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AGENDA

Committee: DEVELOPMENT CONTROL

Date and Time: Tuesday 6th October 2015 at 7.30 p.m.

Venue: Council Chamber

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

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

Canvey Island Town Councillors : Greig and Tucker

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

Enquiries: Cheryl Salmon, ext. 2454

PART I (Business to be taken in public)

1. Apologies

2. Members' Interests

3. Minutes

A copy of the Minutes of the meeting held on 1st September 2015 is attached.

4. Public Speakers

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

5. Deposited Plans

Report of the Head of Regeneration and Neighbourhoods is attached.

	Application No.	Address	Page
1.	15/0526/FUL	Rear of 60 Daws Heath Road, Benfleet, Essex (Victoria Ward)	1
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DEVELOPMENT CONTROL COMMITTEE

1st SEPTEMBER 2015

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

Councillors Acott, Harvey, Letchford, MacLean, Mumford, Palmer and Riley also attended.

An apology for absence was received from Councillor Varker.

11. MEMBERS' INTERESTS

There were none.

12. MINUTES

The Minutes of the meeting held on 28th July 2015 were taken as read and signed as correct.

13. DEPOSITED PLANS

- (a) **15/0263/FUL – 271 RAYLEIGH ROAD, BENFLEET (CEDAR HALL WARD) – DEMOLITION OF EXISTING BUILDING AND CONSTRUCTION OF THREE STOREY BLOCK OF EIGHT SELF-CONTAINED FLATS WITH PARKING, ROOF GARDEN AND WIDENING OF VEHICULAR ACCESS TO RAYLEIGH ROAD – BELL VUE HOUSE LTD**

The application sought permission for the residential redevelopment of a site located within the Green Belt. The Planning Officer reported that redevelopment of the site in the manner proposed would unacceptably intensify development on the site, would reduce the openness of the Green Belt and compromise its strategic function at this location. The proposal therefore constituted inappropriate development in the Green Belt and no very special circumstances necessary to justify inappropriate development in the Green Belt had been cited. Furthermore, the proposal would provide a poor form of development with inadequate amenity areas, and potential overlooking of the neighbouring properties. The proposal was therefore recommended for refusal.

A local resident spoke in objection to the application.

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

Councillor MacLean, a Ward Member, spoke in objection to the application.

During discussion Members stated that whilst they were in favour of the principle of development on the site it was considered that this proposal would result in an inappropriate form of development in the Green Belt. The Committee felt that the application would result in overdevelopment of the site and that it failed to provide adequate amenity space which would result in a substandard form of development. The Committee therefore concurred with the Planning Officer's recommendation that the application should be refused.

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

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

(b) 15/0440/FULCLO – R/O THE WHITE HOUSE, KILN ROAD, BENFLEET, ESSEX, SS7 1TF (CEDAR HALL WARD) – INSTALLATION OF SHIPPING CONTAINER, TOILETS, CABIN SHED AND VARIOUS WORKS TO FORM COMMUNITY GARDEN – TRUST LINKS LTD

The application sought planning permission for a Community Garden on Council owned land to the rear of the White House. It was not considered that there were any planning objections to the use of the land in this manner and therefore the proposal was recommended for approval.

The application was presented to the Committee due to the Council's interest in the proposal as landowner.

Members took opportunity to ask a number of questions about how the scheme would be run including details of the licence agreement between all parties. During discussion Members generally indicated their support for the project however there was a request that the shipping container be camouflaged in some way so that it blended into the landscape.

Following discussion it was:-

Resolved – That the application be approved subject to a condition that the shipping container is painted green and the conditions as set out in the Planning Officer's report.

(c) 15/0538/FUL – 30 HELLEDOORN ROAD, CANVEY ISLAND, ESSEX, SS8 7JA (CANVEY ISLAND EAST) – DEMOLISH EXISTING PROPERTY AND CONSTRUCT 2 NO. DETACHED HOUSES WITH INTEGRAL GARAGES – MR TOM SANDERS

The proposed development sought to replace an existing chalet bungalow with two detached houses. In all the circumstances the proposal was considered to comply with the Council's policies and guidance and was recommended for approval.

The application was presented to the Committee at the request of Councillors Acott and Mumford in order to assess the effect of the development on surrounding properties.

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

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

Councillor Acott, a Ward Member, spoke in objection to the application.

Councillor Mumford, a Ward Member, spoke in objection to the application.

Councillor Letchford, a Ward Member, spoke in objection to the application.

During debate the Committee raised concern that the proposal represented overdevelopment of the site. It was considered that it would be likely to lead to overlooking of existing residential properties to the rear of the site and due to its size and height it would be dominant and overbearing. Some Members were also concerned about the impact the development would have on flood risk in the area.

Following detailed discussion it was:-

Resolved – That the application be refused on the grounds that it represents overdevelopment, it is likely to lead to a perception of overlooking of existing residential properties to the rear of the site and that it would be dominant and overbearing at the rear of the site detrimental to the amenity of those residents.

(d) 15/0544/FUL – CASTLE VIEW LODGE, 2 CAMPERDOWN ROAD, CANVEY ISLAND (CANVEY ISLAND NORTH WARD) – CHANGE OF USE FROM 8 BED AND BREAKFASTS UNITS TO A HOUSE IN MULTIPLE OCCUPATION CONSISTING OF 8 BEDSITS – CASTLE POINT BOROUGH COUNCIL

The proposal was for a change of use of an existing bed and breakfast establishment to bedsits, for the Council to use to house people in need of accommodation. It was not considered that this would adversely impact the area in any way and the proposal was therefore recommended for approval.

The application was presented to the Committee as the Council was the applicant.

Councillor Greig, a representative of Canvey Island Town Council, spoke in objection to the application.

During discussion some Members expressed their disapproval of the proposal as it was considered that the bedsits would be too small and cramped and that the shared bathroom facilities on the first floor were unacceptable. It was also felt that there was insufficient parking provision.

Other Members welcomed the project and felt that the proposed change of use would result in improved accommodation for the occupiers and that the parking provision on site was adequate.

Following debate of the recommendation in the Planning Officer's report for approval seven members of the Committee requested under Council Procedure Rule 16.4 that voting on the Motion be recorded. The Councillors present voted as follows:

For

Councillors Cole, Cross, Mrs Govier, Hart, Hurrell, Mrs King, Sharp, Smith and Mrs Wass (9)

Against

Councillor Anderson (1)

Abstained

Councillor Blackwell (1)

The Motion was CARRIED.

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

(e) **15/0571/ADV – WATERSIDE FARM SPORTS CENTRE, SOMNES AVENUE, CANVEY ISLAND (CANVEY ISLAND WEST WARD) – NON ILLUMINATED FASCIA SIGN TO BUNGALOW – LEISURE SERVICES CASTLE POINT BOROUGH COUNCIL**

The application sought consent for the display of a fascia sign to indicate the presence of a café within the single storey detached building within the Waterside Farm Complex. It was not considered that the proposed advertisement would cause visual detriment to the area and it was recommended that consent be granted.

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

During discussion a Member commended the design of the sign. As the Planning Officer had stated that there were no objections arising from the proposed sign it was:-

Resolved – That the application be approved.

14. **15/0517/WTCA – 1 ATTWELL MEWS, THE CLOSE, BENFLEET, ESSEX, SS7 1NZ – WORKS TO REDUCE CROWN TO PROVIDE APPROX 1M CLEARANCE TO ADJOINING BUILDINGS AND SHAPE TO MAINTAIN BALANCE – MR J DOWDALL**

This was a notification for minor works to an Ash tree growing in the South Benfleet Conservation Area. The works would not be detrimental to the amenity value of the tree or the character and appearance of the Conservation Area. Accordingly there was no objection to the works, and no need to make a Tree Preservation Order to protect the tree.

During discussion a Member requested that a Tree Preservation Order be investigated for future works.

The Committee could see no objection to the works however it was recommended that they were carried out by a professional tree surgeon.

Resolved – That there is no objection to the works and no requirement for a Tree Preservation Order to protect the tree.

Chairman

ITEM 1

Application Number: 15/0526/FUL
Address: Rear Of 60 Daws Heath Road Benfleet Essex SS7 2TA (Victoria)
Description of Development: Erect detached bungalow and extend existing vehicular access to Daws Heath Road
Applicant: Mr And Mrs J Cosgrove
Case Officer: Mr Keith Zammit
Expiry Date: 24.09.2015

Summary

The proposal is for a detached bungalow to the rear of an existing dwelling. It is considered to be compliant with national and local guidance and there are no robust reasons for refusal that can be identified. The proposal is therefore recommended for APPROVAL.

The application is presented to the committee at the request of Cllr Riley in order to consider the impact of the development on neighbouring property and the surrounding area.

Site Visit

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

Introduction

The application relates to land currently forming part of the curtilage of No.60 Daws Heath Road, a detached chalet between the junction with Napier Gardens and the entrances to The Deanes School. The main part of the site measures a maximum of 33m by 50m, with access to Daws Heath Road via an existing driveway of 2m to 3m in width and 45m in length.

The Proposal

Permission is sought for the erection of a detached bungalow, together with the widening of the existing vehicular access onto Daws Heath Road. The proposed bungalow would have a width of some 9.3m, depth of 8.2m and pitched roof to a height of some 4.3m.

Supplementary Documentation

The application is accompanied by a design and access statement which is available to view on the Council's website.

Planning History

1992 – permission refused for one detached four bedroomed chalet with attached garage and access from Napier Gardens (CPT/64/92/OUT) due to unsatisfactory relationship with adjoining development, unsatisfactory access, setting and vehicular disturbance

Relevant Government Guidance and Local Plan Policies

National Planning Policy Framework

Local Plan

EC2 – Design

T8 – Parking standards

Residential Design Guidance

RDG1 – Plot size

RDG2 – Space around dwellings

RDG3 – Building lines

RDG6 – Amenity space

RDG12 – Parking and access

RDG13 – Refuse and recycling storage

Consultation

Highways

No objection subject to conditions

Refuse and recycling

To be reported

Public Consultation

Two objections received from the following properties:

- o Napier Gardens 7, 9

making the following comments:

- o impact on surface water drainage
- o noise and disturbance from construction
- o future maintenance of conifer boundary hedge and fence
- o loss of light to adjacent property

Comments on Consultation Responses

- o surface water drainage is discussed in the evaluation of the proposal
- o noise and disturbance from construction cannot form a reason for refusal of planning permission, otherwise no new building would take place
- o maintenance of boundaries is a civil matter
- o impact on adjacent residents is discussed in the evaluation of the proposal

Evaluation of Proposal

Principle

The site is located within an area allocated for residential purposes on the proposals map accompanying the Borough Local Plan. There can therefore be no objection in principle to a residential use of this site.

Design and layout

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

The proposed dwelling is considered to be of a reasonable standard of design. It would be located behind existing frontage development and not viewed in the context of an existing street scene. There is therefore no objection to the proposal on design grounds.

The Council has adopted Residential Design Guidance as a Supplementary Planning Document in accordance with section 7 of the NPPF. Within this document, guidance at RDG1 requires the plot sizes for all new development to be informed by the prevailing character of plot sizes. The plot size of 33m by 50m is a generous plot size that exceeds those nearby and therefore no objection is raised on the basis of RDG1.

RDG2 requires the space around new development to be informed by the prevailing character of space around dwellings. The dwelling would be located a minimum of 4.5m from the boundary of the site which may be considered generous in the context of the surrounding area. No objection is therefore raised on the basis of RDG2.

RDG3 requires proposals to respect established building lines. The proposal is for backland development situated well behind any established building line. In some circumstances such a form of development may be said to be harmful to the established character of the area. However, in this particular instance the dwelling would be sandwiched between The Deanes School, existing frontage development on Daws Heath Road and cul-de-sac development to the west in Napier Gardens and under these circumstances it is not considered that a refusal on the basis of the development being out of character with the area would be likely to be supported on appeal.

It is noted that an earlier proposal in 1992 for a development on this site was refused, however access was proposed to be taken from Napier Gardens in that instance so it is not directly comparable to the current scheme. In determining an appeal against that refusal, the inspector did agree with the Council that the backland development would have been out of character with the area. However, over 20 years have passed and due to the ongoing undersupply of housing the district, together with the presumption in favour of sustainable development in the NPPF, it is not considered that an objection to the proposal on this basis could be maintained. No objection is therefore raised to the proposal on this basis.

RDG6 requires dwellings to be provided with appropriate amounts of outdoor amenity space. 15m² per habitable room should be provided, with a minimum of 50m². This property would provide five habitable rooms requiring an amenity area of 75m². The property would have an amenity area of some 300m² which satisfies this requirement. No objection is therefore raised on the basis of RDG6.

RDG13 requires dwellings to be provided with safe, adequate and suitable means of refuse and recycling storage. Single family dwellinghouses with gardens have space to store refuse within their curtilage, so all that is required is a location where bags can be placed for collection clear of the highway. The refuse and recycling service has not commented on this specific proposal, however it can be seen from the plans that the driveway widens out near to the road, so occupiers could place bags here for collection. No objection is therefore raised on the basis of RDG13.

Impact on neighbours

RDG3 also requires proposals not to have an adverse impact on the amenity of adjacent residents through overshadowing or dominance. The proposed dwelling would be a single storey structure and would be located at least 15m from adjacent residential properties; at this height and in this position it is not considered that there is significant potential for loss of amenity to be caused to adjacent residents by way of overshadowing or dominance. The neighbour comment relating to loss of light is noted, however given the distances involved between existing and the proposed development, a requirement for the applicant to produce a day lighting/sun lighting assessment is considered a disproportionate response.

It is noted that the provision of vehicular access to the rear of this site may give rise to noise and disturbance to neighbouring residents in Napier Gardens; however, this is an existing driveway serving a detached garage for a single dwelling, a situation which would be maintained by this proposal. On this basis, it is not considered that there would be a significant increase in the amount of traffic using this access, and there would not be great potential for an increase in the levels of noise and disturbance experienced by adjacent residents. No objection is therefore raised to this aspect of the proposal.

The provision of a single storey dwelling does not raise any overlooking issues.

Parking

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

The currently adopted standards require the provision of two parking spaces for properties with two or more bedrooms. Garages will not be counted as a parking space unless they have internal dimensions of 3m by 7m.

The property would have use of an existing detached garage on the site. It is also considered that there would be parking available for a further vehicle outside the garage. This is considered to represent adequate parking provision and no objection is raised to the proposal on parking grounds.

The integral garage and hard surfaced frontage for the existing dwelling at No.60 would be retained which is considered to represent adequate parking provision.

It is proposed to extend an existing impermeable hard surface (pattern imprinted concrete) in front of the existing detached garage. Whilst this may have a marginal impact on the level of surface water runoff from the site, there are large areas of lawn that would be retained, and on

balance it is not considered that the proposal would have a significant impact on surface water runoff.

Disposal of surface water from the roof of the dwelling is adequately dealt with under the Building Regulations; therefore there is no need for consideration of this to be duplicated under the planning regime.

On the matter of whether any planning permission that may be granted should be subject to conditions, it is noted that a brick and render finish, with a slate roof, are proposed for the dwelling, but the precise colour and finish of the bricks and render have not been specified in the application. This is not a location where the local planning authority's detailed assessment of the exact finish of such materials is considered necessary, so a condition requiring separate submission and approval of such details is not warranted.

Given the location of dwelling, and due to possible future uncertainty over what may be identified as the principal and side elevations of the dwelling in view of the absence of distinguishing architectural features, and the potential for future additions to impact on the amenity of adjacent residents, it is considered reasonable that permitted development rights for future extensions to the dwelling or the erection of outbuildings within the curtilage thereof should be restricted, in order that such additions are subject to the control of the local planning authority.

The highway authority has requested that several conditions be imposed should planning permission be granted.

The first requires provision of a widened vehicular access to Daws Heath Road. This is considered a reasonable requirement.

The second requires the provision of two parking spaces with dimensions of 2.9m by 5.5m. The spaces shown on the site layout plan have dimensions of 2.5m by 5m and do not comply with this requirement. It is considered that only one car may therefore feasibly park in this area. However, there is also a detached garage, which together with the parking area is considered to represent adequate parking provision.

The third requires provision and retention of a vehicular turning facility. Whilst it is noted that the highway authority is seeking to avoid vehicles reversing onto the highway, given that the driveway would be 75m in length it is not considered a realistic possibility that vehicles would be reversed for this length. As such it is highly unlikely that occupiers would choose to remove the turning facility, so a condition requiring retention of this is considered unnecessary.

The fourth requires that no unbound material be used within 6m of the highway boundary. There is an existing hard surfaced driveway so such a condition is unnecessary.

The fifth requires that there shall be no discharge of surface water onto the highway. There is an existing hard surfaced driveway which *may* cause surface water to discharge onto the highway, which is to be retained, but as this is an existing hard surface, it would be unreasonable to require modifications to it as part of the planning application.

The sixth requires areas within the site to be identified for loading, unloading etc. As this is a large site it is considered that there is ample room for such activities, and a condition requiring separate submission of details of area(s) is considered unnecessary.

The seventh requires the developer to provide a Residential Travel Information Pack for sustainable transport to the occupiers. This includes six one day travel vouchers for use with an appropriate public transport operator and is intended to encourage use of local public transport and fewer journeys by private car. Whilst the provision of such items would be warranted in the case of large scale development, where the impact of new residents to an area could be significant, it is not considered that such a requirement is reasonable in the context of an application for a single dwelling.

Conclusion

The proposed dwelling is considered to be compliant with national and local guidance and there are no sustainable reasons for refusal that can be identified.

My Recommendation is Approval with the following conditions

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

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

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

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

3 Prior to first occupation of the development, the vehicular access to the highway shall be increased in width to not less than 3m, as shown on drawing AS 2412.3A.

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

Informatives

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

ITEM 2

Application Number: 15/0576/FUL
Address: Castle Point Service Station Somnes Avenue Canvey Island Essex SS8 9QB (Canvey Island Winter Gardens)
Description of Development: Installation of click and collect lockers
Applicant: ASDA Stores Ltd
Case Officer: Mr Keith Zammit
Expiry Date: 03.09.2015

Summary

The application seeks to install two banks of 'Click and Collect' lockers at the site, to allow Asda customers to collect online orders. It is not considered that the application demonstrates that there would be no nuisance to nearby residents by way of noise, and accordingly it is recommended that permission be REFUSED.

Councillors Howard and Greig have requested that this application be considered by the Committee, irrespective of the recommendation, in order to assess the effect of the development on the surrounding residential area.

Site Visit

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

Introduction

The application relates to an established petrol filling station located on the south side of Somnes Avenue, some 230m west of the roundabout junction with Link Road. There are residential properties located to the sides and rear of the site with pedestrian access provided between Somnes Avenue and Lekoe Road.

The Proposal

Permission is sought for the installation of 'Click and Collect' lockers in the south eastern corner of the site, backing onto the fence and at a distance of between 0.6m and 1.5m from the site boundary. The lockers would be arranged in an 'L' shaped configuration with a footprint of 6.3m by 5.1m and a maximum height of some 2.4m. There would be 12 'columns' or banks containing a total of 60 lockers, divided into freezer compartments, chilled compartments and unrefrigerated compartments. There would be 50 grocery lockers and 10 general merchandise lockers. A customer's shopping would be delivered to the location by an Asda van which would visit three times a day: before 8am, before 12 noon and before 4pm, and operatives would place customers' bags of shopping in the appropriate compartments, to be collected during a booked time-slot. Any shopping that had not been collected within the allocated time would be removed by the van driver on his next delivery run and returned to the store.

Customers are given a code to enter into a keypad on the unit to release their shopping. The order could potentially be split between three compartments if they have frozen, chilled and ambient goods. Because of this, and the fact that the delivery van would only deliver three times a day, the number of customer orders per 4 hour period would be limited to 20, resulting in a maximum of 60 customer collections a day.

Supplementary Documentation

There is a covering letter available to view on the Council's website which explains the proposal in more detail. A noise report is also provided.

Planning History

The original planning permission for the garage dates from the early 1970s. There was no restriction on the hours of operation or the provision such facilities within the curtilage of the filling station.

In July 2015, an application for click and collect lockers was withdrawn, as the applicant wished to try to resolve issues surrounding the identified noise impact of the development.

15/0577/ADV – current application for vinyl graphics

Relevant Government Guidance and Local Plan Policies

National Planning Policy Framework

Paras 122, 123 and 124 – Processes and emissions

Adopted Local Plan

The site is allocated for residential purposes on the proposals map accompanying the adopted Local Plan but has been used for commercial purposes for many years. The following policies are of relevance:

EC3 – Residential amenity

T8 – Parking standards

Consultation

County Highways

No comments

Environmental Health

Object on the basis of noise and disturbance to adjoining properties

Canvey Town Council

No comments received

Public Consultation

At the time of writing, 13 objections have been received from the following properties:

Lekoe Road 5, 10, 12, 15
Prince William Avenue 2
Station Approach 9, 11, 17, 19, 23

The following points have been raised:

- o residential roads will be used for parking
- o noise pollution from refrigerated lockers
- o tailbacks in vehicles trying to enter the site
- o increased traffic entering and leaving the site would be a danger to pedestrians and children
- o potential for theft/crime
- o overdevelopment of site
- o lack of notification

Comments on Consultation Responses

- o The matters of traffic and disturbance to nearby properties are discussed in the evaluation of the proposal.
- o Theft from the unit is a matter for the operator.
- o The notification was undertaken in accordance with the Council's Statement of Community Involvement.

Evaluation of Proposal

The main issues with this application are the principle of such a facility being provided on this site, design and visual impact, the impact on nearby residential properties and any highway safety implications.

Principle

The land is allocated for residential purposes on the proposals map accompanying the adopted Local Plan. The proposed 'Click and Collect' lockers are not a residential use; however, the site has been used as a petrol filling station for many years. On this basis, it is not considered that there could be an objection to the proposal on the basis of conflict with the local plan allocation.

Design and visual impact

'Click and Collect' lockers are a relatively new element of the online shopping experience and there is little precedent for the provision of such structures. The lockers themselves are fairly utilitarian in appearance but limited in size and discreetly located on the site. This site has a distinct commercial appearance which is clearly defined and separate from the adjoining residential area. In the context of the site it is not considered that the provision of 'Click and Collect' lockers could be said to be visually intrusive or harmful to the character of the area. As such, there is no objection to the proposal on design or visual grounds.

Impact on nearby residential properties

Local Plan Policy EC3 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 is generally consistent with paragraphs 122 to 124 of the NPPF.

The proposed lockers would have refrigeration. The previous application, which was withdrawn, attracted significant objection on the basis of noise from the refrigeration units and increased activity on the forecourt. These concerns have been echoed in response to the current submission.

The current submission proposes factory fitted attenuation measures to the lockers which should mean that there would be no requirement for acoustic screening. Notwithstanding this, the Council's Environmental Health Officer remains of the opinion that during the night and early hours of the morning, there may be periods where target noise levels are exceeded, resulting in noise and disturbance to adjoining properties. In light of this, there remains an objection to the scheme on the basis of Policy EC3.

Highway safety implications

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

The 2009 parking standards require a maximum of 1 car parking space per 20m² of retail space for petrol filling stations. The lockers are considered to be a retail facility and on this basis four car parking spaces would be required, the lockers having approximately 80m² of gross floor area. No formal customer parking is provided, however, there is a large hard surfaced area to the east of the kiosk which would be suitable for vehicle parking for Asda customers and Asda delivery vehicles.

It is interesting to note that the original 1970s permission for the filling station required three staff car parking spaces to be provided and retained in the area where the click and collect lockers are proposed to be sited. This is not formally marked out as parking, and there was no parking taking place in this area when the site was inspected. Whilst a marginal loss of parking area would result from the proposed locker installation, there is still considered to be adequate space for parking for the retail shop associated with the petrol filling station and the 'Click and Collect' service.

It is noted that occupiers to the rear of this site have raised concerns about the residential streets in this area being used by customers to pick up goods from the 'Click and Collect' lockers, which is a possibility due to the availability of pedestrian links from Lekoe Road to Somnes Avenue. It is stated within the objections to the proposal that a certain amount of parking by garage customers already occurs in this location. Whilst this proposal could theoretically add to on-street parking, it is not considered that this would be very likely, due to the circuitous route for vehicles to access the area via Steli Avenue. It is possible that residents of the local area may find it more convenient to park in this location to use the facility, but as a general principle it is considered that most customers would find this too inconvenient. On this basis, it is not considered that the proposal would generate such a significant amount of additional on-street parking in this area that detriment to the amenity of surrounding residential occupiers would be caused, sufficient to provide a robust reason for refusal.

It is noted that highway safety concerns have been raised by objectors regarding vehicles accessing the site; however, in the absence of any objection from the Highway Authority it is not considered that the Planning Authority could robustly defend such an objection on appeal.

Conclusion

Whilst there can be no objection to the provision of 'Click and Collect' lockers in this location as a matter of principle or on the basis of highway safety, it is not considered that the applicant has demonstrated that there would not be an adverse impact on the amenity of adjoining residents arising from noise generated by the refrigeration equipment.

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 'Click and Collect' facility, due to the use of refrigeration equipment in close proximity to the adjoining residential development, is considered likely to result in increased noise and disturbance to nearby residents during the night and the early hours of the morning, to the detriment of the amenity of surrounding residential occupiers, contrary to Policy EC3 of the Castle Point Local Plan and Government guidance in the National Planning Policy Framework.

Informatives

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

ITEM 3

Application Number:	15/0577/ADV
Address:	Castle Point Service Station Somnes Avenue Canvey Island Essex SS8 9QB (Canvey Island Winter Gardens)
Description of Development:	Click and Collect vinyl graphics
Applicant:	ASDA Stores Ltd
Case Officer:	Mr Keith Zammit
Expiry Date:	03.09.2015

Summary

Consent is sought for the display of advertisements associated with proposed Click and Collect lockers, the subject of application 15/0576/FUL. Notwithstanding the recommendation for that application, it is not considered that the proposed advertisements would cause visual detriment to the area and it is therefore recommended that consent for this proposal be granted.

The application is presented to the Committee as it forms part of the overall scheme for the provision of 'Click and Collect' lockers has been brought before the Committee for consideration.

Site Visit

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

Introduction

The application relates to an established petrol filling station on the south side of Somnes Avenue, some 230m west of the roundabout junction with Link Road. There are residential properties located to the sides and rear of the site with pedestrian access provided between Somnes Avenue and Lekoe Road.

The Proposal

Consent is sought for the display of non-illuminated vinyl graphics to the Click and Collect lockers proposed as part of application 15/0576/FUL. The front of the bank of lockers would be finished in the company's corporate green and dark grey applied vinyl with white lettering, depicting the Asda brand and the George clothing brand. The side end of the bank facing the road would be finished in green, again with white writing. No illumination of the advertisement is proposed.

Supplementary Documentation

There is a covering letter with the application explaining the general proposal for the Click and Collect lockers, which can be viewed on the Council's website.

Planning History

15/0576/FUL – current application for Click and Collect lockers

Relevant Government Guidance and Local Plan Policies

National Planning Policy Framework

Paragraph 67 – Impact of advertisements

Current Local Plan

S12 – Design, siting and illumination of advertisements

S13 – Proliferation of advertisements

S14 – Advertisements and public safety

Consultation

Highways

No comment

Canvey Town Council

No comments received

Public Consultation

One objection received commenting that existing signage installed at the site causes light nuisance.

Comments on Consultation Responses

The objection comment is noted however this relates to existing illuminated signage rather than the proposal, which is for non-illuminated signage.

Evaluation of Proposal

The National Planning Policy Framework (NPPF) states at paragraph 67 that control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority's detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

Policy S12 of the current Local Plan states that advertisements should be well designed and sited and relate to the character of the building and surrounding area. This is considered to be consistent with paragraph 67 of the NPPF.

Policy S13 of the current Local Plan states that the Council will exercise strict control to prevent a proliferation of advertisements, especially above ground floor level and at petrol filling stations. This policy is negatively worded and inconsistent with the presumption in favour of

sustainable development. It is more appropriate therefore to consider proposals for advertisements in the context of Local Plan Policy S12 and paragraph 67 of the NPPF.

The proposed vinyl graphics would cover the front of the bank of lockers and also the side of the unit visible from the highway, which would represent quite a sizeable area, however the locker unit would be located in excess of 20m from the highway and as a result it is not considered that the proposed graphics would be visually intrusive in the street scene. This site has a distinct commercial appearance which is clearly defined and separate from the adjoining residential area. In the context of the site it is not considered that the provision of the proposed vinyl graphics could be said to be visually intrusive or harmful to the character of the area. As such, there is no objection to the proposal on the ground of visual amenity.

It is noted that other signage for the petrol filling station exists on this site; however taken together it is not considered that the total quantum of signage proposed across the site would constitute an excessive amount of advertising or unnecessary clutter.

Policy S14 of the current Local Plan seeks to prevent advertisements that would have an adverse effect on the safety of traffic or pedestrians. This is consistent with paragraph 67 of the NPPF.

The proposed signage would not involve projections over the highway, nor is it considered likely to distract pedestrians or drivers. The proposal is not therefore considered to give rise to any pedestrian or vehicular safety issues.

Conclusion

The proposal does not conflict with any national or local policies or guidance in respect of advertisements. No objection is therefore raised to the proposed signage.

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 standard conditions

Informatives

1 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant advertisement consent.

ITEM 4

Application Number:	15/0583/FUL
Address:	Adj King Canute Canvey Road Canvey Island Essex (Canvey Island Central)
Description of Development:	Demolition of existing retail unit and garage and construction of veterinary practice and 2 No. houses with associated parking, cycle and refuse storage and reconfiguration of car park
Applicant:	Novellus (Canvey Island) LLP
Case Officer:	Mrs Sophie Adams
Expiry Date:	05.10.2015

Summary

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

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

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

Concerns are raised in respect of the potential for increased noise and disturbance to the adjoining residents by reason of the veterinary practices' air conditioning units and comments in this regard are awaited from the Council's Environmental Health Officer.

Further comments are also awaited from the Environment Agency and will also be reported on the late letters schedule.

The proposal generally meets the provisions of the adopted residential design guidance, with the exception of the level of isolation achieved between the two detached dwellings, resulting in the provision of a mean and cramped form of development detrimentally harming the character and appearance of the surrounding area, when viewed from Edith Road.

The proposed veterinary practice is also located in close proximity to the eastern boundary of the site, creating a cramped appearance when viewed from Long Road.

Furthermore the proposed car parking by reason of its layout, location and size would result in a significant level of harmful conflict within the site between the independent uses, adversely affecting the ease of movement within the site and potentially displacing the occupier's of the new dwellings vehicles onto Edith Road, to the detriment of highway safety. Accordingly the proposal is recommended for REFUSAL.

The application is presented to the Committee at the request of Councillor R. Howard in order that Members might assess the effect of these proposals on the surrounding residential area.

Site Visit

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

Introduction

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

The site is 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 residential purposes and a detached flat roofed double garage. The King Canute is now used as a retail shop and sits roughly within the centre of the site. A grassed area is provided to the rear and front of the King Canute building, with car parking currently provided to its eastern and western sides. The retail unit is located towards the eastern boundary of the site and the garage is within the eastern parking area towards the rear of the site.

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

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

The site has a frontage onto Edith Road of some 54m, and this road runs along the western boundary of the site. This road is residential with a mixture of detached bungalows, detached houses and semi-detached chalets. Semi-detached houses, No.2-14 (even numbers only) fronting Edith Close back onto the rear, northern, boundary of the application site.

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

The Proposal

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

The applicant intends to retain the King Canute building and reconfigure the car park to serve all three uses.

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

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

To the east of the dwellings would sit a detached double garage and three parking spaces. The double garage would be some 6.6m wide, 7.4m deep and 4.3m high with a hipped roof form. The parking facilities for the dwellings would be accessed via the existing vehicular access to the south eastern corner of the application site. Use would necessitate passage through the car park serving the veterinary practice.

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 6.8m high. The internal ground level would be raised and a ramp would be provided to the front of the building. Parking for 13 vehicles to serve the practice would be provided primarily to the rear and western side of the practice building. A delivery zone (in the position of one of the parking spaces) and two disabled parking spaces would also be provided.

The practice building would provide a waiting area, reception, bin store, three consulting rooms, a bereavement room, office and a clinic area. Two air conditioning cassette units are proposed to the rear of the practice building and two Sheffield style cycle hoops would be provided to the front of the building, adjacent to the highway boundary.

The parking area to the western side of the King Canute building would be re-organised to provide two disabled spaces, a delivery zone (in the position of one of the disabled spaces) and 11 parking spaces. A 2.1m high palisade fenced area would be provided to the western side of the King Canute to provide an external bin/yard area.

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

Supplementary Documentation

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

- Design and Access Statement
- Ecology Report
- 24 Hour Acoustic Testing Report

- Planning Statement
- Topographical Plan
- Flood Risk Assessment for proposed residential development
- Flood Risk Assessment for proposed veterinary practice
- Transport Statement
- Arboricultural Implications Assessment and Method 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.

Local Plan Allocation

Shopping

Relevant Policies and Government Guidance

National Planning Policy Framework

Paragraphs: 30, 32, 37, 58, 70, 102, 118, 119 and 123

Planning Practice Guidance

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

Local Plan (Adopted November 1998)

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

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

Residential Design Guidance (Adopted January 2013)

RDG1	Plot Sizes
RDG2	Space around Dwellings
RDG3	Building Lines
RDG5	Privacy and Living Conditions

RDG6	Amenity Space
RDG7	Roof Development
RDG8	Detailing
RDG10	Enclosure and Boundary Treatment
RDG12	Parking and Access
RDG13	Refuse and Recycling

Essex County Parking Standards September 2009 (Adopted June 2010)

Consultation

Environmental Health

No response

Refuse and Recycling Officer

Houses – No objection

Vets – Size of the bin area adequate. Concerned that the width of the path and access would be too restricted to allow the bins to pass. The path should be made wider if possible. The doors to the bin area must fold back flush to the wall, or slide; otherwise doors will block the path.

Canvey Island Town Council

Objected on the basis of overdevelopment of the site.

Members expressed concern that approval of any development on this site could result in the loss of a building of historical importance to Canvey Island.

Environment Agency

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

Detailed comments on flood risk are provided.

Condition

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

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

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

Reason

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

County Highways

No objection subject to conditions.

Public Consultation

Neighbour responses

Five responses have been received from the following addresses

4, 10, 12 and 14 Edith Close

Which make the following comments and objections:

- o The private garden area of the King Canute has provided a security buffer to adjoining dwellings. Proposed development would replace safety zone with a car park which will seriously compromise security and provide easy access to adjoining dwellings for any potential intruder
- o Proposed 1.8m fence is inadequate and needs to be raised and made of stronger materials.
- o CCTV cameras and motion sensor lights need to be installed
- o The proposed detached garage offers opportunities to accessing the roof of the garage into adjoining gardens
- o Garage will restrict light into adjoining properties
- o Garage should be relocated closer to the King Canute or the houses being built to reduce the risk to adjoining properties
- o Overlooking, loss of privacy and dominance

Comments on Consultation Responses

- o The conditions recommended by the Environment Agency and Highway Authority can be attached to any consent granted.
- o The King Canute is not a Listed Building and des to appear on the Local List of Buildings of Architectural or Historic Buildings.
- o Other relevant matters will be considered in the evaluation of the proposal

Evaluation of Proposal

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

The principle of development

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

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

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

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

The proposal would also provide housing on the site. The commercial development within the shopping area faces the main roads; Canvey Road, Long Road and Haven Road. The proposed housing would be located to rear of the site and front onto Edith Road which is residential in character. Whilst the proposal would not provide shopping opportunities on this part of the site, commercial uses would still be provided fronting Canvey Road in the form of retail use within the King Canute Public House building and the proposed veterinary practice.

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

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

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

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

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

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

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

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

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

The retained building would retain an independent access and car parking area and offers opportunities for reuse or redevelopment in the future. Under such circumstances the proposal would not conflict with the provisions of Policy H12.

Design

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

The proposed veterinary practice is a detached, single storey, hipped roofed, traditionally styled building which reflects the character of adjoining buildings and is considered to be of acceptable design and proportions. The location of the building would reflect that of the existing retail unit on the site and would sit towards the rear of the parade of shops to the east. The front wall of the building would reflect the setting of the retained building on the site. In broad terms the location of the veterinary practice is considered acceptable, although the proximity of the building to the eastern boundary of the site is a matter of concern which will be discussed later in this report.

The practice would be externally finished in facing brickwork with 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 8.3m for this building. This level of isolation to this western side is therefore considered appropriate.

The eastern wall of the practice would be located between 0.9m and 1.2m from the eastern boundary of the site. The roof overhangs the wall and would bring the building closer to the eastern boundary, a distance of between 0.4m and 0.8m. The practice has an eaves height of some 3.7m and a maximum height of 6.8m. Whilst single storey, the practice is a substantial

building, and the level of isolation provided to the eastern side is not considered sufficient to provide an adequate setting for the building. The proposed veterinary practice therefore represents a mean and cramped form of development which is likely to detrimentally harm the character and appearance of the surrounding area. An objection is therefore raised accordingly.

It is noted that the practice would replace an existing flat roofed retail building located up to the eastern boundary. However this existing building is significantly smaller in scale and height than the practice building. The existence of the existing retail building therefore provides limited support for the proposed location.

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

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

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

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

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

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

The detached double garage would have a hipped roof form, and this part of the proposal is also considered to be provided with satisfactory proportions.

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 garaging and the veterinary practice. As discussed previously, due to the variety of brickwork colours and roof types and colours in the locality, the proposed materials are considered unlikely to detrimentally harm the character and appearance of the street scene.

RDG1 states that within existing built up areas the plot sizes for new development should be informed by the prevailing character of plot sizes. The proposed plot sizes are broadly

consistent with the plots sizes in the area. No objection is therefore raised to the proposal on the basis of RDG1.

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

The proposed dwellings are located on the eastern side of Edith Road and would provide sufficient space between the dwellings and the respective northern and southern plot boundaries. However, only 1.6m is achieved between the dwellings thus providing less than the required 1m between each dwelling and the shared boundary. This level of isolation is inconsistent with the character of the surrounding area, would not provide an adequate setting for the proposed dwellings and would produce a development of mean and cramped appearance, contrary to Policy EC2 and RDG2. An objection is therefore raised accordingly.

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

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

Impact on neighbours

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

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

The proposed detached garage serving the residential development would be located a minimum of 9m from the rear elevation of the dwellings to the north. This garage would be a maximum of 4.3m high. At this height and isolation it is not considered that the garage would adversely affect the amenities of the occupiers of the dwellings to the north.

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

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

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

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

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

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

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

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

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

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

- o avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;

- o 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;
- o recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established

The application site is located within a shopping area and it is considered that the parade would provide a certain level of noise. However the site is within close proximity to residential units to the rear, east and west of the site, and therefore it is necessary to consider the impact on these residents.

The veterinary practice would operate between 08:30 and 19:00 hours Monday to Friday, between 08:30 and 17:30 hours on Saturdays and between 10:00 and 16:00 hours on Sundays and Bank Holidays. The Design and Access statement confirms that the practice would not have facilities for overnight care of animals and will not provide out-of-hours emergency services. Consequently animals, staff and visitors will only attend the veterinary practice during the hours indicated above. The proposed practice would not operate beyond the hours that other uses within the shopping area already operate. These other uses include, among others, takeaways, a bar, and retail uses. The proposed veterinary practice use is, in itself therefore, unlikely to result in a significant increase in noise and disturbance to the adjoining residents.

The submitted plans however show the provision of air conditioning units to the rear of the veterinary practice. No details of the air conditioning units, beyond their positioning, have been submitted. An acoustic testing report has been submitted, but this determines the target value for any proposed plant adjacent to the King Canute building. The application does not include the provision of plant adjacent to the King Canute, but the applicant considers that the results of the acoustic testing report could be used to set the target noise level for the air conditioning units. The acoustic testing bases the target noise level on existing noise levels measured on site. These levels were obtained by recording ambient noise levels to the west of the King Canute building (western part of the site). The proposed veterinary practice is located on the eastern part of the site and the air conditioning units would be to the rear of this practice and located some 11.5m from the nearest boundary with residential properties. Therefore it may be inappropriate to base the noise level for the air conditioning units on readings from a different location on the site. Comments from the Council's Environmental Health Officer are awaited and will be reported in the late letters schedule.

In the absence of clarity on this matter it is not considered at this time, that the applicant has demonstrated that the proposed plant would not have a detrimental impact on adjoining residents.

Furthermore, the proposal seeks to provide parking areas immediately adjacent to residential boundaries. At the present time the area adjacent to the adjoining properties is heavily vegetated and unused. Clearance of the site and the formation of a car park immediately to the south of the adjoining properties is considered likely to result in noise and disturbance to adjoining residents, particularly during the early evening and night time hours. Securing the car park so that it could not be used outside the operational hours of the veterinary surgery could remedy this situation and could be secured by condition; however this has implications for the provision of parking for the proposed dwellings.

A number of residents have raised concerns regarding the perceived threat to the security of their homes arising from the proposed development.

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

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

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

The area of land on the eastern part of the site would provide an area of car parking which would abut the residential boundaries of Nos.10, 12 and 14 Edith Close. The garaging for the residential development would abut the boundary of Nos.8 and No.10 Edith Close. The open nature of this area may give rise to the perception of a lack of security in this area.

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, however the perception of crime is 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 medications 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

Policy T8 of the adopted Local Plan requires the provision of appropriate levels of on-site car parking in accordance with the current car parking standards. These are set out in the Essex Parking Standards September 2009. The proposal would re-configure the parking for the convenience store on site, retaining this on the western part of the site and provide parking for the proposed residential development and veterinary practice on the eastern side. Standard C3 is relevant to residential development and standard A1 for shops (excluding food stores). A veterinary practice is a sui generis use and there is therefore no stated car parking requirement, this aspect therefore needs to be determined on the individual merits of the case.

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

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

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

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

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

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

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

The submitted Transport Assessment indicates that the convenience store would use the western car park and three spaces within the eastern car park, with the residential dwellings and veterinary practice using only the eastern car park. Whilst this indicates that the car parks would be predominately used separately; in practice it is considered likely that both car parks would serve both the veterinary practice and the convenience store. The proposal has therefore been considered on this basis.

Between the two car parks 29 parking spaces (of which four are disabled spaces) and four cycle hoops are provided (excluding the residential allocated spaces). The cycle hoops could each accommodate two cycles and therefore eight cycle spaces are achieved.

The ease of movement to the parking space to the front of the veterinary practice is likely to be difficult given the proximity of this space to the access and the potentially blind exit. These factors are considered likely to dissuade use of this space, reducing the parking spaces by one to 28. Furthermore the dual use of parking spaces as delivery zones would further reduce parking facilities on the site. Only 26 unencumbered spaces are therefore provided on the site. This is below the requirement for 29 spaces however, as the parking provision is expressed on the basis of maximum rather than minimum provision and consideration needs to be given to the availability of public transport, the quantum of parking is considered sufficient to meet the needs of the convenience shop and veterinary practice.

However, the spaces provided are 2.5m by 5m and the parking standards require spaces of 2.9m by 5.5m. Providing spaces of 2.5m by 5m would result in a car park with undersized spaces that would be too small for many vehicles commonly seen on the road today. Enlargement of the spaces to make them policy compliant will have adverse implications for the number of spaces that can be achieved on the site.

It is not considered therefore that the applicant has adequately demonstrated the provision of appropriate parking provision on the site commensurate with the needs of development.

With regard to the domestic parking provision, each of the proposed dwellings would require a minimum of two parking spaces. These would be provided within a twin garage and three parking spaces provided to the rear of the dwellings and accessed through the commercial carpark. The garaging would be of the requisite size, although the associated parking spaces would again be inadequate in terms of their depth and width.

The parking for the dwellings is located to the rear of their properties and would be adjacent to the car parking for the commercial uses. It is considered that it would be difficult to prevent visitors and staff to the commercial units from parking within the area allocated for the private dwellings, and therefore a conflict is likely to occur between the different uses within the site. Such conflict is likely to dissuade the residential occupiers from using their allocated parking spaces, resulting in on-street parking on Edith Road to the detriment of the highway users. Such arrangement is therefore unacceptable and is considered to be unnecessary as adequate space would appear to be available within the dwelling plots to accommodate the requisite residential parking.

Relocating the residential parking would facilitate the reconfiguration of the commercial car park to achieve spaces which were policy compliant and provides the opportunity to secure the commercial car park outside operational hours. Such measure would assist in assuaging local residents concerns in respect of the security of the site.

Such measures would also ensure that this area remained quiet during late evening and during the night time hours, to the benefit of the amenity of local residents.

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.

Whilst it is noted that the Highway Authority has raised no objection to the scheme subject to conditions, it does not consider the wider impact of parking layouts or compliance of the scheme with the Councils adopted policies and guidance, such as those set out in RDG12 which represent material considerations in the determination of the planning application. It is the view of the Planning Authority that the layout as proposed would result in a significant level of harmful conflict within the site between the three independent uses by reason of layout and location and size of the car parking spaces. Such conflict is likely to adversely affect the ease of movement within the site and result in the residential occupier's vehicles being displaced onto Edith Road to the detriment of highway safety, contrary to Policies H17 RDG12, T8 and EC2 of the adopted Local Plan. An objection is therefore raised accordingly.

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

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

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

Ecology and Trees

Policy EC13 of the adopted Local Plan states that the Council will refuse development which is prejudicial to the interests of wildlife and the retention and management of important habitats. This policy is considered inconsistent with the hierarchical approach set out in paragraph 118 of the NPPF. Applications affecting biodiversity should be considered against paragraphs 118 and 119 of the NPPF.

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

Paragraph 119 states that the presumption in favour of sustainable development does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined. The site is not being considered, planned or determined under the Birds or Habitats Directives.

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

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

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

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

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

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

The loss of the trees within the site is regrettable but is necessary to achieve the development on the site. The poor quality of the trees militates against a robust reason for refusal on this basis which is further diminished by the proposal to provide a number of replacement trees on the site.

Several trees are located to the front of the site, however these are provided within the highway verge and do not form part of the application site. The applicant has indicated that protective barriers will be provided along the front boundary of the site to create a construction exclusion zone and thus ensure the protection of these trees.

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

Flood risk implications

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Both FRA1 and FRA2 confirm that should the defences breach flood waters would reach the site in between 1 and 4 hours for both a 1 in 200 year (plus climate change) event and for a 1 in 1000 year (plus climate change) event. The EA classifies such breaches as a danger for some people in the case of the former and a danger for most people in the case of the latter. Under such circumstances it is considered that there would not be a clear opportunity for evacuation (and indeed such action is not recommended) and it is therefore essential, if permission were to be granted for the proposed development, that appropriate refuge is available above flood water levels and that future occupiers are aware of the need to obtain such refuge at the earliest opportunity in the event of a flood.

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

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

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

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

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

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

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

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

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

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

Consideration of this element of the proposal must therefore include consideration of whether the development would be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

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

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

As stated above the FRAs show that in the event of a breach in the flood defences, flood water would take a maximum of 4 hours to reach the site and predicted flood water depth for a 1 in 200 year (with climate change) flood event, would be 0.5m. FRA2 suggests mitigating potential flooding by providing a finished floor level within the building of 2.59m AOD, 0.3m above the highest ground level. This however would result in the finished floor level below the predicted flood depth. The proposed mitigation therefore fails to achieve an appropriate response and users of the proposed development would be put at unnecessary risk, particularly in a situation where no safe refuge is provided within the building.

In respect of the safety of occupiers, no flood response plan has been provided to clarify the best response for staff and visitors of the veterinary practice during a flood event.

It would appear that the applicant is relying on evacuation as the primary means of demonstrating the safety of the proposal, indicating that animals will not be kept on the site overnight and the speed of inundation which is stated would provide more than adequate time to evacuate the building, and thus removing users from harm. A breach of the seawall could occur during operational hours and as previously stated evacuation is not recommended, unless on the instruction of the emergency services, because of the risk that poses not only to users of the practice who would be likely to be required to travel through areas of potentially deep floodwater to achieve a place of safety, but also to wider formal evacuation exercises.

The presence of 'unaccompanied' animals on the site may also prejudice evacuation procedures, requiring staff to remain in a flood zone, without appropriate refuge, whilst caring for patients.

On balance it is not considered that sufficient information has been submitted to demonstrate that the proposed veterinary practice would be safe for its lifetime and an objection is raised accordingly.

Whilst it is recognised that deficiencies in respect of the provision of a flood response plan could be remedied by condition, in order to ensure the safety of users it is considered that more significant amendments to the design of the building would be required. These clearly cannot be achieved through the imposition of conditions on the grant of any consent.

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

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

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

It is noted that the Environment Agency has requested that the finished ground floor levels of the whole development, including the veterinary practice, be set at a height of 2.83m AOD. The further comments of the EA have been requested on this point and will be reported to the Committee.

Other Matters

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

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

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

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

No objection is therefore raised to the proposal under RDG13.

The refuse arrangements for the veterinary practice also represent a material consideration in the scheme. The veterinary practice incorporates their refuse storage within the south eastern corner of the building. The Council's refuse and recycling officer's confirms that this area is adequate in size but concerns are raised in respect of access which is too limited to allow appropriate manouevring of bins.

The Council's refuse and recycling officer has stated that the access should be made wider or that the doors provided to the bin area be redesigned to allow them to open flush to the wall or sliding. It would not be possible to widen the path due to the position of the boundary, and this lack of space to remove refuse further indicates the mean and cramped nature of the development and the lack of adequate space to the eastern side of the building. However an alternative doorway opening could be secured via conditions to any consent that may be granted. No objection is consequently raised to the proposal on this basis.

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

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

Conclusion

The applicant seeks to retain the former King Canute Public House building and permission for the demolition of a large detached garage and retail unit and the construction of a single storey veterinary practice and two detached houses with associated parking, cycle/refuse storage and reconfiguration of car park to serve all three uses.

The site is located within an area allocated for shopping purposes. The proposal would result in the loss of a retail unit, which would be replaced by the continuing use of the King Canute building as a convenience store and consequently results in no net loss of retail activity on the site.

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

Concerns are raised to 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. Comments are awaited from the Council's Environmental Health Officer on these aspects of the proposal and will be reported on the late letters schedule.

Concerns are raised in respect of the flood risks associated with flood risk and represent an objection to the proposal. Further comments are also awaited from the Environment Agency in respect of finished floor levels and will be reported on the late letters schedule.

The proposal generally meets the provisions of the adopted Local Plan and design guidance, with the exception of the level of isolation achieved to the eastern side of the veterinary practice and between the two detached dwellings, resulting in the provision of a mean and cramped form of development detrimentally harming the character and appearance of the area.

Furthermore the proposed car park, by reason of its layout, location and size of parking spaces is considered likely to result in a significant level of harmful conflict within the site between the users of the three independent uses, to the detriment of ease of movement within the site and traffic flow and highway safety arising from the displacement of residential parking in particular, to the adjoining highway network.

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 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.

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.

