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Angela Hutchings
Chief Executive

AGENDA

Committee: DEVELOPMENT MANAGEMENT

Date and Time: Tuesday 6th September 2022 at 7.00pm

Venue: Council Chamber, Council Offices

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

Membership: Councillors Greig (Chairman), Acott, Anderson, Barton-Brown, Bowker, Hart, C. Mumford, Skipp, Taylor and J. Thornton.

Substitutes: Councillors Fuller, Riley, Savage, A. Thornton and Withers.

Canvey Island Town Councillors: Harvey and S. Sach

**Officers attending: Stephen Garner – Planning Manager
Sophie Adams – Senior Planning Officer (Strategic)
Keith Zammit – Planning Officer
Jason Bishop – Solicitor to the Council**

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 5th July 2022 is attached.

4. Public Speakers

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

5. Deposited Plans

The report is attached.

	Application No	Address	Page No
1.	22/0110/OUT	Jimmy Macs, Eastern Esplanade, Canvey Island, Essex, SS8 7DN (Canvey Island South Ward)	1
2.	22/0461/FUL	Land Rear of 316 – 320 High Road, Benfleet, Essex, SS7 5HB (St Mary's Ward)	7

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DEVELOPMENT MANAGEMENT COMMITTEE

TUESDAY 5th JULY 2022

PRESENT: Councillors Greig (Chairman), Acott, Anderson, Barton-Brown, Bowker, Hart, C. Mumford, Skipp, Taylor and J. Thornton.

SUBSTITUTE MEMBERS PRESENT: None

CANVEY ISLAND TOWN COUNCIL: Councillors S. Sach and Harvey

ALSO PRESENT: Councillors Cutler, Fuller and Savage also attended.

APOLOGIES: None

6. MEMBERS' INTERESTS

Before the Chairman requested declarations of interest from Members of the Committee the Legal Advisor read a statement to note that whilst Councillors had been approached by residents whilst on the site visit for the planning application at Agenda Item No. 5(1) they had not engaged in conversation about the application and had maintained their professional independence. The Committee was therefore advised that they may proceed to consider the application without hindrance.

Councillor Mumford declared he may have an interest in Agenda Item 5(5) as his property was immediately adjacent to Marine Parade. It was confirmed that Marine Parade was not part of the application site.

7. MINUTES

The Minutes of the meeting held on 14th June 2022 were taken as read and signed as a correct record.

8. PUBLIC SPEAKERS

The following speakers were announced in respect of

Ms Day, a local resident, in objection (Agenda Item 5 (1))

Mr Mason, on behalf of the applicant, in support (all agenda items).

9. DEPOSITED PLANS

As all five applications on the agenda related to renewal and upgrade works of revetment along the same shoreline on Canvey Island the applications were

presented together by the Planning Officer however each application was considered and debated separately by the Committee.

(a) 22/0320/FULCLO – LAND TO THE EAST OF EASTERN ESPLANADE AND TO THE SOUTH OF ATHOL CLOSE, CANVEY ISLAND, ESSEX, SS8 7PR (CANVEY ISLAND EAST WARD) – TEMPORARY CONSTRUCTION COMPOUND AREA TO SUPPORT THE WORKS TO THE REVETMENT AT CANVEY ISLAND – ENVIRONMENT AGENCY

The proposal sought consent for the siting of a temporary construction compound area to the east of Eastern Esplanade and south of Athol Close to support renewal and upgrade works to 3.2km of revetment along the southern shoreline of Canvey Island. The renewal and upgrade works to the revetment were in order to maintain and improve this stretch of Canvey Island's tidal flood defences.

Subject to relevant and necessary conditions where appropriate, the proposal was considered to be consistent with national and local policy and the proposal was therefore recommended for approval.

This case was presented to the Committee because the Council was the landowner.

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

The Planning Officer explained that whilst the proposal would result in the temporary loss of public open space and in some detrimental impacts to local residents by reason of increased traffic, noise, light and air pollution, the overall use of the area would be retained as public open space in the long term and the proposal would bring about far wider benefits to the entire community of Canvey Island, by enabling the upgrade and maintenance of the revetment and enhancing tidal flood protection to the whole of Canvey Island.

It was considered that any temporary adverse impacts of the proposed compound areas and associated works could be ameliorated through appropriate planning conditions and would be compensated for in the long-term by the benefits of the upgrade and maintenance of the flood defences.

The Planning Officer stated that on the site visit it had been noted that a new gate had been installed by the Council at the end of Eastern Esplanade in place of bollards. He therefore recommended that, if the application was approved, Condition 13 in the report be amended to remove reference to bollards and insert reference to the new gate. Furthermore, in light of consultation with Essex Fire and Rescue it was suggested that a Condition 21 should be added to any approval to ensure that suitable access for emergency services to properties on Athol Close was provided.

Ms Day, a local resident, spoke in objection to the application.

Mr Mason, a representative of the applicant, spoke in support of all the applications on the agenda.

In response to questions from Members the Planning Officer gave the following responses:

If the parking area at the main compound was fully utilised by staff and contractors other sites would be open for parking and the Environment Agency had proposed shuttle buses between the compounds. It was not possible to prevent parking elsewhere but it was considered that the availability of free parking and shuttle buses was sufficient to deter this.

The proposed works to Marine Parade detailed in the Construction Management Traffic Plan were not part of the application that was under consideration. These works were something the Environment Agency had considered but due to issues with land ownership and property rights of the road it was planned to use the area of grass verge to the south of Marine Parade as a construction road instead. These works did not form a material part of the planning application therefore it would not be appropriate to add a condition requiring engagement with local residents on the plans as this would not be enforceable.

The site compound covered 6,500 metres which was required for the storage of materials, it complied with the Council's policy and guidance and therefore it had not been deemed necessary for it to be set back further. It was considered that the available space was needed for parking, storage etc and moving it further back would reduce the level of space to less than that required by the applicant.

Planning officers had not been provided with evidence that bats were present on the site. The applicant had submitted a preliminary ecological assessment by a qualified ecologist who had stated that the presence of bats was unlikely. No objections had been received from Essex Wildlife Trust on the proposal. It was confirmed that on similar applications if objections were received local wildlife groups would be consulted. Furthermore the applicant proposed to use a wild flowering seed mix on the site once the works were complete which would possibly result in a small biodiversity gain on the site.

With regard to re-instatement of the sites, on completion of the revetment works all of the site compounds had a condition imposed which required the applicant to re-instate the site to at least the same condition as it had been previously. It was not possible to require the applicant to provide something better. This included tree-planting and the Committee was asked to note that anything provided on Council owned land following completion of the works would become the responsibility of the Council to maintain.

Condition 5 of the Planning Officer's report required a Highways Condition Survey to assess the condition of vehicle routes to and from the site. A further survey would be undertaken after completion of the works to identify any detrimental impact on the highway infrastructure and any identified damage would be repaired.

It was proposed that surface water attenuation tanks would sit beneath the buildings possibly with a layer of Type 1 aggregate. One of the objections raised by the Lead Local Flood Authority was that in the event of a high water table the tanks could float up out of the ground. This had been addressed by the applicant and it was confirmed that even if a large rain event occurred the tanks would remain in the

ground. It was stated that the Construction Environmental Management Plan included measures to reduce noise and vibrations to nearby properties which may be caused by tamping down the Type 1 aggregate. It was not proposed to retain the attenuation tanks after the works this was because it would then become the Council's responsibility to maintain and, as it was a grass field site, there was a possibility that the grass in the area would not be able to grow properly.

Works to improve disabled access to the sea wall fell under the permitted development part of the scheme and was not part of any of the applications and therefore unenforceable.

The compound sites were permitted to be open between 06:00hrs and 22:00hrs Monday to Friday. The works to the land side of the seawall were proposed to take place between 08:00hrs and 18:00hrs, only the works to the sea side of the revetment were proposed to take place during the longer hours. Where possible deliveries to the site would take place during the normal working day. Some materials would need be delivered as required but this would be kept to a minimum. A number of conditions in the Planning Officer's recommendation required the applicant to abide by these timings. A condition also required engagement with local residents on the timing of works outside usual working hours. There was no specific requirement to turn off vehicle reversing alarms as this could be a health and safety requirement of the site.

The shortest distance from the main compound hoarding to the front elevation of the properties in Athol Close was 7 metres.

Whilst it did not form part of the planning application for any of the sites the Environment Agency had confirmed that wherever possible during the works the painted murals on the sea wall would be screened to protect them from damage.

It was confirmed that as many as 20 other sites such as Roscommon Way had been considered as the main compound site at the early stages of the planning process. The main constraint had been the size of the area available and the lack of direct access to the sea wall. The proposed main site compound minimized, as far as possible, the impact on the road network and residents.

During the works the applicant was proposing to have a Liaison Officer at certain times of the week based at the Friends of Concord Beach hut. There would also be contact details on each of the sites for on duty personnel. If there was any concern regarding breaches of planning conditions members of the public should report these to the Planning Department.

Environmental Health had not raised any objections to the application in relation to the noise and as there was no right to a view across land local residents would not be entitled to any compensation as a result of the impact of the works.

Following questions members of the Committee debated the application.

A member raised concern about the impact of the proposal on the residents of Athol Close and their proximity to the compound.

A Member requested that the Council work with the developers, local groups such as Baywatch and Friends of Concord Beach, Canvey Island Town Council and residents on the landscaping and reinstatement improvements including access ramps for the site. The Planning Officer stated that this could not be added as a condition to any approval but that the Council would work with the applicant to see if this could be achieved.

The Planning Officer confirmed that if this application was refused it would have an impact on the other proposals and the works to the sea wall would be delayed in their entirety. The Planning Officer did not feel there would be any benefit to deferring a decision on the application to re-visit the consideration of other sites.

During debate Members recognised the impact of the proposal on local residents in Athol Close however it was considered that this disadvantage did not outweigh the impact on the wider community of Canvey Island if these works were not carried out.

Following consideration of the application it was:

Resolved - That the application be approved subject to the conditions as set out in the Planning Officer's report, an amendment to Condition 13 to insert reference to the new gate and the addition of a Condition 21 to provide suitable access for emergency services to properties on Athol Close.

(b) 22/0302/FULCLO – WOODEN PARK, THORNEY BAY, CANVEY ISLAND, ESSEX (CANVEY ISLAND SOUTH WARD) – TEMPORARY CONSTRUCTION COMPOUND AREA TO SUPPORT THE WORKS TO THE REVETMENT AT CANVEY ISLAND – ENVIRONMENT AGENCY

The proposal sought consent for the siting of a temporary material storage compound area to the west of Thorney Bay Road to support renewal and upgrade works to 3.2km of revetment along the southern shoreline of Canvey Island. The renewal and upgrade works to the revetment are in order to maintain and improve this stretch of Canvey Island's tidal flood defences.

Subject to relevant and necessary conditions where appropriate, the proposal was considered to be consistent with national and local policy and the proposal is therefore recommended for approval.

This case was presented to the Committee because the Council was the landowner.

The Planning Officer explained that whilst the proposal would result in the temporary loss of public open space and would result in some detrimental impacts to local residents by reason of increased traffic, noise, light and air pollution, the overall use of the area would be retained as public open space in the long term and the proposal would bring about far wider benefits to the entire community of Canvey Island, by enabling the upgrade and maintenance of the revetment and enhancing tidal flood protection to the whole of Canvey Island.

It was considered that any temporary adverse impacts of the proposed compound areas and associated works could be ameliorated through appropriate planning conditions and would be compensated for in the long-term by the benefits of the upgrade and maintenance of the flood defences.

During questions from the Committee it was confirmed that any benches, picnic tables and other items that may need to be removed temporarily on any of the application sites would be returned after the works had been completed. It was not appropriate to consider improvements to the access to Thorney Bay as part of the proposals.

A Member requested that the Council work with the developers, local groups such as Baywatch and Friends of Concord Beach, Canvey Island Town Council and residents on the landscaping and reinstatement improvements including access ramps for the site. The Planning Officer stated that this could not be added as a condition to any approval but that the Council would work with the applicant to see if this could be achieved.

Following consideration of the application it was:

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

(c) 22/0299/FULCLO – SOUTH OF WESTERN ESPLANADE, WEST OF THE WELCOME HUT, CANVEY ISLAND, ESSEX, SS8 0DA (CANVEY ISLAND SOUTH WARD) – TEMPORARY CONSTRUCTION COMPOUND AREA TO SUPPORT THE WORKS TO THE REVETMENT AT CANVEY ISLAND – ENVIRONMENT AGENCY

The proposal sought consent for the siting of a temporary construction compound area to the south of Western Esplanade to support renewal and upgrade works to 3.2km of revetment along the southern shoreline of Canvey Island. The renewal and upgrade works to the revetment were in order to maintain and improve this stretch of Canvey Island's tidal flood defences.

Subject to relevant and necessary conditions where appropriate, the proposal was considered to be consistent with national and local policy and the proposal was therefore recommended for approval.

This case was presented to the Committee because the Council was the landowner.

Whilst the proposal would result in the temporary loss of public open space and would result in some detrimental impacts to local residents by reason of increased traffic, noise, light and air pollution, the overall use of the area would be retained as public open space in the long term and the proposal would bring about far wider benefits to the entire community of Canvey Island, by enabling the upgrade and maintenance of the revetment and enhancing tidal flood protection to the whole of Canvey Island.

It was considered that any temporary adverse impacts of the proposed compound areas and associated works could be ameliorated through appropriate planning

conditions and would be compensated for in the long-term by the benefits of the upgrade and maintenance of the flood defences.

Following consideration of the application it was:

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

(d) 22/0301/FULCLO – WESTERN PART OF THE EXISTING EASTERN ESPLANADE CAR PARK AND SOUTH OF THE EASTERN ESPLANADE BANDSTAND AREA, CANVEY ISLAND, ESSEX, SS8 7FJ (CANVEY ISLAND SOUTH WARD) – TEMPORARY CONSTRUCTION COMPOUND AREA TO SUPPORT THE WORKS TO THE REVETMENT AT CANVEY ISLAND – ENVIRONMENT AGENCY

The proposal sought consent for the siting of a temporary construction compound area to the south of Eastern Esplanade to support renewal and upgrade works to 3.2km of revetment along the southern shoreline of Canvey Island. The renewal and upgrade works to the revetment were in order to maintain and improve this stretch of Canvey Island's tidal flood defences.

Subject to relevant and necessary conditions where appropriate, the proposal was considered to be consistent with national and local policy and the proposal is therefore recommended for approval.

This case was presented to the Committee because the Council was the landowner.

The Planning Officer explained that whilst the proposal would result in the temporary loss of public open space and would result in some detrimental impacts to local residents by reason of increased traffic, noise, light and air pollution, the overall use of the area would be retained as public open space in the long term and the proposal would bring about far wider benefits to the entire community of Canvey Island, by enabling the upgrade and maintenance of the revetment and enhancing tidal flood protection to the whole of Canvey Island.

It was considered that any temporary adverse impacts of the proposed compound areas and associated works could be ameliorated through appropriate planning conditions and would be compensated for in the long-term by the benefits of the upgrade and maintenance of the flood defences.

In response to a Member's question the Planning Officer stated that some of the car park spaces for the cinema would be lost during the winter months but re-instated during the summer months. It was recognised that there would be temporary loss of some parking spaces in this location but there were nearby car parks at Leigh Beck and the Labworth which could compensate for this.

Following consideration of the application it was:

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

(e) 22/0300/FULCLO – LAND LOCATED TO THE EAST OF MARINE PARADE AND BEVELAND ROAD, CANVEY ISLAND, ESSEX, SS8 7QT (CANVEY ISLAND EAST WARD) – TEMPORARY CONSTRUCTION COMPOUND AREA TO SUPPORT THE WORKS TO THE REVETMENT AT CANVEY ISLAND – ENVIRONMENT AGENCY

The proposal sought consent for the siting of a temporary construction compound area to the south of Eastern Esplanade to support renewal and upgrade works to 3.2km of revetment along the southern shoreline of Canvey Island. The renewal and upgrade works to the revetment were in order to maintain and improve this stretch of Canvey Island's tidal flood defences.

Subject to relevant and necessary conditions where appropriate, the proposal was considered to be consistent with national and local policy and the proposal is therefore recommended for approval.

This case was presented to the Committee because the Council was the landowner.

The Planning Officer explained that whilst the proposal would result in the temporary loss of public open space and would result in some detrimental impacts to local residents by reason of increased traffic, noise, light and air pollution, the overall use of the area would be retained as public open space in the long term and the proposal would bring about far wider benefits to the entire community of Canvey Island, by enabling the upgrade and maintenance of the revetment and enhancing tidal flood protection to the whole of Canvey Island.

It was considered that any temporary adverse impacts of the proposed compound areas and associated works could be ameliorated through appropriate planning conditions and would be compensated for in the long-term by the benefits of the upgrade and maintenance of the flood defences.

Following consideration of the application it was:

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

Chairman

ITEM 1

Application Number:	22/0110/OUT
Address:	Jimmy Macs Eastern Esplanade Canvey Island Essex SS8 7DN (Canvey Island South Ward)
Description of Development:	Single storey side extension for WC area, amendment to bin store, removal of external store to utilise and expand external terraced area, new internal bar and fenestration alterations (outline)
Applicant:	Mr Derek Gray
Case Officer	Mr Keith Zammit

Summary

The application seeks permission for the minor extension of an existing restaurant premises and the laying of hard standing to facilitate the provision of additional outdoor seating.

In all the circumstances it is considered that there are no reasons to refuse permission and therefore it is recommended that the application is APPROVED.

The application is presented to the committee as the land is council owned.

Site Visit

Members need not visit the site as an organised group prior to determination of this application, as it is thought that most will be familiar with it. Members may, of course, wish to visit the site independently. It is possible to walk around the outside of the building without prior appointment, and there is parking nearby.

Introduction

The application relates to an existing catering establishment on the southern side of Eastern Esplanade. It has an open grassed area to the south, beyond which is the sea wall. To the east is a bandstand, to the west are Fantasy Island amusements, while opposite is The Monico pub, adjacent to which are commercial units with flats above.

The Proposal

Permission is sought for the expansion of the external seating onto the grassed area to the south of the building (with new paving). Additionally, it is proposed to take down an external timber storage area on the west side to make room for more seating and erect an extension on the east side for new toilet facilities. This then enables the kitchen to be moved internally, and a new bar to be set up with a south facing opening onto the outside seating area.

The application is in outline form, but approval is being sought for all matters except landscaping.

Supplementary Documentation

A schedule of materials and planning statement have been submitted which are available to view on the council's website.

Planning History

None of relevance

Relevant Government Guidance and Local Plan Policies

National Planning Policy Framework (the Framework, 2021)

Local Plan (LP, 1998):
EC2 – Design
EC3 – Residential amenity
EC39 – Seafront entertainment area
T8 – Car parking standards

Consultation

Legal Services – Any use of council-owned land must be agreed prior to development taking place.

Canvey Town Council – Locating the play area next to the bandstand gives rise to potential conflict between land uses.

Environment Agency – Object to the play area as it would restrict maintenance and emergency access to the flood defences. Furthermore, the playground element clashes with land requirements for the Canvey Island Southern Shoreline Scheme which is due to commence in the Winter of 2023.

Public Consultation

The following comments have been made:

- o The existing site creates problems of noise, traffic/parking and antisocial behaviour
- o Welcome investment from local businessmen but the development of the seafront should be geared towards families rather than encouraging drunken/rowdy behaviour.

Comments on Consultation Responses

- o The play area has now been omitted from the proposals.
- o The application for additional outside seating could potentially give rise to additional noise for neighbours nearby, but this objection seems directed mainly at the existing use. Therefore, the correct way to deal with such problems would be through a review of the premises' licence.

Evaluation of Proposal

The main issues with this application are the principle of expanding the existing restaurant use, the design of the proposed alterations, noise issues, parking and drainage.

Principle

The land has seemingly conflicting allocations of 'seafront entertainment area' and 'public open space' on the proposals map accompanying the adopted LP. The council's LP policy EC39 states that within the seafront entertainment area, the council will encourage the provision of additional leisure facilities and will refuse development which would lead to the loss of existing facilities. This matter is not specifically addressed in the Framework although paragraph 81 states that planning policies and decisions should create the conditions in which businesses can invest, expand and adapt. The proposal for expansion of a seafront business would be well aligned with this aim.

Following the expiry of many of the LP policies in September 2007 there is no adopted local policy relating to the retention of areas of informal open space. The Framework at paragraph 98 identifies that access to a network of high quality open spaces is important for the health and well-being of communities, nature and climate change. Paragraph 99 goes on to say that existing open space and recreational land should not be built on unless one of a number of criteria are met, none of which apply to this site.

The proposal would result in the loss of some open space although given the location of this space at the base of the sea wall and it being only 9m in width, much of it being between a building and the sea wall, it is not considered to be an area that has a particularly high value for recreational purposes. There is a much larger area of open space the other side of Leisure Island and Fantasy Island parks, which people would likely choose in preference to this site. Therefore, the loss of open space for the additional seating would not conflict with guidance in the Framework. The seating and hard surfacing may also be viewed as temporary features that could be removed at the end of the current occupier's lease.

The proposal is not considered to be contrary to national planning guidance on open space as well as being consistent with national planning guidance on encouraging businesses to invest, expand and adapt. Local policy EC39 on the seafront entertainment area is not particularly relevant as the site is not an existing leisure facility. The absence of conflict with local policy and the compliance with national policy is considered to be an indication that the principle of development is acceptable.

Officers therefore raise no objection in principle to the proposed work.

Design

The council's LP policy EC2 seeks a high standard of design in all extensions and alterations to existing buildings. It also seeks that the appearance and treatment of spaces around buildings is enhanced by appropriate hard and soft landscaping. Such provisions are consistent with the aims and objectives of requiring good design in the Framework.

The proposed removal of the existing timber enclosure on the west side of the building is welcomed as this is not an attractive feature. The proposed extension for toilets on the east side would be flat roofed and finished in horizontal timber cladding. This would largely replicate the appearance of the current open roofed storage area so is felt to be broadly acceptable in design terms.

The paving of more land for outdoor seating is regrettable in terms of a loss of natural grass land. However, officers have been able to secure some improvements in landscape terms (notwithstanding that landscaping is a reserved matter and therefore these plans are of indicative landscaping). There are four palm trees located to the south west of Jimmy Mac's, three of which are within the applicant's lease area and were proposed to be removed for the area to be paved over. Officers have been able to negotiate the retention of these in tree pits within the paving. Additionally, the removal of the play area from the scheme has enabled this area to be retained as it currently sits, reducing the extent of hard surfacing. The remaining hard surfacing would be block paving which is considered to be of sufficiently high quality and not detrimental to visual amenity.

Overall, officers raise no objection to the scheme on design grounds.

Noise

LP policy EC3 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. This policy is not entirely consistent with the approach to noise set out at paragraph 185 of the Framework, which is that planning policies and decisions should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life.

It may be inferred from the guidance in the Framework that some adverse impact from noise may be acceptable if this is outweighed by the benefits of development taking place.

There have been objections raised to the proposal from nearby residents fearing that existing noise and disturbance issues relating to the premises will be exacerbated. The provision of additional outdoor seating is, in officers' view, not likely to make a great difference to the amount of noise that the premises generates, particularly as it would be further away from existing residents than the current seating area. It is not considered that it would be possible to robustly defend at appeal a reason for refusal of permission based on noise disturbance.

Although the premises might be noisy now, it is only the additional noise from this proposal that may be considered, which is not felt to be substantial. This would not lead to an adverse impact on nearby residential amenity and does not need to be balanced against any benefits.

Overall, officers raise no objection to the proposal based on noise.

Parking

LP policy T8 states that the council will apply, with specified exceptions, the car parking standards published by Essex County Council. The exceptions are within a now superseded appendix to the LP so are no longer relevant. The current Essex County Council parking standards were published in 2009 and their application is consistent with paragraph 107 of the Framework as they have been set taking into account local circumstances. Regard must also be had, however, to paragraph 108 of the Framework, which cautions against the use of maximum parking standards save for in circumstances where it is necessary to restrict parking to optimise the density of development in city and town centres and other locations that are well-served by public transport.

Parking at restaurant premises should, according to the parking standards, be at a maximum of one space per 5m², notwithstanding the comment on the application of maximum parking standards. There is no off-street parking at the restaurant now and none is proposed either. The proposal for additional seating does not attract a requirement for more parking as the parking standards are calculated on gross floor area (as set out at 2.4.1 of the parking standards). The extension for toilets would provide a further 21.5m² gross floor area which technically requires a maximum of five additional car parking spaces, but in the context of the sea front where there are existing public car parks to serve the needs of visitors, any small amount of additional parking generated by the enlarged restaurant premises would be imperceptible in the context of the wider area.

Officers therefore raise no objection to the scheme on the ground of parking and advise that a refusal of permission on this ground would likely not be sustainable on appeal.

Drainage

The Framework states at paragraph 167 that, when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. This locality has known surface water flooding issues in that the highway drains are unable to cope with very heavy rainfall events, leading to flooding of the highway during these heavy rainfall events. It is therefore important that new development does not add to existing surface water runoff onto the highway.

The existing toe drain of the sea wall is designed to take water running off the 'land' side of the sea defences and would not be suitable for disposal of surface water from this development. The applicant has therefore prepared a drainage strategy to dispose of surface water to the existing Anglian Water surface water sewer. This consists of a lined area of permeable paving providing a 0.5m deep attenuated storage area. The discharge to the surface water sewer would be

attenuated to 2l/s. Rain gardens are proposed to collect and treat roof water which would then also go into the paving drainage system.

This is considered an acceptable drainage strategy which would minimise the impact to the local area from additional surface runoff generated by the proposal. There is therefore no objection to this aspect of the proposal.

Conclusion

The proposal would allow the expansion of an existing seafront business which is a benefit for the local economy and accords with national planning guidance. No harm has been identified in respect of design, drainage, parking or local amenity and it is therefore considered appropriate to grant planning permission.

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**

Conditions

- 1 The development hereby permitted may only be carried out in accordance with details of the landscaping of the site (hereinafter called "the reserved matter"), the approval of which shall be obtained from the local planning authority before development is begun.

Application for the approval of the reserved matter 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 later 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 matter.

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

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

- 3 The development shall be carried out in accordance with the submitted schedule of materials.

REASON: For the avoidance of doubt and in the interest of visual amenity.

- 4 Before the approved external seating area is first used, the submitted surface water drainage scheme shall be installed and made operational. Any drainage features shall thereafter be maintained in accordance with the manufacturer's recommendations and retained.

REASON: To avoid an increase in the risk of surface water flooding to the locality.

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:	22/0461/FUL
Address:	Land Rear Of 316 - 320 High Road Benfleet Essex SS7 5HB (St. Mary's Ward)
Description of Development:	Demolish existing commercial units and replace with block of 7No. flats with associated car parking, amenity space and amend existing vehicular access
Applicant:	Mr & Mrs Whitlock
Case Officer	Mrs Sophie Adams

Summary

The proposal represents the redevelopment of an urban brownfield site, allocated for shopping purposes in the adopted local plan, with a block of seven flats comprising of 1 one bedroom and 6 two bedroom flats with associated parking and amenity areas on the eastern side of Meggison Way, rear of 316-320 High Road, Benfleet.

Redevelopment of the land for residential purposes is considered acceptable in principle in accordance with the National Planning Policy Framework and unlikely to adversely impact upon the vitality and viability of South Benfleet Town Centre.

Whilst the scheme exhibits some minor deficiencies when assessed against the adopted policies and guidance of the Planning Authority, none, are considered so significant as to provide a robust reason for refusal.

The proposal attracts a requirement for a contribution towards the mitigation of recreational disturbance on the European designated site (Southend and Benfleet Marshes Site of Special Scientific Interest), Special Protection Area and Ramsar site). Subject to CPBC confirmation that the submitted unilateral agreement is enforceable the mitigation has been met.

The proposal is therefore recommended for APPROVAL.

The application is presented to the committee as the applicant is related to a staff member of the council and the proposal is a departure from the adopted local plan in force.

Site Visit

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

Introduction

The application site is located to rear (north) of 316-320 High Road and to the eastern side of Meggison Way. The site is some 28m wide and 18m deep and is occupied by a flat roofed two storey building with a 'L' shaped footprint. The building runs along the northern and eastern boundaries of the site. The front of the building is hard surfaced for the parking of vehicles except for a portion towards the north western corner which is surrounded by fencing. The signage for the building indicates that it provides offices for four commercial premises, which are specified as Exclusive (No.320D High Road), Confused (No.318C High Road), Nicola Butcher (No.318B High Road) and Lane, Farrand & Associates (No.320C High Road).

The building forms the boundary for the northern and eastern sides. The southern side is formed by metal palisade fencing. The western side has a brick wall running along the northern section of the boundary.

To the south, sits No.316-320 High Road, a two-storey building fronting the High Road which contains at ground floor commercial premises with residential flats above. The commercial premises contain a nail salon (No.320), a takeaway (No.318) and an air gun specialist (No.316).

To the west is a two-storey hipped roofed building containing residential flats fronting onto Meggison Way. To the north is a gated development of 23 flats contained within two three storey, part flat roofed buildings, known as Halle Mews, accessed via Kents Hill Road. These buildings were granted under 19/0686/FUL.

To the east is the car park to the rear of and serving the Sainsburys Local, which fronts onto High Road.

The Proposal

The applicant seeks planning permission to demolish the existing commercial units and construction a three storey, part flat roofed building, providing 1 one bedroom flat and 6 two bedroom flats with associated car parking, amenity space and amend vehicular access.

The building measures a maximum of 26m wide, 17.2m deep and 8.8m high. The flats are spread across three floors with the third within the part flat part mansard roof. Access to the site will be via Meggison Way adjacent to the western boundary of the site.

At ground level, under croft parking for seven vehicles, bin store, cycle parking, a one bedroom flat and shared amenity space is provided. At first floor level, three two-bedroom flats are provided. At second floor level, three additional two bedroom flats are provided.

Solar panels are proposed to the roof. The walls of the proposal would be finished in yellow stock brickwork and off white/cream banded stucco.

Supplementary Documentation

The following supporting documents have been submitted to support this planning application:

- o Highway parking plan
- o Design and Access Statement
- o Addendum to Design and Access Statement

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

Planning History

In 2021 a pre-application advice application was submitted, and a response provided in January 2022 (21/0394/MINPRE).

Local Plan Allocation

The site is allocated for shopping purposes as part of South Benfleet Town Centre on the adopted Local Plan

Relevant Policies and Government Guidance

National Planning Policy Framework (NPPF, 2021)

Chapter 2: Achieving sustainable development

Chapter 5: Delivering a sufficient supply of homes

Chapter 7: Ensuring the vitality of town centres

Chapter 9: Promoting sustainable transport

Chapter 11: Making effective use of land

Chapter 12: Achieving well-designed places

Chapter 14: Meeting the challenge of climate change, flooding and coastal change

Chapter 15: Conserving and enhancing the natural environment

National Planning Practice Guidance (NPPG)

Housing: optional technical standards

Town centres and retail

Adopted Local Plan (1998)

S4 Non-retail development

EC2 Design

EC3 Amenity

H9 New housing densities

H10 Mix of development

H13 Location of Development

T8 Parking Standards

Residential Design Guidance (2013)

RDG2 Space around dwellings

RDG3 Building lines

RDG5 Privacy and living conditions

RDG6 Amenity space

RDG9 Energy and water efficiency and renewable energy

RDG10 Enclosure and boundary treatment

RDG12 Parking and access

RDG13 Refuse and recycling storage

RDG16 Liveable homes

DCLG Technical Housing Standards (March 2015)

Essex Vehicle Parking Standards (2009)

Recreational Disturbance Avoidance and Mitigation Strategy (2020)

South Essex Economic Development Needs Assessment (2017)

South Essex Retail Study (November 2017)

South Essex Strategic Flood Risk Assessment (April 2018)

South Essex Strategic Housing Market Assessment (SHMA, 2016)

Addendum to the South Essex Strategic Housing Market Assessment for Castle Point (June 2020)

Consultation

CPBC Legal Services

Raises no comment

CPBC Environmental Health Officer

The proposals are reasonable in environmental health terms and I do not offer any objections and suggest the following should you be mindful to grant the application:

- o Construction and demolition hours of operation
- o Notification of adjacent occupiers surrounding the site in writing
- o No waste materials should be burnt on site
- o Any unforeseen ground contamination notified to the LPA as soon as possible
- o A scheme of sound insulation works to floor/ceiling and party wall structures, with details approved by the LPA

CPBC Street Scene

No response

Essex County Highways

The access shall be relocated and as proposed the seven apartments will be provided with seven off-street parking spaces. Castle Point Borough Council's adopted parking standards state that "for main urban areas a reduction to the vehicle parking standard may be considered, particularly for residential development." In transport terms the site is considered to be in a sustainable location with good access to frequent and extensive public transport, as well as Benfleet's facilities and car parks, therefore from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to conditions.

Public Consultation

Three replies received from two separate addresses in response to the neighbour notification letters, the posted site notice and press notice with the following objections:

- o Noise and disruption
- o Potential for damage
- o Require a suitable report under Party Wall Act etc
- o Reduce security
- o How will the hedge be maintained, will access be required?
- o Surface water flooding
- o More noise generated from use
- o Overlooking and loss of privacy
- o Affect light levels
- o If approved, want all possible steps to mitigate disruption and risk of damage

The press notice expired on 22nd July 2022. The site notice expired on 3rd August 2022.

Comments on Consultation Responses

- o The Party Wall Act etc is covered under separate legislation and not a matter for a planning application
- o All other material considerations will be considered in the report

Evaluation of Proposal

The main issues for consideration are the principle of the proposed residential development, the design and layout of the scheme, the impact on surrounding residential properties, impact upon future occupants and parking and traffic implications.

Principle

The site is allocated for shopping purposes in the adopted Local Plan and is located within the South Benfleet town centre. Policy S4 of the adopted Local Plan refers to applications for non-retail development and seeks to retain town centre uses (Classes A2, A3, A4, A5, B1, D1 and D2 of the Town and Country Planning (Use Class) Order (The Order) 1987, or any subsequent amendment of that order, will be permitted within town centres, outside of primary shopping frontages, subject to any other relevant policies in the Local Plan. Whilst these use classes have been superseded by amendments to The Order, changing to Class E, the intent remains the same, that applications for non-retail development in town centres to include town centre appropriate uses.

This policy is considered generally consistent with paragraph 86 of the National Planning Policy Framework (NPPF, 2021) although section f) of this paragraph states the planning policies should recognise that residential development often plays an important role in ensuring the vitality of centres and encourages residential development on appropriate sites.

Furthermore, paragraph 123 of the NPPF states that local planning authorities should take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to:

- a) use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be compatible with other policies in this Framework.

The proposal seeks to provide a purely residential development on the site which would, *prima facie*, appear inconsistent with the Local Plan allocation, but consistent with the NPPF if it does not undermine key economic sectors of sites or the vitality and viability of town centres.

The site currently provides for four known companies, taken from the signage on site. These fall within Classes A2 and B1 of the previous Use Class Order, or Class E of the current Use Class Order, and are town centre appropriate uses.

The site is located on the edge of the shopping and town centre allocation, some 40m from the primary commercial frontage (as the crow flies), is adjoined on two sides by residential development, does not front onto a main road and fronts onto a small dead-end road which only serves the application site and residential flats.

An addendum to the Design and Access Statement has been submitted to support the proposal. Each point will be considered in turn.

Firstly, this states that the need for the units on site has declined and that the landowner has liaised with local agents but has been unable to achieve higher rent for the last 10 years. This has been reflected in the inability to invest in maintenance and upgrades to the existing buildings. This may be so but does not show that the units are unusable or vacant, in fact after clarification there are five business on one month rolling contracts, one of which no longer needs the premises. Therefore, whilst the units have not been improved or maintained, four business will be displaced to other premises either in the borough or beyond.

Secondly, the need for offices has reduced since the Covid pandemic as more companies are utilising the hybrid working culture. It is considered likely that following the Covid pandemic that the need for offices potentially has reduced, however, again the applicant has not proven that the units are not used/required, as uses beyond the old Class B1 could be appropriate to this setting.

Thirdly, they state that in recent years a residential development has been built up to the boundary on the northeast corner, thus further hindering the potential commercial use due to having to mitigate against noise nuisance. It is considered that this does not prevent the existing use continuing, however, under current permitted changes of use, it is possible that a noisier commercial use could use the site in the future, since the site now falls under Class E of the current Order, and this includes restaurants and gymnasiums under permitted development allowances.

Fourth, the addendum refers to the application for the residential development to the north, Halle Mews (19/0686/FUL), which is also allocated for shopping as part of the South Benfleet town centre.

This development was not considered particularly attractive for commercial use, being located on the fringe, some distance from the primary commercial frontage and adjoined on three sides by residential development, similar to the proposal. However, prior to the development, the site for many years performed a declining warehouse/storage/manufacturing function with no demonstrated links to uses within the Town Centre. The site is currently being used for offices under the previous Use Classes of A2 and B1 which are predominately occupied. Whilst the building has not been maintained and the appearance appears to be declining, this has not impacted upon occupancy. However, there are no demonstrated links to uses within the Town Centre.

Fifth, it states that the latest version of the Employment and Retail Needs Assessment relates to the August 2012 Assessment which states that when comparing future requirements with current supply of employment land this suggests that there is adequate quantitative supply of industrial space to meet future needs in 2031. Concluding that this situation has improved with the additional commercial developments that have/are being built out in the borough.

The most recent assessment is the South Essex Economic Development Needs Assessment (2017), and this specifies specific growth areas for economic development, and does not include South Benfleet as a growth area, as the South Benfleet contribution is not considered significant compared to other town centres in the borough and the wider South Essex area. Considering the assessment, the loss of the office use is not considered significant to the growth needs of the borough.

The South Essex Retail Study (2017) identifies that there are very low levels of need as the borough achieves a very low market share at present, and on this basis benefit from further provision to promote more sustainable shopping patterns, and states that for convenience goods there is little or no quantitative need identified. However, to monitor housing growth and in the event of a mismatch it may be appropriate to plan for growth in addition to quantitative needs. This study suggests that the need is not so great that the loss of the site would be significant to the needs of the borough.

Sixth, considers the site to be a highly sustainable location, and previously developed land which the NPPF is clear that development of such land should be prioritised. In combination with the presumption in favour of sustainable development set out in paragraph 11 of the NPPF, the status and out-of-date nature of the Local Plan, the applicant states the councils acknowledged lack of 5 year housing supply, means that there is a strong principle supporting the residential development of the site.

Paragraph 11 of the NPPF sets out a presumption in favour of sustainable development, which for decision-taking, means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the

policies which are most important for determining the application are out-of-date⁸, granting permission unless:

- i. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁷; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- iii. The council's development plan is not up-to-date.

Footnote 8 of the Framework explains that, for applications involving the provision of housing, policies most important for determining the application will be out-of-date where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites; or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.

Castle Point Borough Council is unable to demonstrate a five-year supply of deliverable housing sites, therefore the policies most important for determining the application are out-of-date and permission should be granted unless (i) or (ii) above apply. There are no policies within the NPPF which protect the site, except for paragraph 86 and 123 above, which supports residential subject to the proposal not undermining key economic sectors or sites or the vitality and viability of town centres. Permission should therefore be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

The proposal would provide a benefit in terms of a limited boost to housing supply (of 7 flats). The existing site and units have not been identified as key sites or economic sectors and therefore cannot undermine them. Furthermore, the Economic Development Needs Assessment and South Essex Retail Study has shown that the loss would not be significant to the vitality of the economic development of the borough. There is no demonstrable link to the Town Centre. Furthermore, the residential development would use nearby services, and in part adding to the vitality of the South Benfleet Town Centre. Therefore, whilst the units are not currently vacant, no objection can be raised under point (i). Subject to there being no adverse impacts when assessed against the policies in the NPPF taken as a whole, point (ii), the proposal should be granted permission.

The rest of the relevant parts of the NPPF will be considered in subsequent sections.

Design and Layout

Form of development

The proposal seeks to provide 1 one bedroomed flat and 6 two bedroomed flats with associated amenity space, communal facilities and parking provision. The buildings would appear as a two storey building with rooms formed in the roof space.

Policy H13 of the Adopted Local Plan considers the principle and location of flatted development and provides criteria on design, scale and siting. This policy is considered generally consistent with the NPPF.

The policy specifically states that proposals for flats should be located on main roads.

The site does not share a frontage with a main road. Therefore, the location would appear inappropriate. However, the site is close to High Road, which is identified as a main road and immediately abuts the site of a flatted development to the west and north. In this context it is not considered that an objection to flats at this specific location could be sustained on appeal.

Density and mix of housing

Policy H9 of the adopted Local Plan requires the optimum density of development to be achieved on any site. The optimum number is generally defined as the quantum of development that can be achieved whilst providing an attractive layout and without causing harm to the surroundings. Whilst broadly consistent with paragraph 119 of the NPPF, Policy H9 is somewhat vague and a better test of whether the density of the development is appropriate is assessment of the proposal against the Council's Residential Design Guidance, which will be undertaken later in this report.

Policy H10 of the adopted Local Plan states that in all residential developments the Council will seek an appropriate range of dwelling types. This is also a vague policy which is inconsistent with the requirements of paragraph 124 of the NPPF which requires local planning authorities to make efficient use of land taking into account the identified need for different types of housing, the availability of land suitable, local market conditions and viability, availability and capacity of infrastructure, desirability of maintaining the areas character or promoting regeneration and importance of well-designed and attractive places.

The most up to date local evidence of need in respect of the mix of development on sites is the 2020 Addendum to the 2016 Strategic Housing Market Assessment (SHMA May 2016). This identified that for the Castle Point area, in the period 2018 – 2033, 6% of new dwellings should be 1 bedroomed properties, 22% 2 bedroomed properties, 43% 3 bedroomed properties and 28% 4+ bedroomed properties. Turning to dwelling type, there is a 7% need for flats, 25% for bungalows and 68% for houses.

The proposed development consists of a mixture of one and two bedroomed flats. While there is a greater need for houses with greater bedrooms, the site is more suited to flatted development by reason of its proximity to the town centre and the provision of flats to the north, west and south. Flats with 3 – 4+ bedrooms are unlikely to meet the need, as these would need to accommodate families which tend to be better suited to houses and bungalows. Consequently, the proposal will meet an identified need, provide the most appropriate type of residential development and mix on the site, and achieve the most efficient use of land.

Under the circumstances the proposal is considered to satisfy the requirements of Policy H10 of the adopted Local Plan.

Design

Policy EC2 of the council's Adopted Local Plan seeks a high standard of design in all developments. In particular, regard is to be given to the scale, density, siting, design, layout and external materials of any development, which shall be appropriate to its setting and which should not harm the character of its surroundings. This is consistent with paragraphs 128 and 130 of the NPPF.

The proposal consists of one building which is three storey in height with the third floor contained within the mansard roof. Design elements have been taken from the flatted development to the north, Halle Mews (19/0686/FUL), such as the roof design, the three storey height, and the materials. The proposal however is lower than the northern development, and this provides a transition between this development and the two storey buildings to the south.

Beyond the building to the north, there are various roof forms, with flat roofs provided to the buildings to the south and hipped roofs to the west. The style of buildings in the local area is also varied. Due to this variation in design, the consistency of the proposed design features with Halle Mews and the transition in heights between developments, it is considered that no objection is raised to the general design of the scheme.

Acceptability in terms of the detail of the scheme will be determined within the framework provided by the Council's adopted Residential Design Guidance. This is a supplementary planning document, and this is considered consistent with paragraphs 128 and 130 of the NPPF.

RDG2 requires the space around new development to be informed by the prevailing character of space around dwellings. Where there is no clear pattern of development the space around a dwelling should be proportionate to the size of the dwelling. It should seek to provide at least 1m between the properties and the boundary.

Buildings containing flats should provide space equivalent to 25% of the width of the building.

The proposal would provide a minimum of 0.8m to the north, which increases to a maximum of 1.8m towards the rear, and a minimum of 1m to the south, which increases to a maximum of 1.3m at the rear. This is significantly below the level of space suggested by RDG2 for flatted development, as the proposal would be some 26m wide, resulting in a need for 6.5m of isolation space. Consequently, this would potentially produce a scheme of mean and cramped appearance. The proposal should therefore attract a recommendation of refusal.

However, the existing building is located on the northern boundary, the eastern boundary, and a small portion of the western boundary, and as such the proposal would provide an improved setting with increased isolation space than the existing building. Furthermore, the site is located within the Town Centre which is generally characterised by a tighter grain of development. In addition, whilst the adjacent development to the north is in a back land location, it is also close to the shared boundary with the site, providing a minimum isolation distance of some 1.8m for a 22m wide block of flats.

It should be noted that the NPPF requires planning authorities to make the best use of available brownfield land, to minimise the need for releasing Green Belt land, where this can be achieved with no significant adverse consequences for the surrounding area. In order to achieve an isolation of 6.5m, a reduction in the number of units would occur, increasing the demand to release Green Belt land for development. Therefore, within the context of the area, the spirit of the NPPF and the need for housing in the borough on previously developed brownfield land, it is considered that the level of isolation space proposed would not adversely affect the character of space or the setting of the proposed development detrimentally.

No objection can therefore be raised under RDG2.

Guidance at RDG3 requires all new development to be informed by the prevailing building lines to the public realm it faces, without repeating poor forms of development. Development must not result in disruption to strong building lines.

The proposed development is located close to the front boundary of the site with Meggison Way. The building line is formed by the application site and No.320 High Road to the south, and therefore is not exceptionally strong. Nevertheless, No.320 is located up to the boundary with Meggison Way, and consequently the proposal would not extend further forward than No.320. On this basis, the proposal would not harm the building line present.

RDG7 is concerned with roof design and requires the roof design of any development to be compatible primarily with the building it serves, but also the prevailing character of the area.

The roof style and design are compatible with the building to the north, and no objection is raised to the roof design under RDG7.

RDG4 states that extensions or alterations to dwellings on corner plots should provide active frontages to all elevations that face the public realm.

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

To the front elevation the proposal generally consists of a well-proportioned and balanced building. Excluding the entrance to the parking area, openings are consistent and aligned, providing a pleasing appearance to the front of the property. Different materials are proposed to each storey, a vertical fenestration feature, and parapet wall features provide interest and articulation to the building.

The other elevations are less desirable, with blank wall sections, a mix of fenestration sizes and a reliance on brickwork as opposed to the mix with stucco render to the front elevation. These result in less pleasing elevations. Views of the northern and eastern elevations will be from other sites, such as the car park to Sainsburys, and as such the public harm would not be significant.

The southern elevation, however, would be visible from Meggison Way and partially from High Road, and as originally submitted presented a bland blank wall. Deeper in the site, fenestration is provided to the southern elevation, but this would not be as visible as the bland blank wall. Whilst the existing building is not exemplar architecture with its flat roof, it does provide fenestration to all elevations visible from a public highway, and hence provides an active elevation. Additional interest to the southern elevation has been sought and provided, and this revised design improves the visual appearance of this southern elevation. No objection is raised to the detailed design of the proposal under RDG4 and RDG8.

RDG9 encourages the incorporation of measures for achieving high levels of energy and water efficiency into developments. It also requires the design and siting of energy and water efficiency measures not to result in prominent, dominant, alien or incongruous features.

Solar panels are proposed to the flat roof, which would allow maximum solar gain without resulting in prominent or incongruous features. No objection is raised under RDG9.

RDG16 is concerned with the provision of 'Liveable Homes' and seeks to ensure the provision of appropriate internal and circulation space, reflecting best practice. It is stated that all new dwellings should meet the existing and future needs of occupiers over their lifetime without the need for extensive alteration or adaptation.

Paragraph 130 f) of the NPPF identifies that planning decisions should seek to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁴⁹. Footnote 49 states that planning policies should make use of the Government's optional technical standards for accessible and adaptable housing, and national nationally described space standard, where the need for an internal space standard can be justified.

The Planning Practice Guidance (PPG) in paragraph 002 Reference ID: 56-002-20160519 states that the optional technical housing standards allow planning authorities to set additional technical requirements exceeding the minimum standards required by Building Regulations in respect of access and water, and an optional nationally described space standard.

The PPG states in paragraph 018 Reference ID: 56-018-20150327 that where a local planning authority wishes to require an internal space standard, they should only do so by reference in their Local Plan to the nationally described space standard.

The council has not set additional technical requirements beyond the Building Regulations. The local plan is out of date and does not refer to the nationally described space standard. However, these standards provide best practice, and is consistent with the NPPF, and therefore considered appropriate.

The proposal proposes 1 one bedroom 2 person single storey dwelling, 1 two bedroom 3 person single storey dwelling and five two bedroom 4 person single storey dwellings. It is considered that whilst flat 6 shows a single bed in the second bedroom, the room is fairly wide, and likely to be used by occupiers as a double bed, and therefore considered a 4 person single storey dwelling.

According to the standards the proposed flats would provide adequate storage, floor area and bedroom sizes, except for the room area for a double bedroom in flat 5 and a double bedroom in flat 6, by 0.16m and 0.8m respectively. However, these are such marginal deficiencies that it is considered that the flats would provide adequate space for the occupants. No objection is raised under RDG16.

Impact on surrounding properties

RDG3 also requires proposals not to cause excessive overshadowing or dominance to any elevations of an adjoining property.

The nearest residential properties are to the west, south and north.

To the west these properties are isolated by the roadway, and as such adequate isolation is considered to be provided to ensure excessive overshadowing or dominance does not occur to the properties to the west.

To the south, these properties are first floor flats to the buildings fronting High Road, and again there is adequate isolation provided to ensure excessive overshadowing or dominance does not occur to any elevation of the properties to the south.

To the north, there is limited isolation, with a distance of between 0.8m and 1.8m to the shared boundary and a total of 2.9 - 5.5m to the nearest residential building. The elevation facing the proposal is south facing and by reason of the limited isolation and the three storey form of the proposal has the potential to adversely affect this southern elevation. However, the southern elevation has only one opening, an entrance door, and consequently, it is unlikely to adversely impact this southern elevation.

The proposed building would not project beyond the northern neighbours eastern elevation.

The proposal would project beyond its western elevation, by some 5.8m. This is a significant projection at three storey form, and to the south of the neighbour. However, it must be noted, that the existing two storey building is located on the boundary, providing a lesser isolation of 1.8m compared to the proposed 2.9m, and a greater projection of 7.8m compared to the proposed 5.8m. Furthermore, the neighbours western elevation is only 2m from the 2m high boundary treatment, which would already affect this elevation. In addition, this elevation provides limited openings, and the nearest opening is some 9.7m from the proposal. Under the above circumstances it is considered that the proposal is unlikely to result in additional adverse harm to the western elevation of the north neighbour beyond existing.

The proposal has been assessed and considered would not result in excessive overshadowing or dominance to any elevation of an adjacent property, and no objection is raised under RDG3.

RDG5 provides guidance on privacy and living conditions; and states that for all development above ground floor level a distance of 9m shall be provided between any first floor opening/balcony and the boundary it directly faces. For development at second floor level a distance of 15m shall be provided. Oblique views are not protected.

The proposed development has upper floor windows to its western, eastern and southern elevations, each will now be taken in turn.

The western elevation is located close to the front boundary of the site, but the balcony terrace to flat 4 and upper floor windows would overlook the highway, so are unlikely to result in an undue overlooking or a loss of privacy. The northern edge of the balcony terrace has a wall to a height of 1.8m, which has been sought and provided during the application, and this would prevent overlooking to the residential development to the north. Subject to a condition to ensure that this wall or any other screen to visibility is provided to the northern side, overlooking would be prevented to adjacent sites.

The windows in the eastern elevation are located between 6.6m and 8m from the boundaries they directly face, and the balconies even closer, with one located tight to the boundary however, as this is the car park for Sainsburys supermarket they are considered unlikely to result in a loss of privacy. The first and second floor balconies on the eastern elevation have a southern edge, which for flats 2 and 5 are located only 2.4m from the boundary and have the potential to overlook the flats to the south. A screen to the height of 1.8m is proposed to the southern edge of these balconies, and such screening is considered adequate to prevent undue overlooking to the south.

All windows and balconies proposed in the southern elevation provide or are beyond the requisite distance from the boundary, and would not result in undue overlooking to the south. Subject to the provision of this screening, and screening to the northern edge of the balcony terrace to flat 4, the proposal raises no loss of privacy concerns beyond the development.

Concerns have been raised regarding noise and disturbance arising from the proposal.

Policy EC3 of the adopted Local Plan states that development proposals which would have a significant adverse effect upon the residential amenity of the surrounding area by reason of traffic, noise, fumes or other forms of disturbance will be refused. This policy is considered consistent with paragraph 174 e) of the NPPF.

Construction and demolition will inevitably result in some noise and disturbance being experienced by adjoining residents and businesses. However, such occurrences are transitory in nature and cannot represent a robust objection to the proposal. Complaints regarding excessive noise during construction or noise generated during unsocial hours should be directed to Environmental Health.

To minimise such disturbances during the construction and demolition period, a demolition and construction method statement could be provided to ensure clear controls for the achievement of acceptable levels of noise and disturbance generated on the site and in the event of a nuisance occurring legislation is available to control such matters. This should include the measures recommended by the CPBC Environmental Health, such as hours of operation, notification of adjacent properties prior to works and contact details for the person responsible. Subject to the submission of such statement via conditions, the proposal will minimise its impact upon adjacent residents during demolition and construction in the interests of preserving their amenity. Such a condition would need to be prior to commencement, and by reason of The Town and Country Planning (Pre-commencement Conditions) Regulations 2018 agreement must be sought with the applicant. The applicant has confirmed their agreement with the proposed pre-commencement condition.

Turning to post construction. CPBC Environmental Health recommends the submission of details on sound insulation to prevent noise transfer to adjacent residential properties and between the flats in the development. However, the use of the site for residential purposes is consistent with the uses to the north and west, and it is considered that such use is unlikely to result in a significant increase in noise and disturbance beyond the existing commercial uses, and potential commercial uses on site. Therefore, it is the practice of this authority not to require additional sound insulation beyond those required by Building Regulations, and the condition is therefore considered unreasonable and cannot be implemented. Subject to the approval of a demolition and construction method statement no objection is therefore raised under Policy EC3.

RDG10 requires means of enclosure not to dominate the public realm.

The existing building sits on the northern and eastern boundaries. The proposed building will be set away from these boundaries, and no details of the treatment of these boundaries, beyond hedging is provided. It is considered that hedging would be inadequate to provide adequate security, amenity and privacy to the development to the north. The provision of 2m high close boarded fences to boundaries would afford the adequate security, amenity and privacy. Subject to such a condition, no objection is raised under RDG10.

Living conditions of future occupants

Turning to overlooking and privacy of the future occupants of the development under RDG5. RDG5 also considers that all new dwellings should be provided with windows to ensure adequate natural light and ventilation to the rooms they serve in the interests of achieving satisfactory living conditions for the occupants.

The proposed flats and occupants would overlook the balconies and terraces and shared amenity space within the development; however, this is a common arrangement within flatted developments that amenity space is overlooked by flats within the development. So, no objection can be raised on this basis.

Internally, for the flats, privacy is necessary to ensure high standards of amenity for the occupiers.

The ground floor flat faces onto the shared amenity space and onto the roadway. To the shared amenity space, high level windows are proposed, and these serve the bathroom and a secondary window to the open plan living space. The use of such windows would protect their privacy from the communal amenity space. While there would be no outlook from these windows this would not have a negative impact, as the habitable space has a primary unrestrictive window. The bedroom and primary window of the open plan living space would face onto the roadway. Whilst close to the front boundary there is some separation and a proposed hedge to provide an element of privacy. Furthermore, there is no pavement in front of this hedging. This is a dead-end road which serves only the development, the rear of Nos.316-320 High Road and the flatted development to the west, and therefore the footfall past these windows would be limited. Under these circumstances it is considered that the occupants of the ground floor flat would retain adequate privacy.

All other flats are at upper levels so would be unlikely to result in a loss of privacy from occupants using the shared amenity space. The position of the balconies should prevent direct overlooking from balconies to alternative flats. It is not possible to protect occupants from oblique overlooking.

Turning to internal living conditions, the open plan living spaces tend to be between 7m and 8m deep. For flats 1, 2 and 5, these spaces have double aspects, and hence are likely to be afforded adequate light and ventilation. For flats 3, 4, 6 and 7 these are reliant on a single window. Whilst

bigger openings would be preferable, it is considered that a refusal based on the size of the windows provided inadequate living conditions would be unsustainable at appeal.

RDG6 requires appropriate amounts of amenity space to be provided, in proportion with the size of the dwelling(s). For buildings containing flats, 8m² of amenity space should be provided per habitable room. Where flats have fewer than three habitable rooms 25m² of amenity space should be provided for each flat.

The provision of balconies can be included in this, if they have a depth of at least 1.5m and a floor area of 5m².

The proposal requires a minimum of 216m². The proposal would provide 54m² amenity space from balconies/terraces and 100m² from the shared amenity space, resulting in total of 154m². This is significantly deficient of RDG6, and appears to represent a significant objection to the scheme.

The site is located within an area where flats generally have limited amenity space, and there is public open space nearby with Richmond Park to the south some 200m away. This is consistent with RDG6, which states that a reduction in amenity space may be appropriate where there is easy and convenient access to high quality public open space. Furthermore, this stance is consistent with the level of amenity space provided to the flatted development at Halle Mews (19/0686/FUL). Under these circumstances it is considered that a reason for refusal is unlikely to be successful at appeal.

RDG6 also states that balconies which are visible in the public realm must be provided with screening which obscures views of the use of the balconies. Such screening should be informed by the guidance contained in RDG10 relating to enclosure and boundary treatment.

Subject to the provision of screening to balconies visible within the public realm, no objection is raised to the proposal under RDG6.

Parking and access arrangements

Policy T8 of the Local Plan requires the provision of car parking in accordance with adopted standards. This is consistent with paragraph 107 of the NPPF which requires local planning authorities to set such standards reflecting local circumstances.

The currently adopted standards are the 2009 Essex Vehicle Parking Standards.

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

The undercroft parking would be accessed via a new dropped kerb. A parking tracking plan has been provided. The Highways Authority raises no concerns to the parking area or new access, subject to conditions to ensure appropriate implementation of the scheme. These conditions are considered appropriate, reasonable, and necessary.

The provision of a gate to the undercroft parking could affect the use of the access to the parking area, making it inconvenient and awkward, and therefore it is also considered necessary to prevent any gates from being installed to the parking area.

The relevant parking standard for flats requires the provision of one vehicle parking space for one bedroomed properties and two spaces for properties with two or more bedrooms, plus visitor parking at a rate of 0.25 spaces per dwelling, rounded up to the nearest whole space, consequently the maximum parking requirement for this development would be as follows:

6 units with two bedrooms:	12 spaces
1 unit with one bedroom:	1 space
Visitors: 0.25 x 7	<u>2 spaces</u>
Total	15 spaces

However, it is the practice of this Authority to apply parking standards flexibly in locations which offer good access to public transport and services. The proposal site is considered appropriate for consideration in this context and would therefore attract a requirement of one parking space for every residential unit. This is consistent with the comments provided by the Highways Authority. This would equate to the provision of 7 spaces.

No visitor parking would be required given the proximity of the site to public car parks within the adjoining area.

The scheme provides 7 parking spaces.

No objection is therefore raised to the proposal based on the quantum of parking.

Car parking spaces are required to be 2.9m wide and 5.5m deep. This is achieved on the site. Electric charging points are proposed, and these would slightly reduce the depth of the spaces, however this is considered marginal and unlikely to affect their use.

The residential cycle parking requirement for flats is one secure space per unit plus one space per eight dwellings for visitors. Within the context of the proposed development, storage for 8 bicycles is required. Provision for the safe and convenient storage of bicycles is made within the site, and this is considered adequate to provide the level of cycling provision required, subject to its retention for cycle parking.

To further encourage sustainable modes of transport is considered necessary for the provision, implementation and distribution of a Residential Travel Information Pack, and therefore condition 7 recommended by the Highways Authority is considered appropriate.

The proposal is considered unlikely to result in significant traffic generation, and no objection is raised to the proposal on this basis.

Other matters

Affordable housing

The proposal is below the threshold for the attraction of a contribution towards the provision of affordable housing, therefore no contribution or requirement for affordable housing on site is required.

Refuse and Recycling

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

A bin storage area is provided, and this is located within the 25m walking distance Local Authority refuse operatives are permitted to walk to collect refuse. The store is of adequate dimensions to provide the required 500 litre refuse and recycling bins and the 240 litre food waste and glass bins. Whilst no response has been received from CPBC Street Scene on the refuse

arrangements, it is considered that this arrangement is satisfactory for the reasons discussed above.

Flood Risk

Paragraph 159 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

The site falls within Flood Zone 1, which is the area at lowest risk of flooding from fluvial or tidal flooding. Therefore, the development is proposed to an area of lowest risk.

Concerns have been raised from nearby residents regarding surface water flooding.

According to the South Essex Strategic Flood Risk Assessment (April 2018), figure 5.2 risk of flooding from surface water – Castle Point, some parts of the site would be susceptible to surface water flooding. The extent of the site susceptible is limited. Except for one flat, all residential accommodation is on upper floors. This finished ground floor level of this ground floor flat would be above natural ground level, and consequently, the impact of surface water flooding on future residents of the proposal would be limited.

The site is currently completely covered by either buildings or hard surfacing. The proposal would increase the number of permeable areas on site with the creation of the isolation spaces and the shared amenity space. Therefore, the volume of surface water run-off is considered likely to be reduced because of implementing the scheme, thus reducing the risk of off-site surface water flooding. Subject to ensuring the parking area does not give rise to surface water run off onto the highway or adjacent sites, no objection is therefore raised based on surface water flooding.

Ecology and Trees

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

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

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

Section 15 of the NPPF includes paragraph 174 and 175. This section requires that when determining planning applications, local planning authorities should apply the principle that if significant harm to biodiversity resulting from development cannot be avoided, adequate mitigated, or, as a last resort, compensated for, then planning permission should be refused.

The site is a commercial site with significant built form and areas of hard surfacing. The site currently provides no landscaped areas and consequently offers no opportunities for wildlife.

Given the lack of vegetation present on the site, it is not considered that development of the site would have a significant adverse impact on visual amenity or wildlife in the vicinity.

The proposal does however provide the potential to increase the ecological interest and value of the site, such as the proposed hedging. This could include native wildlife friendly species. The Highways Authority raises concerns that some of the planting shown within the submission falls within a highway verge margin, and that this would not be acceptable to the Highways Authority. This relates to a small portion of the proposed hedging as shown on the visualisation, but not the hedging shown on the floor plans. A condition will therefore be attached to the grant of any consent requiring the submission, approval and implementation of a robust landscaping scheme, heavily biased towards indigenous, wildlife friendly species and ensuring the landscaping can be implemented beyond highway land.

There is one tree which sits in the adjacent site and overhangs the north western corner of the application site. This tree was considered during the Halle Mews (19/0686/FUL) application. An Arboricultural Impact Assessment Report by Sharon Hosegood Associates was submitted with the 2019 application. At that time, the Sycamore tree was considered to be in decline and in a poor physical condition with fair structural condition. The tree was ideally going to be removed subject to owner's consent or if retained prune back the overhang as the tree was in a poor condition and too close to the boundary to be sustainable.

The officer report for the 2019 application raised no concern with the potential removal of the tree and stated that this was a matter for the applicant and the tree owner to determine.

The tree is still present. It is unclear its current condition, as no details have been submitted. However, it is considered by reason of its position close to the boundary, it would be difficult to protect, and unlikely that its poor condition would have improved. Furthermore, if possible, to protect, it is unlikely to be sustainable due to its position close to the proposed development. Under these circumstances it is considered that protection and retention of the tree would be inappropriate, and no objection can be raised to the proposal on this basis.

Under the Conservation of Habitats and Species Regulations 2017, a Habitats Regulations Assessment (HRA) is required for land use plans and for planning applications which are likely to have significant effects on a Habitat Site. A number of these sites have been identified throughout Essex. Population growth in Essex is likely to have a significant effect on Habitat Sites through increased recreational disturbance and consequently in partnership with Natural England and other Local Authorities, Castle Point Borough Council has prepared a Recreational disturbance Avoidance and Mitigation Strategy (RAMS). This identifies necessary measures to avoid and mitigate likely significant effects from recreational disturbance. The RAMS sets out a tariff which applies to all net new residential development within the Zone of Influence (ZOI).

The proposal site falls within 'zones of influence' identified by Natural England for likely significant effects to occur to European designated sites, in this case specifically the Benfleet and Southend Marshes ZOI, and the Blackwater ZOI. Those likely significant effects will occur through increased recreational pressure when considered either alone or in combination with other residential development.

The applicant has completed and entered into an agreement by way of a Unilateral Undertaking to provide a financial contribution in line with the council's adopted RAMS prior to commencement of the proposal. At the preparation of this report, no response on the unilateral undertaking has been received from legal. Subject to this agreement being correctly filled out and binding, no objection, subject to the unilateral undertaken, is raised to the proposal on this basis.

Contamination

The application site has been used for commercial purposes for many years. CPBC Environmental Health have been consulted on the proposal, and have not raised a particular

concern for contamination except suggesting a condition for any unforeseen contaminants found. Subject to this condition, no objection can therefore be raised to the contamination of the site.

Conclusion

The proposal represents the redevelopment of an urban brownfield site, allocated for shopping purposes in the adopted local plan. Redevelopment of the land for residential purposes is considered acceptable in principle in accordance with the National Planning Policy Framework and unlikely to adversely impact upon the vitality and viability of South Benfleet Town Centre.

Whilst the scheme exhibits some minor deficiencies when assessed against the adopted policies and guidance of the Planning Authority, none, are considered so significant as to provide a robust reason for refusal.

The proposal attracts a requirement for a contribution towards the mitigation of recreational disturbance on the European designated site (Southend and Benfleet Marshes Site of Special Scientific Interest), Special Protection Area and Ramsar site). Subject to CPBC confirmation that the submitted unilateral agreement is enforceable the mitigation has been met.

All other matters raised by interested parties have been taken into consideration, but none are sufficient to outweigh the considerations that led to the recommendation of APPROVAL.

My **RECOMMENDATION** is **Approval**

Conditions

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

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

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

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

- 3 This permission is to be read in conjunction with the unilateral undertaking given by Mr Gary Whitlock dated 30th June 2022.

REASON: To mitigate the increased recreational pressure that would be placed on coastal sites of ecological importance, the zone(s) of influence of which the development site falls within, in accordance with the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy.

- 4 Prior to demolition and construction of the development hereby permitted, a demolition method statement and a construction management plan shall be submitted to and approved in writing to the Local Planning Authority. The construction management statement and plan shall include control measures for dust, noise, vibration, lighting, delivery and storage locations and all associated activities audible beyond the site boundary. Hours of work shall be restricted to 0800-1800hrs Mondays to Fridays and 0800 -1300 hrs on Saturdays, and details of advance notification to neighbours and other interested parties of the proposed works, and the public display of contact details (including

accessible phone contact to persons responsible for the site works for the duration of the works), shall be provided. Once approved the demolition method statement and construction management plan shall be implemented in its entirety for the duration of the demolition of the existing building and construction of the development hereby approved.

REASON: To ensure that the amenity of occupiers of surrounding premises is not adversely affected by noise, vibration, dust, lighting or other emissions from the building site and materials are kept clear of the highway. This condition is a pre-commencement condition as the details are required prior to the start of works to ensure the existing building is demolished and the approved building are constructed in an acceptable manner.

- 5 Any unforeseen ground contamination encountered during the demolition and construction of the development, shall be notified to the Local Planning Authority as soon as is practicable, and works stopped. Unless otherwise agreed in writing by the Local Planning Authority as unnecessary, an appropriate ground investigation and/or remediation strategy shall be submitted to and approved in writing by the Local Planning Authority as soon as possible as the ground contamination has been encountered. Once approved, the approved strategy shall be implemented in full prior to the continuation of works on site. Following remediation and prior to the occupation of any building, a completion/verification report, confirming the remediation has been carried out in accordance with the approved details, shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that any potential risks to human health or the wider environment which may arise as a result of potential land contamination are satisfactorily addressed.

- 6 The external surfaces of the development hereby approved shall be treated in accordance with the approved schedule of materials shown on approved plan number 13B received on 18th August 2022 read in conjunction with the application form received on 6th June 2022 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.

- 7 Prior to the first use of the balcony/terraces hereby approved the following shall be installed;
- i) an obscure glazed screen to at least Level 3 on the Pilkington Scale and a minimum of 1.8m in height measured from the finished floor surface of the balcony shall be provided to the southern edges of the balconies to flats 2 and 5,
 - ii) a brick wall to a height of 1.8m in height measured from the finished floor surface of the terrace shall be provided to the northern edge of the front balcony terrace to flat 4, and
 - iii) an obscure glazed screen to at least Level 3 on the Pilkington Scale, and a minimum of 1.4m in height measured from the finished floor surface of the balcony/terrace shall be provided to the western edge of the front balcony to flat 4 and the eastern edges of the rear balconies to flats 4 and 6.

Once installed the screening/wall shall be permanently retained as such thereafter, and any departure shall be agreed in writing with the Local Planning Authority.

REASON: In the interests of providing privacy to occupants of the development or occupants of adjacent developments and prevent clutter upon the balconies being visible within the public realm.

- 8 Prior to the first occupation of the development hereby permitted a landscaping scheme shall be submitted and approved by the Local Planning Authority. Such scheme shall include planting native hedgerow and wildlife attracting border planting to the western, northern and southern boundaries of the site, as shown on approved drawing number 11 received on received on 6th June 2022. Once approved the landscaping scheme shall be provided prior to the first occupation of the development, or within the next available planting season, whichever is the sooner.

REASON: To enhance the biodiversity on site and to off-set the potential loss of the tree beyond the confines of the site.

- 9 Prior to the first occupation of the development hereby approved, a 2m high close boarded fence shall be provided along the northern, southern and eastern boundaries of the site and thereafter permanently retained.

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

- 10 Prior to first occupation of the development and as shown on approved drawing number 11 received on 6th June 2022, the shared vehicle access to the undercroft parking area shall be constructed at a width of 5 metres and provided with an appropriate dropped kerb vehicle crossing of the highway verge margin. Once provided, the vehicular access shall be kept permanently open and free of any gates.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety.

- 11 Any redundant part of the existing site access shall be suitably and permanently closed incorporating the reinstatement to full height of the highway verge margin and kerbing immediately the proposed new access is brought into first beneficial use.

REASON: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety

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

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

- 13 Prior to first occupation of the development, the undercroft vehicle parking spaces and associated turning area shall be constructed as shown on approved drawing number 15 received on 6th June 2022. Once provided, the vehicle parking area and associated turning area shall be permanently retained in the agreed form at all times.

REASON: To ensure adequate space for parking off the highway is provided in the interest of highway safety and to ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety

- 14 Prior to first occupation of the development hereby permitted the cycle store as shown on approved plan number 11 received on 6th June 2022 shall be provided in its entirety, made available and retained permanently for the parking of bicycles.

REASON: To ensure the provision and retention of adequate bicycle parking.

- 15 Prior to the first occupation of the development hereby permitted a Residential Travel Information Pack for sustainable transport including six one day travel vouchers for use with the relevant local public transport operator shall be provided and distributed to each of the approved dwellings.

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport.

- 16 Prior to first occupation, each parking space shall each be provided with the infrastructure necessary to facilitate the provision of electric vehicle charging points.

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

- 17 Prior to the first beneficial use of the parking area of the development hereby permitted, details shall be submitted to prevent the discharge of surface water from the parking area onto the highway or adjacent sites. Once approved, the details shall be implemented in their entirety prior to occupation, maintained and permanently retained in accordance with sustainable drainage principles.

REASON: To prevent surface water run off onto the highway or adjacent sites in the interests of preventing surface water flooding.

- 18 Prior to first occupation of the development hereby permitted the bin store as shown on approved plan number 11 received on 6th June 2022 shall be provided in its entirety, made available and retained permanently for the storage of refuse and recycling only.

REASON: To ensure the provision and retention of adequate refuse and recycling provision.

Informatives

- 1 The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application and negotiating acceptable amendments to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for a revised scheme, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 2 In undertaking the works hereby approved you are advised to satisfy yourself of your obligations to occupiers of adjoining properties in accordance with the Party Wall etc. Act 1996, details of which can be inspected at these offices or you may obtain details free of charge from the Planning Portal website (www.planningportal.gov.uk) under Building Regulations.
- 3 Please note that a site notice was displayed in a publicly visible location at the site. Castle Point Borough Council would appreciate your co-operation in taking the site notice down and disposing of it properly, in the interests of the environment.