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Ann C. Horgan
Head of Governance
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AGENDA

Committee: DEVELOPMENT MANAGEMENT

Date and Time: Tuesday 5 October 2021 at 7.00pm

Venue: Council Chamber, Council Offices

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

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

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

Canvey Island Town Councillors: Greig and Sach

**Officers attending: Mr Stephen Garner – Planning Officer
Mrs Kim Fisher-Bright – Strategic Developments Officer
Mr Jason Bishop – Solicitor to the Council**

Enquiries: Miss Cheryl Salmon, ext. 2454

PART I (Business to be taken in public)

1. Apologies

2. Members' Interests

3. Minutes

A copy of the Minutes of the meeting held on 7 September 2021 is attached.

4. Public Speakers

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

5. Deposited Plans

The report is attached.

	Application No	Address	Page No
1.	21/0722/FULCLC	54-60 Linden Way, Canvey Island, Essex, SS8 9JB (Canvey Island Central Ward)	1
2.	21/0809/FUL	663 High Road, Benfleet, Essex, SS7 5SF (Appleton Ward)	17

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DEVELOPMENT MANAGEMENT COMMITTEE

TUESDAY 7th SEPTEMBER 2021

PRESENT: Councillors Skipp (Chairman), Acott, Anderson, Dick, Drogman, Fortt, Fuller and Savage.

Substitute Members Present: Councillor Savage for Councillor Gibson.

Canvey Island Town Council: Councillor Sach.

Apologies for absence were received from Councillors Blackwell, Gibson, and Mrs Thornton.

4. MEMBERS' INTERESTS

There were no disclosures of interest.

5. MINUTES

The Minutes of the meeting held on 1st June 2021 were taken as read and signed as a correct record.

6. DEPOSITED PLANS

- (a) 21/0361/FULCLO – KNIGHTSWICK CENTRE, FURTHERWICK ROAD, CANVEY ISLAND, ESSEX, SS8 7AD (CANVEY ISLAND SOUTH WARD) - PROVISION OF A REGULAR MARKET ON THE FORECOURT PAVEMENT AREA BETWEEN THE KNIGHTSWICK SHOPPING CENTRE AND THE HIGHWAY AREA ALONGSIDE FURTHERWICK ROAD AND THE OLD HIGH STREET (PART-RETROSPECTIVE)**

The proposal sought consent for the holding of market, primarily on Thursdays and Saturdays and on up to 10 additional event days per year. The operator of the market described these event days as currently unspecified but gives examples of Easter, Christmas or food festivals.

The stalls were 7' x 7' in footprint and could be provided as single or twin units. The canopies were 6' 6" off the ground.

The market had already been taking place using permitted development rights for temporary uses of land, but the operator now sought a permanent permission.

The application was presented to the Committee as Castle Point Borough Council was a landowner.

Councillor Sach, a representative of Canvey Island Town Council, stated that the Town Council supported the application.

Following the presentation Members took opportunity to ask questions of the Planning Officer regarding the market operator, layout of the market, health and safety risk, refuse collection arrangements. These would be referred for a response.

Following debate on the recommendation a vote was taken and it was:

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

**(b) 21/0361/FUL - GARDEN WORLD PLANTS LTD, CANVEY ROAD, CANVEY ISLAND, ESSEX SS8 0QD (CANVEY ISLAND WEST)
DEMOLITION OF EXISTING BUILDINGS AND CONSTRUCTION OF
RESIDENTIAL CARE HOME COMPRISING OF 57 NO. UNITS AND
PROPOSED CROSS-OVER BOUNDARY TREATMENT**

The proposal sought consent for the erection of a three storey, part pitched roofed building providing a nursing home supporting 57 units of accommodation (60 bed-spaces) with associated communal and administrative facilities including a hairdressers, coffee shop and therapy room, and 26 parking spaces.

The building would have a maximum height of some 13m, a maximum width to Canvey Road of some 50m and a return width to Northwick Road of some 50.5m.

The building would be located a minimum of some 2.2m from the Northwick Road frontage, increasing to a maximum of 5m and would be located some 4m – 8m from the Canvey Road frontage, although on this elevation the proposed entrance staircase and access ramp would extend up to the highway boundary. The proposed building would be set approximately 1m above natural ground level to assist in the reduction of flood risk and flood remediation.

Consideration of the proposal under the provisions of the NPPF and adopted Local Plan identified that the proposal constituted inappropriate development in the Green Belt, which could only be justified if Very Special Circumstances could be identified, either individually or cumulatively, which outweighed the harm to the Green Belt.

The need for specialist residential accommodation had been identified as a circumstance to which consideration should be given. However it was not considered that this circumstance nor any others suggested by the applicant, either individually or cumulatively would justify inappropriate development in the Green Belt.

The proposal is therefore contrary to Government guidance as contained in the NPPF.

Furthermore, in the context of Government advice and the continuing work on the preparation of a new Local Plan, the proposal was considered to be premature.

However outline planning consent was granted for a similar form of development in November 2018. In determining that application Members considered that the need for residential care facilities outweighed the harm to the Green Belt and that the objectives of the Local Plan would not be prejudiced by the release of the site before consideration of the future of the remainder of the land bounded by Canvey Road, Northwick Road and Roscommon Way. This determination weighs heavily in favour of the proposal.

In considering the scheme in detail, whilst the proposed materials and general form of development was considered acceptable in principle, it is considered that the specific scale of development proposed was excessive given the size of the site, resulting in an over dominant and obtrusive feature in the landscape, of mean and cramped appearance, lacking adequate setting and the ability to satisfy the requirements of the Residential Design Guidance.

Councillor Sach, a representative of Canvey Island Town Council, stated that the Town Council opposed the application due to size, lack of parking, impact on highway and air quality.

Following the presentation Members took opportunity to ask questions of the Planning Officer regarding the need for the accommodation, size, overlooking, air quality and impact on the Green Belt.

Following debate on the recommendation a vote was taken and it was:

Resolved Unanimously– That the application be refused for the following reasons:

1. The proposed development, by reason of its mass, scale, disposition and proximity to the boundaries of the site represents overdevelopment of the site resulting in the creation of a building of mean and cramped appearance and likely to result in an unduly dominant and prominent feature in the street scene which would be detrimental to the character and appearance of the area and result in significant overshadowing and dominance of the adjoining dwelling to the north, contrary to Policy EC2 and H17 RDG2 and 3 of the adopted Local Plan.
2. The proposed development, by reason of the excessive size of the proposed building relative to the plot size fails to provide adequate amenity space for future residents, contrary to Government guidance in respect of the provision of high quality living conditions and Policy H17 RDG5 of the adopted Local Plan.

Chairman

ITEM 1

Application Number:	21/0722/FULCLC
Address:	54-60 Linden Way Canvey Island Essex SS8 9JB (Canvey Island Central Ward)
Description of Development:	Demolish existing bungalows and garages and construct 4No. residential dwellings with associated parking and private amenity areas (Affordable housing)
Applicant:	Castle Point Borough Council
Case Officer:	Mr Stephen Garner
Expiry Date:	08.10.2021

Summary

The proposal seeks consent for the demolition of four bungalows and two garage blocks and their replacement with four 2 bedroomed terraced houses with associated parking and private amenity space. The dwellings are for affordable housing to rent for people on the council's housing needs register.

The site is allocated for residential purposes in the council's Adopted Local Plan and is consistent with national and local policy and residential design guidance. The proposal is therefore recommended for APPROVAL.

The case is presented to committee because the council is both the applicant and landowner.

Site Visit

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

Introduction

The application relates to a row of four existing council-owned terrace bungalows and two garage blocks which are located to the east of Linden Way but which have a wide vehicular access from the northern side of Little Gypps Road.

Surrounding the site, the land use is predominantly residential, with the Longview Residential Care Home located to the east and a small parade of shops with flats above to the west.

The existing bungalows were previously managed social housing however subsidence was found in No.60 which also has impacted upon the other dwellings within the row. It has been determined that demolition is required to resolve this problem.

No.60 has been unoccupied since 2017 with the other properties becoming vacant between November 2019 and November 2020.

The two garage blocks, which are entirely owned by the council, are currently vacant. Many of the garages became empty between 2005 and 2017.

The Proposal

The proposal seeks consent to demolish the existing row of four terraced bungalows as well as two garage blocks and to construct four two-bedroom terrace dwellings on the site with

associated parking and amenity space. The row of terrace dwellings would measure some 21.4m wide and some 9.2m deep with a maximum height of some 8.7m, and would be located to the north west of the site

Each dwelling would have two allocated parking spaces within a parking court to the south of the dwellings accessed from Little Gypps Road. A visitor space is also proposed within the parking court.

The dwellings are to be finished in buff coloured face brickwork with grey coloured composite cladding at first floor to the front elevations, and would have plain grey roof tiles. Anthracite windows and doors with black/grey guttering and fascia's are proposed. The dwellings would also have solar thermal panels and air source heat pumps. Low-level bollard lighting is proposed to the parking area.

It is proposed to let the dwellings to those on the council's housing needs register at an affordable rent as set out in the council's affordable rent policy, at 65% of market rent.

Supplementary Documentation

The applicant has submitted the following supplementary documentation:

- o Design and Access Statement
- o Planning Statement
- o Flood Risk Assessment
- o Flood Response Plan

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

Planning History

None

Local Plan Allocation

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

Relevant Policies and Government Guidance

NPPF National Planning Policy Framework (2021)

Adopted Local Plan (1998)

EC2	Design
EC3	Residential Amenity
EC5	Crime Prevention
H2	Residential Land
H17	Housing Development – Design and Layout
T8	Parking Provision

Residential Design Guidance (2013)

RDG1	Plot Size
RDG2	Space Around Dwellings
RDG3	Building Lines
RDG5	Privacy and Living Conditions

RDG6	Amenity Space
RDG8	Detailing
RDG9	Energy & Water Efficiency & Renewable Energy
RDG10	Enclosure and Boundary Treatment
RDG11	Landscaping
RDG12	Parking and Access
RDG13	Refuse and Recycling Storage
RDG16	Liveable Homes

Essex Parking Standards September 2009 (Adopted June 2010)

Secured By Design Homes 2019 Version 2, March 2019

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

New Local Plan (Submitted for examination October 2020)

SD1	Making Effective Use of Land
HO1	Housing Strategy
TP7	Parking Provision
DS1	General Design Principles
NE7	Pollution Control

Consultation

Canvey Island Town Council

No comment for this development

Environment Agency

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

Essex Police

Request that the developer seeks to achieve the Secured by Design 2019 Version 2 accreditation as a crime prevention enabler.

Highways Authority

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

Legal Services

No observations

Streetscene Refuse and Recycling

No objection. Household waste will be collected as part of the standard kerbside collection.

Public Consultation

No public consultation responses have been received.

Comments on Consultation Responses

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

Evaluation of Proposal

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

The new Local Plan (2018-2033) is currently under examination with the Examination in Public concluding in June of this year. The Plan sets out the Council's aims and objectives for the Borough over the 15 year period and includes policies to support these ambitions. As the Plan has now been submitted the Council is beginning to give some weight to the policies contained within the Plan when determining planning applications. Different degrees of weight are being given to policies within the Plan depending on the level of objection received during the Regulation 19 consultation.

The main issues requiring consideration are the principle of the development, the design and layout of the development, its impact upon neighbours, parking and access, flood risk, and drainage.

Principle of development

Policy H2 of the Local Plan states that land allocated for residential purposes within the Local Plan shall be retained primarily for that purpose. This is consistent with paragraph 47 of the NPPF, which requires planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise.

The proposal reuses previously developed residential land for residential purposes so that it may continue to be used for housing. No objection is raised to the proposal on this basis.

Design and layout

Policy EC2 of the council's Adopted Local Plan seeks a high standard of design in all developments. In particular, regard is to be given to the scale, density, siting, design, layout and external materials of any development, which shall be appropriate to its setting and which should not harm the character of its surroundings. This is consistent with paragraphs 126 and 130 of the NPPF.

Chapter 11 of the NPPF encourages the optimal use of land for each development, whilst Chapter 12 is concerned with achieving well-designed places.

Policy DS1 of the emerging Local Plan reinforces the high quality of design expected by Policy EC2 and the guidance set out in the council's supplementary Residential Design Guidance.

Paragraph 130 of the NPPF states that developments should function well over the lifetime of the development, be visually attractive and sympathetic to the local character and history whilst not preventing appropriate innovation. Development should optimise the potential of a site and create places that are safe, inclusive and accessible that promote the health and well-being, with a high standard of amenity for existing and future users.

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

The immediate area consists of predominately terraced or semi-detached properties. The dwellings in the surrounding area are situated on plots which vary to some extent by reason of width and depth, however, retain a sufficient degree of uniformity to result in a fairly homogenous and pleasant character to the surrounding area.

Paragraph 11 of the NPPF states that planning should promote an effective use of land in meeting the need for homes, and paragraph 120 c) states that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and support appropriate opportunities to remediate unstable land. Paragraph 124 states that planning decisions should support development which make efficient use of land, and under paragraph 125 where there is an existing shortage of land for meeting identified housing needs, it is especially important that planning decisions avoid homes being built at low densities.

The proposal is situated on previously developed land, allocated for residential purposes within the settlement of Canvey Island. The location of the plots has been altered compared to the existing arrangement, reorienting and locating them further west in the plot. The northern end terrace plot measures some 6.7m wide and the southern end plot measures some 7.2m which compares favourably with other forms of terrace development which typically vary in plot width from 5.4-9.5m.

The proposed mid-terrace plots measure some 5.2m wide, which whilst slightly narrower than what is observable in the surrounding area, is not significantly narrower than 42-52 Linden Way to the south of the proposed development which measure some 5.4m wide. The proposed terraced dwellings would be viewed within the context of 42-52 Linden Way given their close proximity to the site and it is not considered that the proposal would appear out of character or result in detrimental harm to the streetscene by reason of inadequate plot width.

The proposal is considered to adequately respect the character and arrangement of surrounding plots whilst making effective use of the land to maximise the potential for the site, and no objection is raised to the proposal under RDG1.

RDG2 states that space around a new development should be informed by the prevailing character of space around dwellings. Where there is a distinct character of development which creates an exceptionally strong pattern, development must not result in a disruption to this pattern. This guidance is considered to be in accordance with Chapter 12 of the NPPF.

There is a mixed character of space observable in the surrounding area created by a combination of terraced and semi-detached dwelling. However, the character of space does create an open and pleasant aesthetic within the area which has isolation spaces between buildings as well as large areas of open space, particularly on corner plots but also to the front of dwellings.

It is considered that this proposal would not diminish the open character of the surrounding area and that it is appropriately sited to provide adequate isolation space to both the north and south to provide the proposed replacement dwellings with a satisfactory setting in relation to their surroundings. No objection is raised to the proposal under RDG2.

RDG3 requires proposals to respect established building lines. Where there is a distinct pattern of development which creates an exceptionally strong building line, development must not result in a disruption to this pattern.

To this part of Linden Way there is no distinct or exceptionally strong building line observable. The parade of shops with flats above is located in quite close proximity to Linden Way whilst the semi-detached dwellings to the north of the application site are set a considerable distance from the back edge of the highway.

It is important to consider whether the proposed dwellings have a suitable relationship with the existing built environment and whether this would have any adverse impact upon its surroundings. The front elevations of the proposed dwellings would be set some 3.5m in front of the dwellings to the north and some 18.7m behind the front of the parade of shops.

The siting of the dwellings would provide a suitable stepped transition between the different building lines to the north and south. As such the siting of the development has been carefully and sensitively designed so to minimise the impact of the proposal on the streetscene. It is not considered that the proposed development would result in any unacceptable disruption to the character of the streetscene, and no objection is raised to the proposal under RDG3.

RDG5 discusses that primary habitable rooms should be served by windows which are located on the principle elevations of dwellings and that all windows should be sufficiently designed and sized for adequate natural light and ventilation to enter the room they serve.

The NPPF also seeks to achieve high-quality living environments which this authority has taken to include occupants of habitable rooms being provided with a reasonable outlook. This approach has been well supported at appeal throughout the borough.

The proposed dwellings conform to this guidance and provide adequate levels of natural light, outlook and ventilation for each of the habitable rooms they serve for future occupiers of the dwellings in accordance with the guidance contained at RDG5 and within the NPPF.

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

Each dwelling is proposed to provide four habitable rooms each resulting in a need of 60m² private outdoor amenity space per dwelling. The scheme provides in excess of this requirement for all plots and therefore no objection is raised in respect of amenity space under RDG6.

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

The proposed dwellings whilst of a different design and appearance than properties in the surrounding area have been sensitively designed to harmonise with their surroundings. It is considered that they would contribute positively to the wider streetscene.

The proposed dwellings are to be finished in buff brick, grey composite cladding, grey plain roof tiles and anthracite windows and doors. The buff brick draws from the brick used in some of the dwellings in the surrounding area and the overall aesthetic achieved through the design and choice of materials, whilst modern, is considered to be appropriate and unlikely to harm the character and appearance of the surrounding area. No objection is raised to the proposal under RDG8.

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

The proposal includes the provision of solar thermal panels to the front, southern, roof slope and air source heat pumps. These measures are considered acceptable and no objection is raised under RDG9.

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

However, the surrounding area, particularly the properties fronting onto the green area are characterised by open front gardens which creates an open and pleasant appearance to the area. Were these spaces to be enclosed with high level fencing it would begin to erode this sense of openness and spaciousness and be detrimental to the character of the wider area. Subject to a condition securing that no boundary treatment in excess of 1m in height is erected forward of the front elevations of the proposed dwellings no objection is raised to the proposal on this basis.

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

No communal or formal refuse and recycling facilities have been proposed and it is anticipated that each household will store and manage their own refuse and recycling which will be collected via the council's normal kerbside collection service.

Paragraphs 60 – 62 of the NPPF seek the delivery of a wide choice of high-quality homes to meet the needs of different groups in the community including families with children older people, people with disabilities, and service families.

Paragraph 130 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 users; and that policies may make use of the nationally described space standard, where the need for an internal space standard can be justified.

RDG16 requires that all new dwellings should provide appropriate internal and circulation space which reflects the character of the surrounding area and also reflects current best practices. All new dwellings should meet the existing and future needs of occupiers over their lifetime without the need for extensive alteration or adaption.

The 2015 Technical Housing Standards states the following gross internal area (GIA) floor spaces (m²) should be provided:

No. Bedrooms (b)	No. Bed Spaces (p)	No. Storeys		Built-in Storage
		One	Two	
1b	1p	39 (37)	n/a	1.0
	2p	50	58	1.5
2b	3p	61	70	2.0
	4p	70	79	

The guidance also states that in order to provide one double or twin room it must have a floor area of at least 11.5m² and be at least 2.75m with whilst every other double/twin bedroom must be at least 2.55m wide. A single bedroom must measure at least 7.5m² and be at least 2.15m wide. A dwelling with two or more bed spaces has to have at least one double/twin room.

Each of the new dwellings are considered to be two-bedroom four person units. All of the dwellings are provided with sufficient GIA, built in internal storage and bedroom dimensions for the quantum of accommodation proposed. No objection is therefore raised to the proposal on this basis.

Impact on neighbours

RDG3 requires development to not result in excessive overshadowing or dominance to any elevation of an adjoining property.

Due to the location of the proposed development and level of isolation to the surrounding built environment, it is considered that any impact would be restricted to the pair of semi-detached dwellings to the north of the application site. The proposal is for two storey dwellings measuring a maximum of 8.7m tall on a site currently occupied by bungalows, which are set much closer to the neighbours having been reoriented.

Notwithstanding this the projection of the two storey dwellings past the neighbouring bungalow (3.5m) this is not considered excessive within the context of the surrounding area, the non-uniform building line and setting of the proposed development which provides adequate levels of isolation space to help mitigate the impact upon the neighbouring bungalow.

Furthermore, the design of the roof profile has been carefully considered, angling away from the bungalow to the north, which further minimises the impact of the height and massing of the development when viewed from ground level. As a result of this, when viewed from ground level from the side elevation of the adjacent bungalow, the building would not appear so tall with the side elevation measuring some 5.9m being what is prominently visible. As such it is not considered that the proposed development would result in any unacceptable levels of overshadowing or visual dominance to any elevation of the adjoining property. No objection is therefore raised to the proposal under RDG3.

RDG5 states that for all development above ground floor level, for windows installed on the 1st floor a distance of 9m shall be provided between the windows, edge of balconies or raised amenity space and the boundary it directly faces. Oblique views are not protected under this guidance.

The upper floor windows to the rear elevation of the dwellings fully comply with this guidance. Whilst the windows to the front are not set back 9m from the front boundary no loss of privacy or residential amenity would occur as they overlook public green space.

Upper floor windows are proposed in both flank walls of the properties occupying plots 1 and 4 which serve as secondary windows to the second bedrooms. The side window to plot four would overlook the shared parking area so this would not result in any loss of privacy or residential amenity.

The upper floor side elevation window to plot 1 would overlook the part of of No.62. This issue can be adequately overcome by requiring the window to be obscure glazed and fixed shut 1.7m above finished floor level. This would be an acceptable course of action as the window is a secondary source of light serving a room which is also provided with a window located on a principal elevation. Subject to such a condition, no objection is raised to the proposal on this basis.

Parking and access

Policy T8 requires adopted parking standards to be taken into account. The current adopted Essex Parking Standards require a minimum of two spaces for properties with two or more bedrooms. Forecourt parking spaces should be 2.9m x 5.5m. This information is consistent with paragraph 107 of the NPPF which requires local planning authorities to set such standards reflecting local circumstance.

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

Policy TP7 of the emerging Local Plan requires developments to make provision for safe and secure car parking, parking for people with disabilities and parking for bicycles, having regard to the Essex Vehicle Parking Standards. This policy currently carries little weight, but generally continues the ethos of Policy T8 and paragraph 107 of the NPPF.

Each of the proposed dwellings would benefit from two allocated off-street parking spaces located to the south of the proposed dwellings in a shared parking court. A visitor space is also proposed to be provided in this area as well. There is adequate space to allow for turning, access and egress of the proposed spaces with ease.

There is adequate space on site to provide cycle storage within the gardens of each of the properties where required.

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

It is noted that Paragraph 112 of the NPPF requires development, where practicable, to incorporate facilities for charging plug-in and other ultra-low emission vehicles. Following the announcement by the government in 2017 that it intends to ban new petrol and diesel cars from 2040, and the more recent announcement that this ban will be brought forward, the need to provide infrastructure for charging electric vehicles is even more pressing.

The application does not include the provision of any electric vehicle charge points, although within the design and access statement it is discussed that the infrastructure for electric vehicle chargers will be provided. Providing such facilities rather than just the infrastructure under the ground would help to further encourage the uptake of electric vehicles. This matter can be dealt with by condition on any permission granted and does not amount to a reason to refuse permission.

Flood risk and drainage

Government guidance as contained in the National Planning Policy Framework (NPPF) requires all proposals for new dwelling in areas at risk of flooding to be accompanied by a site-specific Flood Risk Assessment (FRA) in order to demonstrate that the occupiers of the proposed development would not be placed at unacceptable risk in the event of a flood. The proposal is also required to pass the sequential and exception tests as set out in Paragraph 161 of the NPPF as well as the associated Planning Practice Guidance, in order to determine whether sites of lower flood risk probability exist which may be more suitable for the type of development proposed.

With regard to the sequential test, the proposal seeks to provide four replacement dwellings within the settlement of Canvey Island. Under these circumstances, the sequential test for this proposal is considered to be passed.

Having passed the sequential test, the proposal must then pass the exception test. Details regarding the exception test are detailed within paragraphs 163-165 of the NPPF. This has two elements which are detailed in paragraph 164, both of which need to be passed for the development to be permitted:

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

In respect of the first criterion, it is considered that as these are replacement dwellings for ones that are currently vacant and in a poor state of repair due to subsidence, that this criterion is considered to be passed.

In respect of the second criterion, this requires the submission of a site-specific FRA.

The supplied FRA identifies the tidal flood risk at the site from the Thames Estuary as being a residual risk as the site is behind tidal defences. Details supplied within the FRA indicates flood depths for a breach event could be up to 2.30m above finished ground floor level (3.0m AOD) during both a 1 in 200 year and 1 in 1000 year flood event for the applicant's site.

The finished ground floor level for the proposed dwelling has been proposed at 2.30m Above Ordnance Datum (AOD). The property would be liable to flooding in both the 1 in 200 and 1 in 1000 year flood events. The finished first floor level for the proposed dwellings has been proposed at 5.30m AOD. This would provide safe refuge for occupants of the proposed dwelling during both the 1 in 200 and 1 in 1000 year flood events. Provided that the response of occupiers to a flood warning being issued or flooding occurring is acceptably managed through a suitable flood warning and response plan, there is no objection to the proposal on tidal flood risk grounds.

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

Following the flooding that occurred on Canvey Island in July 2014, the Environment Agency, Anglian Water and Essex County Council jointly produced an Integrated Urban Drainage (IUD) model to establish a common understanding of the condition and ownership of the drainage infrastructure across Canvey Island.

Assuming a worst-case scenario, whereby modelled pluvial depths on the site were to exceed the height of the finished ground floor level of 2.30m AOD, the first floor would be capable of providing a safe refuge from this flood water. Provided a robust flood response plan is in place, it is not considered that pluvial flood risk is an impediment to the development of this site.

The provided Flood Response Plan (FRP) is considered to provide suitable advice for the occupiers of the proposed dwellings in the event of a flood in line with the standing advice issued by Castle Point Borough Council for residents to "go in, stay in, tune in" in the event of a flood. This does not advocate evacuation of Canvey Island because the uncontrolled evacuation of Canvey Island would quickly lead to congestion and people potentially trapped in cars in flood water. The proposed replacement dwellings also offer improved flood safety compared to the existing bungalows on the site by virtue of having a first floor area which would provide a safe refuge above flood water levels in the event of a flood.

The National Planning Practice Guidance states at paragraph 054 Reference ID: 7-054-20150415 that when considering safety, the depth, velocity and wave action of flood water and the structural safety of buildings needs to be considered. These are commonly known as hydrostatic and hydrodynamic pressures. It is imperative to ensure that the building is structurally sound and safe for occupants, were a flood to occur. The lack of any details confirming this is also contrary to the second criterion of the exceptions test which requires the development to be safe for its lifetime.

No details regarding the hydrostatic and hydrodynamic structural calculations have been provided as part of this application. Whilst this represents an objection to the proposal it can be dealt with by a condition requiring the submission of these details and an approved scheme to be implemented to secure that the development is constructed in a structurally sound and safe

manner which would withstand the pressures acting on the dwellings in a 1:200 and a 1:1000 year flood event including allowance for an additional 300mm wave action.

Surface water runoff

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

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

Even though this application is for replacement dwellings, details still need to be submitted of a suitable water capture and storage system with an attenuated flow in order to improve upon the existing situation observable onsite. Where a surface water sewer is unavailable then the surface water should be directed in accordance with the hierarchy set out in planning practice guidance at paragraph: 080 Reference IS: 7-080-20150323.

This is in accordance with paragraph 161 of the NPPF which states that risks should be managed using appropriate opportunities provided by new development to reduce the causes and impacts of flooding and paragraph 167 which goes on to states that development should only be allowed in areas at risk of flooding where it can be demonstrated that it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate.

Where an application chooses to implement a soakaway to discharge surface water runoff, this will attract a refusal.

Submitted details indicate that it is possible for an attenuated drainage system to connect to the surface water sewers, which is acceptable. However, although this is discussed in the FRA, no details of any surface water drainage scheme accompany this application.

Officers see no reason why a suitable surface water drainage scheme in accordance with current best practice (i.e. attenuated storage with discharge control) could not be achieved. Therefore, subject to such a condition, no objection is raised to the proposal on this basis.

Other matters

A consultation response has been received from the Designing Out Crime Officer at Essex Police requesting that the applicant seeks to achieve the relevant Secured by Design 2019 Version 2 accreditation in order to improve the security of buildings and their immediate surroundings to provide safe places to live.

Policy EC5 states that the council will expect new development schemes to have regard to the desirability of minimising the risk of crime and maximising security by virtue of their design, layout and landscaping. This is considered to be in accordance with the details contained within paragraph 130 of the NPPF which opines the creation of places that are safe and inclusive, where crime and disorder, and fear of crime do not undermine the quality of life of community cohesion.

It is acknowledged that there does currently appear to be some evidence of antisocial behaviour within the existing parking area and garage blocks on the site with fly tipping, broken/damaged garage doors and a number of broken glass bottles strewn around the parking area which were noted when officers conducted a preliminary site visit. For minor development sites such as this, it is not the practice of this authority to require that the development be designed in accordance with the Secured by Design (SBD) criteria and seek accreditation due to the relatively small scale of the proposal. However, while the parking area currently may be a problem this proposal should help to address this by retuning the land to beneficial use.

The scheme seeks to address these concerns in several ways. Firstly, the existing garage blocks are proposed to be removed and replaced with residential parking for occupants of the proposed dwellings. This it is hoped will increase the use of this space and discourage antisocial behaviour and gatherings. Furthermore, there are windows at both ground and first floor on the southern elevation of plot 4 which would provide a degree of natural surveillance to the parking area. These are considered to be valuable design considerations in designing out crime and which would comply with the principles opined within the SBD document. Furthermore, high level close boarded fencing is proposed to the rear with secure gated access to the rears of properties.

Some new bollard lighting is also proposed on the footpath leading from the parking area to the front of the dwellings. Whilst this would provide some lighting which would be valuable to residents, this would not provide much illumination of the wider space which would further serve to dissuade antisocial behaviour. In discussions with the applicant's agent, this concern was also shared, and it was agreed that a more robust lighting scheme would need to be designed to cover the parking area to dissuade antisocial behaviour and gatherings on the site. Careful regard in this proposed scheme should be had to preventing antisocial behaviour and gatherings to all parts of the site, but with particular reference to the shared parking area and access alleyway serving the rear gardens of plots 2 and 3.

Such a scheme would also need to be sensitively designed so that the light emissions did not result in excessive or detrimental harm to nearby residential occupants, otherwise a proposed lighting scheme may conflict with policy EC3 of the Local Plan which is concerned with protecting the residential amenity of surrounding residential uses. Subject to a condition requiring the submission and implementation of an appropriate lighting scheme, no objection is raised to the proposal on this basis.

As depicted on the site layout plan, a scheme of soft landscaping is proposed to the south of the site in the place of the existing southern block of garages. It is considered that an appropriate scheme of soft landscaping in this location would help prevent it becoming a contested parking area of place for antisocial behaviour and would contribute positively to the appearance of the development itself, as well as the wider area.

No detailed landscaping scheme has been provided, however this can be dealt with by an appropriately worded condition in accordance with the requirements of RDG11, which states that landscaping schemes are expected to include planting plans, identifying plant species, types, sizes, numbers, densities, planting regime and aftercare arrangements. Subject to such a condition, no objection is raised to the proposal on this basis.

Section 15 of the National Planning Policy Framework (NPPF) 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, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

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 increase 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).

This application results in no net residential units on the site and therefore no mitigation in accordance with the requirements of the adopted RAMS supplementary planning document is required.

A construction management plan (CMP) has been requested by the Highways Authority to control the delivery and storage of building materials. This is considered necessary in some instances to minimise and mitigate any potential detrimental impact on the amenity of the surrounding area during the construction phase of a development. However, given the size of the site and the ample vehicular access and potential for the storage of building materials where the current garage blocks are it is not considered necessary to require the submission of a CMP in this instance.

Conclusion

The Framework sets out at paragraph 11 a presumption in favour of sustainable development, which for decision-taking, means:

- o approving proposals that accord with an up-to-date development plan without delay; or
- o 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.

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 Framework taken as a whole.

Given that the existing dwellings are currently vacant and unsuitable for habitation due to subsidence, the redevelopment of the site would bring back into use valuable and much needed affordable housing to serve the needs of local people within the borough.

No adverse impacts of the proposal have been identified which would significantly and demonstrably outweigh the benefits when assessed against the Framework and therefore, in accordance with the presumption in favour of sustainable development set out at paragraph 11 of the NPPF, the proposal is recommended for APPROVAL.

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

My Recommendation is Approval with the following conditions

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

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

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

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

- 3 The external surfaces of the development hereby approved shall be treated in accordance with the details specified or shall be of similar appearance to the materials used in the construction of the exterior of the existing dwellinghouse.

REASON: In the interest of visual amenity.

- 4 Prior to the construction of the development above foundation level, a scheme, prepared by a qualified structural engineer and demonstrating the ability of the proposed structure(s) to withstand the hydrostatic and hydrodynamic pressures likely to be acting on the buildings in a 1 in 200 year and 1 in 1000 year flood events including allowances for wave action and climate change shall be submitted to and approved by the Local Planning Authority.

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

- 5 The development shall be constructed in accordance with the approved scheme submitted by a qualified structural engineer pursuant to condition 4 attached to this consent.

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

- 6 No development above foundation level shall take place until details of a scheme for the disposal of surface water has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall provide for an attenuated drainage system unless it can be demonstrated that the disposal of surface water can be suitably managed through infiltration into the ground or to a surface water body. The approved scheme shall be installed in accordance with the approved details prior to occupation and thereafter retained.

REASON: To limit the potential for increased surface water runoff from the site.

- 7 Details of a lighting scheme suitable to adequately illuminate the parking court and rear access of the development shall be submitted to and approved in writing by the Local Planning Authority and thereafter carried out in accordance with the approved scheme prior to occupation.

REASON: To ensure adequate lighting to communal and shared areas of the development in the interests of future occupier safety and to dissuade antisocial behaviour.

- 8 Finished first floor levels shall be set no lower than 5.30m metres above Ordnance Datum (AOD).

REASON: To reduce the risk of flooding to the proposed development and to ensure the safety of future occupants in the event of a flood.

- 9 Upon occupation of each of the approved dwellings, the submitted Flood Response Plan Revision A dated August 2021 shall be enacted and thereafter maintained at all times that the dwelling is occupied. Any revisions to the Plan shall be submitted to and formally approved by the Local Planning Authority.

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

- 10 Details of a soft landscaping scheme shall be submitted to and formally approved by the Local Planning Authority and thereafter carried out in accordance with the approved scheme prior to occupation. Such a scheme shall include full details of all proposed planting, including species, size, density, methodology and the proposed times of planting and planting plans, written specifications, including cultivation and other operations associated with plant and grass establishment, schedules of plants, noting species, plant sizes and proposed numbers/densities together with a maintenance plan.

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

- 11 Prior to first beneficial use, any upper-floor windows, including rooflights and those serving dormers, in the north elevation of the development hereby approved shall be -

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

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

- 12 Prior to the first occupation of the development hereby approved, the onsite vehicle parking and turning area shown on approved planning drawing LINWAY-IWD-ST-XX-DR-A-2000 revision P13 shall be provided, hard surfaced and drained, with each dwelling allocated two parking spaces, which shall be kept available for the parking of vehicles at all times.

Any new or replacement hard surfacing to the parking and turning area shall be designed and constructed in accordance with SuDS principles.

Reason: To ensure any new or replacement hard surfacing limits the potential for increased surface water runoff from the site and the retention of adequate on site parking facilities for the occupiers of the development and visitors to meet the councils adopted standards for the amount of accommodation to be provided on the site in the interest of highway safety.

- 13 Details of secure and covered cycle parking shall be submitted to and approved in writing to the Local Planning Authority and thereafter provided in accordance with the approved scheme prior to occupation.

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

- 14 Each dwelling shall be provided with an electric vehicle charge point to one of its allocated parking spaces, which shall be made operational prior to first occupation of each dwelling. Following installation, the charge points shall be maintained in accordance with any manufacturer's recommendations and permanently retained as such thereafter.

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

- 15 Any gate, fence, wall or other means of enclosure forward of the front elevations of the dwellings hereby approved shall not exceed 1m in height.

REASON: To safeguard the open frontages and character of the surrounding area.

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 Highways Authority Informatives

Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway.

The requirements above shall be imposed by way of negative planning condition or planning obligation with associated legal framework as appropriate.

All highway related details shall be agreed with the Highway Authority.

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

ITEM 2

Application Number:	21/0809/FUL
Address:	663 High Road Benfleet Essex SS7 5SF (Appleton)
Description of Development:	Demolition of existing buildings and construction of No.3 mixed use buildings including No.40 dwellings, commercial space, office space and associated access arrangements
Applicant:	Furniture Kingdom
Case Officer:	Ms Kim Fisher
Expiry Date:	17.11.2021

Summary

The proposal seeks consent for the provision of a mixed commercial and residential use on land on the western side of High Road and south of London Road at Tarpots.

Members will recall that an application for a similar form of development was presented for consideration in April 2021. At that time Members resolved to refuse the application, contrary to recommendation.

The applicant has sought to address Members concerns in the current proposal, but advises that delays in bringing this site forward has resulted in a need to redesign the proposal in order to maintain viability and achieve an improved level of affordable housing and parking provision on the site.

Nevertheless, the application site represents a sustainable location, the development of which with a mixed commercial/residential scheme would, in principle, be consistent with the provisions of the NPPF and the emerging Local Plan.

As with the earlier proposal, the submitted scheme exhibits a number of elements, such as the need to obscure glaze some windows to primary living accommodation, which arise from the specific conditions found on this edge of centre site and result in a particular form of development which may not be acceptable in any other context, but is considered acceptable in this case because of the specific location of the site and the capacity of the scheme to accommodate the specific characteristics of the site whilst still achieving appropriate living conditions for both future and existing residents.

The application site represents a sustainable location, the development of which with a mixed commercial/residential scheme would, in principle, be consistent with the provisions of the NPPF and the emerging Local Plan.

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

Whilst the Green Infrastructure Team has raised an objection to the proposal, given the sustainable location of the site, the need for housing and the contribution that the current scheme can make towards the provision affordable housing and reduction in the pressure to release Gren

Belt sites for housing, it is not considered that the harm to GI provision outweighs the other material benefits of the scheme.

The provision of affordable housing and the mitigation of recreational disturbance on designated sites will be secured through a S106 Agreement.

My recommendation is therefore conditional APPROVAL, subject to a S106 Agreement to secure the provision of an appropriate contribution towards the provision of affordable housing and the mitigation of recreational disturbance in designated sites (RAMS).

Site Visit

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

Introduction

The site is located on the western side of High Road, with a return frontage to the London Road, and lies behind the primarily commercial development principally comprising Riley's, the Raj Poot restaurant, Specialist House and Shafers Arcade and the Tesco Express at the junction of High Road and London Road.

The site currently hosts a part two storey, flat roofed commercial building, formerly used for the retail of furniture and an associated detached single storey store building together with access and parking.

The site has an irregular shape with a maximum depth of some 131m and a maximum width of some 91m at the southern end of the site, reducing some 19.6m at the London Road frontage.

It is currently served by two access points from the High Road, both of which are currently used to serve the application site and the adjoining commercial properties to the east.

The southern access point is immediately adjacent to the Holy Family Church. Historically it has been stated that both the applicant's access and the church access have been used jointly to facilitate ingress and egress from both sites.

The site further benefits from a dropped kerb crossing from the London Road, although use of this facility is limited by the current configuration of buildings on the site.

Immediately to the west of the site is a two-storey residential sheltered scheme at Swan Court and detached dwellings fronting Homefields Avenue, whilst to the south are the buildings and grounds associated with the Church of the Holy Family.

To the north, on the other side of the London Road is a mix of commercial and residential development, including three storey flats with accommodation in the roof.

The Proposal

It is proposed to construct a four storey building on the London Road frontage providing 8 two bedroomed flats above a new commercial unit, to the rear of which would be two four storey units linked by a three storey element providing a further 28 two bedroomed flats and 4 one bedroomed flats. In total the scheme provides 40 residential units.

The proposed blocks are flat roofed in nature with the fourth floor of the rear blocks stepped in to reduce their impact and reflect the form of flatted development on the adjoining site to the east. The elevations of the building will be further articulated by differential placement of elevations and the elemental use of materials to disguise mass and bulk.

Parking for the flats would be provided in a mix of under croft and surface parking areas.

In addition it is proposed to replace an existing single storey storage building with a three-storey building providing parking and bin storage at ground floor level and two floors of office space above.

As submitted the scheme shows the provision of 53 car parking spaces within the surface and under croft areas with a further 5 spaces identified within the proposed office building.

Facilities for the storage of 60 bicycles is provided.

No specific provision appears to be made for servicing either the commercial or residential elements of the scheme.

Primary vehicular access to the proposed development will be obtained from the southern access point onto the High Road.

It would appear that this access will also serve existing commercial uses on the east side of High Road.

Use of this access will also be maintained by the adjoining Church.

Supplementary Documentation

- Construction Environment Management Plan
- Construction Method Statement
- Design and Access Statement
- Environmental Noise Assessment
- Flood Risk assessment
- Planning Statement
- Site Waste Management Plan
- Transport Statement
- SUDS Proforma
- Air Quality assessment
- Bat Roost Assessment
- Accommodation Schedule

Relevant Planning History

Pre application advice in respect of the development of the site for residential purposes was provided in 2018 and in 2020.

In April 2021 an application for the demolition of the existing buildings and the construction of No.3 mixed use buildings including No.35 dwellings, commercial space and an independent office building (application reference: 20/0647/FUL) was refused, contrary to recommendation, for the following reasons:

- (i) The proposal fails to make adequate provision for affordable housing. The proposal seeks to provide no more than 2 affordable units on the site, where policy H7 of the adopted Local Plan would seek 13 (35%) affordable units, and where the emerging Local Plan policy H04 would require 14 (40%) affordable units. It has not been clearly demonstrated that any substantial costs associated with the provision of necessary infrastructure have necessitated a reduced contribution. As such, the proposal is contrary to the provisions of the NPPF, NPPG, and both adopted and emerging Local Plans.
- (ii) The proposal fails to make appropriate facilities available for the management of waste generated by the occupation of the site.
- (iii) The proposal fails to make adequate provision for on-site parking. Consequently it is considered that the proposal will result in off-site parking in adjoining streets, to the detriment of the amenity of adjoining residents, contrary to Policy EC3 of the adopted Local Plan.

Subsequently the applicant sought the advice of Officers on the potential for the existing building to be converted to residential units under permitted development rights. Officers were of the view that such conversion, if permitted would result in a poor form of accommodation and has encouraged the applicant to revisit the potential of the site in terms of its comprehensive redevelopment for a mixed use incorporating commercial and residential units. These discussions have led to the submission of the current application. Members may wish to note however that an application for the conversion of part of the building to residential use, providing four apartments within the rear part of the building under permitted development rights has been lodged with the Authority and is receiving consideration.

Local Plan Allocation

The site is allocated for shopping purposes on the adopted Local Plan.

Relevant Policies and Government Guidance

The following guidance and policy are of relevance in the consideration of the development of this site:

National Policy Planning Framework (2021)

Introduction and achieving sustainable development

Paragraphs: 2, 7-10, 11, 12, 14.

Decision making

Paragraphs 47, 49, 50, 54.

Delivering a sufficient supply of homes

Paragraphs 61.

Building a strong, competitive economy:

81.

Ensuring the vitality of Town Centres

86.

Promoting healthy and safe communities

Paragraphs 92, 93, 98, 100.

Promoting sustainable transport

Paragraphs 107, 108, 110.

Making effective use of land

Paragraphs 119, 120,

Achieving well designed places

Paragraphs 126, 130.

Meeting the challenge of climate change, flooding and coastal change

Paragraphs 154, 162-165, 167.

Conserving and enhancing the natural environment

Paragraphs 174, 180, 183, 184, 186.

Castle Point Borough Council Local Plan (Adopted November 1998)

EC2 Design
EC3 Residential Amenity
EC4 Pollution
EC5 Crime Prevention
H7 Affordable Housing
H9 New Housing Densities
H10 Mix of Development
H11 Accessible and Wheelchair Housing
H13 Location of Development
H17 Housing Development – Design and Layout
T8 Car Parking Standards
CF14 Surface Water Disposal

Paragraph 5.13

Residential Design Guidance (Adopted January 2013)

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

Other Guidance/Policy

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

Developer Contributions Guidance Supplementary Planning Document (Adopted October 2008)

Strategic Housing Market Assessment (May 2016 Addendum 2017)

Strategic Housing Land Availability Assessment Update (March 2017)

Technical Housing Standards – national described space standard (DCLG March 2015)

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

Essex Coast Recreational Disturbance and Mitigation Strategy 2020

The New Local Plan

The new Local Plan (2018-2033) is currently under examination with the Examination in Public concluding in June of this year. The Plan sets out the Council's aims and objectives for the Borough over the 15 year period, and includes policies to support these ambitions. As the Plan has now been submitted the Council is beginning to give some weight to the policies contained within the Plan when determining planning applications. Different degrees of weight are being given to policies within the Plan depending on the level of objection received during the Regulation 19 consultation.

Policies which will be given consideration, as appropriate, in this report are:

SD1 Making Effective Use of Land
SD2 Development Contributions
HO1 Housing Strategy
HO3 Housing Mix
HO4 Securing More Affordable Housing
EC1 Economic Strategy
TC1 Town Centre Strategy
HS1 Strategy for Healthy Communities
TP1 Transport Strategy
TP6 Safe and Sustainable Access
TP7 Parking Provision
TP8 Access for Servicing
DS1 General Design Principles
DS2 Landscaping
DS4 The Appearance of Town Centre Business Premises
CC1 Responding to Climate Change
CC3 Non-Tidal Risk Management
CC4 Sustainable Buildings
NE5 Ecologically Sensitive and Designated Sites
NE6 Protecting and Enhancing the Landscape and Landscape Features
NE7 Pollution Control
NE8 Development on Contaminated Land
NE10 Ensuring Capacity at Water Recycling Centres

Consultation

Environment Agency

No comment

NHSEngland

No response

Anglian Water

Surface water management strategy required.

Essex Highways

Proposed access unacceptable. Retention of existing arrangement recommended.

Essex Infrastructure Officer

Proposal is below the threshold for contributions.

Essex Fire and Rescue

No response received

Essex Police Architectural Liaison

Requests that the development achieve Secure by Design accreditation.

Lead Local Flood Authority

No response to current proposal.

Reliance is placed on earlier comments.

Green Infrastructure Team

Objects to proposal on basis of lack of consideration of the provision of green infrastructure.

CPBC Environmental Health

Raises concerns in respect of :

- Contaminated land
- Provision of appropriate light and ventilation to rooms
- Impact of noise from proposed commercial uses entering residential properties.
- Noise transference between adjoining residential units.

CPBC Legal services

No observations on proposal

CPBC Street Scene

Would not be able to collect waste from the bin stores in their current positions.

Cadent Gas Support

No objection.

Informative for applicant.

Public Consultation

115 consultation letters were delivered to local residents and businesses and Site and Press Notices have been published.

There has been no response from the public in respect of this proposal.

Comments on Consultation Responses

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

Evaluation of Proposal

The issues to be considered are the principle of a mixed commercial/residential flatted development on this site, the density and mix of proposed housing, design and layout, highways and parking, drainage and flood risk, ecology and trees, amenity, contamination and pollution, social infrastructure and the provision of affordable housing.

The Principle of a mixed Commercial/Residential Development

The site is allocated primarily for shopping purposes in the adopted Local Plan. The proposal seeks to provide an element of commercial and retail activity but also to introduce a significant element of residential development on the site which would, prima facie, appear inconsistent with the Local Plan allocation.

However, the NPPF at paragraph 123 requires local planning authorities to support proposals to 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 viability and vitality of Town Centres, and would be compatible with other policies in the Framework.

The emerging Local Plan actively encourages development that will support the vitality and viability of existing Town centres.

It may be noted that Policy HO1 of the submitted Local Plan similarly supports the effective use of land for residential purposes within Town Centre locations.

It is a matter of general knowledge that Castle Point has a high demand for housing but a limited supply of housing land. Under these circumstances it is appropriate for the Authority to support proposals for the redevelopment of non-residential sites for residential purposes where the benefits of such provision clearly outweighs harm.

In this case, in order to secure such support, it must be demonstrated that residential redevelopment would not have an adverse impact on the viability or vitality of the Town Centre.

The former use of the site was as a retail warehouse for the sale of furniture. The purchase of furniture (comparison shopping) is a relatively low frequency activity and is more often met in larger centres such as Basildon or Lakeside (South Essex Retail Study 2017) where comparison between goods can be made quickly and with greater convenience.

Whilst the floorspace dedicated to comparison shopping within the existing unit is large, anecdotal evidence and discussions with the applicant's representatives suggests that the unit made only a limited contribution to the viability and vitality of the Town Centre.

As a retail unit however, consideration must be given to the opportunity for the building to be re-used for an alternative commercial use.

Following the coming into force of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, it is considered that the building may be used for any purpose now falling within Class E of the Order. Consequently the building could be used for any of the following purposes:

- (a) for the display or retail sale of goods, other than hot food, principally to visiting members of the public,
- (b) for the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises,
- (c) for the provision of the following kinds of services principally to visiting members of the public—

- (i) financial services,
- (ii) professional services (other than health or medical services), or
- (iii) any other services which it is appropriate to provide in a commercial, business or service locality,
- (d) for indoor sport, recreation or fitness, not involving motorised vehicles or firearms, principally to visiting members of the public,
- (e) for the provision of medical or health services, principally to visiting members of the public, except the use of premises attached to the residence of the consultant or practitioner,
- (f) as a creche, day nursery or day centre, not including a residential use, principally to visiting members of the public,
- (g) for—
 - (i) an office to carry out any operational or administrative functions,
 - (ii) the research and development of products or processes, or
 - (iii) any industrial process, being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

The applicant has given consideration to the re-use of the building for Class E purposes under the new permitted development rights within the context of the previous application and considers that redevelopment of the site will achieve a better form of development with greater opportunity to optimise the use of the land, consistent with Government policy.

This view concurs with that of Officers and is considered to weigh in favour of the redevelopment of the site.

As previously identified however, the applicant is also considering potential alternative uses under Class MA of the General Permitted development Order which permits the conversion of buildings to residential use under particular conditions. An application for the conversion of part of the building to provide four flats is currently under consideration.

In addition to consideration of the best use of the land, consideration must also be given to the likely impact of the proposed development on the vitality and viability of the Town Centre.

The current proposal seeks to provide a smaller commercial unit on the London Road frontage and an office Block off the High Road. It is considered that the commercial unit at the front of the site would assist in mitigating the impact of the loss of the former retail unit by providing new opportunities for both comparative and convenience shopping together with opportunity for the operation of any activity permitted under Class E of the Order as set out above.

The provision of an office block to the rear of the site would assist in the diversification of employment opportunities and would provide an opportunity for the generation of footfall within those retail and other units present within the adjoining town centre.

Furthermore, it is considered that the introduction of residential development would have a significant positive impact on the vitality and viability of the existing Town Centre by increasing the opportunity for local spend through increased local footfall.

On balance therefore, it is not considered that the vitality and viability of the Town Centre would be adversely affected by the redevelopment of the site with a mixed development and no objection is therefore raised to the proposal on this basis.

The Principle of a mixed commercial and flatted development on the site

The site is currently allocated for shopping purposes and supports a retail use. Under the circumstances no objection is raised to the principle of retail and commercial activity on the site.

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 within areas allocated for residential purposes, proposals for flats should be located on main roads.

The first issue of course is that the site is not allocated for residential purposes and prima facie therefore this policy would not appear appropriate. However, in the light of the widely recognised need of this authority for housing and the Government's conditional support for the principle of the redevelopment of underused land for residential purposes, particularly in areas designated for employment or retail purposes, as set out in the NPPF, it is considered appropriate to consider any proposal for the provision of flats on this site within the context of Policy H13.

Policy H13 continues to identify the specific criteria which will be applied to proposals for the provision of flats and requires that flatted developments shall be located on or near a main road.

The site is located on the High Road and London Road which are main roads and both frontages demonstrate the provision of flats in close proximity to the site. In policy and circumstantial terms, the site is considered appropriate for the location of flats.

Consequently there is no objection to principle of the provision of flats on this site, in respect of this element of Policy H13.

It may be noted that the provision of flats on this site would be consistent with the provisions of the submitted Local Plan.

Whether the scale and form of the development proposed is equally acceptable will be determined in an assessment of the proposal against all other relevant policies of the NPPF, adopted Local Plan and associated guidance.

Density and Mix of Housing

The NPPF now requires Local Planning Authorities to make efficient use of land, in appropriate circumstances and consistent with the character of the area, in order to contribute towards satisfying the need for housing.

Policy H9 of the current Local Plan, which requires the optimum density of development to be achieved on any site, is considered to be broadly consistent with this requirement. 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 the NPPF, Policy H9 is however, 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 also a vague policy which is inconsistent with the requirements of paragraph 122 of the NPPF which requires local planning authorities to

identify the need for different types of housing to meet current and future demographic trends, market trends and the needs of different groups in the community.

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

The residential element of the scheme will consist of a mixture of one and two bedroomed units, the provision of which will meet an identified need.

The mix of development is therefore considered appropriate under Policy H10.

The submitted Local Plan requires sites of between 0.5ha and 4ha to comprise at least 35% 1 or 2 bedroomed properties. Whilst the scheme involves only 0.46ha of land and is therefore not strictly caught by this requirement, it should be noted that the current scheme provides 100% one and two bedroomed properties and is therefore consistent with the spirit of Policy HO3 of the New Local Plan.

Design and Layout of the residential elements of the scheme

Policy EC2 of the current Local Plan requires a high standard of design in all new buildings. This is consistent with paragraphs 126 and 130 of the NPPF.

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

Policy EC5 identifies that the Council expects all development schemes to have regard to the desirability of minimising the risk of crime and maximising security by virtue of design, layout and landscaping.

It should be noted that the local Police Architectural Liaison Officer is keen to ensure all new residential development achieves 'Secure by Design Certification. Further advice on the achievement of SBD can be obtained by downloading the appropriate 'Secured by Design' Design Guides available at:

<http://www.securedbydesign.com/industry-advice-and-guides/>).

Submitted Local Plan Policy DS1 seeks to ensure that the quality and attractiveness of the urban area is improved by development and requires a comprehensive approach to the improvement of the public realm. Development will need to demonstrate how it will contribute to the quality of the public realm.

It is proposed to provide four storey and part three storey buildings on the site.

It should be noted that the site is on the edge of the Town Centre and in close proximity to residential development. That immediately to the east of the site is two storey in height and it may be considered that when viewed from the east the proposed development, by reason of its height and form would represent an obtrusive and overdominant feature in the street scene.

The proposed development will be approximately 3m higher than the existing building on the site but only some 1m taller than the mixed use commercial and retail building to the east. Further it

must be noted that flatted development immediately to the north of the site is visually three storeys in height as are further flatted schemes to the west. Within the context of the edge of the Town Centre it is not considered that a four/three storey building would appear unduly obtrusive or prominent.

Furthermore, the view is taken that this is a highly sustainable location and conscious of the need to make the most effective use of land in accordance with the provisions of the NPPF and the Borough's identified need for housing, subject to the satisfaction of all appropriate spatial requirements, no objection is raised to the provision of four/three storey development on this site.

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

In terms of the layout, the proposal comprising the residential element of the scheme provides a single four storey block at the front of the site and two four storey blocks linked by a three storey element at the rear. This linear configuration is a consequence of the spatial properties of the site which provide a relatively narrow and deep plot and results in a layout which is suggestive in part, of a backland scheme. Development in depth is not unusual in the context of the surrounding development, indeed Swan Court immediately to the west is a form of backland development, and subject to appropriate safeguards, given the need to make efficient use of land, it is not considered that development in depth as proposed, is unacceptable in principle.

In terms of how the layout responds to the adopted Residential Design Guidance, the following comments are made:

RDG2 requires space around new development to be informed by the prevailing character of space around dwellings. Dwellings should be provided with at least 1m between the properties and adjoining boundaries and flatted development should be provided with space equivalent to 25% of the width of the building.

The proposed flats on the London Road frontage have a width of some 16.9m. Isolation space equivalent to 4.225m is therefore required.

The London Road block achieves a minimum isolation of approximately 2m between the building and the eastern boundary and approximately 1.2m between the building and the western boundary at the front elevation, which reduces to 1m at the rear on the eastern side due to the alignment of the site boundary. The requisite isolation is not therefore achieved.

However, given that the facts that:

- (i) this is an edge of town centre site within which site coverage tends to be greater,
- (ii) that the building is to be located immediately adjacent to an access road which will diminish the impact of site coverage and
- (iii) that the proposed building is located largely within the footprint of the existing building on the site and does not therefore result in a significant diminution of space around the building at its most sensitive location, adjacent to residential development,

it is not considered that the deficiency in isolation identified would represent a robust objection to this element of the proposal.

The remainder of the residential development, whilst not associated with a road frontage reflects the siting of the front Block and is considered to achieve adequate isolation from plot boundaries to achieve an acceptable setting for the building.

The proposed office building does not contain any residential development and is not therefore subject to the provisions of the Residential Design Guidance. Comment on the setting of this building will be made separately, later in this report.

Guidance at RDG3 requires proposals to respect established building lines. The submitted layout indicates that the proposed building on the London Road frontage would be located approximately 4m – 4.3m from the highway boundary. Articulation to the front elevation increases the isolation to some 7m – 8m close to the eastern and western boundaries.

This reflects the setting of the single storey building located to the east and the dwellings to the west and is considered appropriate in the context.

The proposed residential building to the rear of the site has no direct relationship with adjoining development in terms of street scape. No requirement in terms of building lines is therefore imposed on this element of the scheme.

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

In terms of dominance, the proposed flats, as shown at the front of the site, would extend some 4m beyond the front elevation of the dwelling to the east fronting London Road and some 7m – 10m beyond the rear elevation. The blocks to the rear would extend some 10m in advance of the front elevation of those dwellings within Swan Court and would extend beyond the confines of Swan Court to the south. The proposal therefore has the potential to overshadow and dominate the adjoining development.

However, the impact of these buildings must be considered in the context provided by the existing building on the site which currently represents a dominant and unattractive feature which extends the full length of Swan Court.

The existing building is some two and a half storeys high and extends almost the full depth of the site. The proposed flats would be taller than the existing building but the current scheme breaks the mass of the built form by providing two individual buildings across the depth of the site. By creating space between the front Block and the rear Block, it is considered that a greater feeling of openness would be achieved, which, supplemented by the opportunity for an improved boundary treatment, could benefit the adjoining residents.

In comparison with the existing situation it is not considered that the proposal would have such a significant adverse impact on the amenity of adjoining residents through dominance that an objection raised to the scheme on that basis would be supported on appeal.

In terms of overshadowing, it should be noted that the proposed development would be located to the east of the adjoining residential development. It would therefore result in some overshadowing during the early part of the day. This would be comparable to the overshadowing currently experienced by adjoining residents, but overall, the porosity of the development is considered likely to result in improved levels of daylight generally.

To the east of the site are commercial properties and the associated car park. These units are considered unlikely to be adversely affected by the development in terms of overshadowing or dominance.

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 and the boundary it directly faces. For development at second floor level a distance of 15m shall be maintained and at third floor level isolation of 18m should be provided in order to secure the privacy and amenity of adjoining residents.

It also requires all new dwellings to be provided with windows that ensure adequate natural light and ventilation to the rooms they serve.

The proposed flats on the London Road frontage have windows in the northern elevation that are less than the requisite distance from the site boundary; however, these windows will overlook the highway and as such it is not considered likely that they would result in any loss of privacy or residential amenity.

Windows in the southern elevation of the London Road Block would be located some 19.7m from windows in the northern wall of the rear residential Block. Whilst the distance between opposing windows adequately meets the spatial standard for opposing first floor windows (18m total) second and third floor windows would not satisfy the spatial requirement. This represents an objection to the proposal.

However Government guidance is clear that higher densities of development must be secured in sustainable locations in order to meet housing needs. Increased densities will inevitably lead not only to increased heights but the reduction in space around buildings. In this case, whilst inadequate isolation will be achieved between opposing windows within the scheme, the policy determined lack of isolation does not harm the amenity of any adjoining resident and it is considered that any future occupier of these flats would be able to determine whether adequate levels of privacy would be available prior to occupation.

Under the circumstances no objection is raised in respect of the relationship of the windows described above.

Windows in the western elevations of the residential Blocks are located between 1.2m and 14m from the western boundary. RDG 5 is not therefore satisfied. Prima facie, this represents a substantial objection to the proposal.

However, detailed consideration of the windows that fail to meet the provisions of the guidance indicates that in respect of those units where the requisite distances are not met, at plots 19, 21, 23, 24, 25, 27, 29, 31, 37 and 39, the windows are secondary windows to living areas served by windows in other elevations. Given this factor it is considered that these windows may be obscure glazed and fixed to 1.7m in order to protect the privacy of adjoining residents whilst providing opportunities for the ingress of natural light and ventilation and maintaining reasonable living conditions for future occupiers. Obscure glazing these windows in this fashion would mitigate the policy objection to the proposal.

It is noted that the applicant has identified a preference for the provision of windows capable of restricted opening below 1.7m from finished floor levels. This mechanism would not be effective in protecting the privacy of adjoining residents and is not therefore considered acceptable.

A condition securing the planning authority's preferred method of glazing will be attached to the grant of any consent.

It should be noted that the Council's Environmental Health Officer has previously expressed some concern in respect of the use of obscure glazing to living areas.

Para 125 of the NPPF states that when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).

As for the most part, the windows under consideration are secondary windows with natural light and the opportunity for natural ventilation also being available through the provision of windows and doors on the northern and southern elevations it is not considered that this concern represents a robust objection to the proposal.

Under the circumstances, no objection is raised to the conditional use of obscure glazed and fixed windows in the western elevation.

Within plots 11, 13, 21, 25, 27, 29, and 37 bedroom windows are placed at less than the requisite distance from the boundaries. Again this appears to represent an objection to the proposal, however in each case, the windows overlook a private balcony which is to be screened to a height of 1.8m along the western edge in order to protect the privacy of adjoining residents.

Whilst this arrangement would fail to achieve an attractive outlook for the occupiers of these rooms, the use of appropriate materials in the screens will allow light to pass into these rooms and views of the sky will be achieved. Whilst not ideal, given the Government's encouragement of the increased provision of housing in sustainable locations and the flexibility which is to be applied to the achievement of good natural light levels, it is not considered that a robust objection to the proposal could be raised on the basis of the potential impact of the arrangement on future occupiers residential amenity.

Under the specific circumstances of this proposal therefore, the proposed arrangement is considered acceptable.

Windows in the eastern elevation of the building are located between 1m and 12m from the boundary of the site and again some fail to fully meet the requirements of RDG5. These windows however overlook commercial units and consequently the potential for loss of residential amenity and privacy is diminished. A more limited requirement for obscure glazing and fixing of windows, in the form specified above, may be exercised on this elevation, where appropriate.

Windows located in the southern elevation of the rear block would be located between 15m and 18m of the southern boundary of the site which aligns closely with the flank elevation of the adjoining house associated with the Holy Family Church and an associated garage. The house has what appears to be the main entrance and two windows in this elevation and the potential for overlooking and loss of privacy therefore exists. However, the policy requirement is met within the boundaries of the application site. Under the circumstances, no objection is therefore raised to the proposal on this basis.

RDG6 is concerned with the provision of amenity space and requires the provision of 8m² of amenity space per habitable room for flats. Where flats contain 3 or less habitable rooms a minimum of 25m² of amenity space should be provided for each flat. Such provision can be either private or communal and can include balconies provided they have a minimum depth of 1.5m and a useable floor area of 5m².

The proposed development would attract a requirement for 1000m² of amenity space.

The submitted layout indicates the provision of no useable amenity space at ground floor level, and unlike the previously submitted scheme, the proposal no longer seeks to provide an amenity area at first floor level in the form of a decked area over the carpark.

Private amenity area therefore exists only in the form of private balconies and terraces.

Of those provided units 9 and 10 only achieve areas of 4.2m² whilst units 17, 18, 31, 32m, 39 and 40 only achieve 2.9m².

Whilst this level of provision conflicts with the RDG, the provision of limited private amenity space associated with flats, particularly in Town Centre locations, is not without precedent in the Borough and if appropriately designed and managed balconies can provide useful outdoor areas, The fact remains however that the level of provision is limited. The limited availability of open space has been identified as an objection to the proposal by the Essex County Council Green Infrastructure Team. In response, the applicant has identified that the Tarpots Recreation Ground is located within ten minutes walking distance of the site to the north and that the Arthur Stevens open space lies a similar walking distance to the south.

Whilst neither is ideal to meet the everyday needs of residents, it must be acknowledged that the site is located on the edge of a town centre where a higher density of development is prevalent and where other flatted development is also provided within limited on-site amenity space and therefore relies on off-site provision.

Given that the scheme does achieve an element of personal private space for all units and is within reasonable proximity of larger areas of open space in the locality, it is not considered that an objection to the proposal on the basis of inadequate on-site amenity space provision, would be supported on appeal.

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

Unlike the previous scheme the proposed development is flat roofed in form, with reliance placed on the use of materials and articulation to mask the mass of the building. This is reasonably successful and no objection is raised to the proposal on the basis of RDG8, although it is disappointing that the monopitched roofs which formed a key design feature in the previous scheme have been omitted.

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

The submitted Design and Access Statement identifies the installation of appropriate measures to secure appropriate levels of water consumption and indicates that further energy efficiency measures will be submitted prior to the commencement of development.

Key components of any such scheme of measures will include:

- Maximising the controlled use of passive solar energy
- Maximising the use of passive ventilation
- Using energy-efficient window glazing and frames
- Increasing air tightness in the building envelope
- Appropriate use of thermal mass and insulation
- Installing energy-efficient lighting and appliances.

All of these measures are considered valuable in the achievement of high levels of energy sustainability. Details of the specific measures to be installed can be required by condition.

RDG10 is concerned with the appropriate treatment of enclosure and boundary treatments. No details have been submitted; however, details of enclosure can be secured through the imposition of a condition on the grant of any consent.

RDG11 is concerned with landscaping. All schemes for flats are required to be provided with an appropriate landscaping scheme containing both hard and soft landscape features. No landscaping scheme has been submitted with the current proposal; and it must be conceded that the nature of the proposed development limits that which could be provided, however a condition requiring the submission of an appropriate planting scheme can be attached the grant of any consent.

The applicant is advised that the Authority will expect any submitted planting scheme to enhance the biodiversity of the site.

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

The proposal shows the provision of three residential bins stores, one located adjacent in the undercroft car park, one located to the open car park and one located to the rear of the commercial unit (which has its own separate bin store within the envelope of the building). The proposed office building further has its own refuse storage facility.

One of the reasons for refusal in respect of application 20/0647/FUL was:

'The proposal fails to make appropriate facilities available for the management of waste generated by the occupation of the site'.

Specifically Members were concerned that a municipal refuse vehicle would not be able to access the site and that as a consequence refuse generated by occupants of the development would not be collected, to the detriment of health and amenity.

The applicant has again advised that waste generated during occupation will be removed by a private contractor. This is not an unusual practice and the applicant has obtained quotes and agreements with private waste contractors that the site circumstances, design and siting of bin stores is acceptable for private bin collection. The tracking diagrams contained in the Transport Statement confirm the ability of medium sized 9 metre long three axle refuse vehicles to enter and leave the site in a forward gear.

Under the circumstances it is not considered that an objection to the proposal based on the proposed waste management regime would be supported on appeal.

In order to ensure the procurement and retention of an appropriate private refuse collection service it is considered necessary to require this obligation as part of a S106 Agreement associated with the grant of any consent.

Paragraphs 60 – 62 of the NPPF seek the delivery of a wide choice of high quality homes to meet the needs of different groups in the community including families with children older people, people with disabilities, and service families.

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

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

Current Best Practice is provided by the Nationally Described Space Standards which establish appropriate internal space provision. Details of compliance with this Standard can be found in Appendix 1 attached to this report.

It can be noted that all of the units meet the appropriate floor area and bedroom standards, but none of the two bedroomed units meet the criteria for the provision of storage.

Whilst this could be remedied in most instances by the slight realignment of internal walls, the additional storage space secured would only be achieved at the cost of living area. Given that in all cases the size of the bedrooms significantly exceed the minimum requirement, the potential for storage beyond the provisions of the national standards does exist within the units. Given this consideration it is not considered that an objection to the proposal based on inadequate storage facilities could be sustained on appeal.

Design and Layout of the Commercial elements of the scheme

The proposal includes the provision of two commercial units. One proposed commercial unit is located at northern end of the site and forms the ground floor element of the Block fronting the London Road whilst the other forms a stand-alone building located at the southern end of the site.

The northern unit forms an integral part of the northern Block and extends the full width of the building providing a glazed frontage to the London Road.

This element of the scheme is considered well designed and will add an element of interest and provide a new focal point for commercial activity in this area.

No objection is raised to the general design of this commercial unit.

The NPPF is clear that safe and suitable access to a development site should be achieved for all people.

Policy S5 of the adopted Local Plan requires servicing provision for commercial development to be provided on site.

Policy TP8 of the emerging Local Plan requires all developments to be designed to ensure that they are capable of being accessed in a safe and convenient manner by delivery vehicles.

Given the relationship between the surface car park serving units on the site and the commercial unit at the front of the site it is considered unlikely that customers would routinely make use of such facility. However, as it is considered likely that customers to this unit are likely to visit as part of a wider shopping experience and are therefore likely to attend on foot, the remoteness of customer parking is not considered critical, although concern is raised that some customers may attempt to park in front of the site.

The site currently benefits from a dropped kerb crossing on its eastern side, served from the London Road. The proposed configuration of the building would allow vehicles to pull up onto the frontage, however, such manoeuvres would be undertaken in very close proximity to a major junction, and immediately adjacent to a zebra crossing and the access to Swan Court and a bus stop.

Concern is raised that servicing and parking at this location could also result in the disruption of traffic flows and danger and inconvenience to other road users and pedestrians. However, it must be recognised that historically the site has been serviced, at least in part from the London Road and that the Highway Authority has raised no objection to the proposal. On this basis it is not

considered that an objection to the proposal on the basis of the potential for vehicles to park or wait at the front of the site would be supported on appeal.

With regard to the office building to be located at the southern end of the site, the design of this element of the proposal is retained from the previous scheme and achieves a substantial south facing glazed area and a mono-pitched roof with ground level parking. In design terms this building is considered acceptable.

At some 12m in height, the building would present a robust feature in the street scene, however, it will be viewed in the context of existing three storey development to the north and as such is considered unlikely to be harmful to the character and appearance of the area.

The proposed office building is located a minimum of some 6m from the southern boundary of the site.

Whilst there is no current design guidance to ensure the achievement of appropriate levels of isolation between commercial development and adjoining properties, it is clear that given the extent of glazing and the proximity of the building to the site boundary, that there is significant potential for overlooking and loss of privacy.

However, the building located immediately to the south of the proposed development is a single storey church hall. Whilst this building is glazed along its northern elevation, such glazing is shielded from views from above by a deep canopy. As such it is not considered that the proposed development would give rise to any loss of privacy within the building.

Whilst it is recognised that an area of open space lies to the north of the church hall, this area is unenclosed and can be readily viewed from the public highway. As such it is not considered that this area represents a private amenity space and it is not considered that the proposed office block would result in significantly greater opportunity for overlooking and loss of privacy in this area.

As such no objection is raised to the proposal on this basis.

Windows are also proposed on the northern elevation of the building. These would be located some 5m from the northern elevation of the site and would overlook the rear of the adjoining commercial premises and in particular the smoking terrace to the adjoining bar.

Given the nature of the use of the adjoining terrace it is not considered that the proposed development would result in a harmful loss of privacy or amenity. No objection is therefore raised to the proposal on this basis.

No windows are proposed in the eastern and western elevations. In order to protect the privacy and amenity of the occupiers of the premises to the east and the future occupiers of the proposed development to the west it is considered that a condition should be imposed on the grant of any consent requiring these elevations to remain imperforate.

The proposed building will provide five car parking spaces within a garage at ground floor level. These spaces would be accessed directly from the main access into the site. Vehicles manoeuvring into and out of these spaces are likely to come into occasional conflict with traffic accessing the rest of the site. However, sufficient space is available to allow vehicles to manoeuvre in order to access and exit the site in forward gear and in the absence of any identified harm or objection from the Highway Authority, it is considered unlikely that an objection to the proposal based on the potential for limited conflict would provide a robust reason for refusal.

Highways and Parking

The current proposal seeks to create a new junction arrangement on the High Road, with 4m radii into a 4.6m carriageway with 1.2m footway.

Essex County Council has advised that these dimensions would lead to the conflict of vehicle manoeuvrability on a stretch of highway where the principal function is that of carrying traffic freely and safely between centres of population and that the slowing and turning of vehicles associated with the use of the access would lead to conflict and interference with the passage of through vehicles to the detriment of that principal function and to the detriment of highway safety. This proposal is therefore unacceptable to the Highway Authority. However, the Highway Authority has confirmed that the existing arrangements would satisfactorily accommodate traffic flows associated with the new development and as such has recommended the retention the existing arrangement.

This can be secured by condition.

The Highway Authority further recommends the imposition of conditions to secure the reinstatement of all redundant access points with full upstand kerbs and footway provision, the provision of an appropriate Construction Management Plan, the prevention of surface water discharge onto the highway, the provision and maintenance of appropriate access and parking facilities prior to occupation and the provision of Residential Travel Information Packs to encourage modal shift.

All of these conditions may be reasonably imposed on the grant of consent.

RDG12 is concerned with the provision of appropriate parking arrangements.

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

It should be noted that Policy TP7 of the submitted Local Plan is consistent with the provisions of the NPPF.

The currently adopted standards are the 2009 County Parking Standards.

It should be noted that parking requirements for residential parking are generally minimum standards (unless circumstances dictate an alternative approach) and parking requirements for commercial premises are maximum requirements.

In terms of the residential parking requirement, the Standards require the provision of one 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.

The parking standards identify that reductions of the vehicle standard may be considered if there is development within an urban area (including town centre locations) that has good links to sustainable transport.

The scheme comprises 4 x one and 36 x two bedroomed flats. As such the scheme would attract a requirement for 76 spaces for residents and an additional 19 spaces for visitors. A maximum of 95 residential spaces would therefore be required on the site.

In addition the integral commercial element of the proposal would attract a requirement for up to a further 7 spaces (one space for every 20m² of floorspace) whilst the proposed office building would attract a requirement for a further 10 spaces, (one space for every 30m² of floorspace) thus a total of some 112 spaces would be required to serve the site.

The submitted scheme indicates the provision of 58 spaces. This represents approximately 54% of the parking provision and prima facie an objection to the proposal.

To set this provision in context, it should be recalled that the earlier proposal for the provision of 35 residential units and commercial units consistent with that currently under consideration on this site sought to provide 46 parking spaces which represented the provision of 48% of the requisite parking.

Despite the increase in the number of units the applicant has therefore been able to improve parking levels on the site.

Provision however remains below the policy position.

Members will be aware that it is the practice of this Authority to apply residential 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 normally therefore attract a requirement of one parking space for every residential unit. No visitor parking would be required given the proximity of the site to public transport networks.

Under these conditions the parking requirement is reduced to 40 spaces for the residential element of the scheme. This can be achieved on the site.

It is however acknowledged that Members previously objected to the provision of residential parking on this basis.

It should be borne in mind that the Government is keen to secure transport modal shift and high densities of development in sustainable locations such as this, where the proximity of services mitigates the need to travel by car. The achievement of higher densities will inevitably place pressure on the identification of large areas of land for parking provision and in a Borough such as Castle Point, where housing need outstrips housing land supply, it is unlikely that a refusal based on limited parking provision in sustainable locations would be supported.

Further it should be noted that the 2011 Census data for car ownership levels by dwelling type, tenure and size for households shows that the average car ownership level for occupied flats / apartments with 1 – 3 rooms (i.e. 1- and 2-bed flats) is 0.69 cars per household, and that 42% of the occupiers of such flats / apartments do not own a car.

On this basis 17 of the proposed units are likely to be occupied by persons who do not own a car and the remaining 23 flats would generate a need for 16 parking spaces.

While it is acknowledged that this data is now somewhat dated, it remains the most up to date evidence of car ownership available.

In order to encourage modal shift the applicant will be required to provide a Residential Travel Information Pack (including bus passes) to each unit of occupation. This can be secured by condition and the applicant has committed to such provision, however, the applicant has further indicated that in order to further encourage the use of alternative transport modes and limit the need for car ownership, facilities will be made available to secure the establishment of a 'car club'.

Car clubs essentially provide the opportunity for individuals and businesses to have access to a personal vehicle without being tied to ownership. By offering low carbon, flexible use vehicles with potential to integrate into wider mobility systems, car clubs are a key component for future sustainable transport solutions.

New ways of running shared cars are emerging across the UK. These new models have been largely pioneered in Europe and America and started with informal car clubs. In 1999 however formal commercial car clubs charging by the hour and by distance began to emerge.

Car Clubs are a relatively new innovation in the UK but with the cost of car ownership rising, space for cars being squeezed and the need for cars diminishing as work patterns change, they are set to become more popular.

There a number of models currently operating.

In the traditional model, a user will book the car, drive it and then return it to the same location. This provides easy, affordable access to vehicles 24/7.

Peer-to-peer car-sharing enables people with underused vehicles to offer them for rent to their neighbours and other members of the local area. The service provider needs to establish insurance cover for its members. It takes a modest commission for arranging the hire and providing cover.

One-way car-sharing is just starting in the UK but is widely used across Europe. It enables members to pick up a car from within a pre-defined zone and drop it off anywhere else within the zone, using approved on-street parking spaces (often pay and display bays). Charges are usually inclusive of fuel and parking and are for time only (by the minute or hour).

The benefits of car clubs are obvious – they have the potential to reduce car ownership, inspiring a shift away from private car use to walking, cycling and public transport and can help businesses and individuals access the cleanest vans and cars, save money and reduce emissions. Many car clubs now operate electric or hybrid vehicles capable of operating with zero emissions. By encouraging people to transition to cleaner vehicles with the highest safety rating, car clubs can improve air quality and reduce CO2 emissions.

They can also result in improved use of land as the parking needs of all units do not have to be met on site.

The facilitation of a car club can be secured through a S106 Agreement.

Finally, the impact of the Covid pandemic, which has significantly changed working practices and limited in many cases the need to travel; to a fixed point of employment, is also considered likely to have an impact on the need for parking.

In this context it is considered that the Council's usual practice of requiring 1:1 parking provision for flatted development in Town Centre locations is reasonable and defensible.

The provision of 40 spaces for the residential element of the scheme would leave 18 spaces to satisfy the needs of the commercial elements of the proposal.

The commercial element requires a maximum of 17 spaces.

Five of these spaces are to be provided within the office building, at ground floor level. 12 further spaces are available within the surface parking area.

This leaves some 2 spaces available which may be used for visitors or for vehicles associated with the operation of a car club.

On this basis it is not considered that an objection to the proposal on the basis of parking provision can be maintained.

It was revealed during discussion with the applicant that some businesses operating to the west of the site rely on the access to the proposed development for staff and visitor parking. Thus, traffic unrelated to the proposed development is considered likely to access the site and the potential for such traffic to use parking spaces allocated for the proposed development therefore exists.

In order to avoid this potentiality it is considered that measures to protect the identified parking spaces should be introduced to prevent vehicles not associated with the current proposal from using spaces identified for use by residents and users of the current proposal.

The details of such measures can be secured via the imposition of a condition on the grant of any consent.

The currently adopted parking standards require minimum bay sizes of 2.9m by 5.5m. Parallel parking spaces are required to be 6m by 2.9m and aisles between opposing parking bays or parking bays and walls are required to be a minimum of 6m wide. This requirement is satisfied within the proposal.

The residential cycle parking requirement is one space per dwelling plus one space per eight dwellings for visitors. The proposed scheme would attract a requirement for 45 cycle spaces.

With regard to the bicycle parking requirements for the commercial elements of the scheme, it should be noted that two spaces are required for the London Road commercial element and 5 spaces are required for the Office element.

A total of 52 bicycle storage spaces are required.

60 cycle storage spaces are available within the scheme. This satisfies the cycle storage requirement.

When considering the earlier proposal on this site, Members expressed concern in respect of the capability of Fire Brigade vehicles to safely and conveniently access the site. The applicant has submitted a Transport Statement which demonstrates the Fire Tenders will be able to access and manoeuvre within the site.

Drainage and Flood Risk

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

The site has not been identified as being at risk of flooding from river or tidal sources.

The Environment Agency (Flood Maps for Planning) indicate that surface water flood risk varies across the site with the highest risk present on the northern part of the site. This is a cause for concern; however the redevelopment of the site offers the opportunity to mitigate this risk.

The site is currently entirely hard surfaced and the proposed development does not result in an increase in the extent of impermeable area within the site.

Essex County Council as Lead Local Flood Authority has, at the time of writing, not responded to consultation. It is therefore considered appropriate to rely on advice submitted in respect of the earlier proposal which sought the submission of details of an appropriate surface water drainage strategy prior to the commencement of development. This can be secured by condition.

Ecology and Trees

Policy EC13 states that the Council will refuse development which is prejudicial to the interests of all wildlife and the retention and management of important habitats. Policy EC13 is considered consistent with the NPPF.

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.

The site has no significant trees within its boundaries although trees are present on the adjoining sites to the west. These trees may encroach on the application site and the applicant will be expected to identify and implement such mitigative measures as are required to secure the appropriate protection of these trees during the construction and operational phases of any proposed development within any submitted landscape scheme.

The site has no ecological designation and assessment of the site has confirmed that it provides little vegetation and therefore currently has limited potential for habitat provision. The applicant has commissioned a bat roost assessment of the site which has revealed that no bats are present within the buildings.

Furthermore, given the proximity of the site to the Town Centre, the current level of artificial illumination on the site and the absence of vegetation, the site fails to provide appropriate foraging area for bats.

No objection is therefore raised to the proposal on the basis of direct adverse impact on matters of ecological importance.

Under the Habitats Regulations, a development which is likely to have a significant effect or an adverse effect (alone or in combination) on a European designated site must provide mitigation or otherwise must satisfy the tests of demonstrating 'no alternatives' and 'reasons of overriding public interest'. There is no precedent for a residential development meeting those tests, which means that all residential development must provide mitigation.

The application scheme proposes 40 new dwellings on a site that lies within the Zone of Influence (ZoI) associated with the Essex Estuaries.

Since the development is for 40 dwellings only, the number of additional recreational visitors would be limited and the likely effects on Essex Estuaries from the proposed development alone may not be significant. However, new housing development within the ZoI would be likely to increase the number of recreational visitors and, in combination with other developments, it is likely that the proposal would have significant effects on the designated sites.

As such it is necessary to carry out an Appropriate Assessment of the development:

The proposal seeks to provide fewer than 100 homes and is not directly adjacent to one of the identified European Designated sites, consequently it is considered that the impact of the proposal may be adequately mitigated by the provision of a proportionate financial contribution in accordance with the provisions of the Essex Coast RAMS.

Provided this mitigation is secured, it can be concluded that this proposal will not have an adverse effect on the integrity of the above European sites from recreational disturbance, when considered 'in combination' with other development, in accordance with policies EC13 and EC14 of the adopted Local Plan, Policy NE5 of the submitted Local Plan and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

The appropriate contribution can be secured through a S106 agreement attached to the grant of any consent.

It is considered that redevelopment of the site could offer the potential for habitat creation and it is therefore considered that any future landscaping scheme should be focused on native wildlife friendly species.

Habitat may also be incorporated into the fabric of the development with the provision of bird and bat boxes and insect hotels.

Full details of on-site habitat measures and landscaping can be secured by condition.

It should be noted that the Essex County Council Green Infrastructure, Environment and Climate Action Team has objected to the proposal on the basis that insufficient consideration has been given to the provision of Green Infrastructure within the site.

The 'Green Infrastructure Team' is a relatively new addition to the suite of services provided by the County and although there are currently no statutory requirements for Green Infrastructure provision, the 25 Year Environment Plan and emerging Environment Bill will place significant importance on protecting and enhancing Green Infrastructure (GI), accessibility and biodiversity net gain (BNG). It is therefore appropriate that consideration be given to such provision in appropriate circumstances.

GI is not simply the provision of large areas of open space within development, although that is clearly an obvious and important element, in smaller and more constrained schemes GI can be secured through the provision of appropriate landscaping, the provision of bird and bat boxes and the provision of green roofs and living walls and water collection systems. The provision street trees and sustainable drainage measures can also add to the mix.

For such infrastructure to be secured however, the development proposed must be able to sustain such provision. GI is just one element of the various requirements that may be imposed on a development by the planning authority and whilst in larger schemes all of the requirements may be capable of being met, on smaller or more constrained sites the provision of GI must be weighed in the balance against all other competing policy and physical requirements.

The site is currently fully developed with no GI credentials. It is a highly sustainable urban site, located within the Tarpots shopping area.

In policy terms the NPPF makes it clear that in areas where there is a shortage of land identified for meeting housing need, such as Castle Point, optimum use of urban land should be secured . This not only secures sustainable development and the efficient use of land, it also assists in reducing pressure to develop land beyond the urban area, in the Green Belt.

The need to meet these policy objectives must be weighed in the balance when considering the provision of green infrastructure on this site.

Further one must consider the implications of such provision on the development potential of the site. Members will be aware from their previous consideration of this site, that viability is a key factor.

Following detailed discussion with Officers, who emphasised Member's concerns in respect of the inability of the earlier scheme to achieve an appropriate level of affordable housing and parking on the site, the applicant has now submitted a scheme which seeks to address those concerns.

It is considered that the provision of extensive areas of green space within the proposal, would, by virtue of land take and cost, prejudice viability and thus the provision of parking and affordable housing.

Further Officers have discussed the potential for the provision of green roofs and living walls with applicants however, the nature of the development, which provides windows to all elevations, largely precludes the provision of living walls whilst the cost of securing such features and green roofs would again increase costs and prejudice the provision of affordable housing.

The desire to secure affordable housing and improved levels of parking within the scheme weigh against the provision of extensive GI within the site.

That is not to say however, that there can be no contribution to GI. The site can sustain some landscaping at ground floor level which will offer the opportunity for greening the site and providing habitat. As previously stated, a condition detailing on-site habitat measures and landscaping, heavily biased towards the provision of native species, can be attached to the grant of any consent.

In this way it is considered that the competing aims of the Borough Council and the County GI Team maybe suitably reconciled.

Amenity, Contamination and Pollution

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

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

Paragraph 174 of the NPPF also states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to, or being put at, unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability.

Paragraph 185 states that in order to prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account.

The applicants have previously identified that due to potential on-site and off-site sources of contamination, site investigation (to include chemical testing of soil samples and a programme of ground gas monitoring) should be undertaken prior to development commencing. A condition to secure such investigation can be appended to the grant of any consent.

It is inevitable that the development of the application site will generate noise and disturbance during the constructional phase. Such noise is transitory and rarely provides a robust reason for refusal of an application for development of the type proposed. However, development of large sites can extend over significant periods and it is therefore incumbent upon the Planning Authority and the applicant to ensure that the levels of noise and disturbance generated during the constructional periods are kept as low as practically possible, in the interests of the amenity of local residents and the wider environment. In order to demonstrate achievement of these objectives, the applicant has submitted a Construction Environment Management Plan. This identifies an appropriate methodology for the construction of the proposed development. A condition ensuring compliance with the CEMP during the construction period can be attached to the grant of any consent.

Redevelopment of the site for residential purposes will inevitably result in a change in the way the site is used, with activity potentially occurring over a much longer period, both on a daily and weekly basis, creating the potential for noise and disturbance to be generated on the site beyond the working day/week, and on different parts of the site.

However, the proposal is considered to exhibit a sensitive layout which largely shields adjoining uses from higher levels of activity, particularly that associated with the movement of vehicles on the site. The imposition of conditions on the grant of any consent to secure appropriate screening will further assist in this regard.

It is also necessary to consider the impact of the existing environment on future occupiers of the proposed development. Whilst development to the west is residential in character, that to the east is commercial in character and dominated by uses most active during the evening. The proximity of the building to the eastern boundary has implications for the amenity of future occupiers of the proposed flats who are likely to be subjected to noise and disturbance generated by the operation of the adjacent businesses.

Previous acoustic reports have identified that passing traffic on London Road generated sufficient noise to warrant up-rated acoustic glazing and ventilation to the front elevations of the closest units to the road, which can be secured by condition, but that generally within the site, noise was sufficiently muted by distance and shielding to enable any residual impact to be adequately mitigated by appropriate thermal glazing and trickle ventilation.

Consultants appointed by the Environmental Health Officer to consider the current proposal have confirmed that noise levels in the area are such that the site is suitable for residential development. They have however expressed some concern that the layout of the flats may result in internal noise transfer between commercial and residential and residential and residential units.

It is considered that this matter may be adequately addressed by the imposition of a condition on the grant of any consent securing appropriate levels of acoustic insulation between the retail/commercial unit and the flats fronting London Road.

With regard to the opportunity for residential to residential noise transference through the floors and ceilings of the proposed residential units, the consultants suggest the provision of enhanced insulation between different types of rooms in adjoining units.

This may also be secured by condition.

The assessment found that passing traffic on London Road generated sufficient noise to warrant up-rated acoustic glazing and ventilation to the front elevations of the closest units to the road, but generally within the site, noise was sufficiently muted by distance and shielding to enable any residual impact to be adequately mitigated by appropriate thermal glazing and trickle ventilation.

Paragraph 187 of the NPPF requires that planning decisions ensure that new development can be integrated effectively with existing businesses and community facilities. Existing businesses and facilities should not have unreasonable restrictions placed upon them as a result of development permitted after they were established.

When dealing with the earlier proposal the Environmental Health Officer initially expressed some concern in respect of the proximity of plant on the roof of the adjacent Tesco store to adversely impact on the amenity of future occupiers, following further work by the applicant, this concern was alleviated.

The current proposal replicates the earlier position and no objection to this relationship has been raised by the consultant. No objection is therefore raised on the basis of proximity to the adjoining retail development.

The data previously collected in respect of the sports bar identified no significant elevation in either average or impulsive noise levels during the lunchtime and late evening periods when most use of the space would be expected. Calculations within the report showed that if appropriate glazing and ventilation was installed the noise levels in the habitable rooms of the new dwellings would be acceptable.

Conditions securing appropriate levels of glazing and means of ventilation can be attached to the grant of any consent.

In visual terms, the relationship between the existing uses to the east and the proposed development is not considered to provide an attractive setting for the proposed flats, representing the rear elevations of adjoining commercial units and associated parking areas. However, the developer is not responsible for the condition of adjoining land and buildings and future residents would be aware of this situation prior to determining occupation.

Given the need for housing of the type proposed, it is not considered that the condition of the adjoining land and the potential impact on the amenity of adjoining residents arising from setting and context, represents a robust reason for refusal capable of being sustained on appeal.

Social Infrastructure

Essex County Council as Education Authority has advised that the proposed development is below the threshold for the provision a contribution towards meeting educational needs. No contribution is therefore sought in this respect.

It was also considered that NHEngland might seek contributions towards the improvement of local GP facilities.

No response from NHEngland has been received and it must therefore be assumed that no contribution is required.

Affordable Housing

Paragraph 65 of the NPPF states that where major development involving provision of housing is proposed (10 or more units), planning policies and decisions should expect at least 10% of the homes to be available for affordable housing ownership.

Policy H7 of the adopted Local Plan sets out the Council's current policy in relation to affordable housing provision. It states that the number of affordable dwellings to be provided will be dependent upon the size of the site, its location and any substantial costs associated with the provision of necessary infrastructure. The Council's Developer Contributions Supplementary Planning Document requires the provision of 35% affordable housing on sites of 15 units or more. Under this provision 14 affordable housing units should be made available on the site.

The viability report prepared to support the 2016 New Local Plan, suggested that within the mainland areas of the Borough the provision of 25% affordable housing was more appropriate.

Under this provision 10 affordable housing units should be made available on the site.

However, following a review of the Local Plan Viability Assessment, Policy HO4 of the submitted Local Plan requires the provision of 40% affordable housing for schemes of more than 10 units within the mainland area of the Borough.

Under this provision 16 affordable housing units should be made available on the site.

Such provision will normally be met on site and the Council will seek no less than 50% of all new affordable housing as affordable or social rented housing and 50% as intermediate housing. The Council will seek nomination rights in a S106 Agreement.

Given the limited availability of land within the Borough to meet housing needs it is the strong preference of the Planning Authority that affordable housing provision be secured on site; however, Policy HO4 of the submitted Local Plan also states that under exceptional circumstances the Council will consider proposals for off-site provision where the provision of affordable housing is equivalent to the policy requirement, in this case, 40%.

Where there is evidence that the development is not viable with the level of contribution sought, it is the responsibility of the developer to demonstrate the case to the satisfaction of the planning authority.

It is the stance of the applicant that the proposed development would not be viable with a policy compliant affordable housing contribution. Whilst no viability assessment has been submitted in respect of the current proposal an independent review of the earlier scheme, commissioned by the planning authority, identified that the proposed scheme for 35 units could not achieve a policy compliant affordable housing contribution and following extensive analysis of submitted and independently acquired data and market conditions, confirmed that the scheme could only support the provision of 2 units on site. The applicant was prepared to move forward on this basis.

However, mindful that a registered affordable housing provider may not wish to engage in a proposal at that scale, the applicant suggested that in the event of a registered provider not being identified, a financial contribution in lieu of on-site provision would be made.

The sum of £168,402 on the occupation of the 10th dwelling was offered under such circumstances.

Members however rejected this offer and refused the application on the basis that inadequate affordable housing provision was made within the scheme.

In June 2021 the Government introduced its 'First Homes' scheme.

First Homes are a specific kind of discounted market sale housing and are considered to meet the definition of 'affordable housing' for planning purposes. Specifically, First Homes are discounted market sale units which:

- a) must be discounted by a minimum of 30% against the market value;
- b) are sold to a person or persons meeting the First Homes eligibility criteria (see below);
- c) on their first sale, will have a restriction registered on the title at HM Land Registry to ensure this discount (as a percentage of current market value) and certain other restrictions are passed on at each subsequent title transfer; and,
- d) locally, after the discount has been applied, the first sale, must be at a price no higher than £250,000 (or £420,000 in Greater London). Subsequently the provisions of a S106 agreement will ensure that the discounted price is passed on to future purchasers.

Persons able to access First Homes must meet specified eligibility criteria:

- A purchaser (or, if a joint purchase, all the purchasers) of a First Home should be a first-time buyer as defined in paragraph 6 of schedule 6ZA of the Finance Act 2003 for the purposes of Stamp Duty Relief for first-time buyers.
- Purchasers of First Homes, whether individuals, couples or group purchasers, should have a combined annual household income not exceeding £80,000 (or £90,000 in Greater London) in the tax year immediately preceding the year of purchase and
- A purchaser of a First Home should have a mortgage or home purchase plan to fund a minimum of 50% of the discounted purchase price.

These national standard criteria will apply at all future sales of a First Home.

First Homes are the government's preferred discounted market tenure and the guidance advises that such provision should account for at least 25% of all affordable housing units delivered by developers through planning obligations.

The applicant has advised that the introduction of the First Homes initiative and the achievement of additional units on the site facilitates the provision of a greater number of affordable housing units and 4 First Home units are therefore offered.

This represents a 100% increase in the level of affordable housing provision achieved on the site and the provision of 10% of the units on site as affordable housing, which is consistent with the requirements of the NPPF.

Under the circumstances the provision of 4 First Home units on site is considered appropriate to discharge the affordable housing requirements for the proposed development. This will be secured through a S106 agreement.

Conclusion

The application site represents a sustainable location, the development of which with a mixed commercial/residential scheme would, in principle, be consistent with the provisions of the NPPF and the emerging Local Plan.

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

Whilst the Green Infrastructure Team has raised an objection to the proposal, given the sustainable location of the site, the need for housing and the contribution that the current scheme can make towards the provision affordable housing and reduction in the pressure to release Green Belt sites for housing, it is not considered that the harm to GI provision outweighs the other material benefits of the scheme.

The provision of affordable housing and the mitigation of recreational disturbance on designated sites will be secured through a S106 Agreement.

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 of APPROVAL, subject to a S106 Agreement to secure the above requirements and appropriate conditions:

663 HIGH ROAD							APPENDIX 1
Plot No.	Dwelling type No. Bedrooms	Person	Floor area Required	Floor Area Provided	Storage 2p=1.5. 3p=2.0 4p =2.0	Single bedroom Area /Width (7.5m ² /2.15m)	Double Bedroom Area/Width (11.5m ² /2.75m)
1	2	3	61	69.8	1.2	13/2.75	15.5/3.8
2	2	3	61	61.32	1.5	14.2/2.5	12.1/3
3	2	3	61	69.7	1.7	13.59/2.65	12.99/3.15
4	2	3	61	61	1.6	11.51/2.5	12/3.3
5	2	3	61	66.8	1.4	9.25/2.3	13/2.75
6	2	3	61	61	1.4	9.3/2.3	12.8/2.75
7	1	2	50	57	1.7	0	14/3.2
8	2	3	61	61	1.4	9.3/2.3	12.8/2.75
9	2	3	61	72	1.5	11.4/3	14/3.25
10	2	3	61	72	1.5	11.4/3	14/3.25
11	1	2	50	57	1.7	0	14/3.2
12	2	3	61	61	1.4	9.25/2.3	12.3/2.75
13	2	3	61	68.1	1.4	9.25/2.3	13.24/2.8
14	2	3	61	61	1.4	9.25/2.3	12.3/2.75
15	2	3	61	61	1.4	9.25/2.3	12.3/2.75
16	2	3	61	61	1.4	9.25/2.3	12.3/2.75
17	2	3	61	68.1	1.4	9.25/2.3	13.24/2.8
18	2	3	61	61	1.4	9.25/2.3	12.3/2.75
19	2	3	61	66.8	1.4	9.25/2.3	13/2.75
20	2	3	61	61	1.4	9.3/2.3	12.8/2.75
21	1	2	50	57	1.7	0	14/3.2
22	2	3	61	61	1.4	9.3/2.3	12.8/2.75
23	2	3	61	72	1.5	11.4/3	14/3.25
24	2	3	61	72	1.5	11.4/3	14/3.25
25	1	2	50	57	1.7	0	14/3.2
26	2	3	61	61	1.4	9.25/2.3	12.3/2.75
27	2	3	61	68.1	1.4	9.25/2.3	13.24/2.8
28	2	3	61	61	1.4	9.25/2.3	12.3/2.75
29	2	3	61	61	1.4	9.25/2.3	12.3/2.75
30	2	3	61	61	1.4	9.25/2.3	12.3/2.75
31	2	3	61	68.1	1.4	9.25/2.3	13.24/2.8
32	2	3	61	61	1.4	9.25/2.3	12.3/2.75
33	2	3	61	64	1.4	11.4/3	13.7/3.2
34	2	3	61	64	1.4	11.4/3	13.7/3.2
35	2	3	61	64	1.4	11.4/3	13.7/3.2
36	2	3	61	64	1.4	11.4/3	13.7/3.2
37	2	3	61	70	1.4	9.5/2.3	13/2.75
38	2	3	61	61.8	1.5	9.5/2.3	13/2.75
39	2	3	61	70	1.4	9.5/2.3	13/2.75
40	2	3	61	61.8	1.5	9.5/2.3	13/2.75

My Recommendation is Approval with the following conditions

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

REASON: To ensure the provision of:

- (i) an appropriate contribution towards the provision of affordable housing on-site,
- (ii) an appropriate financial contribution towards the Recreational Disturbance Avoidance Mitigation Strategy (RAMS).
- (iii) the provision of opportunities to secure car sharing through the provision of a car club facility. Such facility to be available prior to first occupation of the development.

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

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

- 3 The proposed development will be undertaken in accordance with the provisions of the Construction Environmental Management Plan prepared by Argent Developers Ltd dated 11.06.2021.

REASON: In order to limit the impact of development on users of the highway network and in the interests of the protection of the amenity of existing residents.

- 4 Prior to the commencement of development vehicle wheel and underbody washing facilities shall be provided on the site and retained throughout the construction period.

REASON: In order to limit the impact of development on users of the highway network and in the interests of the protection of the amenity of existing residents.

- 5 No construction vehicles, including private vehicles used by contractors, shall park in the adjoining streets throughout the duration of the construction period.

REASON: In the interests of the protection of the amenity of existing residents.

- 6 Prior to the commencement of the development hereby approved a survey of the condition of the highway within 10m of the vicinity of the access to the site shall be submitted to the local planning authority.

A further survey of the condition of the highway within 10m of the access to the site shall be submitted to the local planning authority on completion of the said development.

REASON: In order to provide a means of assessing any damage that may be caused to the highway in connection with the construction of the proposed development. It is necessary for this to be submitted prior to commencement of construction so that any damage caused by

construction traffic may be repaired to achieve the same or better standard of finish compared to that which existed prior to the commencement of development.

- 7 The design and structure of the development shall be of such a standard that it will protect residents within it from existing external noise so that they are not exposed to levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

REASON: In the interests of the amenity of future occupiers of the proposed development.

- 8 Prior to commencement of the development, details shall be submitted to and approved in writing by the Council, of an enhanced sound insulation value DnT,w [and L'nT,w] of at least 5dB above the Building Regulations value, for the floor/ceiling/wall structures separating different types of rooms/ uses in adjoining dwellings, namely [eg. living room and kitchen above bedroom of separate dwelling]. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

REASON: To ensure that the amenity of occupiers of the development site is not adversely affected by noise.

- 9 Prior to commencement of the development, details shall be submitted to and approved in writing by the Council, of the sound insulation of the floor/ ceiling/ walls separating the commercial part(s) of the premises from [dwellings] [noise sensitive premises]. Details shall demonstrate that the sound insulation value DnT,w and L'nT,w is enhanced by at least 10dB above the Building Regulations value and, where necessary, additional mitigation measures are implemented to contain commercial noise within the commercial premises and to achieve the criteria of BS8233:2014 within the dwellings/ noise sensitive premises. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

REASON: To ensure that the amenity of occupiers of the development site/ adjacent dwellings/ noise sensitive premises is not adversely affected by noise.

- 10 Prior to the commencement of development on the site, other than demolition, details of all energy and water efficiency and renewable energy measures to be incorporated into the construction of the building shall be submitted to and approved by the Local Planning Authority.

REASON: In the interests of water and energy efficiency, in accordance with the provisions of Policy H17, RDG9 of the adopted Local Plan and Government guidance as contained in the National Planning Policy Framework.

- 11 No works except demolition shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:
 - o Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.
 - o Limiting discharge rates to 25l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change subject to agreement with the relevant third

party. All relevant permissions to discharge from the site into any outfall should be demonstrated.

- o Rainwater reuse should be considered in line with the drainage hierarchy. If this is not proposed a written statement needs to be provided outlining why this is not proposed.
- o Final modelling and calculations for all areas of the drainage system.
- o Detailed engineering drawings of each component of the drainage scheme.
- o A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- o A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

REASON

- o To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- o To ensure the effective operation of SuDS features over the lifetime of the development.
- o To provide mitigation of any environmental harm which may be caused to the local water environment
- o Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site

- 12 Other than demolition, the development hereby permitted shall not be commenced until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the local planning authority. Part 1 has already been submitted.

- 1) A preliminary risk assessment which has identified:
 - o all previous uses
 - o potential contaminants associated with those uses
 - o a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site
- 2) A site investigation, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 3) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (2). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
- 4) A Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in 3. This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean;

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

REASON: In the interests of the amenity of future occupiers of the site.

- 13 Prior to the construction of works above foundation level the detailed specification of the glazing and construction of the windows on the northern elevation of the building fronting London Road shall be submitted to and approved by the Local Planning Authority.

Any scheme approved shall subsequently be implemented in its entirety and permanently maintained as such unless otherwise formally agreed with the Local Planning Authority.

REASON: To ensure the provision of an appropriate form of development, in the interests of protecting the amenity of future occupiers of the proposed units.

- 14 Prior to the construction of works above foundation level the detailed specification of any extract ventilation and air conditioning systems to be provided shall be submitted to and approved by the Local Planning Authority.

Any scheme approved shall subsequently be implemented in its entirety and permanently maintained as such unless otherwise formally agreed with the Local Planning Authority.

REASON: To ensure the provision of an appropriate form of development, in the interests of protecting the amenity of future occupiers of the proposed units.

- 15 The proposed car parking areas and access areas shall be provided, hard surfaced in bound materials and drained in accordance with SuDS principles, prior to occupation of any flat. Thereafter, the car park and turning areas shall be retained for those purposes and not used for any other purpose unless first agreed in writing with the local planning authority.

REASON: To make and retain satisfactory provision for off-street parking on the site and to ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety, in accordance with Policies EC2 and T8 of the Adopted Local Plan.

- 16 Prior to first occupation of any flat, provision shall be made within the identified bicycle storage facilities for the secure and covered storage of no fewer than 52 bicycles as shown on drawing 201.07 dated 03.08.21

REASON: To ensure that an adequate level of cycle storage is provided , commensurate with the needs of the site and to encourage cycling as an attractive mode of transport for occupiers of and visitors to the development, in the interest of sustainable travel.

- 17 Prior to first occupation of the development hereby approved, full details of all means of enclosure of the site, shall be submitted to and approved by the Local Planning Authority.

Such enclosure as is approved shall be installed prior to the first occupation of the development and thereafter permanently maintained as such.

- 18 Prior to first occupation, all first floor windows, located less than 9m from an opposing site boundary shall be -

(i) obscure-glazed to at least level 3 on the Pilkington Scale (or such equivalent as may be agreed in writing with the local planning authority); and

(ii) non-opening, unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed and retained as such thereafter.

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

- 19 Prior to first occupation all second floor windows, located less than 15m from an opposing site boundary shall be -

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

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

- 20 Prior to first occupation all third floor windows, located less than 18m from an opposing site boundary shall be -

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

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

- 21 Any balcony/terrace provided on or adjoining the western elevation of the development hereby approved shall be fitted with 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 along its western edge.

Such screening of the balcony/terrace shall be provided prior to first use of the balcony/terrace and permanently retained as such thereafter.

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

- 22 The proposed terrace/balcony serving Unit 33 shall be fitted with 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 along its southern edge.

Such screening of the balcony/terrace shall be provided prior to first use of the balcony/terrace and permanently retained as such thereafter.

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

- 23 The proposed access arrangements from the High Road shall be maintained in accordance with the details shown on drawing No. 2001050-005B contained within the Transport Statement, from which there shall be no deviation without the prior consent of the Planning Authority.

REASON: In order to ensure the provision of appropriate vehicular access to the site.

- 24 Prior to the first occupation of the development hereby approved, provision shall be made for at least four electric vehicle charging points within the proposed car park.

REASON: In the interests of sustainability.

- 25 Prior to the occupation of the flats hereby permitted, the approved communal bin stores shall be provided for use and thereafter permanently retained as such.

REASON: In the interests of ensuring appropriate refuse storage facilities on the site.

- 26 Prior to occupation of the development, all redundant access points shall be suitably reinstated with full upstand kerb and footway provision as required immediately the new access is brought into first beneficial use

Reason: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

- 27 Prior to first occupation a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.

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

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

Failure to provide the above required information before commencement of works may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

- 28 Prior to the first occupation of the development hereby permitted, the approved surface water drainage scheme shall be implemented on site. Such scheme shall be permanently maintained thereafter.

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

- 29 Prior to the first occupation of the development hereby approved a landscaping/tree planting scheme shall be submitted to and formally approved by the Local Planning Authority. Such a scheme shall include details of the protection measures to be implemented to secure the protection of trees on adjoining sites and habitat provision and full details of all proposed planting, including species, with bias towards the provision of native species, size, density, methodology and the proposed times of planting and planting plans, written specifications, including cultivation and other operations associated with plant and grass establishment, schedules of plants, noting species, plant sizes and proposed numbers / densities.

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

- 30 Prior to first occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.

One Residential Travel Information Pack shall be provided for each dwelling.

REASON: In the interests of reducing the need to travel by car and promoting sustainable development. and transport in accordance with the provisions of the NPPF.

- 31 The proposed car parking and cycle parking provision shall be available for use by residents or commercial occupiers of the proposed development prior to first occupation. Such provision shall thereafter be retained solely for the parking of vehicles and bicycles associated with residents and commercial users of the development and shall not be used for any other purpose without the express consent of the Local Planning Authority.

REASON: To ensure the provision of appropriate levels of on-site parking provision and to ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety, in accordance with Policies EC2 and T8 of the adopted Local Plan.

- 32 Prior to first occupation, details of the measures to be introduced to ensure that parking provision on the site is retained for the sole benefit of residents and occupiers of the proposed development shall be submitted to and approved by the Local Planning Authority.

Such measures as are approved shall thereafter be installed prior to first occupation and permanently retained as such thereafter.

REASON: In order to ensure the provision and retention of adequate parking provision to meet the needs of residents and users of the site.

- 33 Prior to the first occupation of the development hereby approved safe refuse storage facilities shall be provided on the site. Any facility provided shall be of sufficient size to accommodate:

7x 1100 litre bins - Refuse

7x 1100 litre bins - Pink Sacks (co-mingled paper, card, plastic and cans)

5x 240 litre bins - Glass.

5x 240 litre bins - Food waste

and allow for the removal of bins independently.

Any bin storage area shall be served by a level access and where appropriate a dropped kerb crossing, to facilitate refuse collection.

REASON: In order to ensure the provision of adequate, safe and convenient refuse facilities in accordance with Policy EC2 of the adopted Local Plan.

- 34 Details of any external lighting of the proposed development shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development hereby approved.

REASON: To ensure the provision of an appropriate scheme of lighting, in the interests of the needs of users of the site, in accordance with Policy EC2 of the adopted Local Plan and the provisions of the National Planning Policy Framework.

- 35 Any approved lighting scheme shall thereafter be installed in its entirety prior to first occupation and thereafter permanently maintained as such.

REASON: To ensure the safety of proposed residents and amenity of existing and future residents, in accordance with the provisions of Policies EC2 and EC5 of the Adopted Local Plan.

- 36 The approved development shall be built wholly in accordance with the materials identified within the submitted Design and Access Statement.

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

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

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

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

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

- 39 No gates / barriers shall be provide at the entrance to the car park vehicular access without the prior consent of the Local Planning Authority.

REASON: In order to ensure safe and convenient access the car park and avoid the potential for vehicles to wait on the adjacent carriageway, in the interest of highway safety in accordance with Policy EC2 of the Adopted Local Plan.

- 40 No unbound material shall be used in the surface treatment of any of the accesses within 6 metres the highway boundary.

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

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

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

- 42 The eastern and western elevations of the proposed office building shall be retained as imperforate structures.

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

Informatives

- 1 Given the scale and proximity of the proposed development to adjoining residential development of the site, the developer is requested to notify all occupiers surrounding the site in writing of the nature and duration of works to be undertaken. The name and contact details of a person responsible for the site works should be made available for enquiries and complaints for the entire duration of the works and updates of work should be provided regularly. Any complaints should be properly addressed as quickly as possible.

- 2 No waste materials should be burnt on site of the development hereby approved
- 3 All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:

SMO3 - Essex Highways, Childerditch Highways Depot, Unit 36, Childerditch Industrial Park, Childerditch Hall Drive, Brentwood, Essex, CM13 3HD

The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes technical check, safety audits, site inspection, commuted sums for maintenance and any potential claims under the Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required as security in case of default.

Prior to any works taking place in the public highway the developer shall enter into the appropriate legal agreement with the Highway authority under the Highways Act 1980 to regulate the construction of the highway works.

In all cases where spoil is unavoidably brought out onto the highway, the applicant /developer is reminded of their responsibility to promptly remove such spoil at their own expense and to the satisfaction of the Highway Authority.