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AGENDA

Committee: DEVELOPMENT CONTROL

Date and Time: Tuesday 6th August 2019 at 7.30 p.m.

Venue: Council Chamber

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

Membership: Councillors Dick (Chairman), Sharp (Vice Chairman), Acott, Anderson, Blackwell, Cutler, Fuller, Hart, Mrs Haunts, Johnson, Mumford, Taylor and Mrs Wass.

Substitutes: Councillors Palmer, Skipp, Mrs Thornton and Tucker

Canvey Island Town Councillors: Greig and Mrs Sach

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

Enquiries: Miss Cheryl Salmon, ext. 2454

PART I (Business to be taken in public)

1. Apologies

2. Members' Interests

3. Minutes

A copy of the Minutes of the meeting held on 2nd July 2019 is attached.

4. Public Speakers

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

5. Deposited Plans

The report is attached.

	Application No	Address	Page No
1.	19/0263/FULCLO	Concord Rangers Football Club, Thames Road, Canvey Island, Essex, SS8 0HP (Canvey Island West Ward)	1
2.	19/0415/FULCLC	Former 'The Crown' Public House, High Street, Hadleigh, Benfleet, Essex (St James' Ward)	6
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DEVELOPMENT CONTROL COMMITTEE

TUESDAY 2nd JULY 2019

PRESENT: Councillors Dick (Chairman), Acott, Anderson, Cutler*, Fuller, Hart, Mrs Haunts, Johnson, Taylor, Tucker* and Mrs Wass.

Substitute Members Present: Councillor Cutler* for Councillor Mrs Haunts and Councillor Tucker* for Councillor Blackwell.

Also Present: Councillors Palmer and Smith.

Apologies for absence were received from Councillors Blackwell, Cole and Sharp.

4. MEMBERS' INTERESTS

There were none.

5. MINUTES

The Minutes of the meeting held on 4th June 2019 were taken as read and signed as correct.

6. DEPOSITED PLANS

(a) 18/1016/FUL – 396 LONDON ROAD, BENFLEET, ESSEX, SS7 1AX (BOYCE WARD) – PART TWO/PART THREE STOREY BLOCK OF 24 NO. SELF-CONTAINED FLATS WITH ASSOCIATED PARKING AND LANDSCAPING – HOLGATE PROPERTY SERVICES LTD

The proposal represented a variation of a previously approved scheme and sought to provide 24 flats on the site. The principle of the use of the site, which was allocated for Green Belt purposes, for residential development had been established by the previous grant of consent for both 18 and 22 flats as part of a wider scheme of development. The proposal sought to add two units to the approved larger scheme.

The proposal was considered satisfactory in the context of the provisions of the adopted Local Plan and Residential Design Guidance and was recommended for approval subject to conditions and the applicant being willing to enter into a S106 agreement in respect of the provision of contributions towards off-site affordable housing provision and RAMS.

Councillor Smith, a Ward Member, spoke on the application.

Following the Planning Officer's presentation Members raised concerns regarding the access and egress from the site and parking both on the site and in the surrounding roads. The Planning Officer stated that Essex County Council Highways had raised no objection to the scheme or the level of parking on the site. Whilst there was a deficiency in provision on the site it had good access to local services and public transport and was therefore considered acceptable. Parking problems in surrounding roads was a matter for Essex County Council. It could not be included as a condition in the S106 agreement because the issue was not directly related to the development.

During discussion some Members also felt that it would be beneficial to install electric charging points for vehicles in the car park.

Following the discussion it was:

Resolved - That the application be approved subject to a condition that electric charging points be installed in the car park, the conditions as set out in the Planning Officer's report and the applicant entering into a S106 Agreement to secure the following:

- an appropriate contribution towards the off-site provision of affordable housing in lieu of provision on site as part of the proposed development.
- an appropriate contribution towards the mitigation of Recreational Disturbance on identified designated sites (RAMS).

Chairman

ITEM 1

Application Number:	19/0263/FULCLO
Address:	Concord Rangers Football Club Thames Road Canvey Island Essex SS8 0HP (Canvey Island West Ward)
Description of Development:	Relocation of two existing stands to accommodate two new stands and replacement of portacabin toilet block with purpose-built toilet block
Applicant:	Mr Cliff Larkin
Case Officer:	Mr Stephen Garner
Expiry Date:	14.08.2019

Summary

The application seeks the relocation of two existing spectator stands to accommodate the provision of two new spectator stands and proposes the replacement of a portacabin toilet block with a purpose-built structure. It is considered that the proposal is consistent with the provisions of the council's Adopted Local Plan and it is therefore recommended for APPROVAL.

The application is presented to the committee because the it is on council-owned land.

Site Visit

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

Introduction

The application relates to an existing football pitch and club located on the eastern side of Thames Road, Canvey Island some 370m south of its junction with Hawkesbury Road. To the east is the Thorney Bay Caravan Park, to the south the Thames Road sewage works and to the west the Calor Gas works.

The land on which the football pitch is located is owned by the council but managed under a 30 year lease by the Concord Rangers Football Club.

The Proposal

The applicant seeks permission to move two existing spectator stands on the eastern side of the football pitch to accommodate two new spectator stands each measuring 9.8m wide by 2.9m deep having a height of 3m. Seating is provided for 75 spectators in each stand.

The existing stands are to be moved slightly towards the northern end of the pitch and would be located either side of the two newly proposed spectator stands. The rear of the stands, roof and part of the sides are to be clad with corrugated metal sheeting finished in either a grey or green colour.

The proposal also includes the replacement of an existing toilet block located at the northern end of the pitch, which is in a dilapidated condition, with a new purpose-built toilet block in a similar location. The replacement toilet block measures some 10.3m wide by 3.7m deep and has a height of 2.3m. Its footprint is slightly larger than the existing, 38.1m² as opposed to 31.5m², and provides facilities for men, women and people with mobility problems.

Supplementary Documentation

The application is supported by a:

- o Flood Risk Indicator Statement
- o Flood Risk Assessment

Planning History

None relevant

Local Plan Allocation

The land is allocated as Green Lung in the adopted Local Plan.

Relevant Policies and Government Guidance

NPPF National Planning Policy Framework

Local Plan (Adopted 1998)

EC2	Design
EC3	Residential Amenity
EC8	Green Lung

Consultation

Cadent

No objection

Canvey Island Town Council

Awaiting response

Environment Agency

No objection

Environmental Health

No objection

Essex Highways

No objection

Health and Safety Executive (HSE)

No objection

Legal Services

Confirms that the council owns the land but raises no objection

Public Consultation

No response to the neighbour notification and site notices.

Evaluation of Proposal

The main issues that need to be considered with this application are its design, impact on the Green Lung and adjoining neighbours, and matters of flood risk.

Design

Policy EC2 of the council's adopted Local Plan seeks a high standard of design in all developments. In particular, regard is to be given to the scale, density, siting, design, layout and external materials of any development, which shall be appropriate to its setting and which should not harm the character of its surroundings. This is consistent with paragraphs 126 and 127 of the NPPF.

The stands are not of any particular architectural merit but are of a scale and design not dissimilar to the existing spectator stands at the ground and would be constructed of similar materials. They are considered to be of an appropriate design given the context and accordingly would have no detrimental impact on the character of the surrounding area.

The proposed toilet block is flat roofed and of a utilitarian appearance which once again is perfectly acceptable given its use.

Impact on the Green Lung

Policy EC8 of the adopted Local Plan states that the area designated as Green Lung which this site forms part of should be protected from development that would adversely affect its open character, wildlife or amenity value.

The proposed stands will be some 3.0m tall, 9.8m wide and 2.9m deep and when their presence together with that of the existing stands are taken into account would result in a structure some 3m high by 33m wide. As such the proposed stands have the potential to affect the open character of the area.

However, the siting of the proposed stands is in a similar location to the existing stands and there is already a 1.8m tall fence running to the rear of them. There is also a much taller mesh fence in the same location, as well as some flood light podiums near the proposed stands. Furthermore, the stands are located on the eastern side of the site to the south of the main area of the Green Lung and adjacent to the caravan park.

Given the above it is not considered that the proposed additional spectator stands would adversely affect the open character, wildlife or amenity value of the area.

The proposed toilet block will be slightly larger than the existing toilet block but is in much the same location as the existing one and set behind the spectator stands at the northern end of the pitch, which are taller than the proposed toilet block. To the west of the proposed toilet block is the existing club house. To the north of the proposed toilet block is another 1.8m tall fence, also with a much taller mesh fence behind.

The proposed toilet block would therefore be well screened and accordingly have no material impact on the open character or amenity value of the area.

The site is not recognised as being of any particular wildlife value and the impact of the development would be limited to the confines of the site.

Impact on neighbours

Policy EC3 of the council's adopted Local Plan states developments which would have a significant adverse effect upon the residential amenity by reason of traffic, noise, fumes or other forms of disturbance will be refused.

The current use of the site as a football club has the potential to generate lots of noise when a football match is played. This is therefore a factor that needs to be considered as the caravans sited on the adjoining land are in residential use.

The applicant has confirmed that the proposed stands are not being sought to increase numbers of spectators at the ground but simply to comply with a football league requirement which has come about due to promotion to the next league division. The applicant doubts very much that there will be any increase in regular attendance. It should also be borne in mind that noise generated by spectators will be a relatively transient noise nuisance which takes place for limited periods of time on limited occasions. It is not anticipated that the proposed stands would result in any material increase in noise and disturbance to occupants of the caravans on the adjoining land.

The toilet block will generate no disturbance and is in any event located well away from the nearest residential use.

Flood risk

The NPPF states at paragraph 155 that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

Paragraph 158 states that the aim of the sequential test is to steer new development to areas with the lowest probability of flooding. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.

Paragraph 159 states that if, following application of the sequential test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the exception test can be applied if appropriate.

In applying the sequential test, a suitable catchment area must be decided upon for the area of search for alternative sites. The proposed development is for a spectator stand to serve an existing football pitch. This can only be usefully provided adjacent to the pitch it is to serve, so the catchment area would be drawn around the existing football pitch. All the land surrounding the pitch is within Flood Zone 3, the zone with the highest probability of flooding, so there are no alternative preferable locations within the site for the proposed development with a lower probability of flooding, and the sequential test is considered to be passed. The exception test is not required to be passed for this type of development in Flood Zone 3 as it is considered to be a water compatible form of development.

The Environment Agency has not objected to the proposal as it is for an extension to an existing development which is at the same flood risk. However, it points out that the upper seats on the stands would be at risk of flooding in a 1 in 1000 year flood event, and there is no refuge for spectators. The agency also advises that no flood resilience measures or flood response plan has been proposed.

The proposal is not intended to increase the numbers of spectators at the site and therefore the overall level of risk to people visiting the site would not change. Accordingly, it would be an unreasonable requirement to insist on a flood refuge or preparation of a Flood Response Plan to serve the development.

Conclusion

No harm to neighbours or the openness and character of the surrounding area has been identified and the proposal is considered to be consistent with all national and local relevant policies. It is therefore recommended that permission is granted.

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 proposed spectator stands shall be finished externally in materials of a similar appearance to the existing spectator stands.

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

Informatives

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

ITEM 2

19/0415/FULCLC

Application Number:

Address:

Former 'The Crown' Public House High Street Hadleigh
Benfleet Essex
(St. James' Ward)

Description of Development:

Demolition of former public house buildings including
disconnection of utility services, infilling of basement
and erection of fencing for security along site
boundary

Applicant:

Case Officer:

Expiry Date:

Castle Point Borough Council

Mr Keith Zammit

16.08.2019

Summary

The application proposes demolition of the former Crown Public House, which has lain empty and abandoned since the council took ownership of it in 2011. For the reasons set out in this report this is felt to be appropriate in the circumstances and the application is therefore recommended for APPROVAL.

The application is presented to the committee because of the council's ownership of the site.

Site Visit

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

Introduction

The application relates to the former Crown Public House and its curtilage within Hadleigh Town Centre. It is bordered to the west by Hadleigh Library, and on its northern and eastern sides by land used for the storage of vehicles (the site does not extend all the way to the highway on its northern side).

As a result of being vacant, the site and building are in poor condition. The building has been subject to illegal entry and vandalism. The site has required regular maintenance by the borough council, the current owners of the site, to secure it following damage and to remove excess vegetation growth and fly tipping.

The Proposal

Permission is sought for the demolition of the building and the erection of fencing around the site. The precise type of fencing to be installed is not yet known, but it will need to be of a height and design sufficient to prevent unauthorised access.

Supplementary Documentation

The application is accompanied by a planning statement and a heritage statement which are available to view on the council's website.

Planning History

The site was the subject of a refused planning application in 2009 (CPT/258/09/FUL) for the demolition of the public house and the erection of a drive through restaurant and car cleaning pod with associated parking. This was on the grounds of:

- o failing to maximise the development potential of the site through the creation of a high density, multi-storey, mixed use development
- o frustrating efforts to redevelop the area comprehensively
- o loss of the existing building would have an adverse impact on the character and appearance of this part of Hadleigh
- o design/siting of the proposed building
- o highway safety

The building was purchased by MCC Developments from Punch Taverns in 2009 and has since remained vacant. As part of the proposed future regeneration of Hadleigh Town Centre, the site was purchased by Castle Point Borough Council in 2011.

The Hadleigh Town Centre Masterplan sought the re-use and regeneration of the former Crown Public House building to support the overall regeneration of the Hadleigh Island site between London Road and High Street. Since 2011 the council has received few expressions of interest in using the building, and has been unable to identify an appropriate viable use of the building. The site has therefore remained vacant during the council's ownership.

Relevant Government Guidance and Local Plan Policies

National Planning Policy

Paragraph 92 of the National Planning Policy Framework (the Framework, 2019) seeks to provide the social, recreational and cultural facilities and services the community needs, including planning *“positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship)”*.

Paragraph 189 of the Framework states that in determining planning applications, *“local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance”*.

In considering proposals which affect a heritage asset, paragraph 190 of the Framework states that local planning authorities should take into account the particular significance of a heritage asset when considering the impact of a proposal.

Paragraph 192 of the Framework states that *“in determining applications, local planning authorities should take account of:*

- a. the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b. the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c. the desirability of new development making a positive contribution to local character and distinctiveness.”*

The Framework outlines that proposals affecting heritage assets should consider the significance of the asset. Paragraph 197 of the Framework states that *“the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the*

application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset”.

When considering proposals associated with heritage assets in a deteriorated state, paragraph 191 of the Framework and the Planning Practice Guidance (PPG) clarifies that *“disrepair and damage and their impact on viability can be a material consideration in deciding an application. However, where there is evidence of deliberate damage to or neglect of a heritage asset in the hope of making consent or permission easier to gain the local planning authority should disregard the deteriorated state of the asset”.*

Local Planning Policy

Policy EC37 of the adopted Castle Point Borough Council Local Plan (LP, 1998) seeks to protect buildings of local historical importance, and states that *“proposals which would adversely affect, to a significant degree, the character or setting of any building contained within the local list of buildings of architectural or historic interest will be refused”.*

Appendix 11 of the LP presents the local list of buildings of architectural or historic interest within the Borough, and identifies the Crown Public House, stating the reason for the listing as *“a good example of ‘railway’ architecture, originally constructed circa 1769, but much extended in 1872. Renovated in 1985”.*

The term ‘railway’ architecture does not seem appropriate in the case of The Crown and it seems likely that the term was used in error in the local listing description.

Consultation

Environmental Health – Informatives suggested relating to environmental protection (dust and noise), contaminated land, burning of trade waste and demolition notice.

Legal Services – no comments received

Operational Services Manager – no comments received

Public Consultation

One comment received objecting to the loss of the existing building, which could be renovated or repurposed.

Comments on Consultation Responses

- o The council as the landowner is a responsible public body and it is not envisaged that environmental issues will arise as a result of the demolition.
- o The council has been unable to identify an appropriate viable use of the building, hence it has remained vacant during the council’s ownership.

Evaluation of Proposal

The demolition of the former Crown Public House would result in the loss of a non-designated heritage asset included within the local list of buildings of architectural or historic interest within the adopted LP. In accordance with paragraph 189 of the Framework, the Heritage Statement supporting this application has described and assessed the significance of the building as a heritage asset.

In accordance with paragraphs 190 and 197 of the Framework, to determine the appropriateness of the proposal to demolish the former Crown Public House, a balanced judgement should be made which considers the significance of the heritage asset and the potential impact on the area of losing the asset. The Heritage Assessment identified that whilst the building contains some features of architectural interest, the building has been subject to much alteration which has resulted in the removal of almost all its original/early fixtures and fittings. Whilst the building's structure outlines Hadleigh's historical spatial form, the exterior form of the building offers limited historical features of interest beyond local or regional significance which are worthy of conservation.

The Heritage Statement has identified no notable historical figures or events associated with the site and while the building retains cultural significance for the local community, as a former public house, this significance will continue to decrease as the active use of the building passes from living memory.

The Heritage Assessment has therefore concluded that the building has a low significance and value as a heritage asset. In relation to paragraphs 190 and 197 of the Framework, the assessed low heritage significance would allow the loss of the building as a heritage asset to be acceptable.

In relation to paragraph 191 of the Framework and the PPG, the deterioration of the building through its vacant use since 2010 has resulted in its current state of disrepair. Despite the best efforts of the council to manage and maintain the building since 2011, regular weathering, vandalism, and fly tipping has resulted in significant deterioration of the fabric of the building. In accordance with the PPG, it is therefore appropriate for the current state of the building to be a material consideration in the determination of the application, particularly in relation to considering the ability of the council to find an appropriate alternative use which could bring the site back into use, and the impact of the site on the character and appearance of the area.

The council has been unable to identify and obtain a viable alternative use for the building since 2011. Based on the current condition of the site, bringing the building back into use in any form would incur significant costs. Given the long term vacant use of the site, the current state of disrepair, and the likely costs incurred to bring the site back into use in any form, it is highly unlikely that a future viable use could be found for the site. In relation to paragraph 192 of the Framework, the building can therefore no longer be considered viable as a community facility.

The Heritage Statement has highlighted that the principal significance of the building relates to its external aesthetic value. However, the existing condition of the building is poor. As a vacant building, all windows and doors are boarded up and security fencing surrounds the majority of the site, creating an eyesore within the town centre. In addition, weathering and regular vandalism has resulted in significant deterioration in the appearance of the building. The removal of the building will therefore provide an immediate positive improvement to the streetscene in this area of Hadleigh Town Centre. The area is also proposed for allocation within the emerging new Castle Point Local Plan as site HO18, Hadleigh Island, for the development of 52 dwellings. The removal of the building will therefore also support the progression and future delivery of the proposed allocation, which will provide significant visual improvements and regeneration this area of Hadleigh Town Centre.

In relation to the assessment required within paragraph 192 of the Framework, it is highly unlikely that a viable use could be identified for the site, the conservation of the building would provide a limited positive contribution to the local community and the economic vitality of the area, and the removal of the building could create both an immediate and long term improvement to the character and appearance of the area. Overall, the low heritage significance of the building does not outweigh the benefits of demolishing the building.

In addition to the above Policy EC37 of the Local Plan seeks to protect locally listed buildings from any adverse impacts of proposed development. Therefore, the demolition of a locally listed building would not be in accordance with this policy. However, an assessment of locally listed buildings in the borough undertaken in 2013 concluded that the former Crown Public House should be removed from the local list as extensive unsympathetic late 19th century extensions had resulted in a building with commonly found elements of Victorian architecture. The building is no longer sufficiently unique in relation to both architectural quality and historic interest. This assessment is consistent with the above advice.

The updated local list of non-designated buildings of local historic and architectural importance, which forms part of the evidence base of the emerging Castle Point Local Plan, therefore does not include this building and is a material consideration.

Conclusion

The demolition of the former Crown Public House in Hadleigh will result in the loss of a building assessed as having low significance and value as a heritage asset. Its retention has the potential to impede the redevelopment and regeneration of the Hadleigh Island site as a proposed allocation in the emerging new Castle Point Local Plan. The council has failed to find any alternative viable use for the building and consequently this has led to difficulties in maintaining it. The presence of the vacant building is an eyesore and having a detrimental impact on a prominent site within Hadleigh Town Centre. The building is proposed for removal from the local list of non-designated buildings of local historic and architectural importance in any new Local plan due to its low significance and value as a heritage asset.

In the light of the above the demolition of the building would be in accordance within national and local planning policy and should therefore be approved.

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 Before the proposed fencing is erected, details of it shall first be submitted to and approved in writing by the local planning authority, with reference to accurately scaled plans.

REASON: The details submitted were insufficient for consideration of this aspect of the proposal.

Informatives

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

ITEM 3

Application Number:	19/0369/FUL
Address:	19-27 Kents Hill Road Benfleet Essex SS7 5PN (St. Mary's Ward)
Description of Development:	Demolition of all existing buildings and hardstanding and the construction of two buildings comprising of 23 no. apartment units, improved access from Kents Hill Road, associated off-street car parking, landscaping and other associated development.
Applicant:	Renown Developments Ltd
Case Officer:	Ms Kim Fisher
Expiry Date:	28.08.2019

Summary

The proposal represents the redevelopment of an urban brownfield site, allocated for shopping purposes in the adopted Local Plan, with 23 one and two bedroomed flats arranged across two three storey blocks. The site is located on the west side of Kents Hill Road, close to the Junction with Benfleet High Road. Redevelopment of land for residential purposes is consistent with the provisions of the NPPF and in principle is considered acceptable on this site.

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

Consequently, the recommendation is one of approval, subject to the applicant entering into a S106 agreement to secure the provision of affordable housing and a contribution towards recreational disturbance mitigation and the conditions set out at the end of this report.

Site Visit

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

THE PROPOSAL

Site Description

The site is located on the western side of Kents Hill Road, some 85m north of the junction with High Road. It is an irregular shaped plot with a maximum depth of some 107m and a width ranging from some 21m at the eastern end to 30m at the western extent. The site has a minimum width of some 16.5m, 38m into the site from the road frontage.

The site is currently occupied by poor quality industrial units and an open yard/parking area which has been previously used for a variety of commercial purposes.

To the south of the site lie a number of commercial premises including the recently developed Sainsburys Local store whilst to the north, east and west the site is predominantly bounded by two storey residential development. That located to the west of the site shares a similar back land location to the current proposal and provides 6 sheltered accommodation units.

Description of Proposed Development

The proposal seeks consent for the demolition of all of the existing buildings on the site and their replacement with an irregularly shaped, three storey, part flat roofed building, providing 18 two bedroomed flats and 2 one bedroomed flats behind the established frontage, within the body of the site and a three storey pitched roofed building providing 3 two bedroomed flats on the Kents Hill Road frontage to the site, in the form of two 'duplex' apartments and a flat in the roof space. A total of 23 units would be provided on the site.

Access to the site will be via the existing access point into the site on Kents Hill Road, adjacent to the northern boundary of the site.

The site will provide 24 parking spaces and two private amenity areas.

Supplementary Documentation

A number of supporting documents have been prepared in support of this planning application which comprise the following:

- Design & Access Statement
- Flood Risk Assessment (FRA)
- Transport Statement – Ardent;
- Arboricultural Impact Assessment
- Construction Method Statement
- Land Contamination Assessment and
- Planning Statement.

All of these documents may be viewed on the Council's website.

Relevant History

The site has significant history related to the commercial use of the site, none of which is of direct relevance to the current scheme.

However, in July 2018, planning permission was granted for the provision of 23 sheltered flats on the site with associated communal facilities, amenity space and parking (Reference 17/0831/FUL).

The granting of such consent establishes the acceptability of residential development on the site.

Local Plan Allocation

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

Relevant Policies and Government Guidance

National Planning Policy Framework (NPPF)

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,

Promoting healthy and safe communities

Paragraphs 91, 92, 96, 98,

Promoting sustainable transport

Paragraphs 105, 106, 110

Making effective use of land

Paragraphs 117, 118, 123,

Achieving well designed places

Paragraphs 124, 127, 130

Meeting the challenge of climate change, flooding and coastal change

Paragraphs 150, 158-160, 163,

Conserving and enhancing the natural environment

Paragraphs 170, 175, 178, 180, 182.

Local Plan Policies

S4 Non-Retail Development

EC2 Design

EC3 Amenity

EC13 Protection of wildlife

EC14 Creation of habitat

H7 Affordable Housing

H9 New housing densities

H10 Mix of development

H13 Location of development

H17 Spatial standards

T8 Parking Standards

Residential Design Guidance

RDG2 Space around dwellings

RDG3 Building lines

RDG4 Corner plots

RDG5 Privacy and living conditions

RDG6 Amenity space

RDG9 Energy and water efficiency and renewable energy

RDG10 Enclosure and boundary treatment

RDG12 Parking and access

RDG13 Refuse and recycling storage

RDG16 – Liveable Homes

Additional Guidance

Essex County Council Parking Standards – September 2009

Canvey Town Centre Master Plan (2010)

Strategic Housing Market Assessment (May 2016)

Strategic Housing Land Availability Assessment Update (October 2014)

Planning Minister Statement (25th March 2015)

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

Technical Housing Standards (March 2015)

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

Consultations

CPBC Legal Services

No objection.

CPBC Environmental Health Officer

No objection subject to conditions.

ECC Infrastructure Officer

No education contribution required.

LLFA

No objection subject to conditions.

Anglian Water

No objection subject to conditions.

Street Scene

No comment

Environment Agency

No Comment.

Highway Authority

No objection subject to conditions.

Essex Police

Essex Police pursuant to the NPPF, would encourage the developer to incorporate Crime Prevention Through Environmental Design (CPTED) into this site by integrating the nationally approved, Police preferred, Secured By Design (SBD) accreditation into this development, to create a safe and accessible space.

Public Consultation

12 responses have been received which raise the following objections/comments:

- o Concerned about the security of the site
- o Noise, disturbance and dirt from construction phase
- o Parking and Traffic implications
- o Height and dominance
- o Loss of light and overshadowing
- o Overdevelopment of the site
- o Loss of privacy
- o Use of rear access from Melcombe Road
- o Pollution

- o Inadequate infrastructure
- o Loss of employment land
- o Limited landscaping

Comments on Consultation Responses

All appropriate responses will be made within the evaluation of the proposal.

Evaluation of Proposal

The main issues for consideration are the principle of the proposed residential development, the design and layout of the scheme, the impact on surrounding residential properties, parking implications, flood risk and contamination.

Consideration must also be given to the provision of affordable housing and impact on ecology.

The Principle

The site is allocated for shopping purposes in the adopted Local Plan and is located within the town centre, where Policy S4 of the Local Plan seeks to retain town centre uses (A1, A2, A3, A4, A5, B1, D1 and D2).

The proposal seeks to provide a residential development on the site which would, prima facie, appear inconsistent with the Local Plan allocation.

The NPPF at paragraph 121 however supports the allocation of a range of suitable sites to meet a variety of uses, including residential development, in town centres. In this context the proposed residential use demands further consideration.

This site is not considered to be a particularly attractive commercial site being located on the fringe of the town centre, some distance from the primary commercial frontage and adjoined on three sides by residential development. The site has for many years performed a declining warehouse/storage/manufacturing function with no demonstrated links to uses within the Town Centre. The loss of this use is therefore considered unlikely to have a significant adverse impact on the viability or vitality of the Town Centre.

In addition, it may be recalled that in the previous application for the redevelopment of the site with a sheltered housing scheme, the applicant submitted a local estate agent's (Ayers & Cruiks) letter and associated sales particulars in relation to the site which confirmed that the site had been extensively marketed for continuing employment uses with little interest received. Instead all interest related solely to the site's residential redevelopment potential.

Furthermore, the delivery of residential development on this previously developed site has previously been considered by Members to provide an important contribution towards the provision of new homes within the Borough which exhibits a significant deficiency in housing land supply.

Under these circumstances, and in the light of an extant consent for residential development on this site, it is not considered that an objection to the proposal in principle, on the basis of the loss of employment land, would be supported on appeal.

Design and layout

The form of development.

The proposal seeks to provide 18 two bedroomed flats and 5 one bedroomed flats with associated amenity space, communal facilities and parking provision. The buildings would appear as two storey buildings with rooms formed in the roofspace.

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

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

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

Density and Mix of Housing

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

Whilst broadly consistent with paragraph 117 of the NPPF, Policy H9 is somewhat vague and a better test of whether the density of the development is appropriate is assessment of the proposal against the Council's Residential Design Guidance, which will be undertaken later in this report.

Policy H10 of the adopted Local Plan states that in all residential developments the Council will seek an appropriate range of dwelling types. This also a vague policy which is inconsistent with the requirements of paragraph 122 of the NPPF which requires local planning authorities to plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community.

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

The proposed development consists of a mixture of one and two bedroomed units, the provision of which will meet an identified need.

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

Design

Policy EC2 of the current Local Plan requires a high standard of design in all new buildings. This is consistent with paragraphs 124 and 127 of the NPPF. Proposals will have regard to the scale, density, design, layout and external materials which should be appropriate to the setting of the building and which should not harm the character of the surroundings. The appearance and treatment of spaces around buildings shall be enhanced by appropriate hard and soft landscaping. It also states that all modes of movement shall be made safe and convenient.

The proposed development takes two forms. A smaller building (Block A) providing three flats is provided to the Kents Hill Road frontage. This is three storey in height with the third floor contained within the roof. The building has the appearance a pair of semi-detached houses when viewed from Kents Hill Road, and whilst taller than the buildings either side, exhibits many features, such as porticoes and brick arches over the windows, which assist in satisfactorily assimilating this element of the development into the street scene without significant detriment to the character and appearance of the area.

The larger building to the rear of the site (Block B), is reminiscent of a Georgian Mews and whilst not entirely consistent with the character of the surrounding area, is isolated from the street frontage and existing residential development and therefore capable of displaying a different character without harm to the visual amenity of the area. In principle the style adopted for each element of the proposed development is considered acceptable.

Acceptability in terms of the detail of the scheme will be determined within the framework provided by the Council's adopted Residential Design Guidance.

Within the Council's Residential Design Guidance Supplementary Planning Document, guidance, RDG2 requires the space around new development to be informed by the prevailing character of space around dwellings. Where there is no clear pattern of development the space around a dwelling should be proportionate to the size of the dwelling. It should seek to provide at least 1m between the properties and the boundary.

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

The frontage development meets this requirement in respect of the relationship provided between the proposed building and the southern and northern boundaries of the site.

The proposed flats located to the rear of the site have a width of some 65m. This generates a requirement for isolation space equivalent to some 16m. At best some 3.5m is achieved. As such the current proposal fails to provide an appropriate setting for the building and would potentially produce a scheme of mean and cramped appearance. Prima facie, this appears to represent an objection to the proposal. However, the site is located in close proximity to the Town Centre which is characterised by a tighter grain of development. Furthermore, this element of the proposal occupies a back land location which has no significant relationship with the adjoining residential development and which can therefore determine its own character.

In addition it should be noted that the proposed layout is very similar to that previously approved and the Government is exhorting planning authorities to make the best use of available urban land in order to secure sustainable patterns of development and to offer protection to the Green Belt from inappropriate development, where this can be achieved with no significant adverse consequences for the receiving environment.

Within the context of this specific proposal it is not considered that the character and appearance of the wider area is prejudiced by the limited levels of isolation space achieved between the proposed building and the boundaries of the site, or that the setting of the proposed development is unduly compromised. No objection is therefore raised to this aspect of the proposal.

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

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

The proposed development fronting Kents Hill Road is shown to be broadly in accord with the established building line and as such satisfies this particular requirement.

The development to the rear of the site, because of its proposed location, would have no relationship with any established building line, but would reflect the setting of the development to the west. It is not considered that an objection to the siting of this element of the scheme could therefore attract an objection under RDG3.

By virtue of the scale of the development, the isolation achieved to adjoining dwellings and the relative orientation, the proposed development is not considered likely to have a significant adverse impact on adjoining residences by reason of over-shadowing. No objection is raised to the proposal on this basis.

The proposed development on the frontage of the site, Block A, would have a height of some 10.3m (which compares with 10.1m for the extant scheme) and would be approximately 2m higher than the dwelling to the north and approximately 3m higher than the commercial building to the south. Despite this increased height however, as a consequence of the specific siting of the new building and the specific relationship with the buildings to either side, it is not considered that this element of the proposal would result in the domination or overshadowing of the adjoining properties. No objection is therefore raised to this element of the proposal on that basis.

It is noted that a number of local residents, particularly those to the north, have objected to the proposal on the basis of it being overbearing.

The majority of Block B is shown to be located only some 1m – 6m from the northern, western and eastern boundaries of the site and to extend along the entire northern boundary of the site. This relationship with the boundary may be considered likely to result in a form of development which, by virtue of its scale and proximity, would dominate the adjoining properties. However, the building has an eaves height of some 6.5m only and a maximum height of some 8.8m. The scale of the building in terms of its height is therefore limited and whilst close to the boundaries, the building is considered sufficiently isolated from the adjoining dwellings, which are located some 21m – 39m from the proposed building, to avoid domination or overshadowing of those properties. No objection is therefore raised to the proposal under RDG3.

RDG5 provides guidance on privacy and living conditions; and states that for all development above ground floor level a distance of 9m shall be provided between any first floor opening/balcony and the boundary it directly faces. For development at second floor level a distance of 15m shall be provided.

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

Block A, located on the frontage of the site has windows in all elevations.

Those in the eastern elevation are located some 3.5m – 4.5m from the front boundary of the site but overlook the highway. In this context it is not considered that the proposal would result in undue overlooking or loss of privacy to the residents occupying the dwellings opposite the site and no objection is therefore raised to the proposal on that basis.

Windows in the northern elevation at first floor level are located some 7m from the opposing boundary and serve bathrooms which are less than the requisite distance from the boundary. However, it is considered that these windows may be obscure glazed and fixed to 1.7m without unduly compromising living conditions within the flats.

A further window serves the stairwell at the rear of the building. This may also be obscure glazed and fixed.

A window in the northern elevation at third floor level provides secondary light to the combined kitchen/living area. It is considered that this window may also be obscure-glazed and fixed to 1.7m above the finished floor level without unduly compromising living conditions within the unit.

Block B would be located some 1.5m from the western boundary. No windows are provided in this elevation at first floor level.

A bathroom window is located in the southern elevation, less than the requisite distance from the boundary, but may also be obscure glazed and fixed.

Whilst windows are present at ground floor level, these can be adequately screened by boundary treatments, to protect the privacy of adjoining residents.

Windows are provided in the northern elevation at first floor level, however, all but one serve communal areas such as corridors and may therefore be obscure glazed and fixed without adversely impacting living conditions within the Block.

One window serves a bedroom; however this would be located 9m from the rear boundary of the site and would therefore be compliant with the adopted RDG.

One window is provided at the extreme eastern end of Block B, some 1m from the boundary. This provides secondary light to a living area and may be obscure glazed and fixed to protect the privacy of adjoining residents.

A further bedroom window is provided in the eastern elevation at first floor level. This would be located some 12m from the boundary of the site and would therefore be compliant with the provisions of the adopted RDG.

No objection is therefore raised to the proposal under RDG5.

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

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

The proposal would attract a requirement of 575m². Only some 372m² is achieved. This appears to represent a significant objection to the proposal.

However, the site is located within an area where flats generally have limited amenity space and future residents will have the opportunity to use open space at St Mary's Playing fields to the south and within the Hadleigh Castle Country Park to the east, both of which are within reasonable walking distance. Under the circumstances it is not considered that an objection to the proposal based on inadequate amenity area provision could be sustained on appeal.

RDG7 is concerned with roof design and requires the roof design of any development to be compatible primarily with the building it serves, but also the prevailing character of the area. The roof should be proportionate and not top heavy and any dormers provided in the roof should not dominate the roof and where visible from public vantage points, should be pitched roofed,

The submitted drawings indicate the provision of a mansard type roof for Block B and a traditional pitched roof for Block A. Both are considered acceptable in the context of the surrounding development.

The proposed dormers, whilst flat roofed, are consistent with the design principles established within the development and as such are considered contextually acceptable.

No objection is raised under the provisions of RDG7.

RDG8 requires that all development is designed to provide well-proportioned and balanced properties which complement the surrounding area. . The proposed units at the front of the site share many features common to adjoining properties such as porticoes, brick arches over windows and aligned fenestration, which will allow it to integrate successfully with the adjoining development, albeit exhibiting greater height than adjoining dwellings.

The flats to the rear would appear more as a neo Georgian style terrace or mews court, which is not entirely consistent with the character and appearance of the surrounding area but is visually attractive in its own right and would have no adverse impact on the character and appearance of the surrounding area. The elevations are balanced and proportional across the scheme, which is considered to satisfy the requirements of RDG8.

In terms of the palette of materials to be used, the buildings will be finished in yellow stock brickwork with grey slate tile roofs and white render. The dormers will have a lead finish and the paved areas will be finished in grey and yellow paviers. All doors and windows will be of timber composite.

This palette reflects that of the adjoining properties and as such is considered acceptable.

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

The scheme primarily faces east and south and offers significant potential for passive solar gain. This feature coupled with the proposed use of energy efficient glazing and frames, appropriate thermal insulation and energy efficient appliances is considered sufficient to satisfy RDG9.

RDG10 requires means of enclosure not to dominate the public realm. The proposal indicates the provision of 3m high metal gates at the front of the site and 2m high close boarded fencing to other boundaries. Such enclosure is considered acceptable in principle and will satisfy the requirements of RDG10.

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

Paragraph 127 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 planning policies for housing should make use of the nationally described space standard, where the need for an internal space standard can be justified.

The adopted Local Plan does not seek to control the size of individual dwellings, however Policy H13 of the 2016 Plan did contain a proposal to adopt the Nationally Described Space Standard (2015), to be applied to all new housing developments.

The 2016 Plan was of course withdrawn and it is not therefore possible place any weight on its provisions, however the National Standard does provide a statement of best practice and it is therefore appropriate to consider the proposal in the context created by that Standard.

The proposal provides five 1 bedroomed, two person flats and eighteen 2 bedroomed, 3 person flats. The National Standard sets out detailed specifications for room sizes and storage areas and specifies that for one and two bedroomed single storey dwellings (flats) the following is provided:

No. bedrooms	of	No. bed-spaces (persons)	of	Floor space
1		1		39
		2		50
2		3		61

The proposal indicates that all of the one bedroomed flats have floor areas of some 46m² and the two bedroomed flats, which are all indicated to be three person properties, are a minimum of 61m².

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

Access and Parking Arrangements

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

Access to the development is proposed to be taken from the existing access point on Kent's Hill Road via a crossover access junction. The access road is to be 4.8m wide, with a 1.2m wide footway provided to connect the site to Kent's Hill Road. This is an improvement over the existing unsegregated access point.

The main site access is to have gates for both the vehicular access and pedestrian footway, providing a secure development. The gates are to be set back into the site by 6m in order to allow a vehicle to wait at the gates clear of the public highway.

Internally, the site layout is to be a shared surface design.

The submitted Transport Report states that junction visibility splays of 2.4m x 43m will be provided to the right (south) of the access for drivers egressing from the development.

The Highway Authority has deemed such provision acceptable and confirmed that the visibility splays proposed are an improvement on the existing situation, given that a dedicated footway is being provided in order to place vehicles more centrally in the access junction.

The proposed access point also allows for compliant pedestrian inter-visibility to be provided, which cannot be achieved in the existing situation. This is a benefit over the existing site access arrangement.

Under the circumstances no objection is raised to the proposed access to the site from Kents Hill Road.

Local residents have expressed some concern over the proposed use of an existing access onto Melcombe Road at the rear of the site. The applicants have advised that there is no intention to use the access for the construction of the development or to give rights of access to the new owners once the units are sold. The applicant confirms that all access, as indicated within the

application drawings and within the construction method statement, will access the site from Kent's Hill Road.

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

The currently adopted standards are the 2009 County Parking Standards.

The relevant parking standard for flats requires 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, consequently the maximum parking requirement for this development would be as follows:

18 units with 2 or more bedrooms:	36 spaces
5 units with one bedroom	5 spaces
Visitors 0.25 x 23	<u>6 spaces</u>
Total	47 spaces.

However, it is the practice of this Authority to apply parking standards flexibly in locations which offer good access to public transport and services. The proposal site is considered appropriate for consideration in this context and would therefore attract a requirement of one parking space for every residential unit. This would equate to the provision of 23 spaces.

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

The scheme provides 24 parking spaces however, which does provide some flexibility for visitors.

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

Car parking spaces are required to be 2.9m wide and 5.5m deep. This is achieved on the site.

The residential cycle parking requirement for flats is one secure space per unit plus one space per eight dwellings for visitors. Within the context of the proposed development, storage for 26 bicycles is required.

Provision for the storage of bicycles is made within the site, however the submitted planning statement identifies that only 23 secure parking spaces will be provided. This provision would not meet the needs of visitors; however, it is considered that a condition securing the provision of additional bicycle parking spaces can be imposed on the grant of any consent in order to ensure the provision of an appropriate level of bicycle parking on the site.

Local residents have objected to the proposal on the basis of inadequate parking and traffic generation.

As demonstrated above the scheme provides sufficient car parking provision to meet the needs of the site.

In terms of traffic generation, it must be noted that the site represents an allocated shopping site which currently supports commercial activities which are uncontrolled in terms of their hours of operation or potential for trip generation.

The proposed development will replace the significant potential for heavy vehicles to access the site with cars associated with the use and operation of a 23 unit residential scheme. Work

undertaken by the applicant predicts that there will be only six two-way vehicle movements in the weekday AM and PM peak hours respectively resulting from the 23 dwellings and an expected reduction in vehicles in comparison to the site's existing use as an industrial trade retail unit and office in the weekday AM and PM peaks. There would also be expected to be reductions in vehicle movements during key periods coinciding with the retail trade counter operation such as weekends.

The Highway Authority has not challenged this assessment.

One resident has raised concerns in respect of the accessibility of the site to emergency vehicles. The applicant has confirmed that emergency vehicles will be capable of accessing and egressing the site in forward gear.

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

Refuse and Recycling

RDG13 deals with refuse and recycling storage and requires such facilities to be of adequate size for the development they serve and not to adversely impact on the streetscene. A refuse bin storage area is to be provided within Block B. This is located beyond the 25m walking distance Local Authority refuse operatives are permitted to walk to collect refuse. However, the applicants have confirmed that refuse will be collected by a private waste collector which will not be subject to the same operational limitations.

This arrangement is considered satisfactory.

Provision of Affordable Housing

The proposal is above the threshold for the attraction of a contribution towards the provision of affordable housing.

Policy H7 of the adopted Local Plan sets out the Council's 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 provides the current guidance on the amount and type of contribution that is expected in relation to affordable housing provision. This currently requires the provision of 35% affordable housing on sites of 15 units or more. This would equate to the provision of 9 affordable housing units on this site.

The viability report prepared to support the now withdrawn New Local Plan, suggested however that within the mainland areas of the Borough the provision of 25% affordable housing was more appropriate. This would equate to the provision of 6 affordable housing units.

The applicant has not identified any affordable housing provision on the site but has agreed to provide an appropriate contribution towards the provision of off-site affordable housing.

Given the nature of the proposed development, the offer is considered acceptable in principle.

Subject to the applicant entering into a S106 agreement to secure such provision, no objection is raised to the proposal on the basis of affordable housing provision.

Ecology

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

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

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

The NPPF makes it clear that decision makers should minimise impacts on biodiversity and provide net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity.

The site is a commercial site with significant built form and areas of hardsurfacing. The site currently provides limited landscaped areas and consequently offers limited opportunities for wildlife.

There are 2 trees and 2 groups of trees present on the site, which would be affected by the proposed development. Some eight further trees are located on land immediately adjoining the site.

The predominant species are sycamore, cypress, birch, ash and goat willow and all are considered to be either in poor condition or unremarkable in form, lacking significant visual impact. None are the subject of Tree Preservation Orders.

The site has been identified as having very low landscape value and none of the trees present on the site are considered suitable for retention.

The scheme results in the removal of a goat willow and two young self-sown groups of sycamore and ash saplings. A small amount of pruning will also be required to three offsite trees. A further off site tree may also need to be removed due to its condition and unsustainable proximity to the boundary wall, however this is a matter for the applicant and the tree owner to determine.

The retained offsite trees will be protected during the construction phase by a combination of ground protection and fencing as detailed on the submitted tree protection plan.

Given the limited vegetation present on the site and the poor quality of that which is available, it is not considered that development of the site would have a significant adverse impact on visual amenity or wildlife in the vicinity.

The proposal does however provide the potential to increase the ecological interest and value of the site. A condition will therefore be attached to the grant of any consent requiring the submission, approval and implementation of a robust landscaping scheme, heavily biased towards indigenous, wildlife friendly species.

In strategic terms, it should further be noted that the site is within the zone of influence associated with the Ramsar site (Benfleet and Southend Marshes). Development of the site will therefore have wider ecological implications.

In September 2011, Natural England advised that 11 districts/boroughs Councils across Greater Essex, including Castle Point, should jointly prepare an Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS). The strategy would set a strategic approach to identifying the scale of recreational disturbance to Special Protection Areas, Special Areas of Conservation and Ramsar sites along the Essex Coast and propose measures to mitigate

impacts. Work amongst the 11 authorities has now progressed to the stage where it has been identified that as a consequence of past and future planning growth any proposal for new residential development within Castle Point will be likely to generate recreational activity within designated areas and as such every net dwelling provided will be expected to contribute financially to the mitigation of that demand.

The proposal seeks to provide 23 dwellings and as such a contribution towards RAMS is required.

This can be secured through the imposition of a S106 obligation.

Subject to the provision of the identified ecological enhancements and the developer entering into a S106 agreement to secure an appropriate contribution towards RAMS, no objection is raised to the proposed development on the basis of ecology or impact on trees.

Flood Risk

The site is identified as falling within Flood Zone 1 and is therefore at low risk of fluvial or tidal flooding, however some parts of the site would be susceptible to surface water flooding. The extent of the site susceptible is limited and would not appear to impact on the proposed dwellings, as such no objection is raised to the proposal on the basis of its vulnerability to flooding.

Development of a site would ordinarily run the risk of the potential for run off onto other sites, thus potentially increasing off-site flood risk. In this instance however it is noted that the site is extensively hard-surfaced and that the proposed scheme would result in a greater area of the site being permeable.

As the post-development's impermeable area is less than the current site, the volume of surface water run-off is considered likely to be reduced as a result of implementing the scheme, thus reducing the risk of off-site flooding.

Despite this situation however the applicant intends to install appropriate sustainable drainage measures in order to reduce the rate of surface water discharge from the site and improve the quality of water entering the public sewer network.

No objection is therefore raised to the proposal on the basis of flood risk or surface water drainage.

Contamination.

The application site has been used for commercial purposes for many years and there is therefore the potential for the site to suffer contamination.

The applicant has submitted a contaminated land assessment to identify possible contamination on the site. This study identifies that the site has historically been used for a variety of commercial purposes and that there is a medium to high risk of potential contaminative sources on site, representing possible risks to human health. It therefore recommends various remedial measures, the implementation of which can be secured by the imposition of a condition on the grant of any consent.

The Council's Environment Health Officer has considered the submissions and has raised no objection to the proposal on the basis of contamination.

Impact on surrounding residential properties

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.

Local residents have also raised concerns in respect of the proposed development, specifically with regard to the potential for noise, dirt and disturbance, parking and traffic considerations, the height of the buildings, loss of privacy, security and the use of the rear access from Melcombe Road.

Concerns in respect of parking, traffic, access from Melcombe Road and privacy have been considered in the foregoing evaluation and will not be repeated.

Security

A local resident has expressed fears that development of the site would encourage trespass and anti-social behaviour on the site.

During the construction period, it is considered that the developer will take appropriate steps to ensure the security of the site.

During the operational period, it should be noted that the proposed scheme incorporates the provision of 3m high gates at the front of the site which will limit access to residents only.

Furthermore occupation of the site by residents is considered likely to dissuade trespass.

It may be noted that Essex Police are keen to ensure that the development incorporates crime prevention and security measures in its design. An informative encouraging appropriate security measures will be appended to the grant of any consent.

Under the circumstances proposed concerns about security are considered to be addressed.

Noise, Dirt and Disturbance.

Construction will inevitably result in some noise and disturbance being experienced by adjoining residents. However such occurrences are transitory in nature and cannot therefore represent a robust objection to the proposal.

With regard to noise experienced as a result of the occupation of the scheme, it must be remembered that the proposal seeks to redevelop an existing commercial site with a residential development. The surrounding area is primarily characterised by residential development and the previous use of the site was known to generate levels of noise and disturbance which were detrimental to the amenity of some residents. It is not considered that the proposed use would give rise to unusual levels of noise and disturbance relative to the context of the site and its former and potential use.

No objection is therefore raised to the proposal on this basis.

In terms of dirt/dust generated through the construction period, the submitted Construction Method Statement sets out clear controls for the achievement of acceptable levels of noise and disturbance generated on the site and in the event of a nuisance occurring legislation is available to control such matters (Environmental Protection Act) and the applicant's attention will be drawn to the need to implement appropriate site management to avoid adverse impacts on adjoining residents and the wider road network.

Pollution

One resident has objected to the proposal on the basis of the potential for increased pollution arising from the vehicles associated with the future residential use of the site.

It must be borne in mind that the site is currently used for employment purposes and for many years was a source of noise and pollution to local residents as a consequence of attendance at the site by Heavy Goods Vehicles.

The employment use of the site remains extant and as a consequence use of the site by HGVs could recur if an alternative employment use was identified.

The current proposal seeks to redevelop the site for residential purposes and whilst it is acknowledged that this will attract traffic to the site, the scale and frequency of such traffic movements are not considered likely to be as injurious to the local community as previous uses, and in the absence of any demonstrated harm, it is not considered that an objection to the proposal on the basis of potential future pollution levels could be sustained on appeal.

No objection is therefore raised to the proposal on the basis of the potential for increased pollution.

Height

Comment has been received that the buildings will be over dominant and that the height of the buildings should be restricted to two storeys.

Whilst it is acknowledged that the majority of development in immediate proximity of the site is two storey in height, it should be noted that Block B to the rear of the site has a height of some 9.1m, which is comparable to many two storey buildings, (and would indeed appear to be a two storey building when viewed from the north) and Block A is located in visual range of three storey development to the south east of the site.

In terms of dominance and overshadowing neither building is considered likely to have a significant adverse impact on the amenity of adjoining occupiers.

Furthermore, it is not considered that the character and appearance of Kents Hill Road is one where strict control over building heights needs to be imposed.

Under the circumstances there is no identified justification for requiring the provision of two storey buildings on this site.

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

Sustainability and Infrastructure

The application site is located immediately to the north of the Benfleet Shopping area and approximately 80m north of the major distributor road and bus route through Benfleet. The site is within close proximity to a library, doctors and dental surgeries, pharmacists, supermarkets, post office and a primary school as well as significant areas of open space. In terms of its location the application site is considered to be highly sustainable.

In terms of the availability of local resources, one local resident has commented that existing physical and social infrastructure is inadequate to accommodate the demands of the proposed development.

Local Plan Policy CF1 states that where the infrastructure requirements generated by development cannot be met by existing provision, the Council will require developers to provide,

prior to occupation of the development, appropriate highway and drainage improvements or appropriate improvements to social infrastructure. These matters are considered below:

Highways

The NPPF seeks to ensure that new development is sustainable. In the case of transport, developments are expected to demonstrate the opportunity for use of sustainable transport modes and limited journeys.

Access to public transport from the site is generally good with easy access to bus routes on High Road. Employment and shopping facilities are also within a short distance from the site, as are schools. The site would consequently appear to be well placed in terms of the opportunities available to limit use of the private car.

Under the circumstances it is not considered that an objection to the proposal on the basis of undue reliance on private vehicles could be sustained on appeal.

No objection is therefore raised to the proposal on this basis.

Education

Essex County Council, as Education Authority, has raised no objection to the proposal and has not sought a contribution towards to the provision of Early Years, Primary or Secondary education. It must therefore be assumed that the Education Authority does not consider the proposal likely to prejudice education provision and no objection is therefore raised to the proposal on this basis.

Doctors Surgeries

It is suggested that the provision of further development will exacerbate difficulties of access to health services.

It should be noted that access to GP provision in Castle Point is not affected by the distribution of growth. There is an existing deficit of GP provision across the borough, and indeed nationally, that is a result of the recruitment and retention of GPs as opposed to the amount of facilities available. NHS England and the Castle Point and Rochford Clinical Commissioning Group are seeking to address this deficit in two ways. Firstly, they are seeking to recruit more GPs into the local area through the promotion and development of 'Training Practices'. They are also putting together a Primary Care Strategy which will seek special clinics developed for older people with complex care needs. This will relieve pressure on GPs to treat the remainder of the population

Under the circumstances, and in the absence of any objection from NHSEngland, it is not considered that an objection to the proposal on the basis of inadequate GP availability would be sustained on appeal.

Conclusion

The proposal represents the redevelopment of a sustainable urban brownfield site, allocated for shopping purposes in the adopted Local Plan, for residential purposes. Re-use of the land for residential purposes is consistent with the provisions of the NPPF and is considered acceptable on this site.

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

The proposal attracts a requirement for contributions towards the provision of off-site affordable housing and the mitigation of recreational disturbance in designated sites. Subject to the applicant

entering into a S106 agreement to secure the provision of appropriate contributions in these regards and the following conditions and having taken all other matters raised by interested parties into consideration my recommendation is: APPROVAL.

My Recommendation is Approval subject to S106 with the following conditions

- 1 This permission shall be read in conjunction with the agreement entered into under S106 of the Town and Country Planning Act 1990, dated contemporaneously with this permission.

REASON: In order to ensure the provision of an appropriate financial contribution towards the provision of off-site affordable housing and the mitigation of the impact of the proposed development on designated sites.

- 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 Prior to the installation of a surface water drainage scheme, 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:

- (i) 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.
- (ii) Limiting discharge rates to 9l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change.
- (ii) Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- (iv) Final modelling and calculations for all areas of the drainage system.
- (v) The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753.
- (vi) Detailed engineering drawings of each component of the drainage scheme.
- (vii) A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- (viii) A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation.

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

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

- 4 Development of the site shall be undertaken in accordance with the provisions of the submitted Construction Method Statement prepared by DAP Architecture Ltd, dated 26.04.2019.

REASON: In order to ensure the appropriate development of the site, consistent with protecting the amenity of adjoining residents, in accordance with the provisions of Policy EC3 of the adopted Local Plan.

- 5 No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

REASON: The National Planning Policy Framework paragraph 163 and paragraph 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

- 6 Prior to the installation of a surface water drainage scheme, 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.

- 7 Prior to the construction of foundations, a noise assessment, prepared in accordance with BS4142:2014 shall be provided to the Local Planning Authority for review.

REASON: In order to ensure that future occupiers of the site are not adversely affected by noise generated by the adjoining commercial development.

- 8 The site has been identified as having a medium to high risk of contamination. Remediation works shall be undertaken prior to the commencement of construction works, in accordance with the provisions of the submitted Remedial Method Statement, prepared by the Nott Group, dated 28th March 2019.

REASON: In order to ensure that the adverse consequences of encountering contamination on the site are minimised

- 9 Prior to commencement of the development, the road junction at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4m by 43m metres to the South, measured from and along the nearside edge of the carriageway. The visibility to the North shall be 2.4m x 22m. Such vehicular visibility splays shall be provided before the road junction is first used by vehicular traffic and retained free of any obstruction at all times as shown in principle on planning drawing 200.11.

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

- 10 The first and second floor windows in the northern elevation serving Flat 02 and Flat 03 and the first floor window in the southern elevation serving Flat 01 of Block A 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.

- 11 No other windows, openings or other glazed areas shall be created or formed in the southern or northern elevations of Block A without the prior consent of the Local Planning Authority.

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

- 12 The proposed windows at first floor level, serving the corridors and communal space in the northern elevation of Block B 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.

- 13 The proposed window at first floor level, serving Plot 18 in the eastern elevation of Block B 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.

- 14 No other windows, openings or other glazed areas shall be created or formed in the eastern, western, southern or northern elevations of Block B without the prior consent of the Local Planning Authority.

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

- 15 Any works to trees either on site or adjacent to the site, or any works undertaken to protect trees either on site or adjacent to the site, shall be undertaken in accordance with the provisions of Appendices 3 - 6 inclusive of the Arboricultural Impact Assessment Report prepared by Sharon Hosegood Associates, Reference: SHA 398 Rev A and dated 18th April 2019.

REASON: In order to protect retained trees on and around the site, in the interests of maintaining visual amenity and opportunity for biodiversity, in accordance with Government guidance as set out in the National Planning Policy Framework.

- 16 Any works to trees, including removal of trees, either on the site or adjacent to the site, which are affected by the proposed development, should be avoided during the bird breeding season of March to September inclusive.

If this is not possible a search should be undertaken, in the presence of a suitably qualified person, to confirm presence/absence of nesting birds prior to works being undertaken.

REASON: In order to ensure the safety and well-being of protected species.

- 17 Prior to the occupation of any of the proposed dwellings, the proposed shared drive shall be constructed to a width of 5 metres for at least the first 6 metres from the back edge of highway boundary and provided with an appropriate dropped kerb crossing of the verge.

REASON: To ensure that vehicles can enter and leave the highways in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety in accordance with Policy EC2 of the adopted Local Plan.

- 18 The car parking and turning area, as shown on drawing 794.200.12 dated 02.05.19, 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 area 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.

- 19 Any gates / barriers provided at the car park vehicular access shall be inward/vertically opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.

REASON: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed and to allow parking off street and clear from obstructing the adjacent carriageway in the interest of highway safety in accordance with Policy EC2 of the Adopted Local Plan.

- 20 Prior to first occupation of any flat, provision shall be made within the identified bicycle storage facility for the secure and covered storage of no fewer than 26 bicycles.

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.

- 21 Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, for

sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Policy EC2 of the adopted Local Plan.

- 22 Prior to first occupation of the development hereby approved, the proposed amenity areas shall be provided and thereafter permanently maintained.

REASON: In order to ensure the provision and retention of appropriate amenity areas within the site, in the interests of the amenity of future residents and in accordance with Policy H17 RDG6 of the adopted Local Plan.

- 23 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 be biased towards indigenous and wildlife friendly species and shall include full details of all proposed tree 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.

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.

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

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

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

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and Policy EC2 of the adopted Local Plan.

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

REASON: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety to ensure accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and Policy EC2 of the adopted Local Plan.

- 27 Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

REASON: To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety and in accordance with Policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and Policy EC2 of the adopted Local Plan.

Informatives

1. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. In undertaking the works hereby approved you are advised to satisfy yourself of your obligations to occupiers of adjoining properties in accordance with the Party Wall etc. Act 1996, details of which can be inspected at these offices or you may obtain details free of charge from the Planning Portal website (www.planningportal.gov.uk) under Building Regulations.
3. All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.
4. All works affecting the highway to be carried out by prior arrangement with, and to the requirements and satisfaction of and at no cost to the Highway Authority. Application for the necessary works should be made to Essex Highways, Unit 36, Childerditch Industrial Estate, Childerditch Hall Drive, Brentwood, CM13 3HD e-mail: development.management@essexhighways.org.

The above is required to ensure the proposal complies with the County Council's Highways and Transportation Development Control Policies February 2011.

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.

5. Asbestos containing material should be removed by a licenced contractor and should be disposed of in the appropriate manner.
6. All relevant precautions to minimise the potential for disturbance to neighbouring residents in terms of noise and dust during the construction and demolition phases of the development. Water suppression shall be employed for any stone or brick cutting and if necessary neighbours shall be advised in advance of any particularly noisy works.
7. Please be aware that the accepted Borough construction timings are:

Mon-Fri: 8am-6pm

Sat: 8am-1pm

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

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

8. Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement.

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

Desktop analysis has suggested that the proposed development will lead to an unacceptable risk of flooding downstream. Anglian Water therefore highly recommend that you engage with it at your earliest convenience to develop in consultation with a feasible drainage strategy.

If you have not done so already, Anglian Water recommend that you submit a Pre-planning enquiry with our Pre-Development team. This can be completed online at the website:
<http://www.anglianwater.co.uk/developers/pre-development.aspx>

Once submitted, Anglian Water will work with you in developing a feasible mitigation solution.

If a foul or surface water condition is applied by the Local Planning Authority to the Decision Notice, Anglian Water will require a copy of the following information prior to recommending discharging the condition:

Foul water:

Feasible drainage strategy agreed with Anglian Water detailing the discharge solution including:

- Development size
- Proposed discharge rate (Should you require a pumped connection, please note that Anglian Water minimum pumped discharge rate is 3.8l/s)
- Connecting manhole discharge location (No connections can be made into a public rising main)
- Notification of intention to connect to the public sewer under S106 of the Water Industry Act (More information can be found on the Anglian Water website)
- Feasible mitigation strategy in agreement with Anglian Water (if required)

Surface water:

Feasible drainage strategy agreed with Anglian Water detailing the discharge solution, including:

- Development hectare size
- Proposed discharge rate (Our minimum discharge rate is 5l/s. The applicant can verify the site's existing 1 in 1 year greenfield run off rate on the following HR Wallingford website
<http://www.uksuds.com/drainagecalculation-tools/greenfield-runoff-rate-estimation>.
- For Brownfield sites being demolished, the site should be treated as Greenfield. Where this is not practical Anglian Water would assess the roof area of the former development site and subject to capacity, permit the 1 in 1 year calculated rate).

Connecting manhole discharge location

Sufficient evidence to prove that all surface water disposal routes have been explored as detailed in the surface water hierarchy, stipulated in Building Regulations Part H (Our Surface Water Policy can be found on the Anglian Water website).

9. Essex Police

Pursuant to the NPPF, Essex Police would encourage the developer to incorporate Crime Prevention Through Environmental Design (CPTED) into this site by integrating the nationally approved, Police preferred, Secured By Design (SBD) accreditation into this development, to create a safe and accessible space.

Essex Police is able to support the applicant to achieve appropriate consideration of the Secure By Design requirements and is invited to contact Essex Police via:

designingoutcrime@essex.pnn.police.uk