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Ann C. Horgan
Head of Governance
Proper Officer

AGENDA

Committee: DEVELOPMENT MANAGEMENT

Date and Time: Tuesday 1 June 2021 at 6.00pm

Venue: Council Offices

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

Membership: Councillors Skipp (Chairman), Acott, Anderson, Blackwell, Dick, Drogman, Fortt, Fuller, Gibson and J Thornton

Substitutes: Councillors S Mumford, Palmer, Savage, Walter and Withers.

Canvey Island Town Councillors: Greig and Sach

**Officers attending: Mr Matthew Besant – Planning Services Manager
Mrs Sophie Adams – Planning Officer
Mr Jason Bishop – Solicitor to the Council**

Enquiries: Miss 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 6th April 2021 is attached.

4. Public Speakers

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

5. Deposited Plans

The report is attached.

	Application No	Address	Page No
1.	21/0107/FULCLC	Land adjacent to 2 Cedar Road, Canvey Island, Essex, SS8 9HP (Canvey Island Central Ward)	1

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DEVELOPMENT MANAGEMENT COMMITTEE

TUESDAY 6th APRIL 2021

PRESENT: Councillors Cutler (Chairman), Hart, Johnson, Thornton and Walter.

Substitute Members Present: Councillor Drogman for Councillor Wass

Also Present: Councillor Skipp was present as a Ward Member.

Apologies for absence were received from Councillors Acott, Anderson, Fuller, Taylor and Wass.

1. WELCOME BY CHAIRMAN

The Chairman welcomed everyone to the first meeting of the new Development Management Committee. Councillor Cutler thanked officers of the Planning Department on behalf of himself and the previous Chairman, Councillor Dick, for all of their hard work during the recent global pandemic.

2. MEMBERS' INTERESTS

With regard to Agenda Item No. 5(c), the land the subject of the planning application being considered fell under the ownership of Mr Ali who was the owner of the Tandoori Parlour restaurant, Thundersley, Benfleet where many charitable and fundraising events had been held and many of those had been attended by local Conservative Party Members. Mr Ali was known to most Conservative Members of the Development Management Committee and this knowledge was recorded as a Disclosable Non-Pecuniary Interest for those Members present.

Councillor Johnson disclosed a non-pecuniary interest in agenda item 5(b) as he was a Ward Member for Appleton Ward.

Councillor Skipp stated that he was attending the meeting as a Ward Member for Appleton Ward and not as a member of the Committee.

3. MINUTES

The Minutes of the meeting held on 3 March 2020 were taken as read and signed as correct.

4. DEPOSITED PLANS

(a) **21/0059/FUL - LAND BETWEEN 44 AND 54 WINTERSWYK AVENUE CANVEY ISLAND ESSEX SS8 8PA (CANVEY ISLAND EAST WARD) - DEVELOPMENT OF PART OF VACANT SITE WITH 8 DETACHED DWELLINGS WITH OFF-STREET CAR-PARKING AND 8 NEW CROSS-OVERS - BRANCH COMPANY LTD**

The proposal sought consent for the provision of 8 detached four bedroomed houses fronting Winterswyk Avenue, on land forming the northern half of the former site of the Jellicoe Public House.

The site represented a brownfield site in an urban area, the redevelopment of which for residential purposes was entirely consistent with the provisions of the National Planning Policy Framework, adopted Local Plan and Residential Design Guidance. The proposal met an identified housing need and subject to appropriate conditions was considered satisfactory and therefore recommended for conditional approval.

The proposal attracted a requirement for a contribution towards the mitigation of recreational disturbance on the European designated site (Southend and Benfleet Marshes Site of Special Scientific Interest), Special Protection Area and Ramsar site). It was explained that this requirement could be secured through a S106 agreement.

During discussion a Member raised concern that a previous resolution to grant consent for 40 flats would result in a higher number of units on site. The Planning Officer confirmed the applicant had a resolution to grant consent for 40 flats providing that the applicant entered into a S106 Agreement including a certain level of affordable housing. The applicant currently considered that development unviable with the level of affordable housing requested and was therefore not looking to progress that application. If this application was approved the applicant could choose which consent they wished to use however the maximum units on the site would be 40 flats.

A Member raised the possibility of electric charging points being installed at each property. Following consideration of this suggestion it was noted that government grants were available to occupiers for this purpose and it was not necessary to add this as a condition to any planning consent.

It was confirmed that the distance of the development from the nearby pumping station was compliant with Anglian Water requirements.

Following discussion it was:

Resolved – That the application be approved subject to a Section 106 Agreement with the conditions as set out in the Planning Officer's report.

(b) 20/0647/FUL - 663 HIGH ROAD BENFLEET ESSEX SS7 5SF (APPLETON WARD) - DEMOLITION OF EXISTING BUILDINGS AND CONSTRUCTION OF NO.3 MIXED USE BUILDINGS INCLUDING NO.35 DWELLINGS, COMMERCIAL SPACE, OFFICE SPACE AND ASSOCIATED ACCESS ARRANGEMENTS – FURNITURE KINGDOM

The Planning Officer firstly drew the Committee's attention to the report and an amendment to Condition 1 in the recommendation. This referred to a financial contribution towards the provision of affordable housing however the preference was actually for 2 units on site therefore Condition 1 should read *"for the provision of 2 units on site and in the event that such provision cannot be made then the provision of a financial contribution to be secured through a Section 106 Agreement"*.

The proposal sought consent for the provision of a mixed commercial and residential use on land on the western side of High Road and south of London Road at Tarpots. The application site represented a sustainable location, the development of which with a mixed commercial/residential scheme would, in principle, be consistent with the provisions of the National Planning Policy Framework and the emerging Local Plan.

The submitted scheme exhibited a number of elements, such as the need to obscure glaze some windows to primary living accommodation, which arose from the specific conditions found on this edge of centre site and resulted in a particular form of development which might not be acceptable in any other context, but was considered acceptable in this case because of the specific location of the site and the capacity of the scheme to accommodate the specific characteristics of the site whilst still achieving appropriate living conditions for both future and existing residents.

Whilst there was some concern in respect of the proposed arrangements for the collection of waste from the site, the absence of an arrangement with the Local Authority was not considered to constitute a robust reason for refusal. The applicant was advised however that should he be unable to secure an appropriate waste collection contractor, the role could not be filled by the Local Authority with the current layout.

The application was therefore recommended for conditional approval subject to a S106 Agreement to secure the provision of an appropriate contribution towards the provision of affordable housing and the mitigation of recreational disturbance in designated sites (RAMS).

Mr Carpenter, a representative of the applicant, declined his opportunity to speak as he did not wish to add anything further to the Planning Officer's presentation.

Councillor Skipp, a Ward Member, stated he was generally supportive of the application however asked the Committee to consider the refuse collection and lack of parking provision on site as part of its deliberations.

In response to questions from Members the Planning Officer stated the following:

The Holy Family Church still had access to the site and there was a private arrangement between the developer and the Church as to the continuing use of that access, if the application was approved it was possible to add a condition to the S106 Agreement to ensure that the access was maintained in the future.

The current policy regarding affordable housing would require 25% contribution on site which would equate to 9 units with the new Local Plan that was currently at examination that would increase to 40% which would equate to 14 units but all those requirements were based on there being financial viability within the scheme to achieve those levels. Following extensive and detailed negotiations with the developer it had been concluded that this site could only afford 2 units.

With regard to the private waste collection and whether this would include recycling this was a contract matter between the developer and whoever was contracted to undertake the work. It was not something the Committee could impose conditions on.

Access for emergency vehicles onto the site was a matter for building regulations.

During debate, Members stated that whilst they were supportive of development on the site they were disappointed the scheme did not meet the required level of affordable housing, that the Local Authority would not be able to provide a waste collection service and it was not possible to impose conditions on the private waste collection contract to include a recycling element. Furthermore, the parking provision on site was considered to be inadequate for the number of units on the site.

For these reasons it was therefore:

Resolved – That the application be refused due to insufficient parking provision on site, the inability to collect refuse from the site and a deficit in affordable housing contribution. That the appropriate wording of the reasons for refusal be delegated to the Planning Officer in consultation with the Chairman.

(c) 20/0753/FUL - 458 LONDON ROAD BENFLEET ESSEX SS7 1AW (BOYCE WARD) - DEMOLITION OF EXISTING BUILDING AND ERECTION OF THREE-STOREY BUILDING CONTAINING 10NO. AFFORDABLE HOUSINGS UNITS WITH CAR PARKING – R ALI

The application sought permission for replacement of an existing single storey building located within the Green Belt with a three storey block of 10 flats. The accommodation proposed was affordable housing for which there was a continuing demand and shortfall of provision.

The replacement building would have a materially greater impact than the existing building and result in substantial harm to the openness of the Green Belt due to the very strong contribution the site made towards north/south Green Belt linkages and in maintaining the strategic gap between the urban areas at the

bottom and top of the hill, which at its narrowest extent was approximately 450m wide.

The Planning Officer reported that the proposal therefore constituted inappropriate development and would be contrary to national guidance set out in the National Planning Policy Framework. Though pressing, in accordance with ministerial statements, the need for affordable housing was not considered to outweigh the harm to the Green Belt resulting from the proposal and therefore the very special circumstances necessary to approve the proposal did not exist. The application was therefore recommended for refusal.

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

In response to questions from the Committee the Planning Officer explained that the openness of a site related to the level of built development on the site, currently development was at a low level on this site as there was one small building. The proposed scheme would result in a substantially taller and bigger building which would clearly have a greater impact on the openness of Green Belt. The Committee was advised to consider whether the affordable housing element proposed would outweigh the harm caused to the openness of Green Belt.

Following consideration of the report it was:-

Resolved – That the application be refused because the proposal is situated within an area of Green Belt as delineated within the Council's Adopted Local Plan where inappropriate development is only permitted in very special circumstances. The development, by reason of its height, mass and footprint, would have a greater impact on the openness of the Green Belt than the existing development and result in substantial harm to openness, to the detriment of the strategic function of this part of the Green Belt. The proposed affordable housing provision does not overcome the harm to the Green Belt, and in accordance with Ministerial Statements is not considered to constitute a very special circumstance. No other factors, either individually or in combination with the proposed affordable housing have been identified which might outweigh the harm resulting from the proposal and the application is therefore contrary to government Green Belt guidance as set out in the National Planning Policy Framework.

Chairman

ITEM 1

Application Number:	21/0107/FULCLC
Address:	Land Adjacent To 2 Cedar Road Canvey Island Essex SS8 9HP (Canvey Island Central Ward)
Description of Development:	Provision of a pair of semi-detached two-bedroom residential dwellings with associated parking and private amenity areas
Applicant:	Castle Point Borough Council
Case Officer:	Mrs Sophie Adams
Expiry Date:	04.06.2021

Summary

The proposal seeks consent for the provision of a pair of semi-detached two bedroom market houses with associated parking and garden area on the northern side of Cedar Road, on land formerly used for residential garaging and parking. A new access road is proposed through the site to access the pumping station to the north.

The proposal is considered satisfactory in the context of the provisions of the National Planning Policy Framework (2019), adopted Local Plan (1998) and Residential Design Guidance (2013). Subject to the provision of an updated ecological survey and site plan showing the retention of the trees to the north to be reported to members at committee, the proposal is recommended for APPROVAL.

The proposal attracts a requirement for a contribution towards the mitigation of recreational disturbance on the European designated site (Southend and Benfleet Marshes Site of Special Scientific Interest), Special Protection Area and Ramsar site). This contribution has been paid and the mitigation has been met.

The application is presented to committee as the applicant is Castle Point Borough Council.

Site Visit

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

Introduction

The site is located on the northern side of Cedar Road, some 45m east of its junction with East Crescent. The site is currently vacant and was formerly used for residential garaging and parking. This use has ceased. The garaging has been removed and only the hard surfacing remains.

There is gated access to the site with an access road running through the site from south to north to the Environment Agency Winter Gardens Pumping Station beyond the site. The pumping station sits within public open space some 40m north of the site.

The east and west boundaries are predominately marked by timber fencing between 1.7m and 2.1m high.

The site is triangular with a frontage to Cedar Road of 7m and rear width of 30m. The site has a maximum depth of some 60m.

Immediately to the west sits a terrace of four bungalows, Nos.2-8 (even only) Cedar Road. To the east, the rear boundaries of Nos.89, 91A, 91B and 91C Denham Road, a collection of detached houses and bungalows. An alleyway runs from Denham Road to the eastern boundary of the site. A public waste bin sits in the site at the entrance to the alleyway

To the south, sits a terrace of five houses, and to the north public open space managed by Canvey Island Town Council.

The Proposal

The proposal seeks consent for the construction of a pair of semi-detached two bedroomed market houses. The houses would sit towards the rear of the site, with allocated parking for four vehicles to the front. A solar thermal panel and a heat source pump is proposed to each dwelling.

A new access road, running along the eastern boundary, is proposed through the site to access the pumping station to the north with a gate towards the rear of the site.

A hard surfaced area is proposed towards the front of the site to aid recycling and refuse collection. Close board fencing is proposed around the rear garden areas. An external streetlight is proposed to the front of the site next to the refuse collection point.

Supplementary Documentation

The applicant has submitted the following supplementary documentation:

- o Design and Access Statement
- o Preliminary Ecological Appraisal
- o Flood Risk Assessment
- o Planning Statement
- o Report on Phase 1 Preliminary Investigation

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

Planning History

Planning permission was granted for the former garages in the 1950s, and there is no relevant planning history since then.

Local Plan Allocation

The site is allocated for residential purposes on the adopted Local Plan. There is no allocation under the New Local Plan.

Relevant Policies and Government Guidance

National Planning Policy Framework (2019)

Section 5: Delivering a sufficient supply of homes

Section 9: Promoting sustainable transport

Section 11: Making effective use of land and achieving appropriate densities

Section 12: Achieving well-designed places

Section 14: Meeting the challenge of climate change, flooding and coastal change and planning and flood risk

Section 15: Conserving and enhancing the natural environment, habitats and biodiversity and ground conditions and pollution

Adopted Local Plan (1998)

EC2	Design
EC3	Residential Amenity
EC13	Protection of wildlife and their habitats
EC22	Retention of trees, woodlands and hedgerows
H13	Location of Development
H17	Housing Development – design and layout
T9	Car Parking
CF14	Surface water disposal

Residential Design Guidance (2013)

RDG1	Plot Size
RDG2	Space around Dwellings
RDG3	Building Lines
RDG5	Privacy and Living Conditions
RDG6	Amenity Space
RDG8	Detailing
RDG9	Energy & Water Efficiency & Renewable Energy
RDG10	Enclosure and Boundary Treatment
RDG11	Landscaping
RDG12	Parking and Access
RDG13	Refuse and Recycling Storage
RDG16	Liveable Homes

Essex Parking Standards September 2009 (June 2010)

Technical housing standards – nationally described space standard (March 2015)

Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS, 2020)

New Local Plan (Submitted for examination October 2020)

DS1	General Design Principles
TP7	Parking Provision
NE7	Pollution Control

Consultation

Highways Authority

The proposal is acceptable to the Highways Authority subject to conditions.

Environment Agency

No objection, providing flood risk considerations have been taken into account.

Canvey Island Town Council

Objects to the proposed development for the following reasons:

- o Adverse effect on environment and biodiversity by removal of three healthy trees
- o Preliminary Ecological Appraisal has expired
- o Encroaches onto public open space and play area

Legal Services

No observations

Street Scene Refuse and Recycling

Households will be collected on our standard kerbside collection.

Environmental Health

Condition requested for contaminated land remediation and additional information about air source heat pumps, heating and ventilation systems. Raise informatives concerning noise and dust control, contaminated land and burning of trade waste.

Operation Services (Public Open Space)

No response

Public Consultation

Five responses received from four households from the neighbour notification with the following objections:

- o Inadequate space
- o Overlooking and loss of privacy
- o Change the character of the area
- o Increased traffic
- o Noise, disturbance, light and air pollution
- o Effect on wildlife
- o Being built on floodplains
- o Loss of trees
- o Loss of light
- o Overshadowing
- o Antisocial behaviour
- o Parking issues
- o Disruption during construction
- o Increased surface water flooding
- o Spoil our outlook

Comments on Consultation Responses

- o Heating and ventilation are adequately controlled by the Building Regulations so there is no reason to exercise additional planning control over these matters. A condition seeking further information about these features would duplicate other legislation, be unnecessary and therefore not satisfy the conditions requirements set out at paragraphs 55 and 56 of the Framework.
- o Disturbance during construction is transient and does not represent a robust reason for refusal.
- o Other planning matters are considered in the following evaluation.

Evaluation of Proposal

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

In October 2020, the Council submitted to the Planning Inspectorate its new Local Plan (2018-2033) for examination. The Plan sets out the Council's aims and objectives for the Borough over the 15 year period, and includes policies to support these ambitions. As the Plan has now been submitted the Council is beginning to give some 'weight' to the policies contained within the Plan when determining planning applications. Different degrees of weight are being given to

policies within the Plan depending on the level of objection received during the Regulation 19 consultation.

The main issues for consideration are; design and layout, impact upon neighbours, parking and traffic, flooding and drainage and trees and wildlife.

Design and layout

The site is allocated for residential purposes under the Local Plan and the proposal is for residential purposes and therefore complies with Policy H2.

The proposal does not encroach on public open space as allocated within the proposals map of the adopted Local Plan.

Policy EC2 of the council's Adopted Local Plan seeks a high standard of design in all developments. Regard is to be given to the scale, density, siting, design, layout and external materials of any development, which shall be appropriate to its setting and which should not harm the character of its surroundings. This is consistent with paragraphs 126 and 127 of the NPPF.

Policy DS1 of the emerging Local Plan reinforces the high quality of design expected by Policy EC2 and the guidance set out in the RDG.

RDG1 states that within the existing built up area the plot sizes for all new development should be informed by the prevailing character of plot sizes, and where there is a distinct character of development which creates an exceptionally strong pattern, development must not result in a disruption to this pattern.

The immediate area consists of predominately terraced or detached properties. The dwellings to the northern side of Cedar Road tend to have deep gardens, and the proposal would not be consistent with this. However, there are examples in the area where less deep garden areas are provided, and the proposal is more consistent with the size of these plots. The dwellings do sit deep within the site, and this is unusual in this vicinity where dwellings tend to sit closer to the roadway. However, this is due to the unique shape of the site, being narrower at the roadway, and access needed to the alleyway to Denham Road and the pumping station to the north.

Paragraph 117 of the NPPF states that planning should promote an effective use of land in meeting the need for homes, and paragraph 118 c) states that planning decision should give substantial weight to the value of using suitable brownfield land within settlements for homes. Paragraph 122 states that planning decision should support development which makes efficient use of land, and under paragraph 123 where there is an existing shortage of land for meeting identified housing needs, it is especially important that planning decisions avoid homes being built at low densities.

The proposal is situated on brownfield land, allocated for residential purposes and within the settlement of Canvey Island. While one dwelling could be provided on site closer to the roadway like surrounding developments, it would result in an ineffective use of land, and would affect the access to the pumping station. Consequently, it is considered that the provision of two dwellings in a deeper location, would increase the density, in a Borough where there is an existing shortage of land and maintain access to the pumping station. These circumstances are considered to overcome the minor deficiency relating to its location within its plot, and no objection is raised to the proposal under RDG1.

There is adequate space around the semi-detached pair to provide an adequate setting and be informed by the prevailing character of space around dwellings in accordance with RDG2.

The proposal would not breach any established building lines under RDG3.

All rooms have adequately sized and positioned windows to provide for adequate natural light and ventilation for the rooms they serve in accordance with guidance RDG5.

The dwellings are provided with four habitable rooms each resulting in a need of 60m² amenity area per dwelling, and the scheme provides in excess of this requirement. No objection is raised in respect of amenity space under RDG6.

RDG8 states that the provision of detailing elements must be consistent with the overall architectural approach of the dwelling and their design and siting should be an integral part of the dwelling.

The proposed dwellings have high roofs to a height of 8.3m with projecting features. The dwellings mirror each other but have staggered front and rear elevations to add interest to all elevations. The immediate vicinity consists of a more traditional design with low roofs and limited projecting features and differ from the design of the proposed dwellings.

The proposed dwellings are to be finished in buff brick, wood cladding, grey plain tiles and anthracite grey composite cladding. The buff brick draws from the brick used to dwellings backing onto the site, but there are none in the vicinity with this combination of materials.

The proposed dwellings are set away from the roadway and are likely to be seen in isolation to surrounding properties, and as such the alternative design, increased height and combination of materials are considered unlikely to harm the character and appearance of the surrounding area.

No objection is raised to the proposal under RDG8.

RDG9 is concerned with energy and water efficiency and renewable energy.

The proposal includes the provision of solar thermal panels to the front, southern, roof slope and air source heat pumps. These measures are considered acceptable. Further details including manufacturing details of the heat source pumps have been requested by the Councils Environmental Health Officer. It is considered that subject to the pumps being acceptable from a noise and disturbance perspective, as discussed in the next section (Impact upon neighbours) that the details are unnecessary, as would be covered by other legislation. No objection is raised under RDG9.

Side and rear boundaries of the amenity areas are to be defined by close boarded fences, and such treatment is consistent with other enclosures in the area, and subject to their provision to a height of 1.8m no objection is raised to the proposal on the basis of RDG10.

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

A concrete pad has been provided for refuse and recycling storage on refuse collection days, close to the roadway. The Councils Street Scene Refuse and Recycling Officer has confirmed that the proposed development will form part of the normal domestic refuse collection round, and therefore the proposed facilities are considered acceptable.

Paragraphs 59 – 61 of the NPPF seek the delivery of a wide choice of high quality homes to meet the needs of different groups in the community including families with children older people, people with disabilities, and service families.

This requirement is reflected in RDG16 which requires all new dwellings to provide appropriate internal space and circulation space and meet the existing and future needs of occupiers over their lifetime without the need for extensive alteration or adaption.

It further states that internal space and circulation space should reflect current best practice.

Current Best Practice is provided by the Nationally Described Space Standards which establish appropriate internal space provision. The scheme, with the exception of built in storage, is compliant with these standards, as shown below. Given that the gross internal floor area exceeds the minimum required the minor deficiency does not justify refusing the scheme, and no objection is raised to the proposal under RDG16.

	Requirement	Plot 1	Plot 2
Minimum gross internal floor area	79m ²	83m ²	83m ²
Built in storage	2m ²	1.5m ²	1.5m ²
1 st double bedroom floor area	11.5m ²	12.2m ²	12m ²
1 st double/twin bedroom width	2.75m	2.8m	2.8m
Second double/twin floor area	11.5m ²	12.8m	12.4m
Second double/twin width	2.55m	2.8m	2.8m

Impact upon neighbours

RDG3 states that development should not result in excessive overshadowing or dominance to any elevations of an adjoining property.

The proposed dwellings are so remote to neighbouring properties, a minimum of some 15m to the properties in Denham Road and 17m to the properties in Cedar Road. This level of isolation combined with its positioning to the north means that excessive overshadowing or dominance are unlikely to occur to any elevations of a neighbouring property. No objection is raised under RDG3.

RDG5 also states that for all development above ground floor level 9m shall be provided between the first floor opening and the boundary it directly faces.

The proposal is set behind and to the side/at an angle to existing dwellings and there would be no direct overlooking to private areas of adjacent properties from upper floor front and rear windows. The upper floor side windows to plot 2 meets the council's guidance. The upper floor side windows to plot 1 do not meet its guidance but in accordance with RDG5 can be conditioned with restrictive glazing to prevent any loss of privacy.

It is not possible to protect neighbouring occupiers from oblique overlooking but given the distance between the proposed and neighbouring dwellings oblique overlooking would in this particular case not be significant anyway.

Subject to restrictive glazing to the upper floor side window to plot 1 no objection is raised to the proposal under RDG5.

Policy EC3 of the adopted 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 180 of the NPPF.

Policy NE7 of the New Local Plan states that development proposals should be located and designed in such a manner as to not cause a significant adverse effect upon the environment, the

health of new and existing residents or surrounding residential amenity by reason of pollution to land, air or water, or as a result of any form of disturbance including, but not limited to, noise, light, odour, heat, dust and vibrations.

Neighbour concerns have been raised in respect of noise, disturbance, light and air pollution.

The access road would be relocated and run close to the eastern boundary of the site. This boundary also forms the rear boundary of properties fronting Denham Road, and concerns have been raised regarding increased noise and disturbance to this area.

In comparison with vehicular activity taking place currently on the site there would be an increase in vehicles using the existing access road and this could have an impact on residents backing onto the site in Denham Road. However, the level of activity would be low, and the site used to accommodate several garages and parking spaces. Whilst this is historic and has not present on site for some time, it would have provided for a greater number of vehicles than those exhibited in the proposal. Furthermore, it is considered that the limited number of vehicle movements associated with two dwellings would be unlikely to give rise to undue noise and disturbance given the ample space available to aid ease of movement.

The heat source pumps are attached to the side elevations of the semi-detached pair and are considered too remote from surrounding neighbouring properties to result in adverse noise and disturbance when operational.

The proposed use of the site is also considered likely to reduce the potential for antisocial behaviour by reason of people being occupant on site and it being less open.

Concerns have been raised in respect of light pollution. Additional light sources to the site would be provided via a streetlight and occupants of the dwelling, however, this would be no worse than usually found within an urban area and would not give rise to undue light pollution of neighbouring properties.

No objection is raised to the proposal under Policy EC3 of the adopted Local Plan, and from the limited weight attached to Policy NE7 of the New Local Plan.

Parking and access

Policy T8 of the current Local Plan requires off-street parking to be provided in accordance with County parking standards, which require a minimum of two spaces, having a bay size of 5.5m by 2.9m each, to be provided for properties with two or more bedrooms. This information is consistent with paragraph 105 of the NPPF which requires local planning authorities to set such standards reflecting local circumstance.

Guidance at RDG12 requires parking not to be visually dominant. Policy EC2 requires all modes of movement to be made safe and convenient.

Policy TP7 of the emerging Local Plan expect development to make provision for safe and secure car parking, parking for people with disabilities and parking for bicycles having regard to the Essex Vehicle Parking Standards. This policy is considered to carry a little weight, and generally continues the ethos of Policy T8 and paragraph 105 of the NPPF.

The proposed dwellings would benefit from two parking spaces each in accordance with the adopted parking standards. The position of the parking spaces have been amended during the course of the application to improve the ease of movement between the access road and the individual spaces. There is adequate space to allow for turning and parking with ease.

There is adequate space on site to provide cycle provision.

Subject to conditions to ensure the provision and retention of vehicle and cycle parking provision, no objection is raised to the proposal on parking grounds.

Paragraph 110 of the NPPF requires development, where practicable, to incorporate facilities for charging plug-in and other ultra-low emission vehicles. Following the announcement by the government in 2017 that it intends to ban new petrol and diesel cars from 2040, it is considered that the need to provide infrastructure for charging electric or hybrid vehicles is now even more pressing, to enable drivers to switch to such vehicles ahead of the phasing out of completely petrol- and diesel-powered vehicles.

The application does include ducting for future electric vehicle installation. The provision of any electric vehicle charge points can be ensured via a condition to any consent that may be granted.

Flooding and drainage

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

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

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

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

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

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

Having passed the sequential test, the proposal must then pass the exception test. In order to meet the requirements of the exception test as described in paragraph 159 of the NPPF the proposal must demonstrate that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

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

The second criterion requires that the applicant demonstrate that the development is safe and where possible will reduce flood risk overall. The applicant has provided a FRA which states that should the defences breach during a 1 in 200 year plus climate change event the depth of water on site could reach a maximum depth of 1m. This will clearly result in the ground level accommodation being inundated. However, the first floor level is above the anticipated water depth at this level and 1 in 1000 year plus climate change. As a consequence, it is capable of providing safe refuge in a flood event. This feature, coupled with the incorporation of resilient design measures and a flood response plan, is considered an appropriate response to flood risk on the site.

The FRA includes an adequate Flood Response Plan and Flood resilient design measures.

An assessment of Hydrostatic and Hydrodynamic stability of the buildings under flood conditions has been provided within Appendix B of the submitted FRA. This states that the building will not be affected by the hydrodynamic forces, subject to these details being implemented during construction no concerns are raised regarding the stability of the proposed dwellings.

Subject to the implementation of the measures set out in the FRA via conditions to any consent that may be granted, it is considered that the proposed development is capable of being made safe for its lifetime. No objection is therefore raised to the proposal on the basis of residual flood risk.

In terms of surface water (pluvial) flooding, the Surface Water Management Plan has identified Canvey Island as a critical drainage area in respect of surface water flooding; (although the site is not statutorily defined as being within a critical drainage area by the Environment Agency). The application site is within an area which is identified by the EA as being at low risk of surface water flooding.

Development of the site may however cause greater risk of surface water runoff onto other sites and must therefore be considered.

The site was previously used for garaging/parking and as such a large majority of the site is hard surfaced. However, by reason of the passage of time, there are several areas within the hard surfacing where vegetation has broken through. Furthermore, whilst the proposal would remove some hard surfacing to provide the garden areas for the dwellings, it would create additional hard surfacing to provide for the access road and parking areas. It is therefore necessary to consider the impact of additional surface water.

The soil typology of the site is comprised of clay silt tidal flats overlaying London Clay and this provides an impermeable substructure which is unlikely to successfully accommodate a sustainable drainage scheme reliant on infiltration and permeability.

The nearest surface water body is too distant for the development to rely on, so the next most suitable option is to discharge to the surface water sewer.

Details of a system to manage the discharge of surface water have been sought during the application and submitted. These details include permeable block paving where the Type 3 aggregate acts as a storage tank with a Wavin Garastor or Hydro Skeletank Controflow to restrict the rates to 1l/s or less. This rate is considered acceptable, and subject to the development being built in accordance with these details the proposal would not result in a greater risk of surface runoff onto other sites.

Trees and wildlife

Policy EC22 states that existing trees, hedgerows and woods shall be retained wherever possible, and where development takes place, loss of existing tree cover and hedgerows shall be kept to a minimum.

The originally submitted plans showed the removal of four trees outside the application site. These are beyond the control of the application site. Following a visit to the site, it is clear that the removal of these trees are not necessary to facilitate the development. Whilst works may be required, it is considered that the removal is unnecessary. Consequently, it has been requested that the applicant amends the submitted plans and an update provided at committee.

The submitted preliminary ecological survey states that these field maple trees lie outside the development footprint but the existing hard surfacing lies within the root protection zone and will have to be carefully removed so as not to damage the root system. It further states that measures to protect the trees during works are expected to be outlined in a tree protection plan. The survey is clear that any clearance/lopping of trees/shrub should be undertaken between September and the following February to reduce as much as possible the possibility of disturbing nesting birds, and if such work is undertaken during this period an ecologist should first survey the habitat for occupied bird nests, and delay work until young birds have fledged the nest.

Subject to the retention of these trees, their protection during the development, and no works to them being between September and the following February, no objection is raised to the proposal under Policy EC22.

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

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

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

The NPPF makes it clear that decision makers should minimise impacts on biodiversity and provide net gains in biodiversity where possible, contributing to the government's commitment to halt the overall decline in biodiversity.

The site has no ecological designation but is within the zones of influence associated with the Benfleet and Southend Marshes and the Blackwater estuary. Natural England has commented that permission should not be granted until such time as a Habitats Regulations Assessment (HRA) to secure any necessary mitigation has been undertaken.

The proposal is for residential development and therefore could result in increased recreational pressure on protected habitats to the detriment of the wildlife thereon. Standing advice provided by Natural England identifies that where a proposal seeks to provide fewer than 100 dwellings and the proposal is not within or directly adjacent to one of the identified designates sites, mitigation of the impact of the proposal can be secured through the provision of a financial contribution secured in line with the Essex Coast RAMS.

The council has adopted the Recreational disturbance Avoidance and Mitigation Strategy (RAMS) for the Essex Coast which identifies the necessary measures to avoid and mitigate likely significant effects from recreational disturbance in combination with other plans and projects.

The applicant has already paid such a contribution and the mitigation has been met.

The application is supported by a preliminary ecological survey which concludes that no significant impacts to habitats predicted, no significant plant species recorded, and no impacts anticipated of Species of Principle Importance in England. It does set out recommendations in accordance with good practice such as the use of low level and downward facing lighting if any permanent external lighting is required, to reduce the impacts on bats and other wildlife at night. It also includes aspects of the proposal suggested by the applicant, such as bat boxes in the existing trees and fitting 'swift bricks' to encourage swifts to nest here.

It would be difficult to ensure the provision of bat boxes as they would be placed on trees beyond the confines of the site. Low level light and the 'swift bricks' could be provided as part of the proposal. Nevertheless, it is shown that the proposal would have limited impacts upon the local ecology.

However, the review states that the survey is only applicable for 12 months, and this has now expired. An updated survey has been requested. However, it is unlikely that the recommendations and conclusions will alter significantly by reason of the nature of the site. Subject to the updated ecological survey confirming this the proposal is considered unlikely to adversely harm the ecology of the area.

Contamination

Policy EC4 of the adopted Local Plan seeks to ensure that development which would have a significant adverse impact on health, the natural environment or general amenity by reason of noise, dust, vibration, light or heat will be refused.

The submitted preliminary survey of contaminants on site (Phase 1 Investigation) identified potential sources of contamination associated with the sites use as garages and parking, and whilst the risk is constituted to be low to moderate, a risk still exists. The Councils Environmental Health Officer has recommended a condition be appended to the consent for further intrusive ground investigation. I consider this to be appropriate, and necessary prior to the commencement of the development and any ground works associated with the development. Subject to such a condition no objection is raised to the proposal on the basis of potential adverse impact on the health of contractors or future occupants.

The applicants have been notified of this pre-commencement condition and have 10 working days to comment.

Conclusion

Subject to the provision of an updated ecological survey and site plan showing the retention of the trees to the north, the proposal is considered satisfactory in the context of the provisions of the National Planning Policy Framework (2019), adopted Local Plan (1998) and Residential Design Guidance (2013).

The proposal attracts a requirement for a contribution towards the mitigation of recreational disturbance on designated sites. This contribution has been paid and the mitigation has been met.

The proposal provides a small boost to the housing supply and a temporary economic benefit during the construction period. Furthermore, there would be an environmental benefit in that it makes an effective use of land and takes into account the impact of climate change. No adverse impacts of the proposal have been identified which would significantly and demonstrably outweigh the benefits when assessed against the Framework and therefore, in accordance with the presumption in favour of sustainable development set out at paragraph 11 of the NPPF, the proposal is recommended for APPROVAL.

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

My Recommendation is Approval with the following conditions

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

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

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

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

- 3 Prior to the commencement of the development hereby approved a scheme to manage the risks associated with contamination of the site shall be submitted to and approved in writing by the local planning authority. The scheme shall include all of the following measures as appropriate:

1. A site investigation based on the Phase 1 Preliminary Investigation by Evans & Lanford LLP dated December 2020 to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
2. A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (1). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
3. A Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in 2. This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean.

Any changes to these components require the express consent of the local planning authority. The scheme shall thereafter be implemented as approved.

REASONS: To ensure that any risk of contamination within the ground associated with the previous use, as indicated by the Phase 1 Investigation, are adequately dealt with and does not cause contamination to construction workers and future occupants of the development and surrounding area in the interests of their health and well being. This condition is a

pre-commencement condition as further investigative works are required prior to the start of ground works in the interests of the well being of construction workers.

- 4 The hard surfacing under the crown of the trees outside the red edge of the application site and marked on the approved drawing number CEDARD-IWD-XX-XX-DR-A-2410 Revision P7 received on 5th May 2021 shall be removed without the use of heavy machinery and spoil removed by hand in order to protect the roots of the aforementioned trees. Once the hard surfacing is removed, the trees must be protected by fencing in accordance with the provisions of BS5837:2012. Once erected no materials are to be stored or temporary buildings erected inside this fence and no changes in ground levels may be made within the crown spread of any tree. Such protection measures shall be retained for the duration of the construction of the development.

REASON: In the interest of the future health and amenity value of the existing trees/shrubs/hedges to be retained.

- 5 The external surfaces of the development hereby approved shall be treated in accordance with the approved schedule of materials as shown on approved drawing CEDARD-IWD-XX-XX-DR-A-2510 REV P4 received on 3rd March 2021 from which there shall be no departure without the prior formal consent of the Local Planning Authority.

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

- 6 Finished first floor levels shall be set no lower than 3.2 metres above Ordnance Datum (AOD).

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

- 7 The development shall be constructed in accordance with the Flood Risk Assessment completed by Evans & Langford LLP dated January 2021 received on 3rd March 2021.

REASON: To ensure the ability of the approved building to withstand the hydrostatic and hydrodynamic effects of flooding and to ensure the flood resilient measures are implemented in the interest of the safety of the future occupiers of the site and the ability of the building to recover from a flood event.

- 8 Any upper-floor windows, including rooflights and those serving dormers, in the side elevation of the dwelling to plot 1 hereby permitted shall be -

- (i) obscure-glazed to at least level 3 on the Pilkington Scale (or such equivalent as may be agreed in writing with the local planning authority); and
- (ii) non-opening, unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed

and retained as such thereafter.

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

- 9 Upon occupation of the dwelling, the approved Flood Warning and Response Plan found in Appendix C of the Flood Risk Assessment by Evans & Langford LLP dated January 2021 shall be enacted and thereafter maintained at all times that the dwelling is occupied. Any revisions to the Plan shall be submitted to and formally approved by the Local Planning Authority.

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

- 10 Prior to the first occupation of the development hereby permitted, the approved surface water drainage scheme shall be fully installed in accordance with the details shown on approved drawing number 15240/50 received on 5th May 2021.

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

- 11 Prior to the first occupation of the development hereby approved, the onsite vehicle parking and turning shall be provided as shown on approved planning drawing number CEDARD-IWD-XX-XX-DR-A-2410 revision P7 received on 5th May 2021 with each dwelling allocated two parking spaces. Once provided the vehicle parking area shall be retained in the agreed form at all times.

Reason: To ensure adequate space for parking off the highway is provided for the occupiers of the development in the interest of highway safety.

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

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

- 13 Prior to the first occupation of the development hereby permitted, the access road and vehicle gate shall be re-provided as shown on approved drawing number CEDARD-IWD-XX-XX-DR-A-2410 revision P7 received on 5th May 2021 and retained in perpetuity.

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner, to ensure that opposing vehicles can pass clear of the limits of the highway and access can be maintained to the pumping station in the interests of highway safety.

- 14 Prior to first occupation, each dwelling shall be provided with an electric vehicle charger and made operational. Following their provision, the charge points shall be maintained in accordance with any manufacturer's recommendations.

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

- 15 Prior to the first occupation of the development hereby permitted, details shall be submitted of secure and covered cycle parking to the Local Planning Authority. Once approved the cycle parking shall be provided prior to first occupation for each dwelling and retained at all times.

REASON: To ensure appropriate cycle parking is provided in the interest of supporting sustainable modes of transport.

- 16 No external lighting shall be installed without the prior approval in writing of the Local Planning Authority. Any such approved scheme shall thereafter be installed in full and retained as such unless fully removed.

REASON: To ensure any provided external lighting would reduce the impacts on bats and other wildlife at night.

- 17 Prior to the first occupation of the development hereby approved, a 1.8m high wall/close boarded fence shall be erected in the positions shown on approved drawing number CEDARD-IWD-XX-XX-DR-A-2410 revision P7 received on 5th May 2021.

REASON: To safeguard the privacy and amenities of the approved properties.

Informatives

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

- 2 All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.

- 3 Construction: Noise and Dust Control

All relevant precautions to minimise the potential for disturbance to neighbouring residents in terms of noise and dust during the development must be taken. Water suppression shall be employed for any stone or brick cutting and it is advisable to notify neighbours of any noisy works in advance.

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

Monday - Friday: 8am - 6pm

Saturday: 8am - 1pm

Sundays and bank holidays: no works

The site may be in operation outside of these hours. The above times relate to noisy works which will cause a disturbance to residents and businesses in the surrounding area. The granting of planning permission does not indemnify against statutory nuisance action being taken should substantiated noise or dust complaints be received.

- 4 Under the Clean Air Act 1993 it is an offence to emit dark or black smoke or burn material that is likely to give rise to dark or black smoke on industrial and trade premises, or burnt in connection with any industrial or trade process. If a bonfire is producing or likely to produce dark or black smoke by the burning of trade or commercial waste, then the persons responsible may be liable to fines of up to £20,000.