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AGENDA

Committee: DEVELOPMENT CONTROL

Date and Time: Tuesday 1st December 2015 at 7.30 p.m.

Venue: Council Chamber

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

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

Canvey Island Town Councillors : Greig and Tucker

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

Enquiries: Cheryl Salmon, ext. 2454

PART I (Business to be taken in public)

1. Apologies

2. Members' Interests

3. Minutes

A copy of the Minutes of the meeting held on 3rd November 2015 is attached.

4. Public Speakers

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

5. Deposited Plans

Report of the Head of Regeneration and Neighbourhoods is attached.

Application No.	Address	Page
1. 14/0707/OUT	Land South of Roscommon Way, Canvey Island (Canvey Island West)	1
2. 15/0706/FUL	Hadleigh and Thundersley Cricket Club, John Burrows Recreation Ground, Rectory Road, Hadleigh, Benfleet (Victoria Ward)	27
3. 15/0766/OUT	'Carningle' The Common, Benfleet (St Peter's Ward)	31

Members are advised that no site inspections are recommended in respect of items attached to this agenda.

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DEVELOPMENT CONTROL COMMITTEE

3rd NOVEMBER 2015

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

Councillors Acott, Campagna, Dick, Ladzrie, Letchford and Riley also attended.

Apologies for absence were received from Councillors Cole and Varker.

18. MEMBERS' INTERESTS

There were none.

19. MINUTES

The Minutes of the meeting held on 6th October 2015 were taken as read and signed as correct.

20. DEPOSITED PLANS

(a) 15/0622/FUL – 221 BENFLEET ROAD, BENFLEET, ESSEX, SS7 1QG (BOYCE WARD) – OUTBUILDING FOR SWIMMING POOL TO REAR – MR DAVID LAWRENSON

The application sought permission for the erection of a single storey building to contain an indoor swimming pool and associated facilities.

It was considered that the provision of such a structure was inappropriate development, detrimental to the openness of the Green Belt. The application was therefore recommended for refusal.

Presentation of the application to Committee had been requested by Councillor Smith, in order for Members to consider the effect of the development on the surrounding area and Green Belt.

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

During discussion Members expressed that they were in favour of the proposal. It was felt that the building was suitable in terms of its design and size and that it

would not be harmful to the openness of the Green Belt. The Committee considered that in this instance, and for the reasons set out above, very special circumstances did exist and outweighed any potential harm to the Green Belt. However it was considered that a condition should be added to any consent the effect of which was to ensure that the materials used on the building were the same as had been set out in the application.

Resolved – That the application be approved with a condition that the materials used on the building are the same as set out in the application.

(b) 15/0661/FUL – CANVEY ISLAND FOOTBALL CLUB, PARK LANE, CANVEY ISLAND, ESSEX, SS8 7PX (CANVEY ISLAND EAST WARD) – DEMOLITION OF EXISTING CLUBHOUSE AND CONSTRUCTION OF SINGLE STOREY EXTENSION TO EXISTING PLAYERS' CHANGING ROOMS/WCs TO FORM COMMUNITY CENTRE AND TURNSTILES – MR JOHN BATCH

The application sought permission for the reconstruction of the existing clubhouse structure to provide a community area with a bar, lounge area, kitchen, lobby areas and toilet facilities. A new turnstile facility was also proposed.

The Planning Officer reported that the proposal was considered to be compliant with all relevant planning policy and guidance and subject to appropriate conditions it was not considered to be so injurious to the amenity of adjoining residents or future users that a reason for refusal on this basis could be sustained on appeal. It was therefore recommended that planning permission be granted.

The application was presented to the Committee as the Borough Council had a legal interest in the land.

Mr Gillespie, a local resident, spoke in objection to the application on behalf of local residents.

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

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

During debate Members noted the representations that had been made with regard to noise nuisance and parking problems at the premises; however it was also recognised that these were not matters that the Committee could consider when determining the application; they should be raised through a different forum.

The Committee felt that the new community facility would not adversely affect the amenity of nearby residents. It was considered that it would be an improvement on the current building and could indeed alleviate some of the problems in relation to noise nuisance.

Following discussion it was:-

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

- (c) **15/0688/VAR – ALDI, RUSHBOTTOM LANE, THUNDERSLEY, BENFLEET, ESSEX (ST PETER'S WARD) – VARIATION OF CONDITION 17 (DELIVERY HOURS) OF PLANNING PERMISSION CPT/669/13/FUL TO EXTEND DELIVERY HOURS TO 06:00-23:00 ON MONDAYS TO SATURDAYS AND 08:00-22:00 ON SUNDAYS AND BANK AND PUBLIC HOLIDAYS – ALDI STORES LTD**

The application sought permission to vary the permitted delivery hours for the store, to allow deliveries to be received from one hour earlier in the morning than the current planning permission allowed. It was considered that this would not lead to unacceptable disturbance to surrounding residents sufficient to warrant a refusal of planning permission and the proposal was therefore recommended for approval.

Councillors Govier and Hurrell had requested that the application be reported to Committee, in order that the Committee could consider the effect of the variation on the surrounding area.

Ms Mollart, a representative of the applicant, spoke in support of the application.

Councillor Dick, a Ward Member, spoke in support of the application.

Members noted that the applicant had submitted a draft Delivery Management Plan to limit noise from the site and was amenable to any additional conditions that were considered necessary by the Committee to mitigate the impact of the proposal. This included measures such as restricting the use of reversing alarms before 07:00hrs and only making one delivery between 06:00hrs and 07:00hrs.

During discussion whilst Members indicated that they were broadly in favour of the proposal, concern was raised that the extra hour would possibly have an adverse impact on nearby residents on Sundays and Bank Holidays as the surrounding area was generally quieter at these times. It was therefore considered that the extra hour was not appropriate on these days.

A Member stated that there had been reports from local residents that the newspaper delivery to the store was made at 04:00hrs and it was suggested that this issue be raised separately with the store.

Following discussion it was:-

Resolved –

1. That the application be approved, the varied condition to read as follows:

‘17.No deliveries to the site shall be received other than between the hours of 06:00hrs - 23:00hrs on Mondays to Saturdays and 09:00hrs - 22:00hrs on Sundays and Bank or Public Holidays.’

2. That the Delivery Management Plan submitted by the applicant be considered and approved by the Head of Regeneration and Neighbourhoods in agreement with the Chairman and Vice Chairman.

(d) 15/0705/FUL – 63 CUMBERLAND AVENUE, BENFLEET, ESSEX, SS7 5NU (ST MARY’S WARD) – PART RETROSPECTIVE APPLICATION TO CONSTRUCT DETACHED GARAGE – MR GARY CARTER

The applicant sought consent to retain and complete a partly constructed detached garage. The proposal was considered to be compliant with national and local policy and guidance and there were no robust reasons for refusal that could be identified. The proposal was therefore recommended for approval.

The application was presented to Committee at the request of Councillor Partridge in order to assess the impact of the proposal on the surrounding area.

The Planning Officer reported that no adverse comments had been received in respect of the application and it was believed that any initial objections to the proposal from neighbouring properties had been withdrawn. It was noted that there was one supportive comment for the development.

Following consideration of the proposal it was:-

Resolved – That the application be approved subject to the condition set out in the Planning Officer’s report.

21. TREE PRESERVATION ORDER 3/2015 – LAND AT DOWNER ROAD NORTH, BENFLEET, ESSEX (ST PETER’S WARD) – TREE PRESERVATION ORDER.

The Planning Officer reported that the site had become the subject of a Tree Preservation Order (TPO) on 8th July 1994 (reference TPO 4/94) and the trees were protected using the ‘area’ category designation which was a method of protecting individual trees dispersed over an area. However, the area category protected only those trees standing at the time it was made in 1994 and at the current time immature trees and saplings could be removed without the formal consent of the Planning Authority.

Following requests from local residents for the area category to be re-designated as woodland the Council commissioned Essex County Council Place Services to undertake a TEMPO assessment (Woodland Tree Evaluation Method for Preservation Orders) of the site. The assessment had concluded that the site was secondary woodland at the later stages of succession, having been scrub for some considerable period of time, with early mature climax trees breaking through the scrub layer. The ground flora was poor due to the density of the scrub layer and dense covering of ivy and bramble, although the woodland boundaries did provide increased herb diversity. The site was found to have scored high and within the TEMPO recommendation criteria of 'definitely merits a TPO'.

In the light of this assessment the Council had made a new Tree Preservation Order on the 28th August 2015 designating the trees as woodland. Owners and occupiers of the land and neighbours entitled to carry out works to the trees were notified of the Order and advised that if they had an objection or other comments, to make their representations in writing to be received by the Planning Authority no later than the 2nd October 2015. Site notices were also displayed. The representations that had been received were set out in the report.

The Planning Officer explained that under the Town and Country Planning (Tree Preservation) (England) Regulations 2012, a Tree Preservation Order took effect provisionally until the expiration of a period of six months or until it was confirmed by the authority. If a decision was not made before the end of the Order's provisional period it ceased to have any effect. The new Order would therefore need to be confirmed before the 28th February 2016 if the woodland was to retain its current level of protection.

The Planning Officer stated that on balance it was considered that evidence was weighted in favour of confirming the Woodland Order and no fundamental reasons had been identified for not doing so. If confirmed, it would also be necessary to revoke the existing TPO 4/94.

Councillor Dick, a Ward Member, spoke in support of confirming the TPO.

Following discussion it was:-

Resolved - That Tree Preservation Order 3/2015 in its current form be confirmed and the existing Tree Preservation Order 4/94 be revoked.

Chairman

ITEM 1

Application Number:	14/0707/OUT
Address:	Land South Of Roscommon Way Canvey Island Essex (Canvey Island West)
Description of Development:	Outline - Demolition of disused pumping station and associated site clearance and construction of commercial and industrial development (Use Classes A3, B1(b), B1(c), B2, B8 and sui generis workshop and showroom) with associated land-raising, vehicle access to Roscommon Way, internal road access and pedestrian linkages, parking, service areas, utilities and infrastructure, and open green space
Applicant:	ILD (Canvey) Limited
Case Officer	Mrs Ishita Sheth
Date of Expiry	31.07.2015

Summary

The application seeks planning permission for 7.41ha of employment land uses comprising sui generis uses (workshop and showroom), A3, B1 (b), B1(c), B2 and B8 uses with associated land-raising, vehicle access from Roscommon Way, site works and landscaping.

The proposal is considered to be an appropriate form of development which would accord with the provisions of the National Planning Policy Framework and Adopted Local Plan and is therefore recommended for **APPROVAL** subject to conditions and the applicant entering into a Section 106 agreement.

Site Visit

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

Introduction

The site lies to the south of Roscommon Way, approximately 340m west of its junction with Haven Road. To the south east of the site, along Haven Road, is a large liquid storage site (Oikos). To the north of the site is the Charfleets Industrial site.

The site is irregularly shaped with an area of some 8.36 hectares. The land is largely undeveloped but currently contains a (former) pumping station in the south east corner. The site is bounded to the south with a low level ditch which drains into Holehaven Creek. A ditch also runs north - south through the centre of the site.

The site is allocated for long term employment purposes in the adopted Local Plan. This allocation has been revised to employment land in the consultation draft New Local Plan.

The site falls within the Greater Thames Marshes Nature Improvement Area, forms part of a designated Local Wildlife Site (CP5 – Canvey Village Marsh) and consists of the remains of an old grazing marsh system, representing a scarce and declining Essex habitat. The fields that make up the Site are variously grazed, cut for hay or under no current management, each of these resulting in grasslands of different character. Although of considerable significance in its own

right, this wildlife site also provides an extension to the adjacent Canvey Wick SSSI and links it to the Brickhouse Farm Marsh LoWS to the east (CP38).

The Proposal

The application is in outline form, with all matters reserved except for access. The application seeks planning permission for 7.41ha of employment uses comprising Sui Generis uses (workshop and showroom), A3, Restaurants and Cafés for the sale of food and drink for consumption on the premises, B1(a) Offices, not within A2 use, B1(b) Research and development, studios and laboratories and high technology and B1(c) Light Industry, B2 General industrial but excluding incineration purposes, chemical treatment or landfill or hazardous waste and B8 Storage or Distribution, including open air storage, with associated land-raising, vehicle access from Roscommon Way, site works and landscaping.

The application is accompanied by an illustrative layout plan and shows the division of the site into 6 zones. The existing site is bisected north-south by a small ditch, which is proposed to be retained and straightened and will inform the division of the site into its various zones. The site will be served by a new spine road extending from the eastern-most roundabout on Roscommon Way eastwards through the site.

The western part of the site, comprising of Zones 1-4 would provide Sui Generis Uses, A3 and B1 (b) or B1(c) uses with the eastern part providing an area of larger B2 and B8 units.

The application indicates the provision of some 909m² for Sui Generis/workshop and car showroom use, 700m² for A3 use, 6,400m² of B1(b) and B1(c) use, 12,000m² of B2 use and 6,300m² of B8 use; providing an overall floorspace of some 26,400m². The indicative layout shows each unit provided with independent car parking and servicing areas and of 2 storey height.

The land levels are proposed to be raised by a maximum of some 0.673m, to bring the site level with Roscommon Way. Such land-raising will result in a loss of floodplain storage capacity which will be compensated by the provision of a pond on land to the east of the proposed development area.

It is proposed to provide a hydrological connection to the drain by the construction of a sloping 'ramp' which extends for a length of some 15m.

It is also proposed to provide off site ecological mitigation on land to the north-east of the application site (referred to as the 'pear shaped' site) and a landscape buffer to the boundaries of the site.

Supplementary Documentation

The application is accompanied by the following documents:

- Environmental Statement, Non Technical Summary and Addendum
- Framework Travel Plan
- Archaeology Desk Based Assessment
- Transport Assessment
- Flood Risk Assessment
- Ecological Report

These are available to view on the Council's website.

Planning History

The site is undeveloped and has no planning history.

Local Plan Policies

The site is allocated for long term employment purposes within the Adopted Local Plan.

Long term is defined as post 2001.

The policies applicable to this application area as follows:

National Planning Policy Framework

Paragraphs

18 – 21	Securing economic growth
101 -104	Flood Risk
109	Conserving and enhancing the natural environment
118	Conserving and enhancing biodiversity

National Planning Guidance

Paragraphs 66 and 67 Flood Risk

Adopted Local Plan

ED2	Long Term Employment Needs
T2	Intensification of Access Use
T8	Car Parking Standards
EC7	Natural and Semi-Natural Features
EC13	Protection of Wildlife and their Habitats
EC14	Creation of New Wildlife Habitats

Consultation

CPBC Planning Policy

The Council is currently in the process of progressing a New Local Plan following consultation on a draft in the Spring of 2014.

The site is identified for employment purposes in both the current 1998 Adopted Local Plan and the draft of the New Local Plan.

The National Policy Context for Economic Development

Section 1 of the NPPF sets out the Government's policies in relation to planning for a strong and competitive economy. Paragraphs 18 and 19 are clear that the Government is committed to securing economic growth in order to create jobs and prosperity, and to ensuring that the planning system does everything it can to support sustainable economic growth. Paragraph 20 is clear that local planning authorities have a key role in planning proactively to meet the development needs of business and support an economy fit for the 21st century.

Paragraph 21 of the NPPF sets out the specific requirements for local planning authorities in terms of planning for economic growth. It expects policies to address potential barriers to investment and not over burden businesses through excess requirements. Local Plans should set out a clear economic vision and strategy for their area, which supports existing and emerging business sectors, identifies priorities for regeneration, infrastructure provision and environmental enhancement, and promotes the development of clusters and the knowledge economy.

The Principle of Employment on this Site

The site was designated in the 1998 Adopted Local Plan as a long term employment site, to be brought forward upon review of the plan (Policy ED2). Policy T6 also makes reference to the site. It makes provision for a new road to be constructed as an extension of Roscommon Way and requires this to be provided prior to the development site.

The Draft New Local Plan identifies the site as an extension to the existing Charfleets Industrial Estate to be made available for employment purposes (B1b, B1c & B2). Furthermore the extension to Roscommon Way is now complete, providing appropriate access from a roundabout into the site.

The NPPF is quite clear that the presumption in favour of sustainable development does not apply in certain instances as set out in footnote 9. This includes sites in locations at risk of flooding. The 1998 Adopted Local Plan is silent on matters of flood risk. As such regard should be had to paragraphs 100 to 103 of the NPPF.

The South Essex Surface Water Management Plan 2012 identifies Canvey Island as a Critical Drainage Area. Given its low lying nature, land on Canvey is subject to surface water flooding and any development proposals at this site need to be designed to achieve resilience and resistance to flood risk. They also need to be designed to manage surface water drainage issues on or adjacent to the site and prevent an increased risk of flooding by surface water to other properties nearby.

A Local Wildlife Site designation (LoWS CPT5) affects the site. The development must provide sufficient and suitable compensation for the loss of wildlife in order to result in a net gain in biodiversity. Regard should be had to paragraphs 109 and 118 of the NPPF.

The Need for Employment in Castle Point

The Castle Point Employment & Retail Needs Assessment 2012 identifies that the Borough has less employment space overall than all neighbouring boroughs and that provided is predominantly comprised of industrial provision with a relatively low level of office provision.

The Assessment identifies that there is good demand for industrial space in Castle Point generally, but little available supply. Much of the stock is identified as old and unsuited to current needs, with few larger units and little modern stock. There are indications that local firms may find it hard to expand or upgrade premises without moving out of the Borough.

Demand for office space is low, predominantly for small units by local firms. Supply is also very low, predominantly comprised of small, older premises above shops and with very few new premises being built. The Borough is also identified as having very limited provision for small, start-up businesses compared with adjoining boroughs.

The application site is considered reasonably suited to meet future needs, although its proximity to the Thames estuary, relative remoteness and potential drainage issues are highlighted as potential matters to deter development.

The application site is considered to benefit from good strategic and local access, via Roscommon Way and its Extension, but it is still considered relatively isolated from public transport. Potential flood risk issues are highlighted, given the sites location in Flood Zone 3, as well as potential drainage issues. The Assessment also indicates that the site's proximity to the established Charfleets Industrial estate gives it a reasonably good profile. It concludes by considering the site as an average quality employment site, but which is available in the short term, and could accommodate B1c, B2 & B8 uses.

The Assessment states that comparing future requirements with the current supply of employment land in the Borough, which includes the application site, suggests that there is adequate quantitative supply of industrial space to meet future needs to 2031, under different estimates of future demand.

Highway Authority

No objection subject to conditions.

1. Prior to commencement of the development, the areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be provided clear of the highway.

Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

2. 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 DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

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

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety to ensure accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

4. 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 under-body 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 DM 1 of the Highway Authority's Development Management Policies February 2011.

5. 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 DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

6. The Cycle / Powered Two wheeler parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

Reason: To ensure appropriate cycle / powered two wheeler parking is provided in the interest of highway safety and amenity in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

7. No occupation shall commence until such time as the provision of a 2m wide footway from the site entrance to link into the existing Public Right Of Way along Roscommon Way has been provided entirely at the Developer's expense.

Reason: To make adequate provision within the highway for additional pedestrian movements generated as a result of the proposed development.

Environment Agency

No objection subject to the following condition:

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by SLR, referenced 407.05024.00001 Version 2 and dated April 2015, subsequent correspondence from SLR dated 8 June 2015 and the revised modelling and ground levels provided in a letter from SLR, dated 2 July 2015, and the following mitigation measures detailed within these:

1. Provision of compensatory flood storage to provide level for level direct compensatory storage for the main river crossing/bordering the site.
2. Excavation of the compensatory storage area must be complete before infilling on site commences.
3. Ground levels across the development shall be set at a maximum of 1.8mAOD.
4. A Flood Warning and Evacuation Plan in combination with the incorporation of a mezzanine floor within each building, to ensure safe refuge on site is available if required.

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

Reasons:

1. To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided.
2. To ensure that flood plain capacity is maintained during construction of the development.
3. To ensure that there is no negative off site impact due to land-raising in accordance with Table 13.1 of R&D document FD2320.
4. To ensure safe access and egress from and to the site.

A Condition in respect of water voles has also been recommended which states the following:

- o Prior to any works to the banks of the ditch, a water vole survey will be undertaken by a qualified ecologist at an appropriate time of year and using recognised survey techniques. In the event that the works have the potential to affect this species then a mitigation scheme for both during construction works and once the development is complete shall be submitted to and approved in writing by the local planning authority. The works shall be implemented in accordance with the agreed mitigation scheme.

Reason: To ensure protection of the water voles in this location.

An objection relating to the Water Framework Directive (WFD) has been removed provided a condition is appended requesting the submission of a formal Construction Management Plan (CMP). In the physio-chemical section of the WFD assessment, it states that the risks of siltation and pollution from construction works will be managed through a formal CMP, which should be conditioned as part of any planning permission. The EA suggests that silt traps should be used as a standard procedure to prevent siltation of Charfleets Dyke during construction and would like confirmation of the measures to be used as part of the CMP.

Flood and Water Management Officer

No objection subject to the following condition:

The development hereby permitted shall not be commenced until a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment (FRA) (SLR Consulting, Reference: 407.05024.00001, April 2015), has been submitted to and approved in writing by the local planning authority. The drainage strategy shall include a restriction in run-off and surface water storage on site as outlined in the Drainage supporting letter (SLR Consulting Ltd, Ref Reference 407.05024.00001, 8 June 2015). The scheme shall be implemented in accordance with the approved details before the development is completed.

In particular the Drainage scheme shall include the following:

- o Drainage modelling calculations showing the discharge of run-off from all the sub-catchments of the development restricted to the equivalent 1 in 1 year greenfield rate. In this case, the maximum discharge from each of the 5 outfalls will be limited to 1l/s.
- o Where on site attenuation is achieved through ponds, permeable paving, permeable sub-base, or other similar methods, calculations showing volume of these should be submitted.

- o Drainage calculations should demonstrate how the system operates during a 1 in 100 year event, for the critical duration storm, including an allowance for climate change.
- o Drainage Strategy Layout/Plan of the scheme including dimensions of the different SuDS features. The plan should indicate the areas for surface storage of exceedance flows and flow paths which should be away from buildings.
- o Provide details of adoption and schedule of maintenance of the scheme for the lifetime of the development.
- o Provide the required number of treatment stages for treating run-off from the different areas of the development.

The Officer also has the following advisory comments:

- o Whilst the site is not situated in a Critical Drainage Area, (CDA) reference should be made to the recommendations of the Surface Water Management Plan as the site may impact on the adjacent CDA.
- o The site is situated in Flood Zone 3, and benefits from the flood defence infrastructure along the River Thames. The EA recommendations on the submitted fluvial modelling must be fully incorporated in the planning condition(s) as outlined.

Anglian Water

No assets owned by Anglian Water or subject to an adoption agreement within the development site boundary. Recommends the following condition to be attached to any consent granted:

No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No premises shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.

Reason: To prevent environmental and amenity problems arising from flooding.

Natural England

No objection subject to suitably worded planning conditions which achieve the following:

- An **on-site** landscaping, habitat creation and management plan (including monitoring), targeting in particular those invertebrate species which currently use, or are likely to use, the Roscommon Way Extension road verges, and the broader assemblage of invertebrate species known from the Canvey Wick SSSI (especially highly mobile species which are likely to use foraging habitats beyond the boundary of the SSSI).
- An **off-site** habitat creation and management plan (including monitoring), targeting a similar range of species as described above.
- A Wildlife Protection Plan, to safeguard sensitive wildlife habitats during the construction phase of development.
- A lighting strategy, to minimise light spill onto surrounding wildlife habitats.

Natural England supports the intention to transfer the off-site “pear shaped land” to an appropriate nature conservation body (SLR letter to Natural England, dated 10th March 2015, section 5, page 8). The transfer of land and funded habitat management in perpetuity should be set out within a

S106 legal agreement. This agreement needs to include details of the area of land to be managed and details of the organisation that will be responsible for implementing the scheme (both for an initial habitat creation and aftercare period, suggests for a minimum of three years, and thereafter). The agreement should be implemented and maintained in perpetuity. Other similar developments in the area have included a land management agreement for 99 years. The Agreement shall also include confirmation that an adequate funding package has been agreed between the applicant and the organisation to which the compensation area will be transferred.

Welcomes the proposed Construction and Environment Management Plan (CEMP). This should be secured with a suitably worded planning condition.

The Landscaping and Habitat Creation Management Plan (LHCMP) should be secured with a suitably worded planning condition. The Plan proposes that this be limited to 10 years in duration; however Natural England considers that habitat management should be in perpetuity, in practice this should be 99 years, consistent with similar development projects within the area.

Essex County Council – Infrastructure Planning Officer

Requests a contribution of £370,560 for early years and childcare places.

Canvey Island Town Council

Following a meeting of the Planning Committee on the 27th July 2015, the Town Council objects to this application for the following reasons:

- o Major infrastructure improvements are required due to the significant impact of this development to the surrounding infrastructure.
- o This is not an isolated development proposal for this area and would overburden the highway network and would be contrary to Planning Policy T4 of the adopted Local Plan.
- o Flood Risk Assessments do not provide the evidence that the risk of flooding to the surrounding areas have been considered or sufficient preventative measures are in place.
- o The New Local Plan has yet to go out for consultation and should be considered before large developments are approved due to the impact to the surrounding areas and existing infrastructure.
- o There will be a detrimental impact on the traffic coming off the island along Somnes Avenue as the right of way is given to the additional traffic coming onto the island.
- o There is no sufficient evidence as to how foul water will be dispersed adequately.
- o There will be increased movement of traffic around the existing COMAH sites.
- o There are no cycle lanes to support the suggestion of other forms of transport and cycle provision and therefore the current infrastructure of the island is insufficient and would be contrary to Planning Policy T4 of the adopted Local Plan.
- o Traffic impact study required to ascertain the effect on the island's infrastructure as the intensification of traffic to the highway network is contrary to Planning Policy T2 of the adopted Local Plan.

- o Infrastructure requirements cannot be met and would be contrary to Planning Policy CF1 of the adopted Local Plan.
- o Policy CF13 should be considered due to the large scale development and the impact to the surrounding area.

British Pipeline Agency

Not aware that any of BPA apparatus falls within the application site.

Not in zone of interest.

Legal Services

No objection

Essex Field Club

Objects to the proposal for the following reasons:

- o Survey inadequate.
- o The species which the Field Club consider present on the site were not found during the survey.
- o The proposal which involves land raising would result in unpredictable effects on hydrology of the site.
- o Run-off and pollution from vehicle movements within the development would have severe implications for the aquatic fauna.
- o 5m buffer is insufficient to avoid damage.

It should be noted that these were comments to the original submission. The ecology report has since been amended overcoming the objections from Natural England.

Further comments have been received stating that the Essex Field Club could demonstrate that the site has rare species if it had permission to access the land.

Refuse and Recycling

No comments at this stage.

Buglife

Objects to the proposal for the following reasons:

- o Impact on SSSI and its associated invertebrate assemblages.
- o Potential impacts on nationally rare and scarce invertebrates.
- o Loss of Local Wildlife Site.
- o Inadequate survey and assessment of site's value.
- o Absence of mitigation.

Disputes the assessment of the site's value and considers that the lower ecological value of the site is the result of only short term high intensity management which is likely to be reversible with a more relaxed regime due to how recently the site provided a rich forage resource. Considers that the floral resource of these grasslands could be easily raised with more appropriate, sympathetic management.

Acknowledges the re-designed landscaping area to create a more continuous mitigation area undertaken in consultation with Natural England and notes that this has resulted in some improvements to the overall scheme. However, considers the proposed wildflower areas insufficient for the scale of impact that the proposed development is likely to have on the site and the surrounding area.

Raises concerns in respect of the raising of the ground and the potential for altered site hydrology to impact on the site's recognised ditch fauna. Concerns about the lack of long term commitment to manage the limited mitigation proposed.

Essex Badger Protection Group

No objections

RSPB

Refers to letter of the 11th August 2015. The Environmental Statement (ES): Addendum (CIR.I.0109 dated August 2015) does not fully meet the mitigation requirements requested both the RSPB and Natural England, as clearly presented in the letter of the 8 May 2015. Furthermore, it is essential that due weight and consideration is given to the new comments made by Mr Peter Harvey of the Essex Field Club in his email of the 10th August 2015 in relation to the ecological significance of the Local Wildlife Site.

Detailed Comments

1. Management Plans

- 1.1 Welcome the intentions of the Landscaping and Habitat Creation Management Plan (LHCMP) as presented in paragraphs 5.5.20/21 in the ES Addendum in connection with the flood attenuation land to the east of the main development.
- 1.2 Also notes that there will be a Management Plan (paragraph 5.6.4) for the "pear-shaped land" directly to the north of this area, referred to in Appendix 5.10 'Phase 1 Habitat Plan and Offsite Areas' and previously described in Drawing 5982_13 "Proposed Wildlife Habitat Plan with building footprint".
- 1.3 The RSPB is concerned that the LHCMP only has a ten-year span and that the management of the "pear-shaped land" has not been given a timescale, merely being described as "long-term".
- 1.4 Natural England, in their letter of the 8 May 2015, highlight that such plans should run in perpetuity and reference that similar plans in the area have a 99-year term. The RSPB believes that such vision is essential, in order that the Council can be satisfied that the important invertebrate species which exist in and around the neighbouring Canvey Wick Site of Special Scientific Interest (SSSI) are maintained and enhanced.

- 1.5 Note that there is no mention of a structured programme of monitoring. This must be included in any management plan in order to ensure its effectiveness.
- 1.6 The RSPB considers that any land being managed must also be functioning for the important invertebrate species in advance of the main development.

2. Email from Peter Harvey dated 10th August 2015

- 2.1 In light of Mr Harvey's email, urge the Council to give due weight to this in accordance with paragraph 109 of the National Planning Policy Framework which states, "The planning system should contribute to and enhance the local environment by establishing coherent ecological networks that are more resilient to current and future pressures."
- 2.2 As such, refer to point 2.14 of our previous correspondence dated 28 January 2015, which highlighted the importance of such a network for the key nationally-important species present on and around the adjacent Canvey Wick SSSI.

3. Biodiversity enhancements – other species

- 3.1 Whilst the RSPB is fully supportive of nest-boxes being installed (paragraph 5.5.16), an opportunity will be missed here if the development does not incorporate integrated nest-boxes into the fabric of the design.
- 3.2 This would be in line with Development Management policy NE8 (paragraph 18.50) of the draft Local Plan which highlights the good work being undertaken across Essex to "integrate biodiversity in to development".
- 3.3 Integrated nest-boxes are primarily used by Birds of Conservation Concern such as swifts, starlings and house sparrows. The latter two species are also priority species under the Natural Environment and Rural Communities (NERC) Act (2006). Nest-boxes, which are proposed in the ES Addendum are generally used by more widespread species and after time are likely to fall in to disrepair.
- 3.4 The RSPB would welcome the opportunity to work with the Council and the developer to advise on how an integrated nest-box scheme could be worked in to the fabric of the development. Such a successful scheme would provide the Council with an opportunity to demonstrate its delivery of policy NE8.

Environmental Health Officer

The proposed development raises no immediate concerns.

Health and Safety Executive

No objection on safety grounds.

Public Consultation

One response has been received which makes the following comments:

- o Part of the site is a part of SSSI.
- o Impact on wildlife.

- o Increase in surface water and flooding of drainage ditches from the proposed development.
- o Site used for grazing and should be protected in an already overpopulated island.
- o Tidal flooding is not the biggest problem on Canvey Island; surface water is.
- o What is Canvey Island's employment floor space need?
- o Would be sensible to utilise existing floor spaces – redundant and vacant spaces on Charfleets Industrial Estate.
- o Are local builders going to be used for this development?
- o How many businesses have signed up to take employment floor space?
- o What are the evacuation plans in the event of an incident at the gas or liquid installations?
- o Increase in traffic and pollution.
- o Local people didn't get a chance to comment.

Comments on Consultation Responses:

- o The Castle Point Employment & Retail Needs Assessment 2012 discusses the employment floor space need within the Borough.
- o No part of the application site is designated as a SSSI.
- o Consultation on the proposal was carried out in accordance with the Statement of Community Involvement and EIA regulations.
- o The conditions recommended by the various statutory bodies can be attached to any consent granted.
- o Other relevant issues are discussed in the evaluation of the proposal.

Evaluation of Proposal:

The main considerations in respect of the application are the principle of development, flood risk, ecology and traffic and parking.

Principle of Development

Policy ED2 of the Adopted Local Plan is concerned with 'Land to the south of Charfleets Industrial Estate' which is shown on the Proposals Map as safeguarded for long term employment purposes. The Policy states that this is an area of special reserve to take account of possible development needs beyond the current plan period (post 2001). Until such time as reviews of the structure plan and the local plan show that the land needs to be released for employment purposes, the land will be kept free of development which would prejudice later comprehensive treatment; valuable wildlife features will be protected.

The application site forms the entirety of the land safeguarded for employment purposes under saved Adopted Local Plan Policy ED2 which seeks to retain land for employment purposes beyond the plan period, (post 2001), subject to a need for such employment land being identified within reviews of the Structure and Local Plan.

Due to changes in the methodology for the preparation and publication of Development Plans, Structure Plans are no longer prepared and reliance must therefore be placed on a review of the Local Plan. The Local Plan is currently under review and consideration of the employment needs of the Borough is informed by the Castle Point Employment & Retail Needs Assessment 2012. This clearly identifies that the Borough suffers a relative deficiency in employment land when compared with its neighbours and that there is good demand for industrial space in Castle Point generally, but little available supply. Much of the existing stock is identified as old and unsuited to current needs, with few larger units and little modern stock. This situation prejudices the expansion and development of local employers.

On this basis it is considered that a need for employment land can be identified. Recognition of this need has resulted in the land being identified for employment purposes in the Draft New Local Plan.

Whilst it is recognised that the Draft New Local Plan is not the current adopted Local Plan, it is not considered that the proposed development raises such issues of contention in respect of land use that an objection to the proposal on the basis of prematurity could be sustained on appeal. No objection is therefore raised to the principle of the development of the land for employment purposes.

Turning to the specific uses proposed, the proposal seeks to provide B1(b), B1(c), B2 and B8 uses, a sui generis use(car dealership) and A3 uses. Some 93% of the proposed floorspace within the proposed development would comprise 'B' class uses. Such use is acceptable in principle.

With regard to the incorporation of a Car Dealership into the employment area it is clear that such uses, by reason of their need for relatively extensive sites, would normally be found within industrial areas. Present examples of such uses within the Borough can be found on the Charfleets Industrial Estate and the Stadium Way Trading Estate. Under the circumstances it is not considered that an objection can be raised to the provision of a car dealership on this site.

With regard to the provision of A3 uses on the site, it is clear that such uses would not normally be found within an industrial estate. The submitted Planning Statement states that the proposed A3 use would provide a complementary service for the business development at this site and nearby employment sites.

Furthermore, A3 uses would generate employment which technically would meet the terms of Policy ED3. Whilst Policy ED2, relating to the site of the application does not specifically permit A3 uses, it is clear that such a use would supplement and support the proposed employment uses and as such would be acceptable on the site.

It may be noted that the proposed A3 use would comprise only some 2.4% of the proposed floor space within the development.

It may further be noted that food outlets are commonly found on industrial sites, such as at the Stadium Way Trading Estate.

Under the circumstances it is not considered that the proposed A3 use would undermine or prejudice the use of the site for employment purposes and no objection is raised to the principle of such provision within the site.

No objection is therefore raised to the proposal under Policy ED2 of the Adopted Local Plan.

Flood Risk

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

Proposals are also required to demonstrate that they would not increase flood risk elsewhere.

The proposal seeks to provide commercial and industrial uses within the settlement of Canvey Island.

Such uses are considered to be a 'less vulnerable use' as defined within the Flood Risk Vulnerability Classification as provided in the Paragraph: 066 (Reference ID: 7-066-20140306) of the National Planning Guidance. This type of development is considered to be appropriate within Flood Zone 3 (Table 3: Flood risk vulnerability and flood zone 'compatibility,' Paragraph: 067 (Reference ID: 7-067-20140306). Exception testing is not therefore required in respect of such development.

In respect of sequential testing, in order for industrial/commercial 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.

The submitted Flood Risk Assessment states that in the event of a breach of the tidal defences, the depth of flooding across the site would be approximately 0.2m. It is considered that in such an instance there should be provision for the occupiers and visitors to the buildings to evacuate to a refuge area at a higher level. The application is currently at outline stage and there are limited details in respect of the use or occupancy of the proposed buildings. However, it is considered that refuge areas for each unit could be incorporated into the scheme and such details could be submitted as part of the reserved matters.

The proposed buildings should also be constructed to a standard offering resistance and resilience to floodwaters and rapid recovery from a flood event. The submission of a scheme of flood resilience measures capable of withstanding the effects of a 1 in 1000 year (plus climate change) event is therefore required. This can be achieved by the attachment of an appropriate condition to the grant of any consent.

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

In respect of the safety of occupiers, no flood response plan has been provided to clarify the best response for staff and visitors of the proposed units during a flood event. A breach of the seawall could occur during operational hours and as evacuation is not recommended, unless on the instruction of the emergency services, it is important to document the flood risk to the site and to employees and customers of the various businesses and, more importantly, the actions that should be taken should a flood warning be issued. The submission of a Flood Response Plan identifying these risks and actions can be required by condition.

It is acknowledged that the proposed development will result in more people being present on the site but this is not considered to equate to a greater level of risk sufficient to warrant refusal of planning permission. Subject to appropriate conditions the proposed development is considered to represent an acceptable risk.

Paragraph 103 of the NPPF states that when determining applications, local planning authorities should ensure flood risk is not increased elsewhere.

The proposed development will render impermeable significant areas of the site. Furthermore, the site is to be raised to facilitate access from Roscommon Way. The proposed development therefore has the potential to increase flood risk elsewhere. In order to compensate for this effect it is proposed to provide a flood compensation area on a parcel of land to the east of the application site that is within the applicant's ownership. This land comprises a pasture/hay field within the Local Wildlife site (LoWS) which is situated within a loop of land defined by a drain of brackish water along its southern, eastern and northern sides. It is proposed that the central part (0.3 ha) of this off-site adjacent field would be lowered to provide compensatory flood storage. The excavated material would then be used as a part of the land raising of the application site.

A hydrological connection is proposed to the brackish drain in the form of a sloping ramp which extends for a length of some 15m. Under flood conditions water would ingress into the low hollow. At other times the site is likely to vary between dry and damp/marshy.

The Environment Agency considers the proposed mitigation appropriate and raises no objection to the proposal. Subject to the conditions recommended by the Environment Agency and the other conditions discussed above, no objection is raised to the proposal on the basis of Flood Risk.

Ecology

The site lies within 500m of two SSSIs, falls within the Greater Thames Marshes Improvement Area and forms part of the Canvey Village Marsh Local Wildlife Site. The site therefore has significant potential for ecology.

Policy EC7 of the Adopted Local Plan is concerned with natural and semi-natural features in urban areas and states that such features and open spaces within urban areas shall be retained and enhanced wherever possible, in order to safeguard their physical, visual, recreational and wildlife value.

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.

With the exception of Policy EC13, these policies are considered consistent with the NPPF. Policy EC13 is inconsistent with the provisions of the NPPF as it does not seek a hierarchical response to sites with nature conservation interest. Under the circumstances it is considered appropriate to consider the proposal in the context of paragraphs 118 and 119 of the NPPF.

Paragraph 109 of the NPPF states:

“The planning system should contribute to and enhance the natural and local environment by:

- o protecting and enhancing valued landscapes, geological conservation interests and soils;
- o recognising the wider benefits of ecosystem services;
- o minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures”.

In paragraph 118 it states:

“When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- o if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- o proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site’s notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest;
- o development proposals where the primary objective is to conserve or enhance biodiversity should be permitted;
- o opportunities to incorporate biodiversity in and around developments should be encouraged;
- o planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss”.

The majority of the application site (6ha) forms part of the larger (36ha) CPT5 Canvey Village Marsh Local Wildlife Site (LoWS), which was designated on the basis of its character as old grazing marsh and the diversity of flora and fauna this supports.

The site also has importance as a consequence of its proximity to two nationally designated sites – the Canvey Wick SSSI and the Holehaven Creek SSSI.

The applicant has submitted an Environmental Statement and an ecological report of the site. The findings state that the proposal will not have any adverse impacts on the adjacent SSSIs.

Natural England (NE) has been consulted but has raised no objection to the proposal subject to securing the finer details of the mitigation scheme, appropriate long term land management and the transfer of off-site areas to an appropriate nature conservation body.

Furthermore it advises that the authority should secure the proposed Construction and Environmental Management Plan (CEMP) and Landscaping and Habitat Creation Management Plan (LHCMP) with suitably worded conditions.

Whilst raising no objection to the proposal Natural England has requested clarification in respect of the management of on and off site invertebrate mitigation areas. It states that the currently proposed 10 year arrangement should not be considered long-term and that such arrangement should be in perpetuity, in practice, for a period of 99 years.

The main impact of the proposed development on habitats would be the loss of some 6ha of land which currently forms the northern part of the Local Wildlife Site (LoWS).

The submitted Environmental Statement Addendum states that all of the habitats found within the application site are of site level ecological importance only. The applicant contends that the loss of these areas is constitutes a local ecological impact only.

Buglife has objected to the proposal on the basis that the development would result in the loss of a local wildlife site and a valuable connective feature in the area which supports species associated with the SSSIs. Buglife considers that recent management of the site has prejudiced the interests of wildlife and has led to a decline in the quality of forage resources. It considers however that a sympathetic management regime would restore the value of the site.

The RSPB and Essex Field Club have raised also objections, stating that the application site provides habitat for a number of rare species which could be demonstrated if access were allowed to the site for survey purposes.

The RSPB has also made comments about mitigation requirements synonymous with the comments made by Natural England.

It has also made comments about the potential for integrating nest-boxes within the fabric of the development.

In response to these comments it should be noted that the current management of the land is not a matter that can be controlled by the Planning Authority. Nor can the Planning Authority require the applicant to provide third parties with access to their land for survey purposes.

The evidence submitted to date indicates that the northern part of the LoWS, where the development is proposed is of low ecological value. In the absence of evidence to the contrary this statement must be accepted. Nevertheless, mitigation of the impact of the proposal on interests of ecological importance is required.

The Environmental Statement Addendum states that some 2.06 ha of landscaping/greenspace would be provided within the layout with an additional 0.60 ha comprising of the southern perimeter ditch and a five metre buffer would be retained and enhanced for ecological purposes, outside of the application site but on land within the applicant's ownership. Within the application site, a 1.8m batter, formed when the land is raised, would be landscaped for wildlife and sown with an appropriate seed mix. It is proposed that all of the site landscaping would be designed to be of specific benefit to invertebrates and in particular bees, by providing a tall sward with abundant forage plant species such as clovers, vetches and trefoils.

Furthermore some 200m of ditch would be enhanced to provide improved habitat in the southern part of the site for water vole, reptiles, amphibians, breeding birds and bats.

It is also proposed to develop a sensitive lighting scheme with the aim of avoiding direct illumination of ditch features and light spill into the wider LoWS. No details of these features have been provided but can be required to be submitted by condition.

Overall, it is acknowledged that the proposal would result in the loss of land forming part of a Local Wildlife Site. However, the evidence available suggests that the development site is of limited value and that mitigation and appropriate management of the site could achieve positive enhancement of habitats and biodiversity.

Whilst the objections of the RSPB and Buglife are noted, Natural England raises no objection to the proposal subject to imposition of controls in respect of the provision and management of land identified and retained for ecological purposes. Under the circumstances, no objection is raised to the proposal in respect of Ecology.

Parking and Highway Matters

Policy T2 states that proposals which would result in the intensification of the use of existing accesses or the creation of new accesses onto any trunk, principal or other classified road will, in appropriate cases, require the submission of a traffic impact study demonstrating the ability of the highway network to accommodate the proposed development.

Where such demonstration cannot be shown, or where there is a policy objection from the highway authority, permission will be refused.

When considering applications that would affect these roads the council will consult the highway authority and will take the advice received into account when determining applications for planning permission.

The proposed development will result in an intensification of the use of Roscommon Way. The application includes the submission of a Transport Assessment and a Framework Travel Plan. The Highway Authority has not raised any objection to the proposal subject to conditions.

The applicant has advised that it is willing to contribute £30,000 towards the provision of highway signage for the site. This would need to be secured through the S106 Agreement.

No objection is therefore raised to the proposal under Policy T2 of the Council's Adopted Local Plan.

Policy T8 requires adopted parking standards to be taken into account. In this case, the current standards are the vehicle parking standards as set out by the Essex County Council.

Whilst the application is at outline stage only with the detailed layout reserved for future consideration, consideration of the submitted indicative layout suggests a parking requirement of some 662 parking spaces across the site. Only some 566 spaces are provided with the most significant deficiency serving the proposed B2 uses.

Whilst the A3 use is also deficient, this use is intended to complement the use of the site by existing users and as such a degree of shared parking may be appropriate.

Nevertheless the applicant is cautioned to ensure that an appropriate level of parking and servicing is provided to serve all uses across the whole of the site, in the submission of any reserved matters.

Archaeology

An Archaeological Desk-based Assessment has been submitted as a part of the application. This report concludes that no designated archaeological assets are located within or in close proximity to the application site. A low potential has been identified for all periods for the application site and any unknown assets that are located within the application site are likely to be of no more than local significance.

Under the circumstances, it is not considered that the site has any archaeological implications.

Proximity to a Hazardous installation

Paragraph 5.31 of the Council's Adopted Local Plan states that in determining whether or not to grant permission for a proposed development on land within the consultation zones, the Planning Authority will take account of advice it receives from the Health and Safety Executive.

Health and Safety Executive (HSE) has not raised any objection in respect of the proposal. No objection is therefore raised to the proposal on this basis.

Conclusion:

The proposed application is considered to be an appropriate form of development within an area allocated for employment uses. Whilst it is acknowledged that development of the site would result in the partial loss of a Local Wildlife site, this loss must be considered in the light of the pressing need for greater employment opportunity in the Borough and the proposed mitigation of the impact on wildlife.

The proposal is therefore recommended for approval subject to conditions as outlined below and the applicants entering onto a Section 106 agreement to ensure:

- the transfer of the 'pear shaped' compensation land and funded habitat management to an appropriate body in perpetuity,
- provision of £370,560 for early years and childcare places,
- the creation, management and maintenance of the open areas within the site,
- the implementation and monitoring of travel plan including payment of a £3000 Travel Plan Monitoring fee to Essex County Council and
- the management and monitoring of the proposed surface water drainage system.

- the provision of £30,000 for highways signage

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

My Recommendation is: that subject to the applicant entering into a satisfactory Section 106 Agreement in respect of the matters identified above, the Head of Regeneration and Neighbourhoods be authorised to GRANT PERMISSION subject to the following conditions:

- 1 This permission should be read in conjunction with Section 106 Legal Agreement dated contemporaneously with this permission.

REASON: In order to ensure:

- the transfer of the 'pear shaped' compensation land and funded habitat management to an appropriate body, in perpetuity, in the interests of maintaining the ecological value of the wider site
- the creation, management and maintenance of the open areas within the site, in the interests of maintaining the ecological value of the site
- provision of £370,560 for early years and childcare places,
- the implementation and monitoring of travel plan including payment of a £3000 Travel Plan Monitoring fee to Essex County Council
- the management and monitoring of the proposed surface water drainage system and
- the provision of £30,000 towards highway signage.

- 2 The development hereby permitted may only be carried out in accordance with details of the layout, scale and external appearance of the building(s), the landscaping of the site, and the means of access thereto, (hereinafter called "the reserved matters"), the approval of which shall be obtained from the Local Planning Authority before development is begun.

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

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

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

- 3 The use of the site shall be for uses falling within Class B1(b) and (c), B2 and B8 of the Town and Country Planning (Use Classes) Order 1987 as amended and for A3 use and one motorcar dealership only (in accordance with the floor space indicated in Table 4.2 in the Environmental Statement Addendum) unless otherwise permitted by Castle Point Borough Council.

REASON: In order to ensure a satisfactory form of development and in the interests of the creation of local employment opportunities.

- 4 Prior to the construction of any building, areas within the site for the purpose of loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be provided clear of the highway.

REASON: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety.

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

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

- 6 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.

- 7 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:

- o the routing of lorries servicing the site and the parking of vehicles of site operatives and visitors
- o loading and unloading of plant and materials
- o storage of plant and materials used in constructing the development
- o wheel and under-body washing facilities

REASON: To ensure minimal disruption to traffic flows in the area, to ensure that on-street parking of 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.

- 8 Prior to the occupation of any building, all parking areas to be provided to that building or use of land shall be provided in accordance with the adopted parking standards and shall be hard surfaced, sealed and marked out in parking bays. The vehicle parking areas and associated turning areas shall be retained in this form in perpetuity and 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

- 9 Prior to the occupation of any building or use any cycle/powered two wheeler parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

REASON: To ensure appropriate cycle / powered two wheeler parking is provided in the interest of highway safety and amenity

- 10 No occupation of any building or use of land shall commence until such time as the provision of a 2m wide footway from the site entrance to link into the existing Public Right Of Way along Roscommon Way has been provided entirely at the Developer's expense.

REASON: To make adequate provision within the highway for additional pedestrian movements generated as a result of the proposed development.

- 11 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by SLR, referenced 407.05024.00001 Version 2 and dated April 2015, subsequent correspondence from SLR dated 8 June 2015 and the revised modelling and ground levels provided in a letter from SLR, dated 2 July 2015, and the following mitigation measures detailed within these:
- o Provision of compensatory flood storage to provide level for level direct compensatory storage for the main river crossing/bordering the site.
 - o Excavation of the compensatory storage area must be complete before infilling on site commences.
 - o Ground levels across the development shall be set at a maximum of 1.8mAOD.
 - o A Flood Warning and Evacuation Plan in combination with the incorporation of a mezzanine floor within each building, to ensure safe refuge on site is available if required.

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

REASON: To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided, to ensure that flood plain capacity is maintained during construction of the development, to ensure that there is no negative off site impact due to land raising and to ensure safe access and egress from and to the site.

- 12 Prior to any works to the banks of Charfleets Dyke, a water vole survey will be undertaken by a qualified ecologist at an appropriate time of year and using recognised survey techniques. In the event that the works have the potential to affect this species on the site then a mitigation scheme for both during construction works and once the development is complete, shall be submitted to and approved in writing by the local planning authority prior to any works. The works shall be implemented in accordance with the agreed mitigation scheme.

REASON: To ensure protection of the water voles in this location.

- 13 The development hereby permitted shall not be commenced until a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment (FRA) (SLR Consulting, Reference: 407.05024.00001, April 2015), has been submitted to and approved in writing by the local planning authority. The drainage strategy shall include a restriction in run-off and surface water storage on site as outlined in the Drainage supporting letter (SLR Consulting Ltd, Ref Reference 407.05024.00001, 8th June 2015). The scheme shall be implemented in accordance with the approved details before the development is completed.

In particular the Drainage scheme shall include the following:

- o Drainage modelling calculations showing the discharge of run-off from all the sub-catchments of the development restricted to the equivalent 1 in 1 year greenfield rate. In this case, the maximum discharge from each of the 5 outfalls will be limited to 1l/s.
- o Where on site attenuation is achieved through ponds, permeable paving, permeable sub-base, or other similar methods, calculations showing volume of these should be submitted.
- o Drainage calculations should demonstrate how the system operates during a 1 in 100 year event, for the critical duration storm, including an allowance for climate change.
- o Drainage Strategy Layout/Plan of the scheme including dimensions of the different SuDS features. The plan should indicate the areas for surface storage of exceedance flows and flow paths which should be away from buildings.
- o Provide details of adoption and schedule of maintenance of the scheme for the lifetime of the development.
- o Provide the required number of treatment stages for treating run-off from the different areas of the development.

REASON: To prevent flooding elsewhere and to deal with surface water run-off in a sustainable manner.

- 14 No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority.

REASON: To prevent environmental and amenity problems arising from flooding.

- 15 No buildings shall be occupied or land uses commenced until the works have been carried out in accordance with the foul water strategy approved under Condition 14 unless otherwise approved in writing by the Local Planning Authority.

REASON: To prevent environmental and amenity problems arising from flooding.

- 16 An on-site landscaping, wildlife protection, habitat creation and management plan (including measures for appropriate monitoring), targeting in particular those invertebrate species which currently use, or are likely to use, the application site, the Roscommon Way Extension road verges, and the broader assemblage of invertebrate species known from the Canvey Wick SSSI (especially highly mobile species which are likely to use foraging habitats beyond the boundary of the SSSI) shall be submitted to and approved in writing by the Local Planning Authority as a part of the reserved matters application and S106 Agreement.

REASON: In order to protect the interests of wildlife present on the site and the SSSIs.

- 17 An off-site habitat creation and management plan (including measures for appropriate monitoring) targeting in particular those invertebrate species which currently use, or are likely to use, the application site, the Roscommon Way Extension road verges, and the broader assemblage of invertebrate species known from the Canvey Wick SSSI (especially highly mobile species which are likely to use foraging habitats beyond the boundary of the SSSI) shall be submitted to and approved in writing by the Local Planning Authority as a part of the reserved matters application and S106 Agreement.

REASON: In order to protect the interests of wildlife present on the site and the SSSIs.

- 18 Prior to the commencement of the development hereby permitted a Construction and Environment Management Plan (CEMP) shall be submitted to, and approved by, the Local Planning Authority. Such Plan shall include measures for the protection of wildlife during the clearance and construction stages in accordance with good practice. Any such Plan approved shall thereafter be implemented in its entirety.

REASON: This information is required prior to commencement to ensure that any development of the site including site clearance is carried out in an acceptable manner given the existence of protected species on site.

- 19 Prior to the commencement of any development on site a Site Waste Management Plan shall be submitted to and formally approved by the Local Planning Authority. Any such plan approved shall thereafter be implemented in its entirety.

REASON: In order to ensure that construction waste is recycled or re-used in order to make the most efficient use of natural resources.

- 20 A lighting strategy, designed to minimise light spill onto surrounding wildlife habitats shall be submitted to and approved by the Local Planning Authority. Any such strategy approved shall subsequently be implemented in its entirety.

REASON: In order to protect the interests of wildlife present on the site and the SSSIs.

- 21 Prior to the first occupation of the development hereby permitted details of appropriate bird boxes shall be submitted and approved by the Local Planning Authority. Such details shall include the number of boxes, the timing of the installation of these boxes, the position of the boxes and the future monitoring and maintenance of the boxes.

REASON: To ensure that adequate provision is provided for the nesting of birds to compensate the loss of habitat within the site.

- 22 The bird boxes approved under condition 21 shall be installed prior to the first nesting season, after completion of the host building and thereafter permanently retained as such.

REASON: To ensure that adequate provision is provided for the nesting of birds to compensate the loss of habitat within the site.

- 23 Prior to the occupation of any building or commencement of any use, a Flood Response 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.

- 24 Upon occupation of the development or commencement of any use, the approved Flood Response Plan shall be enacted and thereafter maintained at all times that the host building 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.

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

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

- 26 The development shall be constructed in accordance with the scheme submitted by a qualified structural engineer pursuant to condition 25 above.

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.

- 27 Prior to the construction of any building a scheme of flood resistant and resilient construction for the approved buildings shall be submitted to and formally approved by the Local Planning Authority. Any flood resistance and resilience measures shall be in accordance with the document 'Improving the flood performance of new buildings' (DEFRA Publication).

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

- 28 The development shall be constructed and fitted out in accordance with the approved scheme of flood resistance and resilience measures.

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

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.

ITEM 2

Application Number:	15/0760/FUL
Address:	Hadleigh And Thundersley Cricket Club, John Burrows Recreation Ground, Rectory Road, Hadleigh, Benfleet (Victoria Ward)
Description of Development:	Construction of balcony/viewing gallery to the existing cricket pavilion (revised scheme)
Applicant:	Mr Heath
Case Officer	Mrs Ishita Sheth
Date of Expiry	25.11.2015

Summary

The application seeks the provision of a balcony/viewing gallery to the south-western elevation of the existing cricket pavilion, overlooking the cricket field. The proposal would accord with National Planning Policy and the Council's Local Plan Policies and accordingly the proposal is recommended for **APPROVAL**.

The application is presented to the Committee as the land, the subject of the application, is within the control or ownership of the Council.

Site Visit

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

Introduction

The John Burrows Recreation Ground is some 8.5 hectares in area and located to the north of Hadleigh Town Centre. The site is bordered by New Road to the south and Rectory Road to the east. To the north and east of the site are allotment gardens and residential properties in Springfield Road and Rectory Road. To the west of the site are residential properties in Templewood Road.

This application relates to the cricket pavilion that lies towards the southern end of the site adjacent to the eastern boundary.

The Proposal

Permission is sought to provide a viewing gallery/balcony to the south-western elevation of the existing cricket pavilion. It would have a width of some 8m and a depth of some 3m and would be supported by grey steel circular columns.

The balcony would be accessed from the existing bar area at first floor level via 1.8m wide bi-fold doors.

The eastern, western and southern edges of the balcony would have a provision of 1.1m high glazing panels with a rolled aluminium handrail.

It is proposed to provide a striped awning above the balcony.

Supplementary Documentation

A photograph of a balcony of a similar type to that proposed is available to view on the Council's website.

Planning History

14/0452/FUL – Construction of balcony/viewing gallery to the existing cricket pavilion. Approved on 8th October 2014. This balcony /viewing gallery 'wrapped around' the southern corner of the building and had a width of some 11.2m and a depth of 5.5m

CPT/301/09/FUL – Cricket Practice Facility was approved on 1st September 2009.

Local Plan Allocation

Public Open Space

Relevant Government Guidance and Local Plan Policies

National Planning Policy Framework

Paragraph 73: Opportunities for sport and recreation.

Local Plan

EC2 – Residential Amenity

EC3 - Design

Consultation

Legal Services

No comments received

Operational Services Manager

No comments received

Neighbour Consultation

No responses received

Comments on Consultation Responses

None

Evaluation of Proposal

Paragraph 73 of the NPPF states that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.

The proposal is to provide a balcony/viewing gallery to the existing cricket pavilion. It is considered that such a provision would facilitate involvement in, and the enjoyment of, a sport

related activity and as such the provision of the balcony/terrace would be consistent with the provisions of the NPPF.

Policy EC2 of the adopted Local Plan states that a high standard of design will be expected of all alterations and extensions to existing buildings.

The proposed viewing gallery is of a design that would be compatible with the character of the existing pavilion building and would not be harmful to the character and appearance of the building or the surrounding area. No objection is therefore raised to the proposal under Policy EC2 of the Council's Adopted Local Plan.

Policy EC3 is concerned with protecting residential amenity. It 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 proposed viewing balcony/gallery would be located at first floor level and would therefore offer the opportunity for overlooking adjoining properties. However, the front elevation of the nearest residential property would be located some 43m from the proposed balcony. At this distance, it is not considered that use of the balcony would result in a significant loss of privacy for adjoining residents and no objection is therefore raised to the proposal on that basis.

In terms of noise and disturbance, whilst it is acknowledged that the congregation of people on the balcony could lead to disturbance from noise; however, the level of isolation achieved between the area of congregation and the adjoining dwellings is considered sufficient to adequately mitigate this impact. No objection is therefore raised to the proposal on this basis.

Conclusion

The application seeks the provision of a balcony/viewing gallery to the existing cricket pavilion. It is considered that the proposal would accord with the National Planning Policy Framework and the Council's Adopted Local Plan Policies and accordingly the proposal is recommended for approval.

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

My Recommendation is Approval subject to the following conditions:

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

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

- 2 The external surfaces of the development hereby approved shall be treated in accordance with the submitted schedule of finishes from which there shall be no departure without the prior formal consent of the Local Planning Authority.

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

Informatives

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

ITEM 3

Application Number:	15/0766/OUT
Address:	'Carningle' The Common, Benfleet, Essex (St Peter's Ward)
Description of Development:	Demolition of existing dwelling and erection of 1No. detached house and 2No. semi-detached houses (outline)
Applicant:	Mr & Mrs Birkin
Case Officer	Kim Fisher
Date of Expiry	03.12.2015

Summary

The site is allocated for residential purposes and, subject to appropriate conditions, can adequately accommodate the provision of three dwellings, in the form proposed, without adverse impacts on biodiversity or the amenity of adjoining residents.

Access is a matter for consideration in the determination of the current application and whilst the principle of the achievement of access to the site from the unmade track to the south is acceptable, the originally submitted details were considered to result in an unacceptably large area of hard surfacing which would have a significant detrimental impact on the character and appearance of the area. Following discussion with the applicant's agent the scheme has now been revised to accord with the layout previously approved.

The proposal is therefore recommended for **APPROVAL**.

Site Description

The application relates to a site abutting the northwest part of Thundersley Common, some 16m east of Goldfinch Lane. A detached house that has vehicular access from an unmade road leading from Goldfinch Lane across the Common occupies the site. The frontage to 'The Common' is some 28m, increasing to 41m at the rear. The site has a depth of 35m.

There is a small area of scrub to the south east of the site and a fine mature oak to the south west which is to be removed to facilitate development. Further to the south are a number of mature trees before the Common opens out into a grass and heath land.

To the west, north and east is residential development characterised primarily by two storey development.

The application is in outline form only with all matters reserved except access and represents the submission of a scheme similar to that granted on appeal in January 2010. This consent has now expired.

The proposal relies for access on land within the control or ownership of the Local Authority and it is for this reason that the application is presented to this Committee for consideration.

Site Visit

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

Description of Proposed Development

The proposed development comprises the redevelopment of the site of 'Carningle', immediately to the north of 'The Common' with one detached and one pair of semi-detached four bedroomed houses.

The proposal includes the provision of a two access points and areas of hard standing to provide access to the plots and parking facilities. The submitted layout, which is for illustrative purposes only, shows forecourt parking for two cars for each dwelling.

Illustrative drawings indicate the provision of traditional styled dwellings with a maximum height of 8.8m.

No details are provided for the materials to be used in the construction of the dwellings.

Supplementary Documentation

A Design and Access Statement accompanied the application and is available to view on the Council's website.

Relevant History

May 2006 – Outline planning permission granted for the demolition of the dwelling on the site and the construction of one detached house and one pair of semi-detached house. (CPT/184/06/OUT).

August 2009 - Outline planning permission granted for the demolition of the dwelling on the site and the construction of one detached house and one pair of semi-detached houses. (CPT/225/09/OUT). This application was recommended for approval but this was overturned by the Committee. The subsequent appeal was allowed in January 2010.

This consent has now expired.

Local Plan Allocation

Residential

Relevant Policies

National Planning Policy Framework

Paragraphs:

- 39: Parking
- 58: Quality of development
- 109 Enhancement of biodiversity
- 118 Presumption in favour of sustainable development

Current Local Plan

EC2 – Design

EC13 – Protection of wildlife and their habitats

T7 – Unmade Roads

T8 – Parking standards

Residential Design Guidance

RDG1 – Plot size

RDG2 – Space around dwellings

RDG3 – Building lines

RDG5 – Privacy and living conditions

RDG6 – Amenity space

RDG12 – Parking and access

Consultation Responses

Legal Services CPBC

Proposal will require easement in order to obtain access over Council owned land.

Environmental Health Officer CPBC

No objection subject to condition.

Natural England

No objection on basis of proximity to SSSI.

No assessment made of impact on protected species. Refer to Standing Advice.

Biodiversity and Landscape enhancements should be considered.

Neighbour notification

Comments received from the following properties:

Goldfinch Lane: 'Gwayn Cottage' and 'Siluria'

Thundersley Common: No specific address given

Which make the following comments:

Access will result in removal of vegetation including Oak trees

Proposal will result in loss of light and overshadowing

Loss of privacy

Loss of visual amenity

Adverse impact on condition of the access road and implications for existing users

Properties are too close to the boundary

Proposal will result in greater noise and disturbance

Proposal will have negative impact on SSSI

Concerns about use of cesspits

Comments on Consultation Responses:

Noise and disturbance is likely to be experience during the constructional phase; however this will be transient and cannot provide a robust reason for refusal.

It is not considered that the introduction of two additional dwellings on the site would give rise to significant increases in noise and general disturbance such to justify refusal of the proposal on this basis.

Concerns in respect of the use of cess-pits to serve the site are not a matter for consideration under the Planning Acts.

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

Evaluation of Proposal

Planning permission has twice been granted for the development of the site with a detached dwelling and a pair of semi detached dwellings. The principle of the use of the site for a more intensive form of residential development has therefore already been established. No objection is therefore raised to the principle of the provision of three dwellings on this site.

Whilst the principle is established any proposal must still satisfy the detailed requirements of the adopted Local Plan and adopted Residential Design Guidance.

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

The indicative drawings show dwellings which are considered to be of a reasonable standard of design. Subject to a condition to secure this provision at reserved matters stage, no objection is raised to the proposal on the basis of Policy EC2.

The Council has adopted Residential Design Guidance as a Supplementary Planning Document in accordance with section 7 of the NPPF. Within this, guidance at RDG1 deals with plot sizes. It states that the plot sizes for all new development should be informed by the prevailing character of plot sizes.

The illustrative drawing shows plot widths of some 9m – 11m. This is considered to be reflective of the character of the surrounding area. No objection is therefore raised to the proposal on this basis.

RDG2 requires the space around all new development to be informed by the prevailing character of space around dwellings. The indicative layout shows proposed dwellings would generally maintain a minimum of 1m between the structure and the boundaries of the site which is considered reflective of the character of the surrounding area. Subject to a condition to secure this provision at reserved matters stage, no objection is raised to the proposal on the basis of guidance at RDG2.

RDG3 requires proposals to respect established building lines. The indicative layout shows the proposed sited in accordance with the line established by existing dwellings fronting the Common. Subject to a condition to achieve this at reserved matters stage no objection is raised to the proposal under RDG3.

RDG3 also requires proposals not to cause undue overshadowing or dominance of adjacent properties. The submitted layout would suggest that three dwellings can be accommodated on the site without adversely impacting on adjoining dwellings in terms of dominance or undue overshadowing. No objection is therefore raised the proposal on the basis of RDG3.

Local residents have objected to the proposal on the basis of overlooking and loss of privacy.

RDG5 deals with privacy and overlooking. A distance of 9m is required to be provided between first floor windows and the boundaries of the site.

The indicative layout suggests that any rear facing windows at first floor level would be fully compliant with this requirement. It is not considered that a reason for refusal based on loss of privacy to the dwellings to the rear could be sustained on appeal.

The first floor front windows would overlook The Common which is within the public realm and would not cause undue loss of privacy.

The illustrative layout does not indicate the provision of side windows at first floor level. The applicant should note that any such windows are likely to be required to be obscure glazed and fixed in order to protect the privacy and amenity of adjoining residents and are unlikely to be considered appropriate to serve primary living accommodation.

Subject to appropriate control over any windows provided to the side elevations at first floor level no objection is raised to the proposal on the basis of RDG5.

RDG6 requires appropriate amounts of outdoor amenity space to be provided in proportion to the size of the dwelling. 15m² per habitable room should be provided.

The illustrative drawings indicate that the buildings would each contain 8 habitable rooms requiring an amenity area of 120m². The site would appear capable of accommodating this requirement. No objection is therefore raised on the basis of RDG6.

Government guidance, as expressed in paragraphs 109 and 118 of the National Planning Policy Framework, seeks to limit adverse impact on, and where possible enhance biodiversity through, the development process.

Policy EC13 states that the Council will refuse development which is prejudicial to the interests of wildlife and their habitats. This is inconsistent with national guidance as it does not advocate the use of a sequential process. Under the circumstances greater weight will be given to the provisions of the NPPF.

Policy EC12 is concerned about proposals likely to adversely impact on SSSIs. Natural England had confirmed that the proposal will not adversely impact on the adjoining SSSI. No further consideration will therefore be given to the proposal in the context of EC12.

Natural England has further advised that the proposal should be considered in the context of its Standing Advice.

There is no evidence to suggest the presence of Badgers on site and no record of ponds in the locality which may provide habitat for Great Crested Newts.

The existing dwelling predates planning records and given the proximity of the site to a SSSI and a number of established trees, there is the potential for the dwelling to provide habitat for bats. It is therefore considered appropriate for a bat survey to be undertaken prior to the demolition of the existing dwelling.

The removal of significant areas of vegetation is also considered likely to have an adverse impact on bird habitat and it is considered appropriate to impose conditions on the grant of any consent requiring the provision of alternative habitat within the site.

Subject to such a condition no objection is raised to the proposal on the basis of impact on biodiversity.

Policy T7 states in applications for the intensification of development served by unmade roads, the Council will seek appropriate improvements to the highway.

The proposal seeks to obtain access from the unmade road serving those dwellings fronting the Common, leading from Goldfinch Lane. The current dwelling obtains access over the road and in principle the acceptability of such access has been established by the earlier consents granted for the development of this site. Whilst the principle is established, the details however remain for consideration.

Access is a matter which is not reserved for future consideration.

This proposal as originally submitted showed the provision of a hard surfaced area serving the site which was some 9m wide at the junction with the access road and some 15m wide at the boundary of the site. With a depth of some 12m, this expanse of hard surfacing was considered to be excessive and detrimental to the character and appearance of the area which is characterised by greensward, planting and more limited access points and parking arrangements. As such it was considered that the access proposed was unacceptable. The matter was discussed with the applicant's agent and a revised scheme has been submitted which accords with the layout identified in the previous approval. Under the circumstances it is not considered that an objection to the revised layout may be raised.

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

The currently adopted standards require the provision of two off-street parking spaces for properties with two or more bedrooms. Garages will only be counted as a parking space where they have a floor area of 3m by 7m. Garages should be provided with a forecourt depth of 6m to allow vehicles to stand clear of the highway whilst garage doors are being operated.

No garages are indicated in the illustrative layout; however two parking spaces are provided to each dwelling. The proposal therefore satisfies the quantum requirement for parking provision.

Whilst no garages are indicated on the submitted drawings it should be noted that in allowing the previous appeal, the Inspector attached no weight to the Council's desire to see garaging provision on the site, indicating that this was a matter for the developer and his clients. Under the circumstances it is not considered that an objection to the proposal based on the absence of garaging could be sustained on appeal.

RDG12 requires parking not to be visually dominant. The revised parking scheme is not considered to be unduly prominent in the street scene. No objection is therefore raised to the proposed arrangement.

Concern has been raised in respect of the impact of greater use of the access road by traffic attending the site, particularly post construction. Policy T7 of the adopted Local Plan states that in all proposals for the intensification of development reliant on unmade roads, the Council will seek improvements to the highway.

The site is served by an unmade track and this contributes to, and complements, the rural character of the area. Whilst it is acknowledged that increased traffic use may result in a deterioration of the road surface, it is not considered appropriate to require that section of the access road serving the application site to be made up to adoption standards. It is however considered appropriate to ensure that the proposed development does not lead to deterioration in the condition of the access track to the detriment of other users. It is therefore considered appropriate to require the applicants to carry out improvements to the surface of the access track, to the extent that it serves the application site. Such improvements can be achieved through that imposition of a "Grampian style" condition on the grant of any consent

Subject to such a condition no objection is raised to the proposal under Policy T7.

Conclusion

The site is allocated for residential purposes and, subject to appropriate conditions, can adequately accommodate the provision on three dwellings, in the form proposed without adverse impacts on biodiversity, the character and appearance the area 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 subject to the following conditions:

- 1 The development hereby permitted may only be carried out in accordance with details of the layout, scale, external appearance of the building(s) and the landscaping of the site, (hereinafter called "the reserved matters"), the approval of which shall be obtained from the Local Planning Authority before development is begun.

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

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

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

2. No development shall be undertaken on the site until a scheme showing the provision of appropriate improvements to the track leading from Goldfinch Lane to the site has been submitted to and approved by the Local Planning Authority. Any such improvements shall thereafter be undertaken prior to the first occupation of the proposed development and

thereafter appropriately maintained in order to serve the needs of the occupiers of the dwellings.

REASON: In order to ensure an appropriate and satisfactory means of vehicular access to the site.

3. Prior to the construction of the new buildings hereby approved, details of the surface water drainage for the site and adjoining hard surfaced area shall be submitted to and approved by the Local Planning Authority. The scheme shall in the first instance make provision for the disposal of surface water on site through the use of a Sustainable Drainage System (SuDS). Only if it can be demonstrated that SuDS is not suitable shall the scheme incorporate measures for the off-site disposal of surface water.

REASON: To ensure the potential for increased surface water runoff from the site, and risk of surface water flooding to adjoining sites, is limited as far as possible.

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

REASON: To ensure the potential for increased surface water runoff from the site, and risk of surface water flooding to adjoining sites, is limited as far as possible.

5. The window(s) created above ground floor level in a wall or roof slope forming a side elevation shall be obscure glazed to at least Level 3 on the Pilkington Scale and non-opening to a height of 1.7m above the finished floor level of the room in which the window(s) is installed and permanently retained as such thereafter.

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

6. Prior to the vehicular access being brought into use, within the confines of the site, a 1.5m x 1.5m clear to ground visibility splay shall be provided at the junction of the vehicular access and the highway which shall be maintained free of obstruction in perpetuity.

REASON: In the interests of highway and pedestrian safety.

7. Prior to the commencement of the development hereby approved a bat survey of the site, including any mitigating measures necessary to protect any roosts or feeding grounds identified on the site, shall be undertaken by an appropriately qualified consultant and shall be submitted to and formally approved by the Local Planning Authority.

REASON: In the interests of preserving the nature conservation value of the site.

8. Prior to the commencement of any development hereby approved any mitigating measures identified in the approved bat survey shall be implemented and such works shall be formally approved by the Local Planning Authority.

REASON: In order to protect the natural amenity of the site.

9. Prior to first occupation of the development hereby approved, two parking spaces, each 2.9m wide and 5.5m deep shall be provided within the curtilage of each dwelling, to meet the needs of the development proposed. Such provision shall thereafter be used for

parking purposes only, to serve the needs of the occupiers of the dwellings hereby approved and permanently retained as such

REASON: To ensure adequate off-street parking provision.

- 10 Prior to the first occupation of the development hereby approved vehicular crossovers shall be provided in accordance with the details submitted on the approved plans, Drawing No. 260 021 A received by the Planning Authority on the 13th November 2015 and permanently retained as such thereafter.

REASON: In order to provide adequate on site car parking facilities for the accommodation proposed

- 11 The reserved matters referred to in Condition 2 shall include details of all landscaping, planting and tree planting to be carried out on the site, together with details of all trees and other natural vegetation on the site to be retained.

REASON: In the interests of maintaining the visual amenity of the area.

- 12 The reserved matters referred to in Condition 2 shall include details of all hedges, fences, walls and amenity screening to be erected, planted or constructed to serve the development hereby approved.

REASON: In the interests of maintaining the amenity of the area and adjoining residents.

- 13 No vehicles, building materials, equipment, waste materials or debris arising from the works on the site are to be stored, assembled or deposited within or on the boundary of Thundersley Great Common Site of Special Scientific Interest.

REASON: In order to protect the nature conservation value of the area.

- 14 A detailed site survey, designed to identify the existence or potential for ground gas seepage into the property shall be undertaken by a suitably qualified person and the report, which shall include details of all necessary and appropriate mitigating measures shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of development.

REASON: In order to safeguard the health and safety of the occupants of the property from the effects of harmful ground gases.

- 15 Any mitigation measures approved shall be incorporated into the development scheme and shall be implemented, by an appropriately qualified person, to the satisfaction in writing of the Local Planning Authority, prior to the occupation of the development hereby approved and thereafter shall be permanently maintained as such.

REASON: In order to safeguard the health and safety of the occupants of the property from the effects of harmful ground gases

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.