advised that the relocation of any utility apparatus in the highway shall be fully at the applicant's expense.
 - 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 addressed for the attention of the Development Management Team at SMO3, Essex Highways, Unit 36, Childerditch Industrial Park, Childerditch Hall Drive, Brentwood, CM13 3HD or emailed to development.management@essexhighways.org
 - 6 Any sign or overhang of any part of the highway requires a licence under Section 177 or 178 of the Highways Act, 1980 which will incur a charge of £725.00. The Highway Authority reserves the right under Section 152 of the Highways Act, 1980 to remove or alter any structure overhanging the highway which is considered to be an obstruction to the safe and convenient passage of the public in the highway.

ITEM 2

Application Number:	16/0418/FUL
Address:	271 Rayleigh Road Thundersley Benfleet Essex SS7 3XF (Cedar Hall Ward)
Description of Development:	Demolition of existing building and construction of 2 storey block of six self-contained flats with associated parking and roof garden
Applicant:	Belle Vue House Ltd.
Case Officer	Mr Keith Zammit
Date of Expiry:	07.09.2016

Summary

The application seeks permission for the residential development of a site within the Green Belt. The application is a revised scheme which seeks to overcome the previous reasons for refusal raised under the Council's adopted Residential Design Guidance. Whilst this is achieved the proposal is still considered to be inappropriate development in the Green Belt. No very special circumstances necessary to justify such inappropriate development have been cited and the proposal is therefore recommended for REFUSAL.

The application is presented to the Committee at the request of the Leader, in order for it to consider the impact of the redevelopment of this previously developed Green Belt site on the surrounding area.

Site Visit

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

Introduction

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

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

The topography of the site is such that the ground slopes down from east to west (away from the road).

The Proposal

Permission is sought for demolition of the existing building and erection of a two storey block of six flats with an enclosed roof garden. The building would have a maximum overall width of some 15.4m and depth of some 15.8m. The height would be some 8.1m.

The car parking layout shows five spaces and an area of landscaping to the rear of the building and one car parking space and further landscaping on the frontage.

A bin enclosure would also be provided to the site frontage.

Supplementary Documentation

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

Planning History

September 2015 – permission refused for demolition of existing building and construction of three storey block of 8 flats with parking, roof garden and widening of vehicular access to Rayleigh Road (15/0263/FUL) for the following reasons:

- The proposed development is situated within an area of Green Belt as defined in the Council's Adopted Local Plan. The proposed new building would result in an inappropriate form of development in the Green Belt, which does not benefit from the exceptions listed in the National Planning Policy Framework and if allowed would cause harm to the Green Belt, and have an adverse impact on the openness, character, appearance and strategic function of the Green Belt. The applicant has failed to demonstrate any very special circumstances why the proposal might exceptionally be allowed and the proposal is therefore contrary to guidance as set out in the National Planning Policy Framework.
- The proposal fails to provide adequate amenity space for the proposed flats and would result in a substandard form of development, to the detriment of the future occupiers of the flats, contrary to Policy H17 of the Council's Adopted Local Plan, RDG6 of the Residential Design Guidance and Government advice as contained in the National Planning Policy Framework.
- The proposed development, by virtue of the proximity of the windows and balconies on the rear elevation at second floor level to the rear boundary of the site, represents overdevelopment of the site, contrary to Policy EC2 of the adopted Local Plan, RDG5 of the adopted Residential Design Guidance and Government guidance as contained in the National Planning Policy Framework.

March 2016 – permission refused for demolition of existing building and construction of 2 storey block of six self-contained flats with parking, roof garden and widening of vehicular access to Rayleigh Road (15/0928/FUL) for the following reasons:

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

2. The proposal fails to provide adequate amenity space for the proposed flats and would result in a substandard form of development, to the detriment of the future occupiers of the flats, contrary to Policy H17 of the Council's Adopted Local Plan, RDG6 of the Residential Design Guidance and Government advice as contained in the National Planning Policy Framework
3. The proposal, by reason of the relationship between the proposed vehicular access into the rear of the site and the windows serving Flat 1, would, if implemented, result in the generation of noise and general disturbance to the detriment of the residential amenity of those occupiers, contrary to Policy EC3 of the Council's Adopted Local Plan and Government guidance as contained in the National Planning Policy Framework (NPPF).
4. The proposed bin store, by virtue of its location along the front boundary of the site would result in an obtrusive structure in a prominent location and would result in significant detriment of the character and appearance of the surrounding area, contrary to Policy EC2 of the Council's Adopted Local Plan and Government guidance as contained in the National Planning Policy Framework.

Relevant Government Guidance and Local Plan Policies

National

National Planning Policy Framework (NPPF)

Paragraphs 79, 87, 88, 89, 120, 123

Local Plan

EC2 - Design

T8 – Car parking

Residential Design Guidance

RDG2 – Space Around Dwellings

RDG3 – Building Lines

RDG5 – Privacy and Living Conditions

RDG6 – Amenity Space

RDG12 – Parking and Access

RDG13 – Refuse and Recycling Storage

Consultation

Highways

No objection subject to conditions.

Refuse and recycling

No comments received.

Public Consultation

Three responses received from the following addresses:

Rayleigh Road – 263, 273, 275

which make the following comments and objections:

- site is Green Belt
- overdevelopment
- overshadowing
- insufficient parking
- bin store will block vision from adjoining property's driveway
- land to rear is garden not open fields

Comments on Consultation Responses

Any issues material to the application are considered in the evaluation of the proposal

Evaluation of Proposal

The main issue with this application is whether it overcomes the previous reasons for refusal, together with any new issues raised.

Reason 1:

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

At the time of the previous scheme the site was acknowledged to be previously developed land. Its redevelopment is therefore not inappropriate, provided that the proposed development would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

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

The scheme refused in March had a footprint of some 16.7m by 18.4m with a height of 8.7m. Although the footprint might have been said to be comparable to the existing building, the height was felt to be substantially greater which would have resulted in a significantly greater impact on the openness of the Green Belt.

The current proposal would have a footprint of 15.4m by 15.8m and a height of some 8.1m. Whilst the footprint of the building and its height have been marginally reduced in comparison to the last scheme, the proposal still represents a substantially larger building than the existing one in terms of its height. It is therefore considered to represent inappropriate development within the Green Belt.

Government guidance states that inappropriate development is, by definition, harmful to the Green Belt and should not be permitted except in very special circumstances. Very special circumstances will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

No very special circumstances have been put forward by the applicant. The planning authority is unaware of any circumstances which may constitute the very special circumstances necessary to justify inappropriate development.

Furthermore, the development of the site would prejudice the ability of the Planning Authority to maintain the Green Belt Function of the land to the west of the application site. The proposal therefore constitutes inappropriate development.

No very special circumstances necessary to justify inappropriate development in the Green Belt have been cited in this case and therefore reason 1 of the last refusal of planning permission has not been overcome.

Reason 2:

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

The previous proposal and the current proposal seek to provide four two-bedroomed and two one-bedroomed flats.

The previous proposal required 178m² of amenity area. The layout would have provided an 81.6m² roof garden and balconies for three of the flats on the rear elevation adding up to an overall total of 117m². This was felt to be too significant a deficiency to accept.

Due to changes in the internal layout, the current scheme now requires only 150m² of amenity space. The layout would provide a roof garden of approximately 80m² and balconies for four of the flats to the rear elevation of approximately 4m² each. There would also be a rear amenity area of approximately 52m² provided. 148m² of amenity space would therefore be provided for the development as a whole. The shortfall in amenity is not considered material and represents an improvement over the previous scheme. Large amounts of outdoor space are not common for flatted developments. On this basis, there is no objection to the proposal on the basis of the level of amenity space provision.

Reason 3:

The proposal, by reason of the relationship between the proposed vehicular access into the rear of the site and the windows serving Flat 1, would, if implemented, result in the generation of noise and general disturbance to the detriment of the residential amenity of those occupiers, contrary to Policy EC3 of the Council's Adopted Local Plan and Government guidance as contained in the National Planning Policy Framework (NPPF).

The previous scheme involved a vehicular access through the building passing in close proximity to flat 1, and in particular a bedroom window, which was felt to amount to the creation of unacceptable living conditions for the occupiers of that flat.

The current scheme would provide vehicular access along the southern side of the building rather than through it. This layout was proposed in the first scheme (15/0263/FUL), and was not the subject of an objection. Whilst there would be a window to the kitchen area facing onto this access, this is not considered to be a particularly noise-sensitive room within the development,

and it is not considered therefore that this arrangement would result in unacceptable living conditions for residents. There is therefore no further objection to the proposal on this basis.

Reason 4:

The proposed bin store, by virtue of its location along the front boundary of the site would result in an obtrusive structure in a prominent location and would result in significant detriment of the character and appearance of the surrounding area, contrary to Policy EC2 of the Council's

Adopted Local Plan and Government guidance as contained in the National Planning Policy Framework.

The previous scheme showed a bin store at the southern end of the site frontage. The current layout would provide the bin store at the northern end of the frontage. It is not considered that this overcomes the reason for refusal.

However, there is the potential to amend the design of the bin store to reduce its size and provide planting to limit its impact and maintain a reasonably attractive frontage. This matter could be resolved by way of a condition, should members be minded to grant planning permission. Subject to such a condition, it is not considered that there can be any further objection to the proposal on the basis of refuse storage provision.

Other matters

The application proposes that surface water would be dealt with by way of a retention tank. At the present time the site is completely hard surfaced and represents a risk from runoff to adjoining properties. Whilst there is no indication as to where the retention tank would discharge to, or whether the tank would be of adequate capacity, it nonetheless represents an improvement on the current position. Were permission granted, details of the surface water drainage could be the subject of a condition.

It is noted that the highway authority has requested that several conditions be imposed should planning permission be granted. Where appropriate, these may be incorporated into any grant of planning permission. However, this would be with the exception of the requirement for the developer to provide travel packs. Whilst such a course of action may be appropriate in the case of large scale development, where the impact of new residents on the local highway network could be significant, it is not considered that such an approach is warranted in the case of a development of six flats, particularly where that development replaces a former doctor's surgery which was subject to significant traffic flows.

It is noted that the number of parking spaces has been reduced from nine to six as part of the current proposal. One parking space per flat may be considered a low level of parking provision, particularly where some flats are two bedroomed. However, this is considered to be a sustainable urban location with reasonable public transport access. Under the circumstances a reduced amount of car parking could be justified. This approach is supported by the Highway Authority. No objection is therefore raised to the proposal on the basis of the level of parking provision.

A cycle storage facility is shown however there is no indication of the number of cycles that this could accommodate. Furthermore, the shelter appears to be open, insecure and offering little weather protection. It is therefore unlikely to be used by occupiers of the flats. Were permission

granted, a condition would need to be imposed requiring submission of details of alternative cycle storage arrangements.

Conclusion

The currently proposed development is considered to overcome reasons 2 and 3 of the last refusal and reason 4 may be addressed through a planning condition.

However, redevelopment of the site in the manner proposed would result in a significant increase in the height and mass of the building which would harm the openness of the Green Belt. The proposal therefore constitutes inappropriate development. Furthermore, the development of the site would prejudice the ability of the Planning Authority to maintain the Green Belt Function of the land to the west of the application site.

No very special circumstances necessary to justify inappropriate development in the Green Belt have been cited in this case and therefore reason 1 of the last refusal of planning permission has not been overcome.

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 reason:

- 1 The proposed development is situated within an area of Green Belt as defined in the Council's Adopted Local Plan. The proposed new building would result in an inappropriate form of development in the Green Belt, which does not benefit from the exceptions listed in the National Planning Policy Framework and which, if allowed, would cause harm to the Green Belt by reason of its inappropriateness and adverse impact on the openness and strategic function of the Green Belt.

The applicant has failed to demonstrate any very special circumstances to justify the harm to the Green Belt and the proposal is therefore contrary to guidance as set out in the National Planning Policy Framework.

Informatives

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

ITEM 3

Application Number:	16/0504/FUL
Address:	King Canute PH and Land Adjacent Canvey Road Canvey Island Essex (Canvey Island Central Ward)
Description of Development:	Demolition of existing retail unit and garage and construction of veterinary unit and 2 No. houses, the continued use of the former public house as a retail unit including single storey rear extensions and the change of use of upper floors to 2 No. flats, with associated landscaping, parking, and cycle and refuse storage
Applicant:	Novellus (Canvey Island) LLP
Case Officer	Ms Kim Fisher
Expiry Date:	09.09.2016

Summary

The applicant seeks permission for the conversion of the former King Canute Public House to a retail shop with two flats above and for the demolition of a large detached garage and retail unit within the curtilage of the site and the construction of a single storey building for use as a veterinary practice and two detached houses with associated parking and cycle/refuse storage.

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

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

The proposal seeks to resolve the issues raised in respect of previously submitted schemes which were refused consent in October 2015 and March 2016.

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

Furthermore the scheme now incorporates works to the former King Canute Public House, providing for a new retail unit at ground floor level and two flats at first floor level.

The proposal is considered acceptable in the context of the adopted and emerging Local Plans and the NPPF and all substantive objections previously raised have been satisfactorily resolved.

Accordingly the proposal is recommended for APPROVAL.

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

Site Visit

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

Introduction

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

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

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

To the east sits a terrace of two storey buildings with commercial premises at ground level and offices/residential uses above. Also to the east are detached and semi-detached two storey properties, known as Nos.11, 15, 15A and 17 Village Drive, which back onto the eastern boundary of the application site.

The western boundary of the site abuts Edith Road and extends for some 54m. This road is residential in character with a mixture of detached bungalows, detached houses and semi-detached chalets. Semi-detached houses, Nos.2-14 (even numbers only) fronting Edith Close back onto the rear (northern) boundary of the site.

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

The Proposal

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

The applicant intends to retain and extend the King Canute building with a single storey rear extension some 2.3m deep and 1.1m wide and use the extended floorspace for retail purposes. The first and second floors of the building currently provides the former managers flat and storage and it is intended to reconfigure this accommodation to provide a two bedroomed flat at first floor level and a three bedroomed flat across the first and second floors. Each flat would be provided with a roof top terrace. Three residential parking spaces are identified on the eastern side of the building.

The two detached houses would front onto Edith Road and be located behind the King Canute building. These houses would be set some 10.3m and 11.2m from the boundary with Edith Road.

A 1.2m high brick boundary wall with railings would be provided to the Edith Road frontage. The northern house, Plot 1, would be a maximum of 9.9m deep, 7.8m wide and 8.7m high with a dual pitched roof. The southern house, Plot 2, would be a maximum of 9.9m deep, 5.8m wide and 8.7m high with a dual pitched roof. The dwellings would provide three bedrooms, a bathroom and ensuite at first floor level and a kitchen, W.C. and open plan living and dining area at ground floor level.

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

Each dwelling would be provided with three parking spaces and access to the dwellings would be from Edith Road.

The veterinary practice would be contained within a hipped roofed, detached, single storey building located towards the eastern boundary of the site. This building would be a maximum of 18.1m deep, 11m wide and 7.1m high. The internal ground level would be raised and a ramp would be provided to the front of the building. Parking for 15 vehicles to serve the practice would be provided to the rear of the practice building. Two Sheffield style cycle hoops would be provided at the front of the site and a delivery zone (in the position of one of the parking spaces) would also be provided.

There would be a secure bin store to the rear of the building and the car park will be secured with wrought iron gates at night.

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

The parking area to the western side of the King Canute building would serve the retail use and would provide two disabled spaces, a delivery zone and 11 parking spaces.

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

Supplementary Documentation

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

- Ecology Report
- Noise Impact Assessment
- Planning Statement
- Topographic Survey
- Flood Risk Assessment
- Transport Statement

Planning History

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

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

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

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

In determining the application Members added the following reason:

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

A subsequent application was submitted in an attempt to resolve these objections, (Reference: 15/1045/FUL), however this application was refused, contrary to the Officer recommendation, on the 1st March 2016, for the following reasons:

- The proposed development represents unacceptable piecemeal development of the site, the implementation of which would result in the creation of a discordant and fragmented form of development, detrimental to the character and appearance of the area and the effective and efficient use of land, contrary to Policy H12 of the Adopted Local Plan and Government guidance as contained in the National Planning Policy Framework.
- The proposed development would result in the loss of a retail unit in a local shopping parade area allocated for shopping purposes in the Adopted Local Plan, and so would be likely to undermine the attractiveness, function and viability of this local shopping parade, contrary to Policy S9 of the Adopted Local Plan and Government guidance as contained in paragraph 23 of the National Planning Policy Framework.
- The proposed development would result in unsatisfactory provision of waste storage and collection on site with difficulties in gaining access to and manoeuvring of bins, detrimental to visual amenity and contrary to Policy EC2 of the Adopted Local Plan.

The current application seeks to resolve these objections.

An application for a Certificate of Lawfulness in respect of the use of the King Canute building as a convenience store (15/0907/CLE) was withdrawn on the 29th March 2016.

Local Plan Allocation

Shopping

Relevant Policies and Government Guidance

National Planning Policy Framework

Paragraphs: 30, 32, 37, 51, 58, 70, 102, 118 and 123

Planning Practice Guidance

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

Local Plan (Adopted November 1998)

EC2	Design
EC3	Residential Amenity
EC5	Crime Prevention
EC13	Protection of Wildlife and their Habitats
EC22	Retention of Trees, Woodlands and Hedgerows
EC23	Tree and Shrub Planting
H9	Density
H12	Piecemeal Development
H13	Location of Development
H17	Housing Development – Design and Layout
T2	Intensification of Access Use
T8	Car Parking Standards

Residential Design Guidance (Adopted January 2013)

RDG1	Plot Sizes
RDG2	Space around Dwellings
RDG3	Building Lines
RDG5	Privacy and Living Conditions
RDG6	Amenity Space
RDG7	Roof Development
RDG8	Detailing
RDG10	Enclosure and Boundary Treatment
RDG12	Parking and Access
RDG13	Refuse and Recycling

Essex County Parking Standards September 2009 (Adopted June 2010)

New Local Plan

R6	Local Shopping Parades
H1	Housing Strategy
H12	Location of Housing Development
HC1	Development of Community Facilities
DES1	General Design Principles

Consultation

Environmental Health

No response

Refuse and Recycling Officer

No response

Canvey Island Town Council

No objection

Environment Agency

No objection subject to conditions.

County Highways

No objection subject to the imposition of conditions on the grant of any consent.

Public Consultation

Neighbour responses

One response has been received from the occupiers of 14 Edith Close, making the following comments:

- Noise from groups gathering in the area behind property
- increase in traffic on surrounding roads
- loss of privacy, being overlooked
- easy entry to the rear of my property
- wildlife:- bats have returned this year believed to be nesting in the public house.
- The public house is not being used as a retail unit and is all boarded up

Comments on Consultation Responses

- The host building has operated as a public house since the 1930s and has provided a beer garden used by patrons, for many years. It is considered unlikely that the current proposal would result in groups gathering at the rear of the site, creating disturbance, particularly in view of the intention to secure the car park to the rear of the site at night.
- The proposal does not involve the demolition of the host building. No significant adverse impact on bats roosting within the building is therefore anticipated. The disturbance/removal of roosts within existing buildings is subject to other legislation.
- The current use of the host building is irrelevant. The application seeks to obtain permission for the ground floor of the building for retail purposes.

All other relevant comments will be addressed in the evaluation of the proposal.

Evaluation of Proposal

The proposal represents an intensification of development and uses on the site which is allocated for shopping purposes. As such consideration needs to be given to the following issues:

- The principle of the proposed development,
- The issue of comprehensive and piecemeal development,
- Design and layout,
- The impact on the amenity of neighbours,
- Traffic,
- Ecology and
- Flood Risk
- Surface Water Flooding and Sustainable Drainage

The principle of the proposed development

The site is located within an area identified as forming part of a Local Shopping Parade and allocated primarily for shopping purposes in the adopted Local Plan. Policy S4 of the adopted Local Plan seeks to retain such areas for shopping purposes. This is consistent with paragraph 23 of the National Planning Policy Framework (NPPF) and generally consistent with the provisions of Policy R6 of the New Local Plan.

The development of the site for a mixed residential and commercial development would be inconsistent with this primary allocation, however, paragraph 51 of the NPPF states that local planning authorities should normally approve planning applications for change from commercial to residential use where there is an identified need for additional housing, provided there are no strong economic reasons why such development should not be permitted.

The Written Ministerial Statement (WMS), 'Planning for Growth', dated 2 March 2011 gives significant weight to the provision of housing in sustainable locations. The WMS states that:

"Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy."

There is a clear and recognised need for additional housing provision within the Borough and as such a presumption in favour of the development of the site for residential purposes exists, unless there are strong economic reasons for refusing the development or the proposal would compromise key sustainable development principles.

The site is within a local shopping parade and the proposal seeks to retain retail activity on the site, thus maintaining its designated role, whilst securing alternative forms of development on those parts of the site not currently used for commercial purposes. Such mixed use development would be consistent with Government guidance and with the retention of retail activity and the introduction of additional non-retail commercial activity on the site, is considered unlikely to have a prejudicial impact on the vitality or viability of the adjoining local parade.

The limited extent of development is considered to preclude any significant adverse impact on the vitality or viability of the Town Centre.

Furthermore, the existing site is of poor appearance and not considered particularly attractive for alternative business uses. This, together with the fact that the site adjoins residential development on three sides supports the premise that redevelopment of part of the site for residential purposes would be acceptable.

The proposal also seeks to use part of the existing King Canute building for residential purposes, providing two flats spread over the first and second floors.

The site faces the junction of Canvey Road and Long Road which as main distributors may be described as main roads. Policy H13 of the adopted Local Plan identifies such locations as suitable for the provision of flats and this is replicated within Policy H12 of the New Local Plan, which identifies that proposals for the provision of housing above shops in Local Shopping Parades will be supported. There can therefore be no objection to the principle of the provision of such development on this site, subject to the satisfaction of detailed spatial requirements which will be examined later in this report.

It should be noted that the first and second floor accommodation previously provided a managers flat and storage.

The acceptability of the provision of residential accommodation within the King Canute building is therefore established.

The delivery of residential development would provide a contribution towards the provision of new homes within the borough and towards its 5 year housing land supply, consistent with Policy H1 of the New Local Plan.

Policy H10 of the adopted Local Plan states that in all residential developments the Council will seek an appropriate range of dwelling types. This also a vague policy which is inconsistent with the requirements of paragraph 50 of the NPPF which requires local planning authorities to plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community.

Policy H1 of the New Local Plan seeks to encourage the provision of smaller dwellings in order to meet local needs.

The most up to date local evidence of need in respect of the mix of development on sites is the 2016 Strategic Housing Market Assessment (SHMA May 2016). This identified that for the Castle Point area, in the period 2014 – 2037, 33% of new dwellings should be 1 and 2 bedroomed properties and 67% of new dwellings should be 3 and 4+ bedroomed properties.

The proposed development consists of a mixture of two and three bedroomed properties, the provision of which will meet an identified need.

Under the circumstances the proposal is considered to satisfy the requirements of Policy H10 of the adopted Local Plan.

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

This is reflected in Policy H1 of the New Local Plan.

The site is located adjacent to existing residential development and is provided with convenient access to local facilities within the wider shopping parade and to public transport. The site therefore satisfies the requirements of paragraphs 30 and 37 of the NPPF.

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

With regard to the provision of a veterinary practice on the site, Policy CF7 of the adopted Local Plan states that the council will encourage the provision and improvement of health care facilities within the borough.

Policy CF8 of the adopted Local Plan states that the council will permit the provision of additional non- residential health care facilities within the borough, subject to compliance with the following criteria:

- i. That in areas used for residential purposes the property concerned should be detached;
- ii. The use of the property should not detract from the residential amenities of the surrounding area by reason of traffic generation, noise, or general disturbance;
- iii. That within the site, one car parking space is provided for every full-time member of staff or equivalent and two visitor car parking spaces are provided for each consulting room;
- iv. In appropriate cases, provision should be made for the turning of vehicles on the site;

- v. The proposal should not have an adverse effect on traffic flows on the adjoining highway;
- vi. It should accord with all other relevant policies in the plan.

Policy HC11 of the New Local Plan states that in order to allow communities to meet their day to day needs proposals for new and proposals for extensions, alterations or redevelopment of existing community facilities such as: education facilities; sports and leisure facilities; libraries; non-residential health and social care facilities; and community centres and places of worship, will be supported.

The provision of a veterinary practice on this site is considered to be consistent with the requirements of these policies and such provision is not considered to be harmful to the vitality or viability of the local parade and indeed may even have a beneficial impact on local shops and services as a result of increased footfall in the area.

Under the circumstances, the provision of a veterinary practice on the site is not considered to undermine the shopping function of the site or the surrounding area and subject to compliance with all other relevant policies in the Local Plan, no objection is raised to this element of the proposal.

Comprehensive and piecemeal development

Members have previously expressed concern over the perceived piecemeal development of the site and lack of comprehensive approach. Comprehensive development of the site was a matter of concern to Members in the determination of the earlier applications and constituted a reason for refusal.

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

It should be noted that the New Local Plan contains no such policy requirement, schemes being required to be considered on their individual merits and in the light of other policy requirements of the New Local Plan.

In response to Members' concerns the proposal now incorporates the whole of the site, including works to the King Canute building. As such the proposal can no longer be considered to constitute piecemeal development. The applicant has clearly identified, and sought the consent of the Planning Authority for, the use of the whole of the site for a mixed residential/commercial use. As currently proposed it is considered that the scheme will make best use of urban land, consistent with local and national policy provision and will provide a role for a locally important and much loved building. The proposal would not conflict with the provisions of Policy H12 and there can be no sustainable objection raised to the proposal on that basis.

The current scheme therefore overcomes the first and second reasons for refusal attached to planning decision 15/1045/FUL.

Design and Layout

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

Policy DES1 of the New Local Plan seeks to improve the quality and attractiveness of the urban area by seeking high quality design.

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

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

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

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

The dwellings would be some 8.7m tall and would be situated between the 9.9m high King Canute building, and the 6.8m high semi-detached houses fronting Edith Close. Whilst there would be a variance of some 1.75m between the application dwellings and those fronting Edith Close, the level of isolation achieved between these properties ensures that the difference in height would have a limited visual impact within this street scene.

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

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

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

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

The proposed detached dwellings are located on the eastern side of Edith Road and would be provided with at least 1m between the dwellings and the plot boundaries. No objection is raised to the proposal on the basis of RDG2.

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

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

The proposed dwellings are provided with amenity areas consistent with the requirements of RDG 5 and 6.

With regard to the proposed veterinary practice, this would be housed within a detached, single storey, hipped roofed, traditionally styled building which reflects the character of adjoining buildings and is considered to be of acceptable design and proportions. The location of the building would reflect that of the existing retail unit on the site and would sit towards the rear of the parade of shops to the east. The front wall of the building would reflect the setting of the King Canute building and the eastern wall would be located a minimum of 1m from the eastern boundary of the site. In this location the proposed veterinary practice is considered to make an acceptable contribution to the street scene and no objection is raised to its design or siting.

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

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

It is proposed to provide a single storey flat roofed extension across part of the rear of the King Canute Building in order to provide more effective floorspace. This extension would be constructed and finished materials to match those existing and is considered acceptable in design terms.

In addition to the extension it is intended to rationalise door openings in the external wall of the building to create a more secure and effective retail environment and to provide a new external staircase the eastern side of the building to provide access the proposed flats. None of these alterations would directly affect the front elevation of the building and none are considered to have a significant adverse impact on the character and appearance of the host building.

Impact on neighbours

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

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

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

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

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

Windows above first floor level are required to achieve isolation distances of 15m.

RDG5 also states that all windows should be designed and be of a size to allow adequate natural light and ventilation to enter the room they serve.

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

The internal ground floor level would be raised to a height of 0.8m above natural ground level in response to flood risk. The northern dwelling would be provided with a single storey side projection with significant glazing to the northern elevation, and another ground floor northern side window. Due to the proximity to the side boundary fence and the increased finished floor level, these windows, which would serve the dining area and kitchen, would offer the opportunity for future occupiers to overlook the northern neighbours. The dining area and kitchen also benefit from windows in the northern and southern elevations which can provide sufficient natural light, ventilation and outlook to serve these areas. Consequently the side windows could be obscure glazed and fixed shut to a height of 1.7m above the internal floor level to prevent adverse overlooking without unduly prejudicing living conditions within the proposed dwelling.

The proposed dwellings would also benefit from raised rear patio/decked areas and due to the proximity to the side boundaries and the size of the raised areas the future occupiers could overlook adjoining properties to the detriment of the privacy of those residents. To prevent

overlooking a screen to visibility, to a height of 1.8m, should be provided to the northern edges of the raised areas. This can be secured by condition.

The proposed flats are to be provided with terraces located on the roof of the existing single storey elements of the former King Canute building.

The rear edge of the eastern terrace would be located some 21m from the rear boundary of the site. At this distance it is not considered that the use of this area would result in an undue loss of privacy or amenity for the occupiers of the properties the rear.

The proposed terrace provided to the western side of the building would however be some 3m only from the boundary with the proposed dwelling to the north. At this distance use of the proposed terrace is considered likely to result in a significant loss of privacy to any future occupier of the proposed dwelling. However a 1.8m high obscured screen placed along the northern edge of the terrace would adequately protect the amenity of adjoining residents and can be secured by condition.

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

It should be noted that access to the proposed flats will be via an external staircase provided to the eastern side of the building. This staircase would be located some 23m from the rear boundary of the site and 21m from the eastern boundary. At these distances use of the stairwell is not considered likely to have a significant detrimental impact on the privacy or amenity of adjoining residents.

It should be noted that all windows serving the proposed flats within the King Canute Building currently exist and would be located at least 27m from the rear boundary of the site.

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

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

The application site is located within a shopping area on a busy distributor road which experiences a relatively high level of ambient noise. However the site is within close proximity to residential units to the rear, east and west of the site and will introduce a more intensive use of the site. It is therefore necessary to consider the impact of the proposed development on these residents.

The proposed retail unit within the King Canute building is intended to be operated between the hours of 6am to 11pm every day. Given the proximity of the site to a major distributor road and another convenience store operating similar hours and the disposition of the proposed retail unit relative to the established residential development, it is not considered that the impact of the proposed hours would be so detrimental to the amenity of existing residents that a reason for refusal on this basis could be sustained on appeal.

The veterinary practice would operate between 08:30 and 19:00 hours Monday to Saturdays and between 10:00 and 16:00 hours on Sundays and Bank Holidays. The applicant has confirmed that the practice would not have facilities for overnight care of animals and will not provide out-of-hours emergency services. Consequently animals, staff and visitors will only attend the veterinary practice during the hours indicated above. The proposed practice would not operate beyond the hours that other uses within the shopping area already operate. These other uses include, among others, takeaways, a bar, and retail uses. The proposed veterinary practice use is, in itself therefore, unlikely to result in a significant increase in noise and disturbance to the adjoining residents.

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

An acoustic report has been submitted which has determined the target value for any proposed plant on the site and the mitigation measures to be introduced in order to ensure that the target values are met and the proposal has no adverse impact on adjoining or proposed residents. Subject to a condition securing the implementation of appropriate mitigation measures no objection is raised to the proposal on the basis of potential noise and disturbance generated by the proposed air conditioning units.

The proposal seeks to provide parking areas immediately adjacent to residential boundaries. At the present time the area adjacent to the adjoining properties is heavily vegetated and unused. Clearance of the site and the formation of a car park immediately to the south of the adjoining properties is considered likely to have the potential to result in noise and disturbance to adjoining residents, particularly during the early evening and night time hours.

It is proposed to install an acoustic fence along the eastern boundary of the proposed dwellings in order to mitigate the impact of noise and disturbance to future residents. If this treatment were to be continued along the northern and eastern boundaries of the wider site it is considered that the impact of noise arising from vehicular movement on the site would be satisfactorily mitigated. Subject to a condition to this effect, no objection is raised to the proposal on the basis of noise and disturbance to residents.

It should be noted that in order to limit access to the carpark outside operational hours, and thus further limit the opportunity for noise and disturbance, 1.8m high security gates are proposed across the access to the rear car park serving the veterinary practice. The operation of these gates will prevent use of the veterinary practice car park overnight and would dissuade use of the car park for antisocial purposes.

Local residents have previously raised concerns regarding the perceived threat to the security of adjoining homes arising from the proposed development, and in particular from the proposed 'opening up' of the rear of the site.

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

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

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

The area of land on the eastern part of the site would provide an area of car parking which would abut the residential boundaries of Nos.10, 12 and 14 Edith Close. This car park would be overlooked by residential development on three sides and would benefit as a consequence from a level of natural surveillance which would make it less attractive to those intent on criminal behaviour

The carpark would also benefit from being secured at night by 1.8m high wrought iron gates, however the perception of crime has previously been identified as a significant concern for local residents and under the circumstances it is considered appropriate to seek the installation of security measures such as CCTV cameras, in order to deter crime in the area. This is considered to be particularly appropriate in the case of a veterinary practice where drugs and other medication may be kept on site. Whilst it is noted that bollard lighting would be provided, this measure by itself is considered insufficient to deter crime. Under such circumstances it is considered appropriate to require the submission and approval of a scheme of appropriate security measures to prevent crime from occurring within this location. Subject to conditions requiring such measures no objection is raised to the proposal under Policy EC5.

Traffic implications and parking

Policy T8 of the adopted Local Plan requires the provision of appropriate levels of on-site car parking in accordance with the Essex Parking Standards (September 2009). The proposal would re-configure the car park to provide parking to serve the retained King Canute building, on the western part of the site and parking for the proposed veterinary practice on the eastern side. Three parking spaces serving the proposed flats would also be provided on the eastern side.

Parking for the proposed dwellings would be provided within the individual curtilages.

Standard C3 is relevant to residential development and Standard A1 is relevant to the retail development. A veterinary practice is a sui generis use and there is therefore no stated car parking requirement, this aspect therefore needs to be determined on the individual merits of the case.

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

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

Within the current scheme, the applicant has clearly identified segregated residential and commercial parking areas. This has resulted in a safe and convenient parking layout. No objection is raised to the proposal on the basis of the car park layout.

The car parks would be overlooked on three sides by dwellings and the level of natural surveillance is considered to be relatively good, although enhancement through mechanical means, as discussed above, is recommended in respect of the veterinary car park.

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

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

The proposed flats have been provided with a total of three parking spaces.

As both flats have more than one bedroom, each attracts a requirement for two parking spaces. On this basis therefore the provision of three spaces would appear to represent a deficiency, however, in cases where flats are provided in locations with good access to public transport and local services, a more flexible approach has been consistently adopted by this Authority. In this case the occupiers of the flats will have easy access to the bus network and local services and under the circumstances it is considered that the parking requirement for each flat may be reduced to one space. On this basis the parking provision for the proposed flats is considered satisfactory.

It should be noted that the Highway Authority has specified that each three bedroomed property should be provided with two parking spaces and each two bedroomed property should be provided with one parking space. This would equate to the provision of three car parking spaces to meet the needs of the flats.

With regard to the retail element of the proposal, the standards require parking and cycle spaces to be provided on the basis of floor space. The proposed retail shop would have a floor area of some 351sqm and the adopted parking standards would require the provision of a maximum of 1 space for every 14m² of floorspace, resulting in a maximum requirement for 25 parking spaces, three of which should be disabled spaces. Two cycle spaces should also be provided.

The retail element of the scheme is provided with some 13 parking spaces, two of which are provided for disabled persons and four cycle spaces. Prima facie therefore the scheme would appear to be deficient in parking. However, the adopted parking standard is a maximum standard which may be reduced in urban areas where there is good access to alternative forms of transport. In this case it should be noted that the site is located on a major distributor road with ready access to the bus network.

Furthermore, the application is for a convenience store which, as part of a local shopping parade, is intended to meet the needs of local residents and as such it is considered likely that a significant proportion of customers will attend the site on foot.

Work undertaken by the applicant has identified that visits to a convenience store, which are generally made either to pick one or two items of groceries missed from a larger supermarket shop, or to find a few items for that day, tend to be limited in duration and that when combined with the time taken walk to and from the car park, most customers would spend approximately 15 minutes on the site. As a consequence turnover within the car park is relatively high and car parks may therefore be used to a greater capacity. Analysis of parking at other convenience store sites undertaken by the applicant demonstrates that the 13 proposed spaces are sufficient to meet the expected demand, 12 being the anticipated maximum number of spaces occupied at any one time, even in the very robust assumption of 20-minutes duration of stay.

In addition, the context of the site must be considered. Members will be aware that many of the shops in the local parade, including the convenience store opposite the site, are provided with little or no customer parking.

Finally Members should note that the change of use of the building from a drinking establishment (which remains the lawful use of the site), to a shop generally constitutes permitted development, not requiring the formal consent of this Authority. Under the circumstances, and in the light of Government exhortation of Local Authorities to encourage alternative modes of transport to the private car, it is considered unlikely that an objection to the proposal based on inadequate parking could be sustained on appeal.

A veterinary practice is likely to work on an appointment basis with customers arriving and waiting according to the number of consulting rooms that are occupied at any one time, which is similar to the operation of a doctor's surgery or dentist. As such it is considered appropriate to apply the parking standard for a doctor's surgery to the proposed veterinary practice which would have four full time staff and three consulting rooms resulting in a maximum requirement for 13 parking spaces and four cycle spaces. Fourteen parking spaces are provided together with two cycle parking hoops. Such provision exceeds the parking requirement for the needs of the veterinary practice.

The dual use of one of the parking spaces as a delivery zone is not considered to prejudice parking provision the site, due to the limited period that delivery vehicles are likely to be present on the site and the noted parking exceedance.

Finally it should be noted that the Highway Authority has raised no objection to the proposal on the basis of inadequate parking.

The current proposal provides car parking spaces which are 2.9m wide by 5.5m deep which accords with the parking standards. Such provision is considered satisfactory.

No objection is therefore raised to the proposal on the basis of inadequate parking provision.

Policy T2 of the adopted Local Plan states that proposals which would result in the intensification of the use of existing accesses onto any trunk, principal or other classified road will require the submission of a traffic impact study demonstrating the ability of the highway network to

accommodate the proposed development. This policy is considered broadly consistent with paragraph 32 of the NPPF.

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

Ecology and Trees

Policy EC13 of the adopted Local Plan states that the Council will refuse development which is prejudicial to the interests of wildlife and the retention and management of important habitats. This policy is considered inconsistent with the hierarchical approach set out in paragraph 118 of the NPPF which states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity.

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

Policy EC23 states that encouragement will be given to the planting of native trees and shrubs in appropriate cases, in order to improve the physical environment.

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

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

The site is also identified as having significant potential for ecological enhancement which could be achieved through the provision of a native species biased landscaping scheme, bat boxes and ecologically sensitive lighting.

An Arboricultural Implications Assessment and Method Statement by Ecourban Ltd accompanied a previous application and identified that the trees present on the site comprised fruit, Ash, Sycamore, Birch and Leyland Cypress. None of the trees on the site are the subject of Tree Preservation Orders and the report identified that the trees were of low quality, unsuitable for retention or in poor condition, and that whilst some could be retained the appropriate solution would be to replace them with new planting within the site. The Phase 1 ecological survey submitted with the current application recommends a landscaping scheme with a 70:30 ratio in favour of native species on the site, in order to strengthen biodiversity.

The loss of the trees within the site is regrettable but is necessary to achieve the development on the site. The poor quality of the trees militates against a robust reason for refusal on this basis. It is considered however that a condition could be imposed on the grant of any consent requiring the provision of a number of replacement trees on the site, in accordance with the recommended planting bias and other ecological enhancements such as the provision of appropriate bird and bat boxes.

Subject to such a condition no objection is raised to the proposal under Policies EC22 and EC23 of the adopted Local Plan or national guidance as contained within the NPPF.

Flood risk implications

The site is located within an area defined as Flood Zone 3a by the Environment Agency. As such the proposal must be assessed against the requirements of both the sequential and exception test, in order to determine whether opportunities exist to provide the proposed development in an area of lower flood risk, or where that is not possible, to determine whether the specific circumstances of the proposal warrant an exception to the general presumption against vulnerable development in areas at risk of flooding.

The applicant's submitted Flood Risk Assessment (FRA) identifies that the application site is located on a relatively high part of the Island and that in the event of a breach of the seawall, during a 1:200(with climate change (wcc)) storm event, the site would remain dry.

In a 1:1000 year (wcc) storm event however, the site would flood to a depth of 0.5m.

The EA has advised that the majority of the site would not flood in the 1:200 year (wcc), with the exception of an area in the north west part of the site, (the veterinary car park), which in a worst case scenario could flood to a depth of 0.5m

In a 1:1000 (wcc) event, the site could flood to a depth of between 0.5m and 1m.

The site is therefore at some limited risk of flooding.

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

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

No information is provided on the need for the proposed retail development and veterinary practice to serve the needs of residents of Canvey Island, where other retail and veterinary service opportunities exist. However, matters of retail choice and competition are not material planning considerations and it is unlikely that a retailer or veterinarian would choose to locate in an area where demand for the service had not been identified.

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

The reuse of the existing King Canute building for retail purposes constitutes a change of use which is not subject to the sequential and exception tests.

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

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

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

The Revised FRA confirms that should the defences breach, flood waters would reach the site in between 1 and 4 hours for both a 1 in 200 year (wcc) event and for a 1 in 1000 year (wcc) event. The EA classifies such breaches as a danger for some people in the case of the former and a danger for most people in the case of the latter. Under such circumstances it is considered that there would not be a clear opportunity for evacuation (and indeed such action is not recommended) and it is therefore essential, if permission were to be granted for the proposed development, that appropriate refuge is available above flood water levels and that future occupiers are aware of the need to obtain such refuge at the earliest opportunity in the event of a flood.

The Revised FRA confirms that flood waters arising from a 1:200 year flood event would only flood the car park provided on the north eastern part of the site. Such an event would not therefore pose a significant on-site risk to occupiers of the buildings on the site.

In terms of the 1:1000 (wcc) breach event, the site could flood to a depth of between 0.5m and 1m.

It should be noted that the proposed dwellings will be constructed so that finished ground floor levels would be set some 0.8m above the adjoining ground level. At this level it is considered that the dwellings would remain dry under all but the most extreme flood events.

Furthermore it should be noted that the dwellings offer first floor accommodation significantly above the highest predicted flood levels and can therefore provide safe refuge in the event of an extreme flood. Such refuge however needs to be supported by a robust Flood Response Plan (FRP).

The erection of two, three bedroomed dwellings on the site is likely to result in a greater number of people permanently occupying the site. The proposed dwellings would have refuge above flood water levels and could be constructed to a standard offering resistance to floodwaters and rapid recovery from a flood event. Such requirement can be secured by condition.

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

The proposed flats within the King Canute Building would be provided at first and second floor level and would be above the highest flood levels.

Under the circumstances, and subject to appropriate conditions, the level of risk associated with the use of the site for residential purposes is considered to pass the exception test. No objection is therefore raised to the residential element of the proposal on this basis.

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

Consideration of this element of the proposal must therefore include consideration of whether the development would be safe for its lifetime taking account of the vulnerability of its users.

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

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

As stated above in the event of a breach in the flood defences, flood water would take a maximum of 4 hours to reach the site and the predicted flood water depth for a 1:200 year (wcc) flood event would be 0 - 0.5m and between 0.5m - 1.0m for a 1:1000 year (wcc) flood event.

In response the applicant intends to raise the finished floor level within the building to 3.05m AOD, some 0.8m above the highest ground level. This would result in the finished floor level above the predicted flood depth for a 1:200 year (wcc) flood event. Occupants would therefore remain dry in such an event.

The building however would not remain dry in a 1:1000 year flood event, when water levels up to 0.2m could be experienced within the building.

The building is single storey and cannot therefore offer refuge above flood water levels and this represents an element of risk to users, however the level of risk is only apparent under the 1:1000 year event and under the worst case scenario. As such the level of risk is considered to be limited and if occupiers are supported by an appropriate flood response plan, acceptable. This element of the proposal is therefore considered to pass the exception test.

The submitted FRA identifies that the elevated ground levels will constitute the primary flood resilience and resistance measures. It is noted however that further measures such as raised electrical sockets and switches can be incorporated into the building to improve resilience. Use of these measures is encouraged through the imposition of a condition on the grant of any consent.

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

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

Government guidance is clear that new development should not increase flood risk elsewhere, and, where possible, should reduce flood risk overall.

The proposed development will result in a greater level of hardsurfacing on the site which would have the potential to displace flood water onto other sites.

In the context of a 1:200 (wcc) to 1:1000 (wcc) flood event, the level of displacement is considered to be negligible and no objection is therefore raised to the proposal on this basis.

Surface Water Flooding and Sustainable Drainage

As stated above Government guidance is clear that new development should not increase flood risk elsewhere, and, where possible, should reduce flood risk overall.

In the context of extreme pluvial conditions, consideration must be given to the capacity of the proposed development to absorb or accommodate surface water runoff.

At the present time the site provides approximately 1178m² of permeable area, primarily within the former garden located to the rear of the site and some 1612m² of impermeable area, which drains to the local storm sewer.

The redevelopment of the site will see the area of permeable ground reduced to some 407m² and an increase in the impermeable area to some 2383m².

The increase in impermeable area will have an impact on the capacity of the site to absorb surface water.

In order to ensure that the reduction in permeable surface area does not result in an increased risk of run off the applicants have assessed the suitability of various sustainable drainage options for the site. As a consequence of the underlying geology, which limits the effectiveness of water percolation through the ground surface, it has been determined that a combination of the provision of underground surface water storage tanks and the provision of a permeable layer beneath the car parking areas would provide sufficient capacity to store surface water in an extreme rainfall event.

The achievement of such a scheme, including the means to ensure its proper maintenance can be secured by condition.

Other Matters

RDG6 states that amenity space should cater for all the outdoor needs of all occupiers and that development involving individual dwellings should be provided with at least 15m² amenity space per habitable room.

The dwellings would each be provided with five habitable rooms and require a minimum of 75m² amenity space each. The dwellings would each benefit from a minimum amenity space of some 79.6m², which is sufficient to meet the outdoor needs of all occupiers.

Flats are required to be provided with 8m² of amenity space for each habitable room, with a minimum provision of 25m². In this case the eastern flat will provide three rooms and the western flat will provide four rooms. The amenity area requirement is therefore 25m² and 32m² respectively. This is achieved within the scheme. No objection is therefore raised to the proposal on this basis under RDG6.

RDG13 states that all forms of residential development must be provided with safe, adequate and suitable means of refuse and recycling storage to cater for all occupiers.

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

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

The refuse arrangements for the veterinary practice also represent a material consideration in the scheme and previously provided the third reason for refusal in respect of application 15/1045/FUL. Within the current scheme the veterinary practice is now provided with a bin storage area at the rear of the proposed building. The Council's Refuse and Recycling Officer has made no comment in respect of this aspect of the proposal.

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

The side boundaries of the dwellings would be marked by 1.8m high close boarded fences which is consistent with the surrounding forms of enclosure and would not dominate the public realm. A brick wall with railing is proposed to the front of the dwellings. This boundary treatment provides interest with a mixture of low brick walls, brick piers and metal railings to a maximum of 1.2m high. There are examples of similar boundary treatments within the area, and such treatment is not unusual to the front of residential properties. Furthermore the brickwork within the front wall could be constructed to harmonise with the construction of the dwellings, and such aspect can be secured via conditions. No objection is therefore raised to the proposal under RDG10.

A 2.1m high brick wall/fence is to be provided along the eastern boundaries of the new dwellings and the rear boundary of the site, to mitigate the impact of the adjoining car park on the adjoining properties. It is considered that a 2.1m high acoustic fence should also be provided along the eastern boundary of the site to mitigate the impact of the car park on the dwellings to the north. These measures are considered appropriate and can be secured by condition.

Conclusion

The applicant seeks to retain and extend the former King Canute Public House building and use it for a mixed retail and residential purpose. A large detached garage and retail unit located within the curtilage of the host building are to be demolished in order to construct a single storey veterinary practice and two detached houses with associated parking, cycle/refuse storage are to be provided on the western side of the site. The existing car park is to be enlarged and reconfigured to serve the commercial uses and proposed flats.

The site is located within an area allocated for shopping purposes and would result in no net loss of retail units. The reuse of the first and second floor levels of the host building and the provision of residential development on the western part of the site would contribute to the Council's housing supply.

In its current form the proposal is considered to overcome the first and second reasons for refusal raised in respect of a similar proposal determined under application reference 15/1045/FUL.

Reconfiguration of the refuse facilities for the veterinary practice is considered to overcome the third reason for refusal under 15/1045/FUL

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

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

The provision of an appropriate surface water drainage scheme, consistent with SuDS principles, to meet surface water drainage concerns can be achieved by condition.

The proposal meets the provisions of the adopted Local Plan and design guidance and the proposed car parking provision has been modified and is considered satisfactory.

The proposal is considered acceptable in the context of the adopted and emerging Local Plans and the NPPF and all substantive objections previously raised have now been satisfactorily resolved. Accordingly it is recommended that permission be GRANTED for the proposed development.

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 subject to 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 Where car parking spaces are provided on the site these facilities shall be retained solely for that use and for no other purpose whatsoever without the formal consent of the Local Planning Authority.

REASON: To ensure the retention of adequate on site car parking facilities to meet the Councils adopted standards for the amount of accommodation to be provided on the site.

- 3 The three proposed residential parking spaces, located to the east of the former King Canute building shall be retained solely for the use of the occupiers of the proposed flats within the former King Canute building, and for no other purpose whatsoever, without the prior consent of the Local Planning Authority.

REASON: To ensure the provision of adequate onsite parking provision, to serve the needs of the occupiers of the proposed flats.

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

REASON: In order to protect the privacy of the occupiers of the adjoining properties, in accordance with the provisions of Policy EC2, RDG5 of the adopted Local Plan.

- 5 Prior to the vehicular accesses serving the proposed dwellings being brought into use, within the confines of the residential sites, a 1.5m x 1.5m clear to ground visibility splay shall be provided at the junction of the vehicular access and the highway which shall be maintained free of obstruction in perpetuity.

REASON: In the interests of highway and pedestrian safety.

- 6 Prior to the occupation of the proposed development, a Flood Response Plan shall be prepared and submitted to, and formally approved by, the Local Planning Authority.

REASON: In order to ensure the appropriate protection of occupiers of the buildings in the event of a flood, in accordance with Government advice as contained in the National Planning Policy Guidance.

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

REASON: In order to ensure the appropriate protection of occupiers of the buildings in the event of a flood in accordance with Government advice as contained in the National Planning Policy Guidance.

- 8 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 in accordance with Government advice as contained in the National Planning Policy Guidance.

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

REASON: To ensure the ability of the approved buildings to withstand the effects of flooding in the interest of the safety of the future occupiers of the site, in accordance with Government advice as contained in the National Planning Policy Guidance.

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

REASON: To minimise damage to the buildings caused by floodwater and to enable faster recovery following a flood in accordance with Government advice as contained in the National Planning Policy Guidance.

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

REASON: In order to protect the amenity of adjoining residents, in accordance with the provisions of Policy EC3 of the adopted Local Plan.

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

REASON: In order to protect the amenity of the adjoining residents in accordance with the provisions of Policy EC3 of the adopted Local Plan.

- 13 Prior to the first use of the raised terraces/decking areas serving the proposed detached dwellings and the western flat within the King Canute building, an obscure glazed screen to at least Level 3 on the Pilkington Scale and a minimum of 1.8m in height measured from the finished floor surface of the terrace/decking areas shall be erected along the northern edges of the terraces/decking areas and permanently retained as such thereafter.

REASON: In order to protect the privacy of the occupiers of the adjoining properties, in accordance with the provisions of Policy EC2, RDG5 of the adopted Local Plan.

- 14 Prior to the first occupation of the dwelling on Plot 1, a 1.8m high timber fence shall be erected along the northern boundary of the site as shown on drawing No. D/11 dated June 2016, and thereafter shall be permanently retained as such.

REASON: In order to protect the amenity of the adjoining residents in accordance with the provisions of Policy EC2, RDG5 of the adopted Local Plan.

- 15 Prior to the first occupation of the dwelling on Plot 2, a 1.8m high timber fence shall be erected along the southern boundary of the site as shown on drawing No. D/11 dated June 2016, and thereafter shall be permanently retained as such.

REASON: In order to protect the amenity of the future occupiers of this dwelling in accordance with the provisions of Policy EC2, RDG5 of the adopted Local Plan.

- 16 Prior to the first occupation of the detached dwellings, a 2.1m high wall with close boarded timber acoustic infill panels shall be erected along the eastern boundary of the proposed residential development, the northern boundary of the site from the point at which the eastern boundary of the residential development meets the northern boundary of the site and the eastern boundary of the site, to a point 10m south of the junction with the northern boundary, and thereafter shall be permanently retained as such.

REASON: In order to protect the amenity of the adjoining residents, in accordance with the provisions of Policy EC3 of the adopted Local Plan.

- 17 Prior to the first use of the car park provided on the eastern side of the site, 1.8m high wrought iron security gates shall be provided in the position shown on drawing D/11, dated June 2016, and thereafter permanently maintained as such. These gates shall be locked outside the hours of operation identified in condition 10 attached to this consent.

REASON: In order to protect the amenity of the adjoining residents in accordance with the provisions of Policy EC3 of the adopted Local Plan.

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

REASON: In order to protect the privacy of the adjoining residents in accordance with the provisions of Policy EC3 of the adopted Local Plan.

- 19 The proposed dwellings shall be constructed in order to ensure that finished ground floor levels within the dwellings are set no lower than 3.15m above Ordnance Datum (AOD).

REASON: To reduce the risk of flooding to the proposed habitable development and future occupants, in accordance with Government advice as contained in the National Planning Policy Guidance.

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

REASON: To reduce the risk of flooding to the proposed development and future occupants in accordance with Government advice as contained in the National Planning Policy Guidance.

- 21 Prior to occupation of the development the vehicular accesses for the proposed dwellings as shown on planning drawing D/11 dated June 2016, shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of each access at its junction with the highway shall not be more than 6 metres, and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with Policy EC2 of the adopted Local Plan.

- 22 The proposed commercial development shall not be occupied until such time as the vehicle parking areas shown on planning drawing D/11 dated June 2016, including any parking spaces for the mobility impaired, has been hard surfaced and marked out in parking bays. The vehicle parking areas shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

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

- 23 The proposed residential development shall not be occupied until such time as the vehicle parking areas shown on planning drawing D/11 dated June 2016, has been provided. The vehicle parking areas shall be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles that are related to the use of the residential 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.

- 24 The cycle parking facilities as shown on the planning drawing D/11 dated June 2016 shall be provided prior to the first occupation of the development and retained at all times.

REASON: To ensure appropriate bicycle parking is provided In accordance with Policy T8 of the adopted Local Plan.

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

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy EC2 of the adopted Local Plan.

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

REASON: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety in accordance with Policy EC2 of the adopted Local Plan.

- 27 Prior to first occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator. One Residential Travel Information Pack shall be provided for each dwelling.

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with Government guidance as contained in the National Planning Policy Framework.

- 28 Prior to the occupation of the development hereby approved a landscaping scheme shall be submitted to and formally approved by the Local Planning Authority. Such a scheme shall include planting plans, written specifications, including cultivation and other operations associated with plant and grass establishment, schedules of plants, noting species, plant sizes and proposed numbers / densities. The scheme shall provide native/non native planting on the basis of 70:30.

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

Any trees dying or becoming diseased or damaged within five years of the date of planting shall be replaced with a tree of similar size and species within the first available planting season.

REASON: To ensure a satisfactory development incorporating a degree of natural relief, in the interests of the amenities of the site and the surrounding area and the nature conservation value of the site, in accordance with Government advice as contained in the National Planning Policy framework and Policy EC7 of the adopted Local Plan.

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

REASON: In order to avoid the disturbance of nesting birds, in accordance with Policy EC7 of the adopted Local Plan.

- 30 Any lighting around the site shall be low pressure and hooded to avoid light spill into the surrounding habitat. (

REASON: To avoid undue disturbance to bats commuting around the site and the amenity of adjoining residents in accordance with policies EC3 and EC7 of the adopted Local Plan.

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

REASON: In the interests of maintaining the potential biodiversity of the site in accordance with the provisions of the National Planning Policy Framework and Policy EC14 of the adopted Local Plan.

- 32 Prior to the commencement of the development hereby approved, details of the surface water drainage for the site shall be submitted to and approved by the Local Planning Authority. The scheme shall in the first instance make provision for the disposal of surface water on site through the use of a Sustainable Drainage System (SuDS). Only if it can be demonstrated that SuDS are not suitable shall the scheme incorporate measures for the offsite disposal of surface water.

REASON: To limit the potential for increased surface water runoff from the site in accordance with Government advice as contained in the National Planning Policy Guidance.

- 33 Prior to the first occupation of the development hereby permitted, the approved surface water drainage scheme shall be implemented on site.

REASON: To limit the potential for increased surface water runoff from the site in accordance with Government advice as contained in the National Planning Policy Guidance.

- 34 The surface water drainage scheme as implemented on site shall be permanently retained and appropriately maintained in order to ensure the efficient and effective surface water drainage of the site.

REASON: To limit the potential for increased surface water runoff from the site in accordance with Government advice as contained in the National Planning Policy Guidance.

- 35 Prior to first occupation of the veterinary practice, details of a scheme for the provision of closed-circuit television (CCTV) camera equipment serving the carpark to the proposed veterinary practice shall be submitted to and approved in writing by the Local Planning Authority. Such scheme shall include details of the positioning and range of such equipment in addition to the colour finish of any supporting poles.

Such CCTV shall be kept to the minimum necessary for the purposes of security and site safety and shall be installed prior to the first use of the veterinary practice building. The CCTV equipment shall thereafter be implemented only in accordance with the approved details.

REASON: In the interests of the amenity of local residents, in accordance with the provisions of Policy EC3 of the adopted Local Plan.

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 In undertaking the works hereby approved you are advised to satisfy yourself of your obligations to occupiers of adjoining properties in accordance with the Party Wall etc. Act 1996, details of which can be inspected at these offices or you may obtain details free of charge from the Planning Portal website (www.planningportal.gov.uk) under Building Regulations.
- 3 The applicant's attention is drawn to the need to obtain the consent of the Highway Authority for the placement of any materials associated with the development within the highway limits.

ITEM 4

Application Number:	16/0512/FUL
Address:	Concord Rangers Football Club Thames Road Canvey Island Essex SS8 0HP (Canvey Island West Ward)
Description of Development:	The installation of a 17.5m monopole with 6no. antennas and 2no microwave dishes, 3 no. equipment cabinets, along with ancillary development.
Applicant:	Telefonica UK Limited
Case Officer	Mr Keith Zammit
Expiry Date:	27.09.2016

Summary

The application seeks permission to erect a telecommunications base station on part of the land occupied by the Concord Rangers Football Club. No sustainable objections can be identified and it is therefore recommended that the proposal be APPROVED.

The application is presented to the Committee because the site is within the control or ownership of the Borough Council.

Site Visit

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

Introduction

The application relates to land forming part of the unsurfaced car park of the Concord Rangers Football Club. This area is separated from Thames Road by a wall with brick piers and railings together with some boundary trees and vegetation.

The Proposal

Permission is sought for the erection of a 17.5m high monopole containing antennas and microwave dishes with associated ground level equipment. The installation would be enclosed by a 2.4m high palisade fence.

The proposal is part of a joint operation between Telefonica and Vodafone involving a pooling of their basic network infrastructure while maintaining independent networks.

The applicant states that there is a specific requirement for a radio base station at this location to improve coverage in the area to provide new 2G/3G and 4G coverage for Telefonica and improved 2G/3G and new 4G coverage for Vodafone as part of their continued network improvement program.

Supplementary Documentation

The following documents were submitted with the application and are available on the Council's website:

- Supplementary information sheet
- General background for telecommunications development
- Health and mobile phone base stations
- Existing/proposed coverage maps
- ICNIRP declaration

Planning History

None of relevance to consideration of the current application.

Relevant Government Guidance and Local Plan Policies

National Planning Policy Framework

Paragraphs 42 to 46

Current Local Plan

Policy CF16 – Telecommunications

New Local Plan

Policy T1 – Transport Strategy

Consultation

Legal Services

The applicant holds a 30 year lease on the land from the Council. A condition on the lease states that the Tenant shall not install Service Media at the Property without the consent of the landlord. The applicant will need to make a separate application for such Consent.

Canvey Town Council

No objection

Public Consultation

No responses received.

Comments on Consultation Responses

The conditions of the current lease are not a matter for the Development Control Committee to consider.

Evaluation of Proposal

The main issue for consideration is the visual impact of the proposed installation.

Comment will also be made in respect of the health implications of the proposal.

Visual impact

Paragraph 42 of the NPPF states that advanced, high quality communications infrastructure is essential for sustainable economic growth. The development of high speed broadband technology and other communications networks also plays a vital role in enhancing the provision of local community facilities and services.

Paragraph 46 of the NPPF states that local planning authorities must determine applications on planning grounds. They should not seek to prevent competition between different operators, question the need for the telecommunications system or determine health safeguards if the proposal meets International Commission guidelines for public exposure.

Local Plan Policy CF16 states that in considering such proposals the Council will have regard to the visual impact of the structure on adjacent land uses, the impact on the landscape and the availability of alternative sites. Consideration will be given to the provision of large masts shared by several operators that would avoid the need for the erection of a multiplicity of smaller structures. This approach is considered to be consistent with the provisions of the NPPF.

A 17m high monopole would undoubtedly be visible in the landscape as the trees would not completely screen it. However, this area is characterised by utility infrastructure in the form of the Calor terminal and also the nearby sewage works. There is a mast located towards the northern boundary of the Calor site which is visible in the local area. In the context of this surrounding development, it is not felt that a monopole with antennas would look out of place. This proposal would be less visually intrusive than the mast on Calor's site as it would be a monopole rather than a lattice tower. The proposal is deemed to be sufficiently distant from residential properties that the visual amenity of occupiers would not be adversely affected. The ground level equipment is not considered to have a significant effect on the aesthetic qualities of the area. Overall, it is not considered that an objection to the proposal on the basis of visual impact would be supported on appeal.

Health

Paragraph 46 of the NPPF states that local planning authorities should not seek to determine health safeguards if the proposal meets International Commission on non-Ionising Radiation Protection (ICNIRP) guidelines. The application is accompanied by such certification and accordingly there can be no objection to the proposal on the basis of perceived health impacts.

Other matters

The proposed installation would occupy a 6m by 6m area of the unsurfaced car park. This would remove space for two cars, however such reduction in parking provision is not considered significant in the context of the parking area as a whole. No objection is therefore raised to the proposal on parking grounds.

The proposal falls just within an area identified as a transport improvement area in the Council's New Local Plan. Specifically the site includes land which would provide access to Phase 2 of the extension to Roscommon Way. However, this allocation is in indicative form only and the final

alignment of the road improvements is likely to differ. Furthermore Members are advised that the New Local Plan is at an early stage of submission and Policy T1 can therefore only be given limited weight. Given these considerations a recommendation of refusal based upon Policy T1 is unlikely to be sustained on appeal.

Conclusion

The visual impact of the proposal is considered to be acceptable in this location and no other harm to public amenity that would justify withholding consent has been identified. 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 subject to the following condition:

- 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.

Informative

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

ITEM 5

Application Number:	16/0538/FUL
Address:	41 Homestead Gardens Hadleigh Benfleet Essex SS7 2AB (St. James' Ward)
Description of Development:	Part two storey part single storey rear/side extension and alterations to roof including front dormers and raising of ridge
Applicant:	Mr Ramsey & Miss Byles
Case Officer	Mr Keith Zammit
Date of Expiry	14.09.2016

Summary

The proposal is for extensions to provide an additional bedroom at roof level and enlarged bedrooms and living accommodation on the ground and first floor level.

Whilst the proposal would not be harmful to the amenity of adjacent residents it is felt that the design exhibits a number of deficiencies and would not be sympathetic to the appearance of the house or its relationship with the rest of the street. It is therefore recommended that permission be REFUSED.

The application is presented to the committee as the applicant is related to a member of staff.

Site Visit

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

Introduction

The application relates to a detached house on the south side of Homestead Gardens. It has off-street parking for two cars to the front and a detached summerhouse in the rear garden. There is a small single storey rear projection providing an externally accessed toilet.

To the west of the site is a pair of semi-detached dormer bungalows at Nos.43 and 45, Homestead Gardens. To the east is a pair of semi-detached houses at Nos.37 and 39, with a roof height matching that of the application dwelling. To the south is farmland.

The Proposal

Permission is sought to extend the property to the side and rear. At ground floor level this would provide a large, open plan kitchen/family room and a store with doors opening onto the front forecourt area. At first floor there would be a rear extension only, to provide enlarged bedrooms, together with the provision of a fourth bedroom and ensuite at roof level.

The ground floor extension would have a width of some 6.75m and a maximum depth of some 5.5m. It would wrap around to the front of the property, with a stepped flank wall, providing the proposed store with a width of 2.3m. This element of the proposal would extend up to the

boundary of the plot. The remainder of the extension would be located approximately 1.2m from the boundary.

The first floor rear extension would be confined to the rear of the dwelling, having a depth of 3m. This would be located approximately 1m from the eastern boundary of the site and 2.1m from the western boundary.

The ridge height would be increased from some 8.3m to 9.1m and two dormer windows would be provided to the front elevation.

Supplementary Documentation

None

Planning History

2003 – permission granted for two storey pitched roof rear extension with balcony and single storey conservatory (CPT/270/03/FUL) – not implemented

Relevant Government Guidance and Local Plan Policies

National Planning Policy Framework

Paragraphs 56 to 58

Current Local Plan

EC2 – Design

T8 – Parking standards

Residential Design Guidance

RDG2 – Space around dwellings

RDG3 – Building lines

RDG5 – Privacy and living conditions

RDG6 – Amenity space

RDG7 – Roof development

RDG8 – Detailing

Consultation

No statutory consultees have been notified of this application

Public Consultation

One response received (to original plans) making the following comments and objections:

- loss of light to adjacent property
- de-stabilisation of adjacent property
- damage to sewer

Comments on Consultation Responses

- the impact on the amenity of adjacent residents is considered in the evaluation of the proposal
- potential damage to adjacent property or sewers is not a material consideration

Evaluation of Proposal

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

Design

The proposed rear extensions would have pitched roofs and are considered of acceptable appearance in relation to the surrounding area.

The proposed side extension for a store would extend up to the boundary of the site, leaving no isolation space on this side of the dwelling. Generally, dwellings in Homestead Gardens are provided with gaps between the flank wall of the dwelling and the plot boundary of around a metre, and sometimes considerably more. This proposal extends the dwelling up to the western boundary, even though it is only at ground floor level, and would make the dwelling appear cramped on its plot, whereas at the moment it has a reasonably spacious setting. This element of the development is considered to be contrary to RDG2, which seeks to provide gaps around dwellings that are consistent with the character of the area.

The proposed dormer windows are felt to be poorly aligned with the fenestration on the lower floors. The property currently has a relatively shallow pitched roof with a modest ridge height which is not well suited to the provision of dormers. The increased ridge height would make the roof look disproportionately tall and inconsistent with the scale and character of the adjoining houses which are of uniform roof height. As such the proposal is considered to be inconsistent with the adopted design guidance at RDG7, which seeks to ensure that roof development is sympathetic to the character of the host dwelling and wider area.

Impact on neighbours

The proposed rear extensions would project some 5.5m at ground floor level and some 3m at first floor level, from the rear wall of the house. In the context of No.39 to the east, which has not been extended at the rear, this represents quite a deep projection, however the proposed works are located to the west of the adjoining property and would be set 1m from the boundary. Given the isolation achieved and the relative orientation of the properties, it is not considered that the proposed extension would have a significant adverse impact on the adjoining property in terms of dominance or overshadowing. No objection is raised to the proposal on this basis.

The neighbouring property to the west at No.43 has a single storey rear extension projecting some 6m beyond the rear of No.41. In this context the proposed ground floor extension would not have a significant impact on the amenity of occupiers to the west by way of obtrusiveness or dominance.

The first floor would project some 4m beyond the face of the dormer to the rear of that property, however, in view of the degree of isolation achieved and relative orientation of the adjoining properties it is not considered that the proposed works would have a significant impact on the amenity of occupiers to the west by way of obtrusiveness or dominance.

The occupier of No.43 has objected to the proposal on the basis of loss of light to side windows in that dwelling. These side windows gain light across adjacent land to which there is no right under planning law, however, the applicant has modified the side extension in an attempt to reduce their impact. This is laudable, however, notwithstanding these amendments it is not felt that there is any basis on which an objection could be raised in planning terms.

There is therefore no objection to the proposal on the basis of RDG3.

The proposal is fully compliant with guidance at RDG5 in respect of overlooking.

Parking implications

The property has two parking spaces to the front which satisfies the parking standards. There is therefore no objection on the basis of Policy T8.

Other matters

The property would retain a generous sized rear garden which is felt to be adequate for the size of accommodation proposed. There is therefore no objection on the basis of RDG6.

Conclusion

The proposed extensions to the property would not adversely impact upon the amenity of adjacent residents. However, the proposed alterations to the roof are not sympathetic to the character of the host dwelling and wider street scene, and accordingly it is recommended that permission be refused.

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 increase in roof height would result in a disproportionate enlargement of the dwelling, detrimental to the character and appearance of the host dwelling and resulting in a building inconsistent with, and unsympathetic to, the character and appearance of the wider area, contrary to Policy EC2 of the adopted Local Plan, RDG7 of the Council's Residential Design Guidance and Government guidance as expressed in the National Planning Policy Framework.
- 2 The proposed dormer windows, by reason of their poor alignment with the windows on lower floors, are poorly placed within the roof plane and if approved would be detrimental to the character and appearance of the property and the visual amenity of the area, contrary to RDG7 of the Council's Residential Design Guidance and Government guidance as expressed in the National Planning Policy Framework.
- 3 The proposed side extension, due to its proximity to the western boundary of the site, would result in a dwelling of mean and cramped appearance, lacking an adequate setting and out of character with the pattern of development in the local area, contrary to Policy EC2 of the Castle Point Local Plan, RDG2 of the Council's Residential Design Guidance and Government guidance as expressed in the National Planning Policy Framework.

Informative:

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