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AGENDA

Committee: DEVELOPMENT CONTROL

Date and Time: Tuesday 5th February 2019 at 7.30 p.m.

Venue: Council Chamber

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

Membership: Councillors Hart (Chairman), Mumford (Vice Chairman), Acott, Anderson, Blackwell, Cole, Cross, Mrs Haunts, Johnson, Ladzrie, Sharp, Taylor and Mrs Wass.

Substitutes: Councillors Mrs Blissett, Dick, Palmer and Mrs Sach

Canvey Island Town Councillors : Greig and TBC

Officers attending: Mr Rob Davis - Planning Development and Enforcement Manager
Mrs Kim Fisher-Bright – Strategic Developments Officer
Miss Fiona Wilson – Head of Legal Services

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 8th January 2019 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 reports are attached.

	Application No	Address	Page No
1.	18/0605/FUL	458 London Road, Benfleet, Essex, SS7 1AW (Boyce Ward)	1
2.	18/1097/FUL	8 Thielen Road, Canvey Island, Essex, SS8 9BA (Canvey Island Central Ward)	14
3.	18/0868/FUL	Land South of Northwick Road, Canvey Island, Essex, SS8 0PU (Canvey Island West Ward)	25

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DEVELOPMENT CONTROL COMMITTEE

8th JANUARY 2019

PRESENT: Councillors Hart (Chairman), Mumford (Vice Chairman) Acott, Anderson, Cole, Cross, Dick*, Mrs Haunts, Johnson, Ladzrie, Mrs Sach* Sharp and Taylor

***Substitute Members Present:** Councillor Dick for Councillor Mrs Wass and Councillor Mrs Sach for Councillor Blackwell.

Canvey Island Town Council Representative Councillor Greig was in attendance.

Also Present: Councillors Palmer and Smith.

Apologies for absence were received from Councillors Blackwell and Mrs Wass.

16. MEMBERS' INTERESTS

There were no declarations of interest.

17. MINUTES

The Minutes of the meeting held on 4th December 2018 were taken as read and signed as correct.

18. DEPOSITED PLANS

- (a) **18/0638/FUL - THE HAYSTACK PUBLIC HOUSE CAR PARK LONG ROAD CANVEY ISLAND ESSEX (CANVEY ISLAND SOUTH WARD) - THREE-STOREY MIXED COMMERCIAL/RESIDENTIAL DEVELOPMENT TO INCLUDE 6 RETAIL UNITS AND 14 FLATS WITH COMMUNAL GARDEN AND PARKING PROVISION - ISLANDERS FISH RESTAURANTS LTD**

The application sought consent for a development of six retail units and fourteen flats on land close to the junction of Long Road and Furtherwick Road, on the site of the former Haystack Public House car park.

The introduction of residential development on the site constituted a departure from the Development Plan as the site was allocated for shopping purposes in the Adopted Local Plan. However, the proposal retained a commercial element, consistent with its Town Centre location and would be consistent with Government guidance as set out in the NPPF which sought to secure residential accommodation at first floor level and above within Town Centres. No objection was therefore raised to the principle of a mixed commercial/residential development on this site.

The proposed development could satisfy all highway and drainage requirements and there was no strong economic reason why the redevelopment of the site for mixed commercial/residential purposes should not be allowed.

The Planning Officer explained that the proposal would however attract a requirement for a contribution under the provisions of the Recreational Disturbance Avoidance Mitigation Strategy (RAMS) which could be secured through a S106 Agreement. Subject to such agreements and appropriate conditions, the proposal was recommended for approval.

Canvey Island Town Councillor Greig spoke in objection to the application.

In regard to the mitigation of recreational disturbance at Benfleet and Southend Marshes, a Member questioned why the contribution made could not be spent on the immediate surrounding area on safety improvements to the highway. It was explained that requests under a S106 Agreement must be linked directly to the proposal and necessary to facilitate development. Contributions under RAMS could only be obtained for recreational disturbance to Special Protection Areas, Special Areas of Conservation and Ramsar sites along the Essex Coast.

A Member enquired whether it would be possible to maintain access through the site for the users of CISCA House to Long Road. It was explained that there was no legal right of way through the site.

Some Members indicated that they were broadly in favour of the proposal as it would be an improvement on the current site and provide much needed housing in the borough. However, it was felt that a purely residential development would bring a greater benefit to the area as there was concern that the commercial units could remain empty. The Planning Officer cautioned that a proposal for a residential only development would be a different type of application which may not be viable in a town centre location and could therefore result in a recommendation other than for approval. The Committee should restrict its consideration to the application presented to them.

Other Members were opposed to the application as it was felt that it was out of character with the surrounding area, there was insufficient parking provision and it would have a detrimental impact on traffic movement at an already busy highway junction.

Following conclusion of the debate it was:-

Resolved – That the application be approved subject to the applicant being willing to enter into a S106 agreement to secure the appropriate mitigation of recreational impact on European Designated sites and the conditions as set out in the Planning Officer's report.

Chairman

ITEM 1

Application Number:	18/0605/FUL
Address:	458 London Road Benfleet Essex SS7 1AW (Boyce Ward)
Description of Development:	Demolition of existing building and erection of three-storey building containing 11No. apartments with car parking
Applicant:	Mr R Ali
Case Officer:	Mr Keith Zammit
Expiry Date:	08.02.2019

Summary

The application seeks permission for replacement of an existing building located within the Green Belt with a block of 11 flats. The proposed accommodation is for affordable housing but it is considered that the development would result in substantial harm to the openness of the Green Belt contrary to national guidance set out in the NPPF. It is therefore recommended for **REFUSAL**.

Site Visit

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

Introduction

The site is located on the southern side of London Road, some 47m west of the junction with Glen Road. The received plans show a rectangular shaped plot with a maximum depth of some 50m and a frontage to London Road of some 27m. The site is currently occupied by a single storey former dwelling which has been used as a restaurant/takeaway for in excess of fifty years and has a large hard surfaced open parking area with access directly off London Road.

It is interesting to note that the site appears to have been extended in the recent past as previous applications consistently identify the site as being between 41.6m and 46.2m deep, the latter figure corresponding with council records. It is important to note this as the current proposal appears to still include more land than the authorised use currently operating at the site, even though amended plans have been received reducing the site depth by approximately 6m (and the number of flats by one).

To the south and immediately to the west the site is bound by undeveloped land, which has a tree preservation order on it, TPO 28/2018, with a woodland designation. Further to the west is the Thundersley Christian Spiritualist Church. Beyond this is a scattering of dwellings set within large plots, which is typical of the type of plot land development found within the Borough.

To the west of Catherine Road, is a new development of flats at 396 – 408 London Road. The circumstances of this development are relevant to consideration of the current proposal and will be referred to in the evaluation of the current proposal.

To the north a single storey dwelling is located within the southern fringe of Coombe Wood, an ancient woodland, whilst to the east the site abuts the curtilage of a part two storey dwelling located on a large site fronting Glen Road.

Although the site is set near to the summit of Bread and Cheese Hill it is actually on fairly level ground.

The Proposal

This is a revised scheme for the residential redevelopment of the site to provide 11 flats in a three storey building. Two of these flats would be one-bedroomed with the rest being two-bedroomed. Following some initial confusion, the applicant has now stated that this development will be 100% affordable housing and will be offered, if permission is granted, to a registered provider of affordable housing or the borough council.

The council's housing service has expressed an interest in purchasing the development for council housing, subject to agreement on price.

Supplementary Documentation

The application is accompanied by a bat survey, design and access statement, flood risk assessment, SuDS assessment, SuDS checklist, geo-environmental assessment and transport statement which are available to view on the council's website.

Planning History

The site has significant history of refused planning applications related to the commercial use of the site, the majority of which attests to the location of the site within an area allocated for Green Belt purposes.

In December 2017 an application to replace the existing building with a four storey building containing 14 apartments was refused for the following reasons:

1. The proposal represents inappropriate development in the Green Belt as defined by the National Planning Policy Framework. Such development will only be permitted if very special circumstances exist to justify its inappropriateness. It is not considered that any very special circumstances have been demonstrated to justify the proposed development, which would be detrimental to the openness, character and strategic function of this part of the Green Belt, contrary to National Planning Policy.
2. The proposed development, by virtue of its mass, height and proximity to the highway boundary would be provided with a poor setting and create an unduly dominant and oppressive feature in the street scene, at a point close to the crest of the hill and in an area characterised by small scale development and heavy vegetation, contrary to Policy EC2 and H17 RDG8 of the adopted Local Plan and Residential; Design guidance and Government advice as set out in the National Planning Policy Framework.
3. By virtue of the proximity of the proposed building to the front elevation and its overbearing height it is considered likely that the occupiers of the bungalow opposite would experience undue overlooking, loss of privacy and domination to the detriment of the amenity of the occupiers of that dwelling, contrary to Policy EC2 and Policy H17 RDG5 of the adopted Local Plan and Residential Design Guidance and Government guidance in respect of the provision of high quality built environments, as set out in the National Planning Policy Framework.
4. By virtue of the inadequate provision of private amenity space within the scheme to serve the outdoor needs of future residents of the site, the proposal represents overdevelopment of the site contrary to Policy EC2 and H17 RDG6 of the adopted Local Plan and Residential Design Guidance and Government advice as set out in the National Planning Policy Framework.

Relevant Government Guidance and Local Plan Policies

National Planning Policy Framework (July 2018)

Sections 5, 9, 11, 12 and 13

Adopted Local Plan

EC2 - Design

EC13 - Protection of wildlife and their habitats

EC22 - Retention of trees, woodlands and hedgerows

H10 - Mix of development

H13 - Location of Development

H17 - Housing development – design and layout

T2 - Intensification of Access Use

T8 - Car parking

CF14 - Surface water disposal

Residential Design Guidance (2013)

RDG2 - Space around Dwellings

RDG3 - Building Lines

RDG5 - Privacy & Living Conditions

RDG6 - Amenity Space

RDG7 - Roof Development

RDG8 - Detailing

RDG10 - Enclosure & Boundary Treatment

RDG11 - Landscaping

RDG12 - Parking & Access

RDG13 - Refuse & Recycling Storage

Consultation

Environmental Health

The geo-environmental assessment submitted with the application has identified land contamination at the site which will need to be remediated. Conditions are required to ensure that this takes place.

Natural England

This development is likely to, without mitigation, have a significant effect on the coastal European designated sites through increased recreational pressure. However, this proposal falls below the scale at which Natural England would offer bespoke advice on this issue. A Habitats Regulations Assessment should be undertaken to secure any necessary mitigation.

Highways

No objection subject to conditions

Refuse and recycling

No objection subject to the roadways being made up to support a 32 tonne vehicle.

Anglian Water

The surface water strategy submitted with the application is unacceptable. If the development is approved it needs to be subject to a condition that no drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the LPA, and no hard standings constructed until necessary drainage works have been carried out.

Lead Local Flood Authority

No objection subject to conditions requiring the submission of a detailed surface water drainage scheme. The applicant's suggested scheme would limit discharge rates from the site to 5 litres per second but the LLFA wish for 2 litres per second.

Public Consultation

The following comments have been made:

- o lack of provision for electric vehicle charge points
- o would like to see development achieve a Secured by Design award
- o land shown as car parking that the applicant doesn't own
- o more traffic using that access would be hazardous
- o services on Bread and Cheese Hill cannot cope with more properties
- o was previously deemed to be within the greenbelt
- o would not preserve the green nature of the area
- o lack of parking, more parking in side roads
- o lack of school places
- o lack of doctors' appointments
- o excessive height of development
- o bungalow opposite will have no privacy
- o site would be more suited to houses or bungalows
- o noise and light pollution

Comments on Consultation Responses

Any planning issues raised are discussed in the evaluation of the proposal.

Evaluation of Proposal

Policy context

The Development Plan for Castle Point is the adopted Local Plan (1998). The Proposals Map associated with this document identifies the site as Green Belt.

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise (paragraph 47 of the NPPF). The development plan is therefore the starting point for decision making. Development that accords with the Local Plan should be approved and proposals which conflict with the Plan should be refused, unless material considerations indicate otherwise.

The presumption in favour of sustainable development is also relevant to the consideration of this application. This states that where there are no relevant development plan policies, or the policies are out of date, the planning authority should grant permission unless

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Footnote 6 to the NPPF identifies that land allocated for Green Belt purposes is an example where development should be restricted, although it is acknowledged that the footnote does not state development in such areas is prohibited.

The NPPF sets out at paragraph 133 that the fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

Paragraph 143 of the NPPF clearly states that inappropriate development is, by definition, harmful to the openness of the Green Belt and should not be approved, except in very special circumstances. In the light of this presumption against development the first matter to determine is whether the proposal represents inappropriate development.

Paragraph 145 of the NPPF states that local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. However, it sets out a limited number of exceptions to this and the ones that may be potentially applicable to this development are as follows:

145f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites)

145g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would

- not have a greater impact on the openness of the Green Belt than the existing development; or
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

Paragraph 145(f) offers potential support for the application, however it requires the council to have a local plan with an appropriate rural exceptions policy against which the proposal could be assessed. There is no such policy in the council's adopted local plan and no such policy in any emerging local plan at this point in time.

In terms of the first criterion of 145g), the existing building measures some 3.2m in height for much of its depth with its pitched roof rising to 5.6m whereas the proposed development is approximately 9.4m high with a crown roof. The proposed development has a significantly greater spatial footprint than the existing building and it would be substantially higher too.

Whilst the proposed development is set slightly deeper into the site than the existing building it is not considered that the setback will mitigate the visual impact of the increased height of the building when viewed from London Road. The proposed building would also be clearly seen from surrounding residents living in Glen Road, as well as the neighbour opposite the site who is set very close to his front boundary. Accordingly officers are of the view that the proposal would result in a high level of harm to the openness of the Green Belt.

Further, the site is located within a vulnerable Green Belt gap between development at the top of Bread and Cheese Hill and development further down the hill, which has already been eroded by the approval of the flatted development at 396 to 408 London Road. Were the proposal approved it would seriously hamper the council's ability to resist future development proposals for other sites within this Green Belt gap, and be likely to lead to the coalescence of the settlements at the top and bottom of the hill. The proposal would therefore conflict with the fundamental aim of Green Belt policy as set out at paragraph 133 of the NPPF and three of the five purposes of including land within the Green Belt set out in paragraph 134.

Consequently this proposal cannot be considered as an exception under the first criterion of paragraph 145(g).

This leaves the second criterion.

The Strategic Housing Market Assessment (SHMA) May 2016 appears to show that where affordable housing is concerned, the greatest need is for one-bedroomed properties. This proposal provides mainly two-bedroomed properties. Whilst the proposal might not go towards meeting the greatest need, there is still a clear need for two-bedroomed affordable housing properties, so the proposal can be said to meet an identified affordable housing need.

Nevertheless, for the proposal to fall within the scope of paragraph 145g), and constitute appropriate development, it must still not cause substantial harm to the openness of the Green Belt. It is recognised that causing substantial harm is not the same as having a greater impact on openness, one might say the bar is lower, however given the appreciable increase in size of the proposed building over that of the existing, and what is considered will be the impact of the development on the openness of the Green Belt, it is not considered that the proposal reaches even this lower bar and officers cannot support a recommendation of approval based on this guidance.

This therefore means that the proposal represents inappropriate development, so very special circumstances will need to be demonstrated in order for the proposal to be permitted. The NPPF advises that these will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The need for housing, and particularly affordable housing, is an important material consideration. However, government guidance in the written ministerial statement of January 2014 clarified that unmet need for housing is unlikely to outweigh harm to the green belt and other harm so as to constitute the 'very special circumstances' justifying inappropriate development in the green belt.

In preparing this scheme the applicant has drawn officers' attention to the development at 396-408 London Road as a design precedent.

The situation related to development at 396 – 408 London Road to the east of the site

It is the applicant's view that the development proposed shares the same characteristics of that under construction at 396 – 408 London Road and that as such a precedent for the development of the proposal site has been created.

This is a rather simplistic view however that fails to acknowledge the specific circumstances of the site at 396 – 408 London Road.

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

In order to ensure a five year housing land supply, the Council undertook an exercise to identify additional sites for housing. The Green Belt in Castle Point is tightly drawn around the existing

urban area, and as a consequence it was necessary to consider the appropriateness of bringing forward sites within the Green Belt to meet housing needs.

396–408 London Road, and land to the south, is located within the central corridor of land allocated for Green Belt purposes which passes north-south through the Borough. As such the wider area was strategically important; however the site of 396 – 408 London Road was identified as a site where the Green Belt boundary could be adjusted without impairing the strategic function of the Green Belt. This conclusion was reached following consideration of the specific circumstances of the site: the western edge of the corridor had been seriously compromised both functionally and visually, by the use of, and intensive development on, the site and redevelopment of the site was considered capable of removing an unattractive non-conforming use in the Green Belt, contributing towards housing needs and achieving a strong Green Belt boundary.

The remainder of the central corridor was evaluated to determine the potential for additional releases but no other sites within the corridor were considered suitable for release because of the adverse consequences for the strategic function of this feature.

In December 2012 the Council formally agreed a list of 9 strategic sites for the provision of housing, of which 4 were within the Green Belt. The site at 396 – 408 was included in this list. The proposal site was not. This represents a very special circumstance which is not shared by the application site.

As a consequence of the stance adopted in respect of the site at 396 – 408 London Road, planning permission was granted for residential development in 2013 and the site was subsequently identified as a housing site in the 2014 and 2016 Consultation Local Plans.

The allocation of this site for residential purposes represents a very special circumstance which is not shared by the proposal site.

It should be noted however that a re-evaluation of the Green Belt boundary following consideration of the responses to the 2014 Draft Local Plan led Members to prioritise the protection of the Green Belt over meeting objectively assessed housing needs and the land to the south of 396 – 408 London Road was removed from further consideration.

From this brief summary of its recent planning history, it may be deduced that there were very special circumstances pertaining to the development of land at 396-408 London Road which are not applicable to the application site. The development at 396-408 London Road does not therefore provide a precedent for the development of the proposal site and no weight can be attached to the previously approved development in the consideration of the current proposal.

Green Belt Conclusion

The application site is allocated for Green Belt purposes in the adopted Local Plan.

Residential development of this site represents inappropriate development in the Green Belt. It would permanently reduce openness and conflict with several of the purposes of designation as set out in the NPPF. Further the proposal would have an adverse impact on the open character and appearance of the area. These harmful impacts on the Green Belt attract substantial weight.

Government guidance, ministerial statements, recent appeal decisions and court judgements make it clear however that circumstances and material considerations may, either in isolation or combination, provide the very special circumstances which outweighs the harm to the Green Belt and justifies the release of land for development purposes.

There can be no denial of the fact that there is a shortage of available housing land within the borough and that the development of this site would make a small contribute to the satisfaction of this housing need. This carries substantial weight in favour of the proposal.

However, various Ministerial statements and letters have confirmed that the single issue of unmet housing need is unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.

This statement was most recently repeated by the Secretary of State in April 2017 in his decision letter in respect of the planning appeal for land to the south of Jotmans Lane, reference APP/M1520/A/14/2216062. In dismissing the appeal for the provision of up to 265 dwellings in the Green Belt, the Secretary of State agreed with the Inspector that even in an area such as Castle Point, where there had been a longstanding failure to provide sufficient new housing and the future housing land supply was extremely limited, whilst the opportunity to bring forward housing carried very substantial weight in favour of the scheme Government policy ensured that 'subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances'.

Very special circumstances based on housing need in isolation cannot therefore be identified.

In terms of the status of the application in the context of the Local Plan, it must be recorded that the site at 396 – 408 London Road was identified as suitable for development purposes in 2012 and was allocated for such purposes in the Draft Local Plan of 2014 and 2016. The proposal site has never benefitted from any form of residential allocation. It is not considered that development of a site identified and allocated for residential development can provide a precedent for inappropriate development in the Green Belt.

Very special circumstances based on Local Plan allocation cannot be identified.

High quality design would be expected of any scheme. This is a normal part of the development process and not considered to represent a special circumstance, let alone a very special circumstance, sufficient to outweigh the identified harm to the Green Belt.

In terms of biodiversity, the proposal identifies net gains by remediating the section of land that has been contaminated by a previous use. However this represents a limited opportunity for the enhancement of the biodiversity on the site and is not considered to amount to a very special circumstance.

In terms of economic growth, the proposal would generate no greater economic benefit than the development of any other site in the Borough. Very special circumstances based on economic need cannot in isolation, be identified.

In conclusion, it is the view of the Planning Authority that none of the considerations identified by the applicant are, individually, considered to be particularly special and so significant that their achievement/provision justifies the very special circumstances that would outweigh the harm that would be caused by development to the Green Belt.

Furthermore, when viewed in combination, neither is it considered that the sum of the parts also outweighs the harm to the Green Belt.

Officers are of the view therefore that based on an objective assessment of the proposal very special circumstances do not exist.

An objection to the proposal is therefore raised on the basis of Green Belt Policy.

Notwithstanding the principle objection to the proposal, it is considered appropriate to give detailed consideration to the design and layout of the proposed development and other matters which the Planning Authority consider to be material in order to provide the applicant with a comprehensive assessment of the proposal.

Design

Policy EC2 of the adopted Local Plan seeks a high standard of design in all new buildings. In particular, the scale, density, siting, design, layout and external materials of any development should be appropriate to its setting and should not harm the character of its surroundings. This is consistent with paragraph 127 of the National Planning Policy Framework (NPPF).

The first scheme submitted on this site was felt, by reason of its mass, height and proximity to the highway boundary, to be provided with a poor setting and create an unduly dominant and oppressive feature in the street scene, at a point close to the crest of the hill and in an area characterised by small scale development and heavy vegetation.

The height of the proposed building has been reduced from 13.4m to 9.2m. Furthermore, the previous scheme was set back 3.8m from the highway boundary and the current proposal would be set back 12.5m. These changes are felt to alleviate the excessive mass and height of the previously proposed building, and also its excessive prominence from being so close to the highway boundary.

The opportunities for landscaping provided between the building and the highway boundary would further serve to reduce its dominance in the street scene. The planting of two alder trees in the front garden are welcomed. However, the planting of a conifer hedge to the front boundary of the site is not considered appropriate as this would not be in keeping with the native trees and woodland in the area. Any grant of planning permission should be subject to a condition requiring the provision of more appropriate landscaping.

Impact on neighbours

RDG3 of the council's Residential Design Guidance seeks to prevent proposals from causing undue overshadowing or dominance to adjacent buildings. RDG5 seeks to prevent overlooking, by providing a minimum distance of 9m between windows at first floor level and the boundary of the site, increasing to 15m for windows at second floor level.

This guidance is considered to be consistent with paragraph 126 of the NPPF.

The previous scheme was felt to cause undue dominance to the bungalow on the opposite side of London Road and would also have led to overlooking of that dwelling due to its proximity to the front boundary of the site, even though guideline distances for overlooking are not normally applied across roads.

The current scheme would be set 12.5m from the front boundary of the site. This is not compliant with the council's design guidance for a three storey development, however, it is an improvement on the previous scheme and after taking into account the additional space provided by the road it is not felt that the property opposite would be overlooked by the proposal.

The upper floors of the building have been designed with only secondary windows in the side elevations which could be conditioned as obscure glazed or high level as appropriate were

planning permission granted. Subject to such conditions there is no further objection to the proposal on the basis of overlooking.

The set-back of the building from London Road together with its reduction in height is felt to reduce its bulk to a sufficient extent that there would no longer be loss of amenity caused to the property opposite (or any other properties) by way of dominance.

No further objection is therefore raised to the proposal on the basis of dominance.

Amenity space provision

RDG6 of the council's Residential Design Guidance requires the provision of appropriate amounts of outdoor amenity space in proportion to the size of the dwelling. For flats, at least 8m² of communal amenity space provision per habitable room, with a minimum of 25m² per flat, is expected.

The provision of balconies can be included in these figures, provided they are at least 1.5m deep and have a floor area of at least 5m².

The scheme would provide 11 flats which would suggest communal amenity space provision of at least 275m² is appropriate. The area in front of the building is approximately 280m² and is proposed to be landscaped with seating, trees and a lawn. Spaces between the building and the highway are not normally considered suitable for sitting out due to the overlooking of the amenity space from the highway that would likely occur. In this instance, however, the space involved is a substantial space and can be screened from the road by landscaping. Subject to a suitable landscaping condition the development is considered to make adequate provision for outdoor amenity space, and there is no further objection to the proposal on this basis.

It should also be noted that the flats would have balconies or a private space of some 6m² or 7m² to augment the provision made for them communally.

Car Parking

Policy T8 of the Local Plan requires the provision of parking in accordance with adopted standards. The currently adopted standards are the 2009 County Parking Standards which require the provision of one space for one-bedroomed properties and two spaces for properties with two or more bedrooms. Parking spaces should have dimensions of 2.9m by 5.5m. Unallocated visitor parking should be provided at a rate of 0.25 spaces per dwelling, rounded up to the nearest whole space. Application of the minimum parking standard for this development is considered to be in line with paragraphs 105 and 106 of the NPPF.

End spaces adjacent to walls or fences should be provided with an additional 1m of width to allow for extra manoeuvrability. Spaces parallel with the kerb line should have a length of 6m.

Application of the parking standards to this development generates a requirement of:

9 x 2 bed flats = 18 spaces

2 x 1 bed flats = 2 spaces

Visitors 0.25 x 11 = 2.75 = 3 spaces

Total 23 spaces

The proposed parking layout has 11 spaces which equates to one space per flat and no visitor parking. This might be considered a low level of parking provision. However, the local planning

authority has historically taken a more relaxed approach to parking provision in town centres or in other locations with good access to shops, services and public transport. Although this site is not within a town centre or within walking distance of shops and services, it is nonetheless located on a public transport corridor and would be suitable for occupation by non-car owners. As a result, '100%' parking provision, i.e. one space per flat, is felt to be acceptable.

The car park layout complies with the dimensional criteria in the adopted parking standards.

No objection is therefore raised to the proposal on parking grounds.

In terms of cycle parking, one space per flat for residents plus one space per eight dwellings for visitors should be provided, which results in a requirement for thirteen cycle spaces. The ground floor cycle store appears to be of adequate size for this. No objection is therefore raised to the proposal on this basis.

Ecology

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

Policy EC14 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 NPPF, 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 NPPF.

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 zone of influence associated with the Ramsar site (Benfleet and Southend Marshes). As a consequence it is considered that the site could have the potential for ecological interest.

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.

In September 2011 Natural England advised that 11 districts/boroughs Councils across Greater Essex should jointly prepare an Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS). The strategy would set a strategic approach to identifying the scale of recreational disturbance to Special Protection Areas, Special Areas of Conservation and Ramsar sites along the Essex Coast and propose measures to mitigate impacts. Work amongst the 11 authorities has now progressed to the stage where it has been identified that as a consequence of past and future planning growth any proposal for new residential development within Castle Point will be likely to generate recreational activity within designated areas and as such every net dwelling provided will be expected to contribute financially to the mitigation of that demand.

The proposal seeks to provide 11 dwellings and as such a contribution towards RAMS is required should Members decide to approve the proposal. The applicant has agreed to such a contribution and this can be secured through the imposition of a S106 obligation.

A Bat Survey has been submitted in support of the application. This submission reflects the potential for the existing building to provide roost opportunities and the potential for foraging on the site. The survey undertaken revealed no bat activity associated with the building and low levels of activity on the wider site although heavier use of the adjacent woodland areas was identified. This reflects the nature of the site and adjoining land.

There are no bodies of water associated with the site, thus the proposal is considered unlikely to have an adverse impact on amphibians and voles and the absence of suitable habitat precludes the presence of reptiles on the site.

No evidence of badger setts have been identified on the site.

Drainage and Flood Risk

Whilst the flood risk from seas and rivers is low the flood risk from surface water is high. Policy CF14 of the adopted Local Plan requires appropriate surface water management to form a part of any proposal.

Anglian Water have objected to the surface water strategy submitted with the proposal. The Lead Local flood Authority do not object subject to the submission of a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, and the undertaking of yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan.

Should Members decide to approve the scheme the above matters are something that can be suitably dealt with by condition.

Other matters

Many other points of objection have been raised by contributors to this proposal (both local to the site and further afield).

Although it is not intended to comment on every single point raised, one objection that is raised frequently is that the existing facilities – schools, doctors *et cetera* – in the area are overstretched and that the further provision of housing will exacerbate current difficulties. Whilst officers acknowledge this viewpoint it is not a position that is generally supported by service providers. Public perception of infrastructure deficiency cannot therefore provide a robust reason for refusal.

Were permission for the development to be granted, a Section 106 agreement will be required in respect of the affordable housing and RAMs financial contribution and conditions would need to be imposed covering the following matters:

- o Construction method statement
- o Production and submission of remediation method statement, indicating where remediation is required, how the remediation is to be achieved and how implemented remedial measures are to be validated.
- o Surface water management strategy
- o Details of materials
- o Details of boundary treatments
- o Details of landscaping (not to include conifer hedge to site frontage)

- o Provision and retention of parking
- o Provision and retention of electric vehicle charge points
- o Provision and retention of cycle parking
- o Obscure glazing to east facing first and second floor windows (unnecessary on west elevation due to adjacent woodland)
- o Vehicular access to be capable of supporting 32 tonne vehicle (for refuse collection)
- o Details of communal refuse and recycling store
- o Residential Travel Information Packs
- o Lighting strategy

It is necessary for the first three matters to be attached to any grant of permission in the form of pre-commencement conditions which, since 1st October 2018, require the written agreement of the developer prior to planning permission being granted. If such written agreement is not forthcoming, permission would need to be refused on the basis that the implementation of the development without these conditions could lead to unacceptable impacts on the highway from construction activity, unacceptable risks to construction workers and future residents from contamination, and a potential unacceptable increase in the risk of surface water flooding from the development.

Conclusion

The proposal offers the benefit of some much needed affordable housing. However, due to the substantial harm that would be caused to the openness of the Green Belt by the replacement of the existing building with a much larger one, within the context provided by the NPPF the development is considered to constitute inappropriate development.

No factors have been identified, either in isolation or combination, which create the very special circumstances required to outweigh the harm that would occur to the Green Belt by reason of the development's inappropriateness and it is therefore recommended that permission is 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 reason

- 1 The proposal represents inappropriate development in the Green Belt as defined by the National Planning Policy Framework. Such development will only be permitted if very special circumstances exist to justify its inappropriateness. It is not considered that any very special circumstances have been demonstrated to justify the proposed development, which would be detrimental to the openness, character and strategic function of this part of the Green Belt, contrary to National Planning Policy.

Informatives

- 1 The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

ITEM 2

Application Number:	18/1097/FUL
Address:	8 Thielen Road Canvey Island Essex SS8 9BA (Canvey Island Central Ward)
Description of Development:	Construction of two detached 4-bedroom dwellings with associated facilities
Applicant:	Mr Dean Bullock
Case Officer:	Mr Stephen Garner
Expiry Date:	12.02.2019

Summary

The proposal is for the erection of two detached four bedroomed houses in an area allocated for residential purposes on the Development Plan. It is considered that the proposal is consistent with the provisions of the council's Adopted Local Plan and Residential Design Guidance and is therefore recommended for **APPROVAL**.

The application is presented to Committee at the request of Councillor Anderson.

Site Visit

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

Introduction

The application relates to a vacant plot on the eastern side of Thielen Road, Canvey Island, approximately 30m from its junction with Tongres Road. The plot was previously occupied by a detached bungalow, which was demolished prior to submission of this application.

Immediately to the north and east of the site are bungalows, to the south is a house and to the west are a house and a bungalow. The street scene is varied with a mixture of houses, bungalows and chalets of varying styles.

The Proposal

The applicant seeks permission to construct two detached four bedroomed houses with associated parking served by dropped kerbs. One of the proposed dwellings is provided with an attached garage.

Due to the irregular shape of the plot the northernmost dwelling would have a frontage of some 16.0m whilst the other a frontage of 14.0m. Both plots have a depth of 18.7m.

The dwellings are to be finished in a combination of Weinerberger Jasmine Blend face brickwork and white Silicone Render with Marley Modern Old English Dark Red roof tiles, black UPVC windows, black UPVC/composite front doors and black guttering and soffits.

The hard surfaced areas are to be constructed using Brindle colour Brett Alpha Flow Permeable Paving.

A 1.8m high close boarded timber fence is proposed to the sides and rear of the dwellings reducing to 1.2m at the front.

Supplementary Documentation

The application is supported by a:

- o Covering letter discussing amongst other items drainage details
- o Flood Risk Assessment (FRA)
- o Flood Response Plan (FRP)
- o Pluvial drainage calculations
- o SUDS report
- o A structural design summary

Planning History

None

Local Plan Allocation

The applicant site is allocated as Residential in the Local Plan.

Relevant Policies and Government Guidance

NPPF National Planning Policy Framework

Local Plan (Adopted 1998)

EC2	Design
EC13	Protection of Wildlife and their Habitats
H17	Housing Development – Design and Layout
T8	Parking

Residential Design Guidance (Adopted January 2013)

RDG1	Plot Size
RDG2	Space Around Dwellings
RDG3	Building Lines
RDG5	Privacy and Living Conditions
RDG6	Amenity Space
RDG7	Roof Development
RDG8	Detailing
RDG10	Enclosure and Boundary Treatment
RDG12	Parking and Access

Essex County Parking Standards September 2009 (Adopted June 2010)

Consultation

Anglian Water

Comments awaited

Essex Highways

No objection to the proposal subject to ensuring the provision of:

- o Adequate vehicular access
- o Provision of on-site parking
- o No discharge of surface water onto the Highway
- o No unbound material to be used in the surface treatment of the access
- o Allocation of areas for building materials and construction vehicles

- o Provision of a Residential Travel Information pack.

Environment Agency

No objection to the proposal providing flood risk considerations are taken into account.

Canvey Island Town Council

No objection

Public Consultation

Five objection comments were received from four different households within the local area raising the following objections:

- o The replacement dwelling should be like for like
- o It is overdevelopment of the plot
- o Building two detached four bedroom houses on the plot is out of character with the surrounding area
- o The new houses would be unduly dominating
- o It will overshadow neighbouring properties
- o Loss of privacy
- o The obscure glazing could be swapped out at a later stage resulting in loss of privacy
- o Each dwelling needs at least three off street car parking spaces
- o Lack of off street parking will cause parking stress on an already narrow road
- o People already block access to and from driveways
- o People already park on the grass verge
- o Only one house will have a garage
- o The drains cannot cope and back up from the main street
- o Loss of wild life
- o It will negatively impact the value of surrounding properties

Comments on Consultation Responses

Where reasonable and necessary the conditions recommended by the Highway Authority can be attached to any grant of consent.

Material considerations raised by neighbours are considered in the evaluation of the report.

Evaluation of Proposal

Principle

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

Flood Risk

Government guidance as contained in the National Planning Policy Framework (NPPF) requires all proposals for new dwellings in areas at risk of flooding 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 also required to pass the sequential and exception tests as set out in the NPPF and associated Planning 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 two dwellings in place of the recently demolished dwelling within the settlement of Canvey Island. For residential development

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

Having passed the sequential test, the proposal must pass the exception test. Details regarding the exception test are detailed within paragraphs 159-161 of the NPPF. This has two elements, both of which need to be passed for the development to be permitted:

- o The development would provide wider sustainability to the community that outweigh the flood risks; and
- o The development will be safe for its lifetime taking into account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

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

In response to the second criterion the applicant has provided a Flood Risk Assessment (FRA) which indicates that flood depths for a breach event could be up to 2.6m above Ordnance Datum (AOD) during a 1 in 200 year flood event and 3.1m during a 1 in 1000 year flood event for the applicant site.

The finished ground floor levels for both dwellings are proposed at 2.4m above AOD so both properties would be liable to flooding in both the 1 in 200 and 1 in 1000 year flood events. However, the finished first floor levels are proposed at a height of 5.025m AOD for both properties which is high enough to provide safe refuge for occupants of both dwellings during 1 in 200 and 1 in 1000 year flood events.

The Environment Agency has not objected to the proposal and therefore subject to a floor level condition, and provided that the response of occupiers to flooding or a flood warning is managed by a Flood Response Plan, it is not considered that there would be an undue risk to future occupiers posed by the development.

The Environment Agency consultation response does not consider the site to be at significant risk from fluvial flooding.

With respect to pluvial flood risk in a worst-case scenario (1:1000-year event + CC) the maximum flood depth in a pluvial event would be 0.194m above ground level. The ground floor level of the proposed buildings will be 0.42m above ground level and as such, the flood level will be lower than the floor level and there should be no ingress of water.

A Flood Response Plan (FRP) and flood resilience measures (FRM) have been included as part of the Flood Risk Statement and these are satisfactory.

The National Planning Practice Guidance states at paragraph 054 Reference ID: 7-054-20150415 that when considering safety, the depth and velocity of flood water and the structural safety of buildings needs to be considered. The submission contains a report by a structural engineer confirming that the design options denoted on the architectural layouts would withstand the hydrodynamic and hydrostatic pressure acting on the buildings during a 1:1000

year flood event. Subject to the dwelling being constructed in accordance with these details the dwellings should be able to withstand the forces associated with a flood event.

Surface Water Runoff

With regard to surface water runoff it has long been recognised that hard surfaced areas need to be constructed in accordance with SuDS principles. Where development is located within areas at risk of flooding, government guidance requires that the development should not increase flood risk elsewhere. On Canvey Island the water table is high and the soil is clay, which is impermeable when wet.

Consequently following storm events, soakaways are unlikely to be able to cope with the volume of water discharged from buildings which will result in flooding on application the application site and adjoining land. Whilst the provision of a soak away may be acceptable under building regulations, in planning terms this is an inappropriate form of surface water management on Canvey Island.

Extensive details have been submitted as part of the application with regards to managing surface water drainage.

All hardstanding to the front of the proposed dwellings for the parking of vehicles is to be constructed of permeable paving. All rainwater intercepted by the roof of both dwellings will be directed via a series of drains to attenuated water storage.

The surface water attenuation system will be provided in the form of oversized, low gradient, sub-surface pipes to the front and rear of both properties. This form of scheme is calculated to accommodate rainfall from a 1 in 100 year storm event, including a 40% allowance for predicted climate change.

The surface water would then be discharged via a hydro brake into a historical riparian drainage channel which has been culverted with a 300mm pipe running through it. This then connects to Anglian Water's main drainage system.

Riparian Drains are not in the ownership of any governing body, however it is the responsibility of the adjoining land owners to ensure that the drains are maintained. The proposal has allowed for a 3m distance from the centre line of the predicted pipe location to allow for future maintenance of the drain.

These measures are considered to provide a suitable means of disposing of the surface water run-off from the development consistent with the hierarchy of drainage options set out under planning practice guidance at Paragraph: 080 Reference ID: 7-080-20150323.

Design

Policy EC2 of the council's Adopted Local Plan seeks a high standard of design in all developments. In particular, 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 H17 states that in assessing the design aspects of proposals for housing, the Local Planning Authority will have regard to adopted design guidelines.

The site until recently was occupied by a single bungalow located roughly centrally within the plot. Immediately north and east are bungalows whilst obliquely northeast of the plot and to the south there are houses. Opposite the site there is a bungalow and a house.

The height of the proposed dwellings is 7.1m and the width of their two storey elements a little over 9m. This is similar to other houses in the area and no objection is therefore raised to the proposal on the basis of their scale and massing.

RDG1 states that within an existing built up area, plot sizes for all new development should be informed by the prevailing character of plot sizes in the area. Where there is no clear pattern of plot sizes, the size of the plot should be proportionate to the size of the dwelling occupying it. This should be informed by having regard to guidance set out in RDG2, RDG3, RDG5 and RDG6.

The width of the site measures some 29m across the front narrowing to 25m at the rear and has a depth of some 18.5m. The proposed plot widths would be in excess of 13m. This would not be out of character with other plots in the area which have widths fronting Thielen Road from between 9.5-13.0m. Accordingly, no objection is raised to the proposal on the basis of RDG1.

RDG2 states that space around a new development should be informed by the prevailing character of space around dwellings. Where no clear pattern is visible, 1.0m should be provided between the properties and the boundary. The local character of space in the area is mixed. In the immediate vicinity of the site there is a two storey property constructed directly on the plot boundary whilst some have single storey developments on boundaries and others retain a degree of isolation space to one or both sides of the property.

The northern proposed dwelling will retain in excess of 3.0m side isolation space to its northern boundary and 1.0m to the southern boundary. The proposed dwelling to the south will retain 1.0m to its northern boundary whilst a single storey garage will be constructed close to the southern boundary in a similar location to the previous garage that was on the site.

The proposed layout of the two dwellings is considered to be compatible with what can be observed in the surrounding area and consistent with the guidance set out under RDG2.

RDG3 requires proposals to respect established building lines whilst not resulting in excessive overshadowing or dominance to any elevation of an adjoining property.

The proposed dwellings are set back from the highway in line with the current building line observable between Nos.2 and 4 Thielen Road. The rear wall of the dwellings would not extend any significant depth past the rear building line drawn between the same two properties.

Given the degree of separation between the dwelling on plot 1 and No.12 Thielen Road it is not considered that the proposed development would result in excessive overshadowing or dominance to these occupiers.

Plot 2 has a single storey garage adjacent to its southern neighbour and the two storey element of the dwelling is located some 6m away, which is more than sufficient to mitigate any potential overshadowing or dominance to the side elevation of the property.

The front gables of the dwellings are set approximately 15m away from the front boundaries of the dwellings opposite, which is satisfactory.

The back to back separation distances of properties in the area varies from between 11m-13m. The proposed dwellings have irregular rear elevations which are set back from the rear boundary of the site from between 5.5m to 8.5m. This results in quite a shallow rear garden but these dwellings would still provide a distance of some 11.5m between their rear elevation and the rear wall of No.7 Delft Road, which is not dissimilar from that of other properties in the area.

It should also be noted that the two storey element of the dwellings only extends towards the rear boundary across part of their width and for much of the development is set back some 8.5m from the rear boundary. As such it is not considered that the dwellings would be unduly dominant for the occupiers at the rear.

In light of the above, it is not considered that the proposed dwellings would appear unduly prominent or obtrusive in the streetscene, nor would they result in any excessive overshadowing or dominance to any neighbouring property. Therefore, no objection is raised to the proposal on the basis of RDG3.

RDG5 states that for all development above ground floor level, for windows installed on the 1st floor a distance of 9m shall be provided between the windows, edge of balconies or raised amenity space and the boundary it directly faces.

The first floor windows located on the front elevations of both dwellings are below the 9m required under RDG5, but overlook the public highway. Accordingly there would be no loss of privacy to neighbours.

All of the first floor windows located on the rear elevation of the proposed dwellings are also below the 9m distance recommended under RDG5. However, two of the three windows on these elevations serve an ensuite and landing. Bathrooms in require a high level of privacy and landings are not in constant use throughout the day. Neither spaces are considered to be habitable rooms. The proposed rear windows serving bedrooms 3 are secondary high level windows and not the sole source of light or outlook for those habitable rooms.

Therefore it would be acceptable to obscure glaze these windows and require them to be fixed shut to a height of 1.7m above finished floor level to prevent any loss of privacy to neighbours without compromising the living conditions of future occupiers. The use a condition to secure this requirement is common practice and consistent with the guidance set out in RDG5.

The first floor windows located on the side elevations of the proposed dwellings are also below the 9m required by RDG5. However, because both of the rooms are proposed to be bathrooms these windows could also be conditioned as obscure glazed.

The side windows serving the bedrooms are located in excess of 9m from their opposing side boundaries and meet the requirements of RDG5.

Objection comments have been received stating that the obscure glazing could at a later date be changed to clear glazing by future residents and result in a loss of privacy. Provided any planning permission is suitably conditioned any such occurrence would constitute a breach of planning control and could be resolved by enforcement action.

RDG6 seeks to ensure the retention of adequate private amenity space/area to serve the needs of the dwelling occupiers. Amenity space is provisioned on the basis of 15m² for each habitable room contained in the dwelling.

The proposal is for two dwellings, each with 7 habitable rooms which would generate a requirement for each dwelling to have 105m² of amenity space. Each dwelling is provided with 90m², which represents a deficiency of some 15m².

This is a fairly small deficiency which in the context of the surrounding area, where houses can be identified as having even less amenity space, is not considered to constitute a robust reason for refusal. In practical terms the amenity space is of a usable shape and of sufficient size that it is likely to be able to cater for the outdoor needs of a family. However, in order to protect the amenity

space for future occupiers a condition removing permitted development rights from both dwellings could be placed on any planning approval in order to prevent any further loss of amenity space.

Therefore, subject to such a condition, no objection is raised to the proposal under RDG6.

RDG7 requires the roof design of any development to be informed by the prevailing character of the area and surrounding forms of roof development.

RDG8 states that detailing elements must be consistent with the overall architectural approach of the dwelling with their design and siting being an integral part of the dwelling. They must not result in prominent, dominant, alien or incongruous features which detract from the appearance of the dwelling or the public realm.

The proposed design of the roof profile is similar to that of other houses in the area, notably Nos.4, 7, 11 and 14 Thielen Road. As a whole the overall architectural approach of the proposed dwellings are well proportioned, balanced and reflect the character of the area as a whole. It is not considered that the resulting dwellings would result in a prominent, dominant, alien or incongruous feature which would detract from the appearance of the dwellings themselves or the public realm. Therefore, no objection is raised in terms of RDG7 and RDG8.

RDG10 discusses that for all development, public and private space should be clearly defined. This is expected to take the form of a physical means of enclosure and/or change in surface material. The means of enclosure and surface material should be informed by the prevailing character of the area and surrounding forms of enclosure, both in terms of materials and positioning, and must not repeat poor forms of development. Any means of enclosure should not dominate the public realm.

The application proposes a 1.8m tall close boarded wooden fence around the rear gardens of the properties reducing to 1.2m at the front. The hard surfaced areas to the front of the property will be clearly defined by permeable hardstanding. Such boundary treatment would be consistent with the surrounding area and is acceptable in terms of RDG10.

Parking

Policy T8 requires adopted parking standards to be taken into account. The current adopted Essex Parking Standards require a minimum of 2 spaces for properties with 2 or more bedrooms. Forecourt parking spaces should be 2.9m x 5.5m whilst garage spaces should be 3.0m x 7.0m.

The proposed dwelling on the northern plot of the site provides two forecourt parking spaces of the appropriate size commensurate with the current adopted parking standards.

The proposed dwelling on the southern plot of the site provides one forecourt and one garage parking space of the appropriate sizes commensurate with the current adopted parking standards.

Both proposed dwellings therefore meet the council's adopted parking standards and should not result in any additional on-street parking. No objection is therefore raised to the proposal under policy T8.

RDG12 states that all forms of parking must not dominate the public realm, enable safe and unhindered access to the dwelling and must utilise a high quality standard of materials for surface treatment with parking provisions that should seek to incorporate Sustainable Drainage Systems (SuDS).

Parking for both dwellings is suitably located to allow for easy, safe and unhindered access to and from the main entrance of the property. Additionally, the layout of the parking spaces is such that the vehicles would not dominate the appearance of the properties or the streetscene.

The surface of the parking provisions is proposed to be constructed from permeable paving which satisfies the requirement to incorporate SuDS into the design of the hardstanding under RDG12. Therefore, for these reasons no objection is raised to the proposal under RDG12.

Other Matters

Policy EC13 of the adopted Local Plan states that development will be refused if it is prejudicial to the interests of all wildlife and the retention and management of important habitats.

Comments have been received about the loss of wildlife. However, the site is not located within an area of noted habitat interest and no evidence of any protected species were noted on the site when it was visited. Therefore, no objection is raised to the proposal under policy EC13.

Concern has also been raised about the effect this development might have on the drainage infrastructure. The disposal of foul water for the buildings is a matter dealt with under Building Regulations and it is not appropriate for the planning system to duplicate their legislative requirements.

It is further noted that Paragraph 105 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 increasingly important to provide infrastructure for charging electric or hybrid vehicles to enable drivers to switch to such vehicles ahead of the phasing out of solely petrol and diesel powered vehicles.

The application does not include the provision of any electric vehicle charge points or provide any justification as to why such provision would not be practicable. Whilst this represents an objection to the proposal this matter can be dealt with by imposing a condition on any permission granted to require the installation of electric vehicle charge points before either dwelling is occupied.

Conclusion

The proposal is capable of complying with all national and local relevant policies and guidance and would have no adverse impact on the character and appearance of the street scene or the amenity of adjoining residents.

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

My Recommendation is Approval with the following conditions

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

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

- 2 The external surfaces of the development hereby approved shall be treated in accordance with the approved schedule of materials listed in report Ref: CAD/PP/18273/MS and drawing

No. SN/AGC/01 Rev C submitted to the council on the 18th December 2018 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.

- 3 The first floor windows to the rear elevations of the approved dwellings and first floor bathroom windows on the side elevations 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.

- 4 Prior to occupation of the dwellings the approved forecourt and garage parking spaces shall be designed and constructed in accordance with SuDS principles and made available for use together with a properly constructed vehicular access to the highway. Following installation the proposed hard surfacing shall be maintained in accordance with SuDS principles.

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

REASON: To ensure the hard surface limits the potential for increased surface water runoff from the site and the retention of adequate on site car parking facilities to meet the Councils adopted standards for the amount of accommodation to be provided on the site.

- 5 There shall be no discharge of surface water from the development onto the Highway.

REASON: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.

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

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

- 7 Prior to the first occupation of the development hereby permitted, the approved surface water drainage scheme shall be fully implemented on site and thereafter maintained at all times.

REASON: To limit the potential for increased surface water runoff from the site and ensure the continued operation of the system to prevent exacerbation of hazards from surface water flooding.

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

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

- 9 Finished first floor levels shall be set no lower than 5.0 metres above Ordnance Datum (AOD).

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

- 10 The development shall be constructed in accordance with the Non-Technical Summary submitted by Millard & Partners Structural Engineering Consultants Job Ref. 9757 to be read alongside details contained within drawing No. 9757-1, both received by the council on the 18th December 2018.

REASON: To ensure the ability of the approved building to withstand the hydrostatic and hydrodynamic effects of flooding in the interest of the safety of the future occupiers of the site.

- 11 Prior to first occupation each dwelling shall be provided with an electric vehicle charge point and made operational. Following installation 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.

Informatives

- 1 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and determining the proposal in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 2 The applicant should be aware of the potential relocation of the utility apparatus in the highway; any relocation of which shall be fully at the applicant's expense.

The applicant should also take appropriate measures to ensure mud/debris is not deposited onto the highway during construction works.

All works affecting the highway to be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be addressed for the attention of the Development Management Team at SMO3, Essex Highways, Unit 36, Childerditch Industrial park, Childerditch Hall Drive, Brentwood, CM13 3HD or emailed to development.management@essexhighways.org.

- 3 In order to minimise damage to the property in the event of a flood the development should be constructed in accordance with the proposed flood resilience and resistance measures. Further information about flood resilience measures can be found in the document 'Improving the flood performance of new buildings' at: http://www.planningportal.gov.uk/uploads/br/flood_performance.pdf. Additional guidance can be found in publication 'Prepare your property for flooding', which can be found at <https://www.gov.uk/government/publications/prepare-your-property-for-flooding>.

ITEM 3

Application Number:	18/0868/FUL
Address:	Land South Of Northwick Road Canvey Island Essex SS8 0PU (Canvey Island West Ward)
Description of Development:	The demolition of existing buildings and erection of a Lidl foodstore (Use Class A1) including car parking, landscaping and associated works
Applicant:	Lidl UK GmbH
Case Officer:	Ms Kim Fisher
Expiry Date:	08.02.2019

Summary

The proposal seeks to provide a deep discount convenience retail unit to serve Canvey Island and the southern part of Benfleet on land beyond the confines of the Town Centre and allocated for employment purposes on Northwick Road.

The NPPF requires planning authorities to focus retail development within identified Town centres unless sites are not available there in which case sites on the edge of Town centres may be considered.

Only where no sites can be identified on the edges of Town Centres should consideration be given to out of town sites.

Detailed consideration of the opportunities available within the Town Centre and on its edges has identified that there are no currently available sites suitable for the accommodation of the proposed development.

An 'Out of Town' location may therefore be considered.

Consideration of the existing out of town centre has revealed that no sites are available to accommodate the development proposed.

An alternative location may therefore be considered, provided the proposal would not have a significant adverse impact on the viability or vitality of the existing Town Centre.

Detailed consideration of the proposal has failed to identify such an adverse impact.

It is proposed to locate the new retail store on land allocated for employment purposes.

Policy ED3 of the adopted Local Plan requires land within the Charfleets Industrial Estate to be retained for employment purposes and this would suggest that the provision of a retail unit on the site would be inappropriate.

However, the proposed store will generate a greater level of employment than is currently being generated on the site and provides a range of opportunities for a range of skill levels and sets. It is not considered that the proposal would have a significant adverse impact on the availability of employment opportunities.

The proposed development is of acceptable design and can achieve appropriate flood mitigation measures.

The site is deficient in terms of parking, however, in the absence of an objection from the Highway Authority it is not considered that an objection to the proposal on this basis could be sustained on appeal.

Given the specific circumstances surrounding proposed development, the proposal is considered acceptable and my recommendation is therefore **APPROVAL** subject to appropriate conditions.

This application is presented to the Development Control Committee as the land the subject of the application is within the control or ownership of a Member of the Council.

Site Visit

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

The Proposal, Site and Surroundings

The application seeks planning permission for the demolition of existing buildings and erection of a Lidl store (Use Class A1) with associated works including, parking and landscaping at the land to the south of Northwick Road, Canvey Island.

The site has an area of some 0.8ha and is located some 40m west of the junction of Northwick Road with Canvey Road.

The site is irregular in shape, having a frontage to Northwick Road of some 90m and a depth of approximately 142m.

Immediately to the north of the site is the carriageway of Northwick Road, beyond which is the site of the former Garden World Garden Centre. To the north-west is open land allocated for Green Belt purposes and identified as Ancient Landscape.

To the east, west and south the site is bounded by commercial sites exhibiting a range of industrial buildings and open storage uses.

To the south-west is an open sports field.

The proposed development comprises the demolition of the existing buildings on the site and the provision of a part two storey, mono pitched roofed retail building which would be finished in white render and grey wall cladding with considerable elements of glazing to the northern and western elevations.

The building would be a maximum of some 35m wide and 73m deep and would be some 6.7m high. It would comprise 2,085 sq.m Gross Internal Area (GIA), including a net sales area of 1,410sq.m, a warehouse area of some 330sq.m, a 62sq.m bakery and ancillary floorspace of some 283sq.m comprising the staff welfare facilities, flood refuge and circulation space.

The building would be located towards the rear of the site with car parking and servicing provided to the front and side. 102 car parking spaces would be provided, including 8 parent and child spaces and 7 disabled parking bays. Facilities for bicycle and powered two wheeled vehicles would also be provided.

Landscaping would be provided to the front and side boundary and a relatively large planted area would be located the rear of the site.

Access to the site would be via a new access point from Northwick Road. The existing access would be closed.

Supplementary Documentation

The following documents have been submitted in support of the application:

Design and Access Statement
Planning and Retail Statement
Travel Plan
Transport Assessment
Employment Use Assessment
Ecology Survey
Flood Risk Assessment
Suds Checklist
Noise Assessment
Car Park Lighting Proposal
Car Park Lighting Study Results

These may be viewed on the Council's website.

Planning History

The site has been in commercial use since the 1920s and is currently in use for a variety of light industrial, recreational and other commercial uses, none of which is of direct relevance to the current proposal.

A request for pre application advice in respect of the provision of a retail store on the site was received in August 2018 (18/0484/PREAPP).

No other relevant planning history exists for this site.

Local Plan Allocation

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

This allocation is not altered in the 2018 Local Plan.

Relevant Policies and Government Guidance

National Planning Policy Framework

Introduction

Paragraphs: 2

Achieving Sustainable Development

Paragraphs: 8, 9, 10, 11, 12

Decision making

Paragraphs: 47, 48, 54, 55

Building a strong, competitive economy

Paragraphs: 80, 82

Ensuring the Vitality of Town Centres

Paragraphs: 85, 86, 87, 89, 90

Promoting healthy and safe communities

Paragraphs: 91, 92

Promoting Sustainable transport

Paragraphs: 102, 103, 105, 108, 109, 110, 111

Making Effective Use of Land

Paragraphs: 118

Achieving Well Designed Places

Paragraphs: 124, 127, 130, 131

Meeting the challenge of Climate Change, Flooding and Coastal Change

Paragraphs: 155, 157, 158, 159, 160, 163, 165

Conserving and Enhancing the Natural Environment

Paragraphs: 170, 175, 178, 179, 180, 181

Conserving and Enhancing the Historic Environment

Paragraphs: 189, 191, 193, 194, 195, 196, 198

National Planning Guidance

Reference ID: 2b-001-20140306

Ensuring the vitality of town centres

The NPPG online resource was launched in March 2014 to provide further guidance on and support to the policies contained within the NPPF.

Town centre matters are set out in the section ‘Ensuring the vitality of town centres’, paragraph 002 states that a positive vision or strategy for town centres, articulated through the Local Plan, is key to ensuring successful centres which enable sustainable economic growth and provide a wider range of social and environmental benefits.

Paragraph 003 states that strategies should be based on evidence on the current performance of the town centre. Strategies should also identify opportunities to meet development needs; support town centre viability and vitality and, identify changes in the hierarchy of town centres, including where a town centre is in decline. In these cases, strategies should seek to manage decline positively to encourage economic activity and achieve an appropriate mix of uses commensurate with a realistic future for that town centre.

Paragraph 005 of the NPPG sets out 10 indicators of vitality and viability that should be considered when assessing the health of town centres.

Paragraph 009 states that authorities should allocate sufficient sites to meet the assessed need for town centre uses in accordance with the sequential approach. If needs cannot be met on town centre sites then sequentially preferable sites (i.e. edge of centre and then out of centre) should be considered. Sites should be assessed for their suitability, availability and viability with regard to the nature of the need that is to be addressed.

Paragraph 014 states that the impact test may be used in plan-making to determine whether proposals in certain locations would impact on ‘*existing, committed and planned public and private investment or on the role of centres*’.

Adopted Local Plan

EC2 Design
EC3 Residential Amenity
EC4 Pollution Control
EC5 Crime Prevention
EC13 Protection of Wildlife and their Habitats
EC14 Creation of New Wildlife Habitats
EC19 Ancient Landscapes
ED3 Protection of Employment Areas
S1 Location of Retail Development
S5 Parking and Servicing
S10 Supermarket and Retail Warehouse developments
T2 Intensification of Access Use
T8 Car Parking Standards
CF9 Access and Non domestic Development
CF14 Surface Water Disposal

New Local Plan 2018

Whilst this document has not yet been adopted by the Planning Authority it nevertheless represents the Council’s aspirations for the proper development of the Borough and provides a direction of travel for development proposals. Whilst of limited weight, the following policies are considered to be relevant to consideration of this application.

Policy R1 Town Centre Retail Strategy
Policy R2 Canvey Town Centre Regeneration
Policy R7 Out of Centre Shopping Areas
Policy R9 Locations for Retail Development
Policy T6 Congestion
Policy T7 Safe and Sustainable Access
Policy T8 Parking Provision
Policy T9 Access for Servicing
Policy DES1 General Design Principles

Other Guidance

Canvey Town Centre Master Plan.	CPBC 2012
Retail sector in the UK (House of Commons Library Briefing Paper). Number SN06186, 29 October 2018	
Employment and Retail Needs Assessment.	Castle Point Borough Council 2012
South Essex Retail Study	Peter Brett Associates 2017
South Essex Economic Development Needs Assessment	GVA 2017
Employment Density Matrix	Homes and Communities Agency 2015
The Local Shop Report	Assoc. of Convenience Stores 2017

Consultation

CPBC Environmental Health

No objection subject to restriction on delivery hours (given proximity to proposed nursing home) and informatives in respect of site and waste management

CPBC Street Scene

No objection

CPBC Emergency Planning Officer

No objection, subject to conditions

CPBC Regeneration Officer

Identifies strong demand on Canvey for a discount supermarket but considers it should be located within the Town Centre in order to maintain the vitality and viability of the Centre.

Considers that other sites are potentially available and should be investigated.

If approved a financial contribution should be sought towards mitigating the impact on the Town Centre.

Canvey Island Town Council

Not opposed to the development of this site but consider application should be refused for the following reasons:

- o The current infrastructure is inadequate and further development could cause an adverse effect on a very busy road and is too close to a roundabout.
- o The entrance and exit to the store by mean of a small busy road will impede traffic movement on an already busy road

Members also felt that deliveries should be done out of hours to stop congestion on an already busy road.

Lead Local Flood Authority

No objection, subject to condition.

Anglian Water

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991 or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is currently unacceptable.

No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the strategy.

Environment Agency

No objection to the proposed development providing the Planning Authority has taken into account the flood risk considerations.

Essex County Council – Highways

No objection subject to conditions

Essex County Council – Infrastructure

No response received

Police - Architectural Liaison

No response received

Essex County Council – Fire and Rescue

Due to the limited availability of specialist water rescue resources during flooding incidents, ECFRS has, on recent previous occasions, had to limit their operational response to 'life threatening situations' only. ECFRS would therefore support proposals that are likely to increase this situation or add to the volume of calls received.

NHS England

No response received

Natural England

No comment on application

Public Consultation

71 local residents and occupiers were consulted on the proposal. The following comments were received:

Objections

- o Support for Lidl store, but concern raised in respect of traffic.
- o Proposal should be subject to no right turn on exit.
- o Road must be widened to accommodate development
- o Pedestrian footpaths and cycle paths should be provided.
- o Proposal requires retail Impact Assessment.

Support

- o More shopping options on the Island will reduce the need to travel off the Island, thus reducing traffic.
- o Road already heavily trafficked, proposal will have no impact.
- o Locals are likely to walk
- o Lidl is wanted
- o Would generate employment.

It should be noted that the applicants undertook their own pre submission consultation exercise. Details of the responses can be viewed on the Council's website within the submitted Statement of Community Engagement.

Comments on Consultation Responses

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

Evaluation of Proposal

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

The adopted Local Plan identifies the application site as being allocated for employment purposes. Its use for retail purposes would therefore appear inconsistent with the provisions of the Local Plan and prima facie should attract a recommendation of refusal.

However, the National Planning Policy Framework also states that its provisions must be taken into account in the consideration of planning decisions and this provides a more flexible response to the consideration of uses which are not strictly in accordance with the provisions of Local Plans, particularly where such plans pre date the Framework.

In determining this application consideration will be given to the principle of additional retail development and its impact on the established Town Centre, the appropriateness of the proposed site, the impact on employment land availability and employment generation, transportation, highways and parking, design, landscape, ecology, flood risk and drainage, sustainability, contamination, impact on heritage assets and impact on amenity.

As an introduction to consideration of the proposed development, it is considered appropriate to provide some background on the state of the UK retail sector.

The UK Retail Sector

The decade to 2012 was a period of rapid expansion for the big four supermarkets (Tesco, Sainsbury, Asda and Morrison). These stores' market share in groceries grew from around two thirds in 2000 to over three quarters in 2011. This growth was accompanied by a number of other features: broadening product ranges, more and larger stores which were often located out of town, and increased multi-channel retailing (including home delivery and click-and-collect).

The five years since 2012 have seen many of these trends reversed. The market share of the big four supermarkets has fallen from 77% in 2011 to 68% in 2018.

The major supermarkets have also altered the profile of their estates, with a concerted move away from out of town stores towards town centre convenience stores and 'small supermarkets'. In 2014, Sainsbury's announced that it had more convenience stores than supermarkets; Tesco, the UK's largest retailer, announced that its convenience stores outnumber its supermarkets in 2013.

This decline in the market share of the big four was accompanied by the rapid rise of the lower costs, "no frill" competitors: Lidl and Aldi. In 2008, the combined market share of Lidl and Aldi in the Great Britain groceries market was 5%. In 2018 it was 13%.

Changing consumer behaviour has also affected the big four supermarkets. In recent years, consumers have begun to make more frequent, smaller value shopping trips. Consumer preference has shifted in favour of single item purchases, rather than 'multi-buys' and the trend towards increased online purchasing means that a large stock selection in store is no longer crucially important.

According to the Association of Convenience Stores, the average shopper visits their local convenience store 3.47 times a week.

The Principle of a new retail store

The Lidl Operation

In order to be able to properly consider the impact of the proposed development, an understanding of the operation of the proposed retailer is considered appropriate. The applicant offers the following advice:

Lidl is a 'deep discount' retailer which concentrates on selling a limited range of primarily own brand goods at competitive prices, achieved as a consequence of pan –European bulk purchasing and simple 'no frills' store presentation. A limited range of fresh fruit, vegetables, pre packed meat and frozen goods are also provided.

Approximately 20% of floorspace is typically given over to non-food items with twice weekly 'specials' provided on a 'when it's gone, it's gone' basis.

As a comparison it may be noted that deep discounters will usually carry between 1000 and 1500 product lines whilst the Big Four Stores could carry between 10,000 and 15,000 products.

In addition it may be noted that as a matter of policy Lidl do not provide:

- Fresh meat counter
- Fresh fish counter
- Delicatessen/cheese counter
- Hot food counter
- Pharmacy
- Dry-cleaning service
- Post Office services
- Photographic shop
- Mobile phone shop
- Café/restaurant
- Home deliveries

As a consequence of the limited range offer, Lidl customers tend to purchase part of their main grocery shop (i.e. basic staples) in store, but then visit other retailers to purchase branded or more specialist items.

The standard opening hours for Lidl stores tend to be more limited than the main convenience and independent convenience retailers. Generally Lidl stores open for a core period of 0800 – 2200 Monday to Saturday (including Bank Holidays) and either 1000 – 1600 or 1100 – 1700 on Sundays.

The applicant opines that the Lidl offer is therefore materially different to that provided by mainstream food retailers, a fact which has been confirmed by both the Competition Commission (2008) and the Planning Inspectorate.

Lidl states that it seeks to offer a local shopping experience which complements, rather than competes with, the existing retail provision.

The need for a new store

The applicant has identified that there are no deep discount food stores on Canvey Island and suggests that this represents a deficiency in the retail offer which should be remedied.

The community engagement process exercised by the applicants prior to the submission of the application demonstrates a level of public support for such provision on the Island; however consideration must be given to the need for such a facility (as opposed to the desire) and the impact such a facility could have on the viability and vitality of the Town Centre.

In 2012 the Castle Point Employment and Retail Needs Assessment (ERNA) prepared by consultants Nathaniel Lichfield and Partners provided an assessment of future retail needs over the period from 2012 to 2031. The identified headline quantitative needs outputs for Castle Point are summarised below:

- Comparison goods: 3,414 sqm net by 2021 and 8,353 sqm net by 2031
- Convenience goods: 1,200 sqm net by 2021 and 2,267 sqm net by 2031
- Other A2-A5 retail uses: 3,600 sqm gross by 2031.

In terms of distribution, the ERNA states that new floorspace should be directed towards Canvey Island and Hadleigh town centres.

It should be noted that a considerable proportion of this need will be met by the new retail development on Roscommon Way.

More recent work undertaken by Peter Brett Associates in 2017 suggests that as a consequence of extant consents across the region very low levels of need for convenience and comparison shopping floorspace exists in Castle Point.

This situation is not anticipated to change significantly to 2037 (Experian forecasts negative growth rates in the convenience sector up to 2024 when growth will resume at just 0.1% from 2024-2035).

On the basis of this evidence it may be concluded that the need for a new food store is limited. However, the 2017 Report does comment that despite this lack of need, the Borough would benefit from further convenience and comparison shopping floorspace in order to promote more sustainable shopping patterns.

Impact on the vitality and viability of the Town Centre

Chapter 7 of the NPPF seeks to ensure the vitality of Town Centres. To this end, paragraph 89 of the NPPF states that when assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500m² of gross floorspace). This should include assessment of:

- (i) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- (ii) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).

At the present time Castle Point has no locally set floorspace threshold and the default position should therefore be the threshold established in the NPPF of 2,500m².

The proposed development has a gross floor space of approximately 2085m², which is below the threshold and would not normally attract a requirement for impact assessment.

However, Policy R7 of the emerging Local Plan seeks to establish a threshold of 1500m², to reflect the small scale of some of its centres. Whilst this threshold has yet to be adopted, the applicants have nevertheless agreed to undertake an impact assessment in order to demonstrate the impact of the proposal on the identified catchment area.

Lidl presents itself as a local convenience retailer and therefore operates on the basis of a limited catchment area. Usually this would be a five minute drive time. However given the somewhat unique circumstances of Canvey Island, this has been extended to eight minutes in order, primarily to capture the whole of Canvey. The consequence of this is that a wider assessment than might normally accompany a proposal of this type has been provided.

Sub section (a) of paragraph 89 of the NPPF requires that the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal be considered.

The applicant has stated that it is not aware of any existing or planned public and private investments in the identified centres of Canvey and South Benfleet which would be adversely impacted by the proposed Lidl development and supports this statement with reference to the Canvey Island Town Centre Masterplan.

This document was adopted in 2012 and sets out a number of proposals for the re-invigoration of the Town Centre. Key amongst these is the redevelopment of the retail core (anticipated to occur in period 2014 - 2019) as a catalyst for development of the rest of town centre.

The Plan proposes the redevelopment of the Sainsbury's site with a new supermarket and the reconfiguration of existing Sainsbury's supermarket site to provide smaller retail units and associated public realm.

However, the recent downturn in the retail sector, as perhaps demonstrated by the recent 'down-sizing of the Sainsbury's store, has delayed implementation of the plan and to date there is no financial commitment to the scheme from key players. Under the circumstances it is not considered that the provision of a retail unit elsewhere could be demonstrated to prejudice any future public or private investment in this area.

An area which has not been considered in depth within the applicant's impact assessment is the new retail park on Roscommon Way. This development of 5 retail units is nearing completion and is due to become operational in January 2019.

Occupation of the units has not been formally confirmed, although it has been widely reported that they will comprise a Marks and Spencer Food outlet, a B&M retail store with Garden Centre and a sports shop.

It is not considered that Marks and Spencer trade would be unduly impacted by the presence of a deep discount store as the retail offer provided by each is significantly different.

Similarly it is not considered that a sports retailer or a garden centre would be unduly impacted because of the opportunistic nature of the comparison goods generally provided by the deep discounter.

B&M is a discount retailer and provides usually branded products including toys and games, electrical, DIY, furniture and homeware, health & beauty, stationery, baby food, pet food and food and drink.

As a discount store, this operation may be impacted by the Lidl operation, however the size of the store, which is comparable to the proposed Lidl store at 2.323m² (gross) and the variety of branded goods offered, is likely to ensure that it is robust when faced with competition.

There is no direct public investment in the Roscommon Way scheme.

Under the circumstances it is not considered that an adverse impact on public or private investment in existing and emerging retail centres can be demonstrated.

Sub-paragraph (b) of paragraph 89 of the NPPF states that in all proposals of out of centre retail development the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment should be considered.

National guidance states the impact of development on the Town Centre and wider area should be assessed over a five year period from the time that the application is made. The assessment submitted by the applicant therefore considers the period to 2024.

The proposed development will derive its turnover from two potential sources, an increase in available expenditure due to population increases or increased affluence and by diverting trade away from existing retailers.

In terms of available expenditure due to population increases or increased affluence, the retail assessment undertaken by the applicants identifies that at present there is some £80.1m pa of available convenience expenditure within the Catchment Area of the development (Canvey Island and the southern part of the mainland area of the Borough).

By 2020, which would be the store's first full year of operation, it is estimated that this will decline to approximately £80m pa and that by 2024 it will increase slightly to £81.4m pa.

That equates to growth of available convenience expenditure over the study period of some £1.4m. This is insufficient to support the proposed floorspace which the applicants predict will have a turnover of some £9.2m pa by 2024.

A significant proportion of turnover will therefore be derived from diversion from existing retailers.

The impact of this diversion on the vitality and viability of the Centres must now be considered.

The first matter to consider in such an assessment is the health of the Centre.

Within the Castle Point Retail Needs Assessment (2012), 13.7% of units within the Town Centre were found to be vacant. This figure was almost 4% higher than the national average at that time (approximately 9.6%).

In 2017 the national average vacancy rate had increased to 11.2%, but the vacancy rate in Canvey Town Centre was approximately 2%, significantly less than the national average. This is an indication of the healthy state of the Town Centre in trading terms.

The occupation of formerly vacant units by such recognised brands as 'Poundland' and 'The Works' again attests to the vitality of the Centre and its attractiveness to larger retailers.

With regard to convenience stores, the 2012 assessment identified 9 units comprising 5.5% of the total units (which was some 3% less than the national average level at that time) were in use as convenience stores. The 2016 assessment identified 12 convenience goods units which represented 8% of the total. However, the national average had risen to 9% so whilst provision of convenience retailers was improved it remained marginally below the national average.

At the present time there are some 174 units within the Town Centre of which 11 provide any form of convenience shopping, these include:

Iceland

Sainsburys

Butchers x 1

Bakers x 3

Small convenience shops x 2

Poundland (which provides a limited range of convenience items and

Petrol Filling stations which provide a limited range of convenience goods x 2.

In broad terms therefore, convenience goods retailers comprise approximately 6% of the units within the Town Centre. This is again slightly below the national average.

Despite the limited number of convenience units in the Town Centre it has few empty units and a good mix of retail type, with good and maintained representation by national multiple retailers such as M&Co, Boots, Peacocks, Poundland, and new entrants such as The Works and Argos, indicating a good level of investor confidence. The Town Centre therefore appears to be reasonably healthy.

Approximately 94% of the units within the Town Centre are not convenience based. In accordance with best practice, comparing 'like for like', given the nature of the Lidl store as a convenience provider, it is not considered that trade diversion would directly impact on the non-convenience sector of the Centre.

Lidl offers a limited range of convenience goods and states that the usual shopping pattern it experiences is complementary to the Town Centre. Because of the limited range and 'own-brand' nature of the offer, customers will usually purchase some of their shopping at Lidl but will revert to other stores for more familiar branded items that cannot be purchased in store, or the satisfaction of other needs such as clothing, pharmaceutical and comparison items.

The role of the major convenience retailer within the Town Centre, which offers a significant range of convenience and comparison goods, is therefore considered sufficiently robust to withstand the introduction of a deep discounter.

The fact that Lidl do not provide a fresh meat counter, fresh fish counter, delicatessen /cheese counter, hot food counter, pharmacy, dry-cleaning service, Post Office services, a photographic shop, mobile phone shop, café/restaurant or home deliveries, which are routinely provided by larger stores and by other providers within the Town Centres, suggests strongly that customers will still revert to their usual shopping pattern to satisfy their other needs and as such are likely to maintain expenditure within the Town Centre.

While the proposed store will undoubtedly have some impact on the turnover of the convenience stores within the Town Centre, the limited extent of convenience offer within the Centre suggests that such impact is unlikely to affect the vitality or viability of the Centre as a whole, which is strongly focussed on the non-convenience shopping experience.

It should not be assumed that all of the turnover achieved by the new store would only be derived from the stores in the Town Centre.

A new retail park will open in January 2019 on Roscommon Way. This will comprise the existing Morrison Supermarket and as previously identified, a Marks and Spencer Food hall, a B&M variety convenience and comparison store and Garden Centre, a Sports shop and additional comparison retailers.

The new element of the retail park was identified as having a convenience turnover of some £18m in 2021. (Retail impact assessment – New River 2016).

For reasons previously identified, it is not considered that the proposed Lidl Store would adversely impact on the vitality or viability of this centre.

Furthermore, given Brand loyalty it is considered that a proportion of the turnover will be derived from the diversion of trade away from other deep discount stores. Lidl currently have units in Hadleigh and at Pitsea. It is anticipated that residents within the catchment area might find it more convenient to use a Lidl store on Canvey rather than travel to another store further afield. Such diversion would not adversely impact on Centres within the catchment area.

It should be noted that following completion of the Roscommon Retail Park and the proposed Lidl store approximately £53.96m of convenience expenditure would potentially be retained within the Catchment Area.

Finally it must be considered that approximately 26% of available convenience expenditure within Castle Point is lost to centres/stores outside the Borough, (based on current figures that would equate to approximately £20m pa). The presence of a Lidl store on Canvey may assist in drawing back some of that lost revenue and as a consequence make a contribution to sustainability, in accordance with paragraphs 7 – 10 of the NPPF.

In terms of comparison shopping it should be noted that in 2017 Castle Point was noted to experience some 86% leakage in comparison expenditure and that the comparison offer in Canvey Island town centre predominantly catered for the local population since the majority of its turnover came from the Castle Point zones (93%).(PBA).

There is therefore the potential for significant clawback of comparison expenditure within the Borough, some of which will be met by the Roscommon Retail Park.

Lidl provides a limited comparison offer which is largely opportunistic in nature, dependent upon the availability of goods on the wholesale market. As a consequence deep discount stores such as Lidl will offer short runs of a variety of comparison goods on a 'when it's gone, it's gone' basis.

The limited stock of goods and the unpredictable nature of the offers is such that it is not considered to pose a threat to more traditional comparison retailers, representing more of an impulse buy feature within the discount shopping experience.

Conclusion on the impact of a Lidl Store on the vitality and viability of the Town Centre.

In light of the foregoing analysis it is considered that it would be difficult to support the argument that a Lidl's store on Canvey Island would have a significant adverse impact on the Town Centre or on the new Roscommon Way Retail Park.

No objection is therefore raised to the principle of such provision on the Island.

Such lack of principle objection however does not however accept that the proposed location is appropriate.

Consideration of this aspect of the proposal will be given below:

The suitability of the proposed site

The Council's Economic Regeneration Officer (ERO) states that the Store should be located within the Town Centre.

Paragraph 7 of the NPPF states that planning decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. The presumption is that Town Centre uses will be placed within the Town Centre. This is consistent with the advice of the ERO.

The NPPF makes it clear that where proposals are received for such uses beyond the Town Centre, planning authorities should apply a sequential test to determine whether such location is appropriate. Where Town Centre sites are not available consideration may be given to proposals in edge of centre locations. Only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered. This provision is repeated in Policy R9 of the 2018 Local Plan.

The Planning Authority strongly supports the growth of the Town Centre and would wish all retail development to be located within its boundaries, in accordance with Policies S1 and S10 of the adopted Local Plan and Policies R1 and R2 of the 2018 Local Plan. It does recognise however that at the present time the Town Centre is somewhat constrained and that to ensure that Canvey Town Centre remains at the heart of the Community it must modernise and expand. The vehicle for such expansion and modernisation is the Canvey Town Centre Master Plan. This envisages the provision of a mixture of retail, restaurants and cafes, community, leisure and entertainment, living and business space within a pedestrian friendly, socially inclusive environment. Approximately 16,000 m² of additional retail floorspace is proposed to be delivered through the resizing of existing, and developing new, retail units.

The applicant indicates that in order to accommodate a retail unit of an appropriate size, consistent with the Lidl operational criteria, a site of approximately 0.6ha is required.

Analysis of the Town Centre reveals that a site of this size is not currently available within the Town Centre boundary as defined in the adopted Local Plan.

The Canvey Town Centre Master Plan offers the potential for the current proposal to be located within the Town Centre and the applicant has been encouraged to seek to locate within the Town Centre, in accordance with the principles established in the Master Plan: however, whilst an adopted policy document, the implementation of the Canvey Town Centre Master Plan is at an embryonic stage and aspirational in its context with limited commercial commitment. Whilst the Master Plan could achieve sites which would be of an appropriate size to accommodate the proposed Lidl Store, such sites are not currently available. This represents a significant impediment to the advancement of a scheme which located the Lidl store within the Town Centre.

The NPPF is clear that where suitable sites are not available within the Town Centre consideration should be given to edge of centre sites, and where these are not available, (or expected to become available within a reasonable period) only then may consideration be given to out of centre sites (the sequential test).

Paragraph 90 of the NPPF states that where an application fails to satisfy the sequential test or is likely to have significant adverse impact on the vitality and viability of a Town Centre, it should be refused.

It is clear however, from recent appeal decisions that this paragraph does not provide an automatic direction that applications which fail to satisfy the sequential or impact tests have to be refused. It is still incumbent on the local planning authority to determine whether the presumption of refusal is outweighed by other material considerations.

Secretary of State Statements and recent appeal decisions have also made it clear that an available site needs to be currently available and needs to be capable of accommodating the proposed development its proposed form and scale. The applicant cannot be required to disaggregate the scheme or significantly alter the proposal to make it fit a site or sites currently available.

Nor can a scheme be rejected because sites may become available in the future.

The proposed development requires a site of some 0.6ha in area.

No suitable sites can currently be identified within the Town Centre.

As a consequence it must be conceded that the preferred option of the Planning Authority is not available and an edge of Centre site must therefore be considered.

The applicant has looked at sites both on Canvey Island and within South Benfleet, which are considered suitably located to meet the needs of the catchment area, in order to determine the availability of an edge of centre site.

Six sites were initially identified as follows:

- o Land east of Roscommon Way
- o Land south of Haron Close
- o Former Haystack carpark
- o Canvey Supply retail unit, High Street,
- o Former police station, Benfleet High Road and
- o Richmond Hall Car Park

All were discounted from further consideration as a consequence of their inadequate size or ecological sensitivity.

Officers have carried out a similar desk-top review of potential sites and have been unable to identify an appropriate edge of centre site which is, or within a reasonable period is likely to become, available for such use.

In accordance with the provisions of the sequential test, in the absence of the identification of an appropriate Town centre or edge of Town Centre site, consideration may now be given to out of centre sites.

Canvey Island benefits from an existing out of centre site at Roscommon Way, centred on the Morrisons food store. It is the view of the Officer, consistent with the provisions of Policy R7 of the 2018 Local Plan, that if Out of Centre stores need to be accommodated, consideration should be given to the facilities already available, or due to become available in the near future. The development at Roscommon Way would appear to represent an ideal location for a Lidl's food

store being designed and constructed specifically for retail use and offering the opportunity for synergy with other retailers.

However, the applicant has advised that the business model for Lidl's requires the provision of approximately 2,100m² of floor space. Only one of the new units has this level of provision and it has been confirmed that an occupier has already been identified for this unit. None of the remaining units within the new retail park are large enough to accommodate the proposed development and no scope exists to expand the park further without significant harm to the adjoining SSSI.

Furthermore there is some doubt that the owners of the site would accept a deep discounter in such close proximity to the Morrisons store.

Consequently and regrettably, it is not considered that the new retail park offers scope for a new Lidl store.

Under the circumstances it is considered that the only opportunities available for the proposed development would be an alternative out of centre location.

Given that the applicant seeks to meet the retail needs of Canvey Island it is appropriate that such development be located on the Island.

Paragraph 87 of the NPPF states that when considering out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. This suggests that sites should be on or near main transport routes and provide the opportunity for travel between the two.

The proposal site is located at the extreme western end of Canvey Road, a highway that becomes Long Road at its junction with Haven Road which continues in an easterly direction until it reaches the southern extremity of the Town Centre.

To the extent that both sites may be accessed from a single route, the two may be stated to be connected. This does not however necessarily mean that they are well connected in the context set out in the NPPF.

The applicant has submitted a Transport Assessment in which the sustainability of the site is discussed, the report being focussed on identifying the level of accessibility of the site. In determining the relationship between the site and the Town Centre however, the report is less focussed. Nevertheless, some conclusions on the relationship can be drawn.

The applicant identifies that walking is the most important mode of travel at a local level and offers the greatest potential to replace short car trips, particularly those under 2km.

The Town Centre is located in excess of 2km from the proposed Lidl site and as such walking between the Town Centre and the Lidl site, particularly with shopping bags, is considered unlikely to be a frequent occurrence. As such in terms of walking, it is not considered that the application site is well connected to the Town Centre.

Cycling has also been identified as a potential substitute for short car trips, particularly those less than 5km.

The Town Centre lies within 5km of the Lidl site, but again, the likelihood that users of Lidl's would cycle in excess of 3km, potentially with bags, to visit the Town Centre or Lidl's is considered

limited. Accessibility between the two sites by bicycle is not therefore considered to demonstrate that the two are well connected.

The applicants identify that several bus stops are located within 2km of the application site, with 4 located within 500m of the store (a five minute walk) and a further 7 located within 800m.

The need to walk to bus stops, particularly when carrying bags is considered likely to prejudice use of public transport between the site and Town Centre and indeed the Association of Convenience Stores identifies that fewer than 1% of convenience shopping trips rely on public transport.

Nevertheless, it should be noted that the No.21 bus route operates a service which links the Morrisons store on Roscommon Way with the Town Centre. This bus would pass the Lidl site and could therefore offer a link between the two. The service is however limited and is not therefore considered to achieve a good level of access to the Town Centre.

On the basis of the above analysis one would conclude that the proposed site is not well located in terms of connectivity to the Town Centre, however, the same charge may be made in respect of the development at the Out of Town Retail Park to the south of the site at Roscommon Way. Whilst it is acknowledged that the original consent for this out of centre park predates the adopted Local Plan and the provisions of the NPPF, no objection was raised to that development on the basis of the lack of connectivity between the two centres. In this context it is considered that an objection to the current proposal, which is closer to the Town centre, on the basis of lack of connectivity would be difficult to sustain.

In terms of transport/travel sustainability, the NPPF makes it clear that LPAs should promote opportunities for walking, cycling and the use of public transport, and it is clear that the location of the retail store, in close proximity to a substantial residential area, could have a positive impact on the use of the car for shopping purposes.

An objection to the proposal on the basis of a lack of sustainability is unlikely to be supported on appeal.

Impact on Employment Land provision and employment opportunities

The application site is allocated for employment uses in the adopted Local Plan.

This allocation was not altered in the 2018 Local Plan.

The NPPF states in paragraphs 80 and 82 that planning policies and decisions should help to create the conditions in which businesses can invest, expand and adapt. This suggests that Planning Authorities should seek to ensure that adequate land is available for businesses to thrive. This is reflected in Policy ED3 of the adopted Local Plan and Policy and Policy E1 of the 2018 Local Plan.

To secure this Policy ED3 states that within the Charfleets Industrial Estate (the location of the application site) applications for development falling within classes B1, B2 or B8 of the Town and Country Planning (Use Classes) Order 1987, or any subsequent amendment to that Order will be permitted subject to compliance with any other relevant policy of the Local Plan. With the exception of sui generis uses, which will be considered on their merits, uses falling outside the classes specified will be refused.

Within the 2018 Local Plan, Policy E1 sought to retain and enhance employment land in order to deliver improved and additional employment floorspace for B1a, B1c and B2 uses.

Policy E2 of the 2018 Local Plan specifically identified the Charfleets Industrial Estate for such purposes.

The redevelopment of the site for retail purposes would be in conflict with this policy provision.

The Employment and Retail Needs Assessment indicates that the Charfleets Estate is well occupied with vacancy levels of around 1% only. It concludes that the ongoing protection of these areas for employment purposes is appropriate.

Over 90% of the employment floorspace in Castle Point is currently used for industrial purposes. However, several of the scenarios considered in the *Employment and Retail Needs Assessment* indicated that there may be a decrease in demand for industrial floorspace as a consequence of a potential decline in manufacturing and that new demand may arise from non-traditional employment sectors such as the sports and leisure sector. A flexible approach to the re-use of sites within employment areas was therefore identified in order to support the changing demands of the local economy.

The Plan noted however that permitting some uses in employment areas, such as shops (especially supermarkets) was likely to detract from the vitality and viability of local shopping parades and town centres and should be avoided by applying the sequential approach set out in the NPPF and as examined above.

The 2018 Local Plan did not therefore preclude consideration of retail development on land allocated for employment purposes under appropriate circumstances.

Policy E7 of the 2018 Local Plan stated that Applications for uses falling outside class B of the Use Classes Order will be permitted within those employment areas identified in policies E2 to E5 of this plan (which includes the Charfleets Estate) where they accord with the following criteria:

- (i) It can be demonstrated that the alternative use will provide an equivalent number of jobs compared to a B1c or B2 use of the site, meeting the requirements of policy E8 in terms of skills;
- (ii) It can be demonstrated that the location of the use within an employment area will not undermine the vitality or viability of local town centres or local shopping parades;
- (iii) The proposed use is compatible with other existing uses within the employment area, having regard to any potential harm to productivity levels, or to the health and well-being of employees or potential users; and
- (iv) All other relevant policies within this plan are also complied with.

Policy E8 of the 2018 Local Plan stated applications for all new or replacement employment developments, or extensions to existing employment developments in excess of 1,000m² would be encouraged to provide higher skilled jobs which require at least NVQ Level 3 qualifications.

It has previously been demonstrated that the provision of a new retail store is considered unlikely to undermine the vitality or viability of the town centre and there are no relevant local shopping parades to consider. Thus it is considered that criterion (b) is satisfied.

With regard to criterion (a), the applicant advises that due to the age and poor configuration of the buildings on the site, it is no longer fit for purpose. This has resulted in a relatively high level of tenant turnover and low levels of employment.

The applicant advises that the redevelopment of the site for employment purposes is not viable, although no demonstration of that lack of viability is provided.

The applicant further advises that all current occupiers of the buildings will relocate to other units within the Charfleets and Roscommon Way Estates. There will therefore be no loss of employment as a consequence of the move and indeed the applicant advises that the move will in at least one case result in greater employment opportunities.

In terms of current employment opportunities on the site the applicant identifies that 19 full time and 3 part time posts currently exist.

Application of the provisions of the HCA Employment Density Guide (2015) suggests that the current floor space should generate approximately 30 employment opportunities. The buildings would therefore appear to be underperforming in this respect. This may be a reflection of the age and condition of the buildings.

Criterion (a) of Policy E7 of the 2018 Local Plan sought to ensure that any redevelopment of employment sites achieved a higher level of employment generation. Specifically it required demonstration that the alternative use would provide an equivalent number of jobs compared to a B1c or B2 use of the site, meeting the requirements of Policy E8 in terms of skills.

The current proposal seeks to provide some 2085m² of gross floorspace. Application of B1c and B2 employment densities to this floor space generates some 44 and 58 Full Time Equivalent opportunities respectively.

Lidl identifies that it typically employs about 40 full time staff within each store. Thus the employment generation from the proposed retail use would not be as high as could be anticipated from an industrial/business use on the site.

This weighs against favourable consideration of the proposal.

However, the provision of 40 jobs far exceeds the current employment provision on the site and in light of the stated inability to attract new tenants as a consequence of the condition of the building, and in the absence of any stated commitment to redevelop the site for employment purpose and the real potential for there to be a decline in the demand of manufacturing and warehouse space to 2036, the proposal does represent a current net gain in employment opportunity and thus an effective use of land, consistent with paragraph 118 of the NPPF, which carries some weight in favour of the proposal.

Policy E8 seeks to encourage the provision of higher skilled jobs which require at least NVQ Level 3 qualifications.

Employment in retail is generally perceived as a relatively low-skilled role. The applicant advises that it has a policy of employing local people and offering many different career paths including managerial and administrative posts, as well as store assistants and cashiers, and it must be recognised that within Castle Point the population is profiled as having a below average proportion achieving five or more GCSEs at grades A*-C and compared the rest of Essex has a lower level of employment and a higher level of adults who are inactive.

In this context the provision of employment opportunities which can accommodate a range of skills and education levels is considered appropriate.

Criterion (c) seeks to ensure that proposed uses are compatible with other existing uses within the employment area, having regard to any potential harm to productivity levels, or to the health and well-being of employees or potential users.

The site immediately to the east, west and south of the proposal site is used for industrial and sports purposes it is not considered that the use of the site for retail purposes would be likely to result in noise, emissions or nuisance likely to adversely affect the operation of adjoining employment uses.

Whilst several objectors to the proposal have identified the potential for congestion and potential delay, these matters will be considered in the context of the proposal's impact on the highway which will be examined in the next section of this report.

Transportation and Highways

The Highway Authority has been consulted on the proposal and advised of concerns in respect of the relationship of the site with adjoining access points and the capacity of the adjoining highway network to adequately accommodate the proposed development. The Highway Authority has advised that sufficient capacity exists at the present time and the arrangement is broadly acceptable. However, in order to ensure the safety of pedestrians accessing the site, and to 'future-proof' the site against possible amendments to the highway in the future, the Authority has requested that a condition be attached to the grant of any consent requiring the provision of a 3m strip of land, dedicated as highway, inclusive of a 2m footway, along the entire site frontage with associated dropped crossing infrastructure as measured from the carriageway edge, to be provided entirely at the Developer's expense.

The Highway Authority has also sought the closure of redundant access points and the imposition of a condition requiring the provision of appropriate visibility spays at the junction of the new access point and the highway.

Subject to the imposition of such conditions, no sustainable objection to the proposal on the basis of highway capacity or safety can be identified.

Parking

Policy T8 of the adopted and emerging Local Plans state that the Council will apply, the adopted Essex Vehicle Parking standards.

Policy S5 of the adopted Local Plan also seeks to ensure the provision appropriate levels of parking for persons with disabilities and servicing.

RDG12 is concerned with the provision of appropriate access and parking arrangements. Whilst this guidance is primarily focused on residential development, the principles underlying the guidance hold true for all types of development, including that the subject of the current application.

The Essex Parking standards (2009) require the provision of one space for each 14m² of gross floor space for food stores.

The proposed store has a gross floor space of some 2085m² and would attract a requirement for 149 car parking spaces. The proposal seeks to provide 102 spaces, which represents approximately 66% of the level required. This represents an objection to the proposal.

In defence of the limited provision the applicants have advised that the level proposed accords with Lidl's operational model and that based on the trip generation exercise completed for the Transport Assessment, the forecast parking demand will peak at 61 spaces during the Saturday peak period. The provision of 102 spaces on site is therefore identified by the applicant as sufficient to meet the forecast demand placed upon it by the proposed development.

The proposed parking provision equates to one parking space for every 20.4m² of floor space.

This is close to the standard of 1 space for every 20m² for non-food retail.

Comparison of the proposed store with the Lidl store in Hadleigh has identified that the Hadleigh store achieves parking at the rate of one space for every 18.69m² of floorspace. This reduction in the standard was permitted in light of the availability of alternative public parking provision in Hadleigh.

Further it should be noted that the parking associated with the Aldi store in Benfleet, where public parking is less available, achieves parking at the rate of one space for every 19 m².

Both of the above sites benefit to some degree from the availability of alternative public parking. Such provision is not available in respect of the current proposal, however, in view of the flexibility in the application of the policy demonstrated in the consideration of by other proposals for deep discount food stores in the Borough, and in the absence of an objection from the Highway Authority, it is not considered that an objection the proposal on the basis of inadequate parking could be sustained on appeal. No objection is therefore raised to the proposal on the basis of the quantum of parking.

The parking standard further identifies that parking spaces should be 5.5m deep and 2.9m wide. The submitted layout indicates parking spaces which are only 5m and 5.2m deep by 2.7m wide. This is inconsistent with the provisions of the parking standards and should attract a recommendation of refusal. However the Highway Authority does not consider that the functionality of the site will be prejudiced by the reduced parking space sizes and consequently, in the absence of an objection from the Highway Authority it is not considered that an objection to the proposal on the basis of the size of the parking spaces would be supported on appeal.

The provision of Blue Badge and parent and child parking is noted and the quantum provided is considered acceptable.

Design

Paragraphs 124 – 127, 130 and 131 of the NPPF identify that the Government attaches great importance to the design of the built environment and that good design is a key aspect of sustainable development, indivisible from good planning, and should contribute positively to making places better for people.

Policy EC2 of the adopted Local Plan reflects this ethos, stating that a high standard of design in relation to new buildings will be expected throughout the Borough. In particular, when considering development proposals, the Council will have regard to the scale, density, siting, design, layout and external materials of the proposed development, which must be appropriate to the setting of the building and must not harm the character of its surroundings; the appearance and treatment of spaces around buildings which should be enhanced by appropriate hard and soft landscaping and the need to ensure that all modes of movement are made safe and convenient.

Policy CF9 seeks to secure inclusivity by requiring non-domestic development to be designed to be accessible for people with disabilities and Policy EC5 seeks to minimise crime through design.

The submitted drawings indicate the provision of a part two storey, mono pitched roofed structure, typical of the Lidl's Brand. The proposal is not considered to represent high quality or innovative design however it provides inclusive design and its simple form, extensive areas of glazing and open aspect are considered likely to encourage natural surveillance and thus minimise the risk of

crime/security issues, consistent with the provisions of paragraph 91 of the NPPF and policies EC2 and EC5 of the adopted Local Plan. Under the circumstances, and in the context of its surroundings, the proposed development is considered appropriate in design. As such any objection to the proposal based design is considered unlikely to be supported on appeal.

The proposed development is located within an area where residual flood risk demands the provision of an appropriate response. Following discussions with the applicants, the scheme has been revised to incorporate a refuge at first floor level which would be available to staff and customers should the need arise.

In addition the applicant has also submitted an appropriate flood response plan.

Under the circumstances it is considered that the proposal provides an adequate response to flood risk.

It should be noted however that any building provided on the site would need to be constructed in a manner sufficient to withstand the potential hydrostatic and hydrodynamic pressures that will be imposed on the building in the event of a flood and incorporate appropriate flood resistance or resilience measures. Such features are not apparent from the submissions made to date, however these details may be achieved by condition.

Subject to appropriate conditions no objection is raised to the proposal on the basis of flood risk.

Ecology and Landscape

Policy EC13 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 NE8 of the emerging Local Plan states that Proposals which can demonstrate a resultant net gain in biodiversity will in principle be supported, subject to compliance with other relevant policies of the Plan.

These policies are considered to be consistent with the provisions of the NPPF, 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 NPPF.

The site has no ecological designation but is within the zone of influence associated with the Ramsar site (Benfleet and Southend Marshes), is located within 500m of the Canvey Marshes SSSI, within 2.4km of Holehaven Creek SSSI and directly opposite West Canvey Marshes which is a very extensive area of historic grazing-marsh, ditches, scattered scrub and inter-tidal habitats located to the east and north of the site. As a consequence it is considered that the site could have the potential for ecological interest.

The applicants have submitted an ecological assessment which confirms that the proposed development would have no direct impact on priority habitat and is not required to be retained in its current state in the interests of maintaining the integrity or facilitating the management of any designated site.

Assessment of the site has confirmed that the site is almost entirely developed or hard surfaced with only limited pockets of vegetation and an open ditch which might provide habitat potential.

Assessment of the buildings on the site failed to identify any opportunity for bat roosts and whilst foraging may occur across the site it is not considered that the proposed development would adversely impact on this.

Vegetation on the site is generally scrub with some limited potential for birds and the ditch was identified as potentially polluted and significantly overgrown and unlikely therefore to provide appropriate habitat for Great Crested Newts or other protected species.

The proposal does however present an opportunity to significantly improve the ecological credentials of the site, and it is considered that appropriate management of the ditch and a robust landscaping scheme focussed on the establishment and maintenance of native, wildlife friendly species, would achieve this objective.

The applicants have submitted a landscaping scheme. This provides details of the locating and number of plants, indications of their size and a precise of planting and maintenance regimes.

The species identified contain a variety of low growing, hedging and climbing plants, all of which will have some benefit for wildlife. It is disappointing however that no trees are provided as part of the scheme and that the area to the rear of the building, which provides further opportunities for biodiversity have not been incorporated into the scheme. Nevertheless the proposal represents a significant improvement over the current situation and no objection is therefore raised to the landscaping proposed.

Flood Risk and Drainage

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

Retail development is classified as a 'less vulnerable' form of development in Table 2: Flood Risk Vulnerability Classification of the NPPG and is considered appropriate in Flood Zone 3. No exception testing is therefore required in respect of the assessment of flood risk.

In order to comply with national policy the proposal must however pass the sequential test, in order to determine whether sites of lower flood risk probability exist which may be more suitable for the type of development proposed.

With regard to the sequential test, the proposal seeks to provide a retail unit on Canvey Island. For such 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.

Under the provisions of the NPPF, all proposals 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.

In the event of a breach of the sea wall in the locality of the development site, the Castle

Point Strategic Flood Risk Assessment (SFRA) indicates that the site could experience breach flood depths of 0.5-1 metre during the 0.5% (1 in 200) annual probability including climate change breach flood event and up to 2 metres during the 0.1% (1 in 1000) annual probability including climate change breach flood event (up to the year 2110).

In addition, flood waters could reach the site very quickly under breach conditions (under 1 hour) and it is therefore essential that appropriate safe refuge, above predicted flood levels, be available to staff and potentially customers in the event of a flood.

The building provides an appropriate refuge at first floor level above the 1:1000 flood level and the applicant has provided an appropriate Flood Response Plan.

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

Surface Water Flood Risk

Due to the geology and topography of the site, climatic conditions and the presence of a ditch on the western boundary of the site, the flood risk from surface water is graded across the site with highest risk levels being identified by the Environment Agency in the southern and western parts of the site.

Paragraph 163 of the NPPF states that when determining applications, local planning authorities should ensure flood risk is not increased elsewhere.

In order to accommodate surface water within the site and thus avoid discharge across other land, the applicants propose to provide a 25.5m by 23m attenuation tank below the car park to which all surface water will be directed and retained before being fed into the surface water drainage system at a controlled rate.

The Lead Local Authority is satisfied with this in principle but has requested additional information on the details of the proposal. This can be achieved by condition.

Subject to the imposition of an appropriate condition on the grant of any consent, no objection is raised to the proposal on the basis of surface water flooding.

Contamination

The Environmental Health Officer has not identified the presence of any contaminants on the site, and none have been identified by the applicant. However, in view of the historic use of the site it is considered that the potential for contamination exists. Consequently it is considered appropriate to place an informative on the grant of any consent requiring appropriate investigation and remediation should noxious waste be found.

Impact on Heritage Assets

The site lies to the south of Canvey Grazing Marshes which represents an Ancient Landscape.

Policy EC19 of the adopted Local Plan states that development proposals which would adversely affect the nature and physical appearance of ancient landscapes will be refused.

The proposed development, by virtue of its scale and the fact that it seeks to replace a more prominent building with a building of lesser visual impact, is considered unlikely to adversely affect the character or appearance of the Ancient Landscape, or views within or across it.

No objection would therefore be raised to the proposal on this basis.

The site is also located some 200m south of the Dutch Cottage which is a Grade II Listed Building.

Policy EC34 of the adopted Local Plan states that consent will not be granted for new development which would have an adverse effect on the setting of a listed building.

By virtue of the distance achieved, the presence of intervening development and the limited visual impact of the proposed development, it is not considered that the proposal would have an adverse impact on the character, appearance or setting of the Listed Building.

Impact on Amenity

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

The closest existing residential use to the site is currently located some 90m to the north and north-east. Given this distance, the intervening development and the existing ambient noise levels, it is not considered the proposal would have a significant adverse impact of the amenity of those residents as a consequence of noise arising from the operation of plant, customer movements or deliveries.

Concern has been raised by the Environment Health Officer in respect of the proximity of the site to a proposed nursing home to be constructed to the north of the site and the potential for the proposed development to adversely impact on residents as a consequence of uncontrolled deliveries.

To provide a context for this concern, it should be noted that in November 2018, planning permission was granted for a 57 bedroomed nursing home on the site of the former Garden World Garden Centre at the junction of Northwick Road and Canvey Road, immediately opposite the current application site.

A nursing home would clearly be a sensitive receptor in respect of noise.

Paragraph 170 of the NPPF states that decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of noise pollution.

Paragraph 180 states that Planning Authorities should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life.

Policy EC4 of the adopted Local Plan states that development which would have a significant adverse effect on health, the natural environment, or general amenity, by reason of releases of pollutants to water, land or air or by reason of noise, dust, vibration, light or heat, will be refused.

However, Paragraph 182 of the NPPF states that planning decisions should ensure that existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development in its vicinity, the

applicant should be required to provide suitable mitigation before the development has been completed.

The applicants identify that they would expect a store on the application site to be fully operational by 2020. This is likely to predate the completion of works on the proposed nursing home which is not anticipated to commence for some three years, and it would therefore appear unreasonable to seek to impose a condition restricting deliveries (which have been specifically identified as a cause for concern by the Council's Environmental Health Officer), at a time when it is likely that there would be no adjoining residents to disturb. Indeed there is no guarantee that the Nursing Home would be built and consequently the imposition of a restriction on deliveries would appear unreasonable.

Furthermore the applicants have recognised the need to minimise disturbance to local residents and as a matter of practice each store has only one or two dedicated deliveries per day. During deliveries, it is company policy that vehicle engines are switched off to reduce noise and disturbance. New stores also feature graded ramps in the delivery bay and manual dock levellers, negating the need for noisy scissor or tail lifts. The total unloading time for deliveries is approximately 15 minutes.

Under the circumstances it is not considered appropriate to impose conditions on any grant of consent restricting delivery times.

It should be noted that should deliveries subsequently be identified as a source of nuisance, this matter may be remedied under the provisions of the Environmental Protection Act.

It should also be remembered that at the present time the application site is unrestricted in terms of deliveries.

Another area of potential concern is that of light pollution.

Internally the store will be fitted with a 'Building Management System' incorporating movement sensors, Lux meters and thermostatic controls. This ensures that the back of house areas of the store will only be lit when people are using them.

Energy efficient LED lighting is used and lighting within the sales area is cutback to one third before and after trading hours.

External lighting is only used when required car park lighting is designed in accordance with Lidl's 'Dark Sky' policy with light fittings specified in order to keep light spill beyond the site boundary to a minimum, with Lux and timer controls fitted.

It is considered that the installation and implementation of the proposed lighting scheme will minimise as far as possible any adverse impacts of extended lighting on this site. No objection is therefore raised to the lighting scheme proposed.

Other material Considerations

Refuse and Recycling

RDG13 deals with refuse and recycling storage and requires such facilities to be of adequate size for the development they serve and not to adversely impact on the streetscene.

Whilst this guidance is primarily concerned with the provision of an appropriate facilities for residential development, the principles it supports are considered applicable to all forms of development.

Lidl advises that delivery vehicles are used to remove waste from the store on their return journey to distribution centres where the waste/recyclable material is sorted and managed centrally. Lidl further advises that it recycles all paper/cardboard and plastic waste produced by the store.

Given that waste amazement is to be dealt with internally, no objection is raised to the proposal on the basis of waste and recycling facilities.

Construction Method Statement and Site Waste Management Plan

In order to ensure that demolition existing buildings and the construction of the new store does not result in disturbance and inconvenience for adjoining users and residents, it is considered that the development should be supported by a Construction Method Plan. This can be achieved through the imposition of a condition on the grant of any consent.

In order to ensure the appropriate management of waste during the construction period it is also considered appropriate that a condition seeking the submission and approval of a Site Waste Management Plan also be imposed on the grant of any consent.

Contributions

The Economic Regeneration Officer has requested that in the event of planning permission being granted for the proposed development a contribution of £175,000 towards mitigating the adverse impact on the Town Centre should be obtained to achieve improvements in the public realm and related improvements.

Following consideration of this request it has been determined that a contribution may not be sought, for the following reasons:

- a) No adverse impact on the vitality and viability of the Town Centre has been identified,
- b) The need for improvements within the public realm of the Town Centre is a pre-existing condition which is not engendered, nor required to be mitigated, by the proposed development.

As such the seeking of a contribution towards improvements would inconsistent with the provisions of paragraph 55 of the National Planning Policy Framework states "Planning conditions should only be imposed where they are:

- a. necessary;
- b. relevant to planning and;
- c. to the development to be permitted;
- d. enforceable;
- e. precise and;
- f. reasonable in all other respects.

It is not considered that an obligation for the provision of a contribution towards improvements in the Town Centre would satisfy these tests, consequently a contribution cannot be requested.

Conclusion

The proposal seeks to provide a deep discount convenience retail unit to serve Canvey Island and the southern part of Benfleet on land beyond the confines of the Town Centre and allocated for employment purposes.

The NPPF requires planning authorities to focus retail development within identified Town centres unless sites are not available there in which case sites on the edge of Town centres may be considered.

Only where no sites can be identified on the edges of Town Centres should consideration be given to out of town sites.

Detailed consideration of the opportunities available within the Town Centre and on its edges has identified that there are no currently available sites suitable for the accommodation of the proposed development.

An 'Out of Town' location may therefore be considered.

Consideration of the existing out of town centre has revealed that no sites are available to accommodate the development proposed.

An alternative location may therefore be considered, provided the proposal would not have a significant adverse impact on the viability or vitality of the existing Town Centre.

Detailed consideration of the proposal has failed to identify such an adverse impact.

It is proposed to locate the new retail store on land allocated for employment purposes.

Policy ED3 of the adopted Local Plan requires land within the Charfleets Industrial Estate to be retained for employment purposes and this would suggest that the provision of a retail unit on the site would be inappropriate.

However, the proposed store will generate a greater level of employment than is currently being generated on the site and provides a range of opportunities for a range of skill levels and sets. It is not considered that the proposal would have a significant adverse impact on the availability of employment opportunities.

The proposed development is of acceptable design and can achieve appropriate flood mitigation measures.

The site is deficient in terms of parking, however, in the absence of an objection from the Highway Authority it is not considered that an objection to the proposal on this basis could be sustained on appeal.

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

My Recommendation is Approval with the following conditions

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

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

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

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

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

- 3 No development shall take place, including any ground works or demolition, until a Site Waste Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period.

REASON: In order to ensure the appropriate control and minimisation of waste during the construction period.

- 4 No works shall take place until the following outstanding details relating to the detailed surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority.

The scheme should be based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, and should demonstrate compliance with the NSTS and ECC's Sustainable Drainage Systems Design Guide.

- o Evidence that the surface water storage is sufficient so that the runoff volume is discharged or infiltrating at a rate that does not adversely affect flood risk and that unless designated to flood that no part of the site floods for a 1 in 30 year event, and 1 in 100 year event in any part of a building, utility plant susceptible to water within the development.
- o Evidence of sufficient storage to ensure no off-site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus climate change event. Provide details of pre- and post 100 year, 6 hour runoff volume.
- o Final modelling and calculations for all areas of the drainage system.
- o Evidence of the appropriate level of treatment for all runoff leaving the site, in accordance with the Index Approach provided in Section 26 of CIRIA SuDS Manual C753.
- o Detailed engineering drawings of each component of the drainage scheme.
- o A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- o The scheme shall subsequently be implemented prior to occupation.

REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, ensure the effective operation of SuDS features over the lifetime of the development and provide mitigation of any environmental harm which may be caused to the local water environment.

Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

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

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

REASON: To ensure the ability of the approved building to withstand the effects of flooding in the interests of the safety of the future occupiers of the site, in accordance with Government guidance as set out in the National Planning Policy Framework and Guidance.

- 6 The development shall be constructed in accordance with the scheme submitted by a qualified structural engineer pursuant to condition 5 attached to this consent.

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

- 7 There shall be no occupation of the proposed development until such time as a 3m wide strip of land is provided and dedicated as highway, inclusive of a 2m footway, along the entire site frontage with associated dropped crossing infrastructure as measured from the carriageway edge. This shall be provided entirely at the Developer's expense.

REASON: To make adequate provision within the highway for the additional pedestrian traffic generated as a result of the proposed development and to facilitate future improvements along the Northwick Road corridor in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

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

REASON: In order to provide adequate on site car parking facilities for the accommodation proposed in accordance with Policy T8 of the adopted Local Plan.

- 9 Prior to occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 43 metres in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.

REASON: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with policy EC2 of the adopted Local Plan.

- 10 Prior to the first occupation of the development hereby approved all landscaping works shall be carried out in accordance with the submitted landscaping scheme.

REASON: To ensure a satisfactory development incorporating a degree of natural relief, in the interests of the amenities of the site and the surrounding area.

- 11 The external surfaces of the development hereby approved shall be treated in accordance with the schedule of materials submitted 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.

- 12 The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area and associated turning area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

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

- 13 The powered two wheeler/cycle parking facilities as shown on the approved plan are to be provided prior to the first occupation of the development and retained at all times.

REASON: To ensure appropriate powered two wheeler and bicycle parking is provided in accordance with Policy T8 of the adopted Local Plan.

- 14 Upon occupation of the Store, the approved Flood Response Plan shall be enacted and thereafter maintained at all times that the Store 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.

- 15 Any plants contained within the approved landscaping scheme dying or being damaged, removed or becoming seriously diseased within 5 years of the date of this permission shall be replaced by a plant of a similar size and species by the applicant or the applicants successor in title, as formally approved by the Local Planning Authority.

REASON: To ensure a satisfactory development incorporating a degree of natural relief, in the interests of the amenities of the site and the surrounding area.

- 16 The unused existing access points on Northwick Road shall be suitably and permanently closed incorporating the reinstatement to full height of the highway verge, footway and kerbing immediately the proposed new access is brought into first beneficial use.

REASON: To ensure the removal of, and to preclude the creation of, unnecessary points of traffic conflict in the highway in the interests of highway safety in accordance with Policy EC2 of the adopted Local Plan.

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

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

Informatives

- 1 The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 2 In undertaking the works hereby approved you are advised to satisfy yourself of your obligations to occupiers of adjoining properties in accordance with the Party Wall etc. Act 1996, details of which can be inspected at these offices or you may obtain details free of charge from the Planning Portal website (www.planningportal.gov.uk) under Building Regulations.
- 3 Construction noise and dust control
There is a potential to cause a noise and dust nuisance during construction and demolition of the current building.

All relevant precautions to minimise the potential for disturbance to neighbouring residents in terms of noise and dust during the construction and demolition phases of the development. Water suppression shall be employed for any stone or brick cutting and if necessary neighbours shall be advised in advance of any particularly noisy works.

Please be aware that the accepted Borough construction timings are:

Mon-Fri: 8am-6pm

Sat: 8am-1pm

Sun and bank holidays: no works which are audible beyond the site boundary

- The granting of this planning permission does not indemnify against statutory nuisance action being taken should substantiated noise or dust complaints be received.

Noxious Waste

Should the works unearth any noxious wastes, such as what would be considered in an Environmental Investigation (Contamination) or asbestos containing materials careful consideration must be given to its handling and correct disposal. Waste transfer receipts must be obtained and kept.

Sustainable Drainage

Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to suds@essex.gov.uk.

- o Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
- o Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.
- o It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.

- o The Ministerial Statement made on 18th December 2014 (ref. HCWS161) states that the final decision regarding the viability and reasonableness of maintenance requirements lies with the LPA. It is not within the scope of the LLFA to comment on the overall viability of a scheme as the decision is based on a range of issues which are outside of this authority's area of expertise.
- o ECC will advise on the acceptability of surface water and the information submitted on all planning applications submitted after the 15th of April 2015 based on the key documents listed within this letter. This includes applications which have been previously submitted as part of an earlier stage of the planning process and granted planning permission based on historic requirements. The Local Planning Authority should use the information submitted within this response in conjunction with any other relevant information submitted as part of this application or as part of preceding applications to make a balanced decision based on the available information.
- o All works affecting the highway to be carried out by prior arrangement with, and to the requirements and satisfaction of and at no cost to the Highway Authority. Application for the necessary works should be made to Essex Highways, Unit 36, Childerditch Industrial Estate, Childerditch Hall Drive, Brentwood, CM13 3HD e-mail: development.management@essexhighways.org
- o The above is required to ensure the proposal complies with the County Council's Highways and Transportation Development Control Policies February 2011.
- o The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes technical check, safety audits, site inspection, commuted sums for maintenance and any potential claims under the Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required as security in case of default.