

ITEM 1

Application Number:	21/0059/FUL
Address:	Land Between 44 And 54 Winterswyk Avenue Canvey Island Essex SS8 8PA (Canvey Island East Ward)
Description of Development:	Development of part of vacant site with 8 detached dwellings with off-street car-parking and 8 new cross-overs
Applicant:	Branch Company Ltd
Case Officer:	Ms Kim Fisher
Expiry:	07.05.2021

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

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

The proposal attracts a requirement for a contribution towards the mitigation of recreational disturbance on the European designated site (Southend and Benfleet Marshes Site of Special Scientific Interest), Special Protection Area and Ramsar site). This requirement can be secured through a S106 agreement.

Site Visit

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

Introduction

The site is located on the southern side of Winterswyk Avenue, some 30m west of the junction with Corsel Road. The site is currently vacant and forms part of a site that previously hosted a three-storey former Public House with associated managers flat, car park, garden and yard.

A foul drainage pumping station is located to the south east of the site. A drainage pipe serving the pumping station is located within a 3.8m wide 'no-build' zone adjacent to the eastern boundary of the site.

The site is generally regular in shape with a frontage of some 77.5m to Winterswyk Avenue and a depth of some 23m, increasing to 29.5m at the eastern edge.

Immediately to the west of the site are semi-detached houses fronting Winterswyk Avenue, whilst to the east, the site abuts a detached house on Winterswyk Avenue and a former dwelling which now provides residential and office accommodation fronting Point Road.

To the west, on High Street is a Local Shopping Parade which includes the Canvey-on-Sea Post Office.

To the south east, is the Leigh Beck Infant and Nursery Academy and the Castle Point Transport Museum.

To the south, the site abuts a vacant area of land beyond which is a mix of single storey and two storey commercial and residential development.

To the north is a mix of single and 2 storey dwellings.

The Proposal

The proposal seeks consent for the erection of 7 detached four bedroomed houses with integral garages and one detached four bedroomed house with two parking spaces.

Supplementary Documentation

The applicant has submitted the following supplementary documentation:

Flood Risk Assessment
Sequential Test Report
Statement of Flood Resilient Design and Construction
Flood Response Plan
Drainage – Test Pit Information

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

Planning History

A resolution to grant consent for the development of the wider Jellicoe Public House site with 40 flats was made under reference 18/0391/FUL in December 2018. The grant of consent was subject to the applicant entering into a S106 Agreement to provide financial contributions towards the provision of off-site affordable housing and the mitigation of recreational disturbance within designated areas.

Unfortunately agreement on the level of affordable housing contribution could not be reached and the proposal has therefore stalled.

This application has not however been withdrawn or declared finally disposed of by the Planning Authority and therefore remains pending determination.

Should issues of viability be resolved this application may still be favourably determined.

No other relevant planning history exists.

Local Plan Allocation

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

Relevant Policies and Government Guidance

National Planning Policy Framework (NPPF 2018)

Introduction:

Paragraphs 2, 3, 6

Achieving sustainable development:

Paragraphs 7, 8, 10, 11, 12

Decision Making:

Paragraphs 38, 47, 54, 55, 56

Delivering a sufficient supply of new homes:

Paragraph 61, 62,

Promoting sustainable transport:

Paragraphs 105, 106, 108, 109, 110, 111

Making effective use of land:

Paragraphs 117, 118, 121, 122, 123

Achieving well-designed places:

Paragraphs 124, 127, 130

Meeting the challenges of climate change, flooding and coastal change:

Paragraphs 150, 153, 155, 158, 159, 160, 161, 163

Ecology:

Paragraphs 170, 175, 177, 178, 180, 181

Castle Point Borough Council Local Plan

EC2	Design
EC3	Residential Amenity
EC4	Pollution
H7	Affordable Housing
H9	New Housing Densities
H10	Mix of Development
H17	Housing Development – Design and Layout
T8	Car Parking Standards
CF14	Surface Water Disposal

Residential Design Guidance

RDG1	Plot size
RDG2	Space around Dwellings
RDG3	Building Lines
RDG5	Privacy and Living Conditions
RDG6	Amenity Space
RDG8	Detailing
RDG9	Energy and Water Efficiency and Renewable Energy.
RDG10	Enclosure and Boundary Treatment
RDG12	Parking and Access
RDG13	Refuse and Recycling Storage

Additional Guidance/Policy

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

Addendum to the 2016 Strategic Housing Market Assessment (2017)

Strategic Housing Land Availability Assessment Update (31st March 2017)

Planning Minister Statement (25th March 2015)

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

Technical Housing Standards - nationally described space standard (March 2015)

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

Consultation

Environmental Health Officer

No relevant comment. Informatives suggested.

Street Scene/Recycling Officer

No objection

Canvey Island Town Council

No objection to current proposal.

Environment Agency

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

Anglian Water

AW note that the development site is within 15 metres of a sewage pumping station and consider that dwellings within 15 metres of the pumping station would be at risk of nuisance in the form of noise, odour or the general disruption from maintenance work caused by the normal operation of the pumping station. It recommends that a 15m cordon sanitaire be provided around the pumping station site.

The sewerage system has available capacity to accommodate the proposed development.

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option.

Response to Consultation

In dealing with the previous proposal for flats on this site AW subsequently qualified the statement in respect of the provision of a cordon sanitaire indicating that whilst it would recommend a distance of 15m from the pumping station, given the historical site layout a lesser cordon could be considered acceptable. The decision on whether a distance of 10m would be acceptable would be at the discretion of the Local Planning Authority and providing access was maintained to the pumping station, AW had no further comment.

The previous proposal for the redevelopment of the site with 40 flats sought to provide development less than 10m from the pumping station and this was considered acceptable, given that other residential development is within closer proximity. The current proposal seeks to achieve at least 12m between the proposed dwellings and the pumping station. Given the history of the site and the location of adjoining development it is not considered that an objection to the proposal based on the relationship between the pumping station and the dwellings would be supported on appeal. No objection is therefore raised to the proposal on that basis.

Public Consultation

Letters were sent to local residents and in addition Site Notices were posted on the site and a Press Notice placed in a Local Newspaper.

Letters of objection have been received from local residents which make the following comments:

- Conversion of garages should be restricted to alleviate parking concerns in area.
- Construction vehicles to access the site from High Street.

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

Evaluation of Proposal

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

The Principle of Development

There are two issues of principle which need to be considered, the first is whether, as a matter principle the redevelopment of the site for residential purposes is appropriate and the second is whether the provision of houses on the site is appropriate.

The site represents previously developed land in an area allocated primarily for shopping purposes in the adopted Local Plan. The development of the site for residential purposes would be contrary to the Local Plan allocation and prima facie therefore it would appear appropriate that redevelopment for residential purposes should attract a recommendation of refusal. However, paragraph 117 of the NPPF states that local planning authorities should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. As much use as possible should be made of previously developed or brownfield sites.

Paragraph 118 states that substantial weight should be given to the value of using suitable brownfield land within settlements for homes and other identified needs.

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

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

The key sustainable development principle of the NPPF is that the planning system should contribute towards meeting the needs of the present without compromising the ability of future generations to meet their needs.

To achieve this the NPPF identifies three objectives for the planning system:

- a) **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right

time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

- b) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- c) **an environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

These objectives are to be delivered through the preparation and implementation of plans and the application of the policies in the National Planning Policy Framework; they are not criteria against which every decision can or should be judged. The NPPF confirms that planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, or, for applications involving the provision of housing, where the local planning authority cannot demonstrate a five year supply of deliverable housing sites, granting permission unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

It has been widely recorded that this Authority cannot currently demonstrate a five year supply of deliverable housing sites and as such a presumption in favour of the development of the site for residential purposes exists, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

In principle, the redevelopment of the site for residential purposes would have the beneficial impact of assisting in meeting local housing needs.

Furthermore the most up to date local evidence of need in respect of the mix of development on sites is the 2017 Addendum to the 2016 Strategic Housing Market Assessment (SHMA May 2016). This identified that for the Castle Point area, in the period 2014 – 2037, 32% of new dwellings should be 1 and 2 bedroomed properties and 68% of new dwellings should be 3 and 4+ bedroomed properties.

The proposed development provides four bedroomed dwellings and does not therefore achieve the full diversity of unit type sought by the Planning Authority. Nevertheless it is recognised that the scheme would provide dwellings for which there is an identified need. This weighs in favour of the proposal.

The fact that a resolution to grant consent for the redevelopment of this site as part of a larger site, for residential purposes adds , further weight to the favourable consideration of the application, as does the fact that the site is allocated for residential; purposes in the submitted Local Plan.

In principle therefore there can be no sustainable objection to the redevelopment of the site for residential purposes.

Concern has previously been raised that redevelopment of the larger site for residential purposes could have an adverse impact on the vitality and viability of the adjacent shopping area. Primarily such concerns were linked to the informal use by customers of the adjoining shops of the Public House car park.

In considering the previous application it was determined that the site had previously provided no retail function and was not considered to contribute significantly to the retail activity of the adjoining shopping area.

It was further acknowledged that it was not the responsibility of the site owner to facilitate parking for other businesses in the area.

Given the somewhat isolated nature of the site from the Town Centre or any significant shopping area, it was not considered that the site provided a particularly attractive retail site and on balance it is not considered that the redevelopment of the northern part of the site as now proposed would have a significant adverse impact on the retail vitality or viability of the adjoining Local Shopping Parade. Indeed redevelopment of the site for residential purposes may have a beneficial impact on local shops and services by providing greater opportunity for increased footfall, thus facilitating economic sustainability.

In considering whether the provision of 8 houses is appropriate on the site, it must be acknowledged that the submitted Local Plan identifies that the site, as part of a larger area, may be capable of providing 40 dwellings in the period to 2033. In the context of this policy provision the current proposal would appear to represent under development of the site, inconsistent with the Government objective of securing the best and most efficient use of land within the urban area.

However, it must be remembered that the proposal only seeks to develop part of the site and that the submitted Local Plan does not provide the current planning policy for the Borough.

Furthermore, the identified figure of 40 is based on the provision of one and two bedroomed flats on the larger site. Whilst a resolution to grant consent for such development exists, the applicant has advised that such a scheme is not viable and has not completed the S106 Agreement.

The Planning Authority cannot compel the completion of the S106 Agreement and cannot therefore state with certainty that the provision of 40 units on the larger site will be achieved.

It must therefore consider and determine the application on its own merits, within the context of current policy provision.

In the light of all the circumstances it is no sustainable objection to the principle of the provision of 8 dwellings on this site can be identified.

In terms of the principle of the provision of houses on the site, it should be noted that the surrounding area is characterised by a mix of single and two storey residential development. In this context it is considered that the provision of detached two storey houses would, in principle, be acceptable.

Whether the detail of the proposed scheme is similarly considered acceptable will be determined when the proposal is assessed against the Council's Residential Design Guidance (RDG), which will be discussed later in the report.

Density and Mix of Housing

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

Paragraph 118 of the revised NPPF strongly encourages increased density of development on appropriate sites in order to mitigate extant housing need. In particular it encourages the provision of taller buildings where this would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well-designed (including complying with any local design policies and standards), and can maintain safe access and egress for occupiers.

Paragraph 123 of the NPPF reinforces this stance by stating that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. Local Authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in the Framework. In this context, when considering applications for housing, the NPPF requires that authorities take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).

As stated above, the current proposal must be considered on its own merits and in isolation of any potential alternative forms of development which might be achieved on a larger site.

As currently proposed the development achieves a similar density of development to that achieved in the surrounding area and acceptable levels of internal and external space. The development would integrate successfully with the character and appearance of the surrounding area. Under the circumstances it is not considered that an objection based on the density of the development could be sustained on appeal.

Policy H10 of the adopted Local Plan states that in all residential developments the Council will seek an appropriate range of dwelling types. This is a vague policy which is inconsistent with the requirements of paragraph 61 of the NPPF which requires local planning authorities to plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community.

The most up to date local evidence of need in respect of the mix of development on sites is the 2017 Addendum to the 2016 Strategic Housing Market Assessment (SHMA May 2016). This identified that for the Castle Point area, in the period 2014 – 2037, 32% of new dwellings should be 1 and 2 bedroomed properties and 68% of new dwellings should be 3 and 4+ bedroomed properties.

The proposed development consists of four bedroomed units, the provision of which will meet an identified need.

Under the circumstances whilst it is acknowledged that the scheme does not provide a diversity of housing types, the proposal is considered to satisfy the requirements of Policy H10 of the adopted Local Plan and the provisions of the NPPF.

Design and Layout

Policy EC2 of the current Local Plan requires a high standard of design in all new buildings. This is consistent with paragraph 127 and 130 of the NPPF.

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

Policy H17 states that in assessing the design aspects of proposals for housing, the Local Planning Authority will have regard to its adopted Residential Design Guidance (RDG). This guidance is considered to be in compliance with the revised NPPF.

RDG1 seeks to ensure that the layout and scale of new development is informed by the prevailing character of plot sizes.

Each of the proposed plots has a width of some 9.5m – 10.5m. This compares favourably with the character and scale of adjoining plots which range in width from 8m – 13m.

In terms of the plot depth, with the exception of the eastern-most plot which is deeper, the plots are generally consistent with the depth of adjoining plots.

The proposal is therefore considered to satisfy the requirements of RDG1.

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

Development in the surrounding area is generally characterised by dwellings which are set at least 1m from the side boundaries of the plot. Where this distance is less it is usually to accommodate a garage or similar structure.

The proposed development replicates this layout, with the dwellings set 1m from the western boundary of each plot and the garage extending up to the eastern boundary. The exception to this layout is on plot 8 where the presence of a 'no-build zone' around a major drainage pipe ensures that this dwelling is located some 3.8m from the eastern boundary.

The spatial arrangement of the dwellings is consistent with the character and appearance of the adjoining development and no objection is therefore raised to the proposal on this basis.

Guidance at RDG3 requires proposals to respect established building lines.

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

The building line to Winterswyk Avenue is consistent and the proposed dwellings would not extend beyond the front elevations of the adjoining dwellings. This element of the guidance is therefore satisfied.

The proposed dwelling on Plot 1 would extend some 3m beyond the rear wall of the adjoining dwelling. As a consequence the proposed layout has the potential to result in overshadowing of the dwelling to the west during the early part of the day. However, any such overshadowing is likely to be limited in duration, given that both plots face south at the rear.

The proposed dwelling on Plot 8 would extend some 4.2m beyond the rear elevation of the existing dwelling to the east. It therefore has the potential to result in overshadowing of that property during the latter part of the day. However, given the significant degree of isolation achieved between the proposed dwelling and that to the east, any such overshadowing is considered likely to be limited.

Under the circumstances, it is not considered that an objection to the proposal on the basis of overshadowing of adjoining properties would be supported on appeal.

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

Windows in the northern elevations would be located less than the requisite distance from the northern boundary of the site. However, as these windows would overlook the highway and would be in excess of 15m from the boundaries of the dwellings on the northern side of Winterswyk Avenue, it is not considered that residents to the north of the proposal would experience undue overlooking or loss of privacy.

Windows in the southern elevations would be located a minimum of 9.2m from the rear boundaries of the proposed dwellings. This satisfies the requirements of RDG5.

Side windows are provided in the western elevation of each dwelling at first floor level. These windows serve ensembles and may be obscure glazed and fixed shut to 1.7m above finished floor levels in order to protect the privacy and amenity of future and adjoining residents. This can be secured by condition.

Subject to such a condition, no objection is raised to the proposal on the basis of possible overlooking and loss of privacy arising from the provision of windows.

Guidance at RDG6 requires appropriate amounts of amenity space to be provided to ensure the outdoor needs of the occupiers are met.

Each dwelling provides 6 rooms and requires the provision of 90m² of amenity space.

This is achieved in each case.

No objection is therefore raised to the proposal on the basis of RDG6.

RDG8 requires that all development is designed to provide well-proportioned and balanced properties which complement the surrounding area.

The proposed development presents reasonably articulated and balanced elevations to the road frontage. The design borrows elements from adjoining buildings presenting both hipped and gabled roofs and the use of brick and render, which are common themes in the adjoining development.

The buildings are to be finished in red and yellow brick with white and cream render. The roof is to be of Marley Eternite slate and the windows and doors are to be white UPVC. Doors are to be grey or black in white frames.

Hard surfaced areas are to be grey.

The overall effect will be of traditional style buildings which would have a positive impact on the character and appearance of the area.

No objection is now raised to the proposal under RDG8.

RDG9 is concerned with energy and water efficiency and renewable energy. No details of any energy and water efficiency measures have been submitted, however the building demonstrates the potential for passive solar gain by virtue of its orientation and setting and details of further measures can be secured by the imposition of conditions on the grant of any consent. No objection is raised to the proposal under RDG9.

RDG10 is concerned with the appropriate treatment of enclosure and boundary treatments.

Side and rear boundaries are to be defined by 1.8m high close boarded fences with concrete posts and gravel boards. Such treatment is consistent with other enclosures in the area. No objection is raised to the proposal on the basis of RDG10.

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

In terms of parking, Policy T8 of the adopted Local Plan requires the provision of car parking in accordance with adopted standards. This is consistent with paragraph 105 of the NPPF which requires local planning authorities to set such standards reflecting local circumstances.

The currently adopted standards are the 2009 County Parking Standards which require the provision of two spaces for properties with two or more bedrooms.

The dwellings on Plots 1 – 7 are each provided with a single garage 2.9m wide and 7m deep. Whilst slightly below the required width of 3m internally, the proposed garages are considered of adequate size to secure the storage of a vehicle and other items such as bicycles or white goods and are considered acceptable.

In addition each of these dwellings is provided with a forecourt in front of the garage of at least 6m in depth which can accommodate a further vehicle. Each of these dwellings can therefore achieve 2 on-site parking spaces.

The dwelling on Plot 8 has no garage but is provided with two parking spaces.

All of the dwellings therefore satisfy the parking requirements.

Local residents have however expressed concern that conversion of the garages to living accommodation in the future may result in an increase in on-street parking, to the detriment of traffic flows and the safety and convenience of other road users. In order to eliminate this concern a condition removing permitted development rights in respect of the conversion of the garages to living accommodation can be attached to the grant of any consent.

RDG13 is concerned with the provision of appropriate refuse and recycling facilities. The proposed development will form part of the normal domestic refuse collection round. No specific or formal refuse collection facilities are therefore required.

Flood Risk and Drainage

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

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

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

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

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

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

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

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

The second criterion requires that the applicant demonstrate that the development is safe and where possible will reduce flood risk overall. The applicant has provided a FRA which states that should the defences breach during a 1 in 200 year plus climate change event the depth of water on site could reach a maximum depth of 1.44m. This will clearly result in the ground level accommodation being inundated. However the first floor level is above the anticipated water depth and as a consequence is capable of providing safe refuge in a flood event. This feature, coupled with the incorporation of resilient design measures and a flood response plan is considered an appropriate response to flood risk on the site.

No assessment of the Hydrostatic and Hydrodynamic stability of the buildings under flood conditions has been provided to date, however such matters can be secured by a condition attached to the grant of any consent.

Subject to such conditions and the measures identified, it is considered that the proposed development is capable of being made safe for its lifetime. No objection is therefore raised to the proposal on the basis of residual flood risk

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

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

It must be recalled that the site previously hosted, in part a large building and associated hard surfaced area. Site coverage under the current proposal is considered larger than was previously the case and consequently development of the site in the manner proposed is likely to have implications for surface water drainage.

The soil typology of the site is comprised of clay silt tidal flats overlaying London Clay. Assessments undertaken by the developer have demonstrated that this combines to provide an impermeable substructure which is unlikely to successfully accommodate a sustainable drainage scheme reliant on infiltration and permeability.

There is no surface water body on or in the vicinity of the site that could receive surface runoff, so the next most suitable option is to discharge to the surface water sewer.

No details of such a system have been submitted with the application however, it is considered that an appropriate surface water drainage system in accordance with best practice (i.e. attenuated storage with hydro-brake) could be achieved on the site.

Details and installation/maintenance of such a scheme can be secured through the imposition of conditions on the grant of any consent.

Other Matters

Provision of Affordable Housing.

The proposal seeks to achieve 8 residential units on the site. Such provision is below the threshold for the attraction of any contribution towards the provision of affordable housing as set out in paragraph 63 of the NPPF.

No contribution towards the provision of affordable housing is therefore sought.

Amenity of existing residents

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.

Loss of amenity in terms of potential overlooking and overshadowing have been considered above and will not be repeated here.

It is inevitable that the development of the application site will generate noise and disturbance during the constructional phase. Such noise is transitory and rarely provides a robust reason for refusal of an application for development of the type proposed. However, development of large sites can extend over significant periods and it is therefore incumbent upon the Planning Authority and the applicant to ensure that the levels of noise and disturbance generated during the constructional period is kept as low as practically possible, in the interests of the amenity of local residents and the wider environment.

This can be secured through the preparation, approval and implementation of a Construction Environment Management Plan.

Such Plan may be secured via a condition attached to the grant of any consent.

Local residents have referred to the fact that Winterswyk Avenue is a relatively narrow road, frequently congested by on-street parking. It has been suggested that all construction traffic accessing the site, do so from the High Street.

This has been discussed with the applicant who has agreed to the imposition of a condition on the grant of any consent to secure this outcome.

Amenity for proposed residents

In addition to any noise that future residents may experience as a consequence of their normal occupation of the site, an issue which may have an impact on amenity is the noise, disturbance and potentially odour arising from the maintenance and management of the foul water pumping station located to the south east of the site.

Anglian Water (AW) has suggested that the proposed development should be isolated from the pumping station by between 10m and 15m and this has been achieved within the proposed layout.

It is the view of the Planning Officer that whilst such isolation may provide some minimal protection from noise and disturbance, the presence of the pumping station will be apparent to prospective purchasers and that a personal decision may be made on whether the accommodation is acceptable. As such it is not considered that the proximity of the pumping station to the proposed development represents an impediment to the development of the site and 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.

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 8 dwellings and as such a contribution towards RAMS is required.

This has been agreed in principle with the applicant and can be secured through the imposition of a S106 obligation.

Contamination

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

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

Conclusion

The site represents a brownfield site in an urban area, the redevelopment of which for residential purposes would be entirely consistent with the provisions of the NPPF.

The proposal would meet an identified housing need and subject to appropriate conditions is considered satisfactory.

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

My Recommendation is Approval subject to S106 with the following conditions

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

REASON: In order to ensure the provision of an appropriate financial contribution towards the mitigation of recreational disturbance within designated areas (RAMS).

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

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

- 3 No development shall take place, 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 appropriate routing of lorries and contractors vehicles visiting the site. All such access to be taken from the High Street
- ii The parking of vehicles of site operatives and visitors
- iii The identification of areas for the loading and unloading of plant and materials
- iv The storage of plant and materials used in constructing the development
- v. The provision of 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 to protect the amenity of the site and adjoining residents , in accordance with the provisions of Policy EC2 of the adopted Local Plan.

- 4 Prior to the commencement of development details of a suitable sustainable surface water drainage scheme shall be submitted to and approved by the Local Planning Authority.

The provisions of such scheme as is approved shall thereafter be fully implemented prior to first occupation of the development hereby approved.

REASON: To ensure the provision of an appropriate surface water drainage scheme on the site.

- 5 No works above foundation level shall take place until a Maintenance Plan detailing the maintenance arrangements for the surface water drainage system, including who is responsible for different elements of the system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.

Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

REASON: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

- 6 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.

- 7 Prior to the commencement of works above foundation level, details of all energy and water efficiency measures and renewable energy mechanisms to be installed on and within the building shall be submitted to and approved by the Local Planning Authority.

REASON: In accordance with the provisions of RDG9 of the adopted Local Plan and the National Planning Policy Framework.

- 8 The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

REASON: To ensure the SuDS is maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

- 9 The proposed development shall be constructed and completed in accordance with the provisions of the submitted flood resilient design and construction report dated Jan 2021 (Job Reference: BDA-1665).

REASON: To minimise damage to the building caused by floodwater and to enable faster recovery following a flood.

- 10 Prior to the commencement of works above foundation level, details of all energy and water efficiency measures and renewable energy mechanisms to be installed on and within the building shall be submitted to and approved by the Local Planning Authority.

REASON: In accordance with the provisions of the National Planning Policy Framework

- 11 Prior to the first occupation of the development hereby approved, a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the proposed vehicular accesses. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.

REASON: To provide adequate inter-visibility between the users of the access and pedestrians in the adjoining public highway in the interest of highway safety.

- 12 The proposed development shall not be occupied until such time as the vehicle parking areas indicated on the approved plans have been made available for use.

Such hardsurfaced areas shall thereafter be retained for the parking of vehicles associated with the occupation of the dwelling and for no other purpose without the prior formal consent of 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 submitted schedule of materials, including those used in the enclosure of the site, is considered acceptable. The development hereby approved shall be built wholly in

accordance with the approved materials, from which there shall be no departure without the formal consent of the Local Planning Authority.

REASON: In the interests of securing an appropriate form of development on the site, sympathetic to the character and appearance of the surrounding development

- 14 The proposed windows in the western elevations at first floor level shall be obscure glazed and fixed to a height of 1.7m above the finished floor level of the area they serve and thereafter permanently maintained as such.

REASON: In order to protect the privacy and amenity of adjoining and future occupiers

- 15 Upon first occupation of the dwellings, 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.

- 16 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 in accordance with Policy EC2 of the Adopted Local Plan.

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

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with Policy EC2 of the Adopted Local Plan

- 18 The proposed garages to Plots 1 - 7 shall be permanently retained for the parking of vehicles associated with the occupation of the dwellings and shall not be converted to living accommodation without the prior formal consent of the Local Planning Authority.

REASON: In order to ensure the retention of adequate on-site parking provision to serve the needs of the development.

Informatives

- 1 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 2 Please note that a site notice was displayed in a publicly visible location at the site. Castle Point Borough Council would appreciate your co-operation in taking the site notice down and disposing of it properly, in the interests of the environment.