



Council Offices, Kiln Road,  
Thundersley, Benfleet,  
Essex SS7 1TF.  
Tel. No: 01268 882200  
Fax No: 01268 882455



**David Marchant** LLB (Hons) BSc (Hons) CEng FICE FCMI  
**Chief Executive**

## AGENDA

**Committee:** DEVELOPMENT CONTROL

**Date and Time:** Tuesday 8<sup>th</sup> January 2019 at 7.30 p.m.

**Venue:** Council Chamber

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

**Membership:** Councillors Hart (Chairman), Mumford (Vice Chairman), Acott, Anderson, Blackwell, Cole, Cross, Mrs Haunts, Johnson, Ladzrie, Sharp, Taylor and Mrs Wass.

**Substitutes:** Councillors Mrs Blissett, Dick, Palmer and Mrs Sach

**Canvey Island Town Councillors :** Greig and TBC

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

**Enquiries:** Cheryl Salmon, ext. 2454

### PART I (Business to be taken in public)

#### 1. Apologies

#### 2. Members' Interests

#### 3. Minutes

A copy of the Minutes of the meeting held on 4<sup>th</sup> December 2018 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 reports are attached.

	Application No	Address	Page No
1.	18/0638/FUL	The Haystack Public House Car Park, Long Road, Canvey Island, Essex (Canvey Island South Ward)	1

Agendas and Minutes can be viewed at [www.castlepoint.gov.uk](http://www.castlepoint.gov.uk)  
Copies are available in larger print & audio format upon request  
If you would like a copy of this agenda in another language or alternative format:  
Phone: 0207 520 1431 or email [translations@languageline.co.uk](mailto:translations@languageline.co.uk)

DEVELOPMENT CONTROL COMMITTEE

4<sup>TH</sup> DECEMBER 2018

**PRESENT:** Councillors Hart (Chairman), Acott, Anderson, Blackwell, Cross, Dick\*, Mrs Haunts, Johnson, Ladzrie, Palmer\* and Sharp.

**\*Substitute Members Present:** Councillor Dick for Councillor Mrs Wass and Councillor Palmer for Councillor Taylor.

Canvey Island Town Council Representative Councillor Greig was in attendance.

**Also Present:** Councillors Riley and Mrs Sach.

Apologies for absence were received from Councillors Cole, Taylor and Mrs Wass.

**16. MEMBERS' INTERESTS**

Councillor Mumford declared a non-pecuniary interest in Agenda Item 5(1) as he had contacted various pub companies to see if they would be willing to take over the management of the Admiral Jellicoe Public House when it had closed. He had not received a response to his enquiries.

**17. MINUTES**

The Minutes of the meeting held on 6<sup>th</sup> November 2018 were taken as read and signed as correct.

**18. DEPOSITED PLANS**

- (a) **18/0391/FUL - ADMIRAL JELICOE 283 HIGH STREET CANVEY ISLAND ESSEX SS8 7RS (CANVEY ISLAND EAST WARD) - DEMOLITION OF EXISTING BUILDING, REPLACEMENT WITH 40 UNIT RESIDENTIAL FLATS WITH PARKING AND ASSOCIATED ACCESS & FACILITIES- BRANCH CO LTD**

The proposal sought consent for the provision of 40 flats arranged in the form of a quadrangle with associated parking, refuse and motor cycle and cycle parking facilities and amenity space, on land to the north of the High Street, some 30m west of Corsel Road, on Canvey Island.

The proposal was considered satisfactory in the context of the revised National Planning Policy Framework (NPPF), adopted Local Plan and Residential Design Guidance and was therefore recommended for conditional approval.

The application attracted a requirement for the provision of affordable housing and due to the scale and configuration of the proposed development, a financial contribution towards the provision of off-site affordable housing was considered acceptable. Such provision would require the applicant to enter into a S106 agreement to this effect.

The proposal also attracted a requirement for a contribution towards the mitigation of recreational disturbance on the European designated site (Southend and Benfleet Marshes Site of Special Scientific Interest), Special Protection Area and Ramsar site). This requirement would form part of the S106 agreement.

Mrs Dunford, a local resident, spoke in objection to the application.

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

During debate some Members expressed their objection to the development on the grounds that it would have an adverse impact on the character and appearance of the area contrary to Policy H13 of the adopted Local Plan and that it would result in overdevelopment of the site. It was also believed that there was insufficient parking facilities on site, there would be a detrimental impact on the surrounding road network and an adverse impact on the surface water drainage system.

Other Members were supportive of the proposal as it was on a brownfield site in an urban area, the redevelopment of which for residential purposes was entirely consistent with the provisions of the NPPF and it would meet identified housing need. The parking provision on site was in accordance with adopted standards and it was not considered that use of the car park, roof gardens and flats generally would lead to significantly greater levels of noise and disturbance than when the site had been used by a public house. It was noted that there had been no objections from the Highway Authority, the Local Flood Authority and Anglian Water to the development.

Following conclusion of the debate it was:-

**Resolved** – That the application be approved subject to the applicant being willing to enter into a S106 Agreement to secure the following:

- An appropriate contribution towards the provision of off-site affordable housing
- An appropriate contribution towards the mitigation of recreational disturbance on the European Designated site.

and the conditions as set out in the Planning Officer's report.

(b). **18/0609/FUL - EQUESTRIAN CENTRE AT BRAESIDE MANOR FARM GREAT BURCHES ROAD THUNDERSLEY BENFLEET ESSEX (ST PETER'S WARD) - DEMOLITION OF THE EXISTING EQUESTRIAN CENTRE BUILDINGS AND ACCOMPANYING DEVELOPMENT FOR THE REDEVELOPMENT OF THE SITE FOR 44 RESIDENTIAL DWELLINGS, PROVISION OF AREAS OF PUBLIC OPEN SPACE AND LANDSCAPING ENHANCEMENTS - BRAESIDE MANOR FARM DEVELOPMENTS**

(Councillor Sharp left the Chamber during consideration of this item and on his return did not take part in the discussion or the vote for this application).

The site was currently in use as a liveried equestrian centre. It was proposed to redevelop the site for residential purposes, providing 44 dwellings and associated infrastructure. Two existing buildings were to be retained as a management suite for the retained open space.

The Planning Officer reported that the proposed development represented inappropriate development in the Green Belt in respect of which no very special circumstances had been identified which either individually or cumulatively outweighed the harm to the Green Belt. The proposal was considered premature in the context of the publication of the new Local Plan and Joint Strategic Plan and was considered to represent overdevelopment of the site, inconsistent with the character of the surrounding area and detrimental to the amenity of adjoining residents. Furthermore the proposal was considered to represent a socially and environmentally unsustainable development, likely to result in significant traffic movements along Great Burches Road, to the detriment of the safety of pedestrians and other road users. The development was therefore recommended for refusal.

The application had been called in by Councillor Dick on the basis that the proposal was not conducive to Green Belt policy.

Mr Clarkson, a local resident, spoke in objection to the application.

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

Following consideration of the item Members concurred with the Planning Officer's view that the proposal represented inappropriate development in the Green Belt, would result in overdevelopment of the site and was socially and environmentally unsustainable to the detriment of the safety of pedestrians and other road users of Great Burches Road.

During discussion a Member suggested that it would be beneficial for the applicant to meet with the Planning Officer and Chairman to see if a more suitable development could be achieved.

Following discussion it was:-

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

1. Within the context of Government guidance it is considered that the current proposal is premature in that it seeks to determine the location of future development outside the confines of the Examination in Public of the New Local Plan. The release of land for development on the basis of individual applications would lead to poorly planned growth and would fail to deliver development in an effective and managed way. To achieve sustainable growth within the borough the decision on which sites to allocate for development should be taken at a strategic level as part of the Local Plan process, which this application seeks to circumvent. The site is allocated as Green Belt where national planning policy as set out in the National Planning Policy Framework states that development of this nature is not appropriate and will only be permitted if very special circumstances exist to justify its inappropriateness. It is not considered that any very special circumstances exist or have been demonstrated to justify the proposed development which would be detrimental to the openness of this part of the Green Belt, contrary to national planning policy.
2. The proposed development, by reason of its intensive urban form, provides a cramped setting for the proposed dwellings and represents overdevelopment of the site, out of character with, and detrimental to, the character and appearance of the surrounding area, contrary to Policies EC2 and H17 of the adopted Local Plan, RDG2, 3, 4, 5 and 6 of the adopted Residential Design Guidance and Government guidance as set out in the National Planning Policy Framework.
3. The proposed development, by reason of the relationships created between the dwellings on Plots 29 - 34, would result in an intense urban environment, dominated by parked vehicles, to the detriment of the character and appearance of the proposed development and the amenity of future residents, contrary to Policies EC2, H17 and T8 of the adopted Local Plan, RDG12 of the adopted Residential Design Guidance and Government guidance as set out in the National Planning Policy Framework.
4. The proposed development, by reason of its intensive urban form, fails to give satisfactory consideration to the natural features present on the site, to the detriment of the character and appearance of the proposed development, contrary to Policy EC2 of the adopted Local Plan, and Government guidance as set out in the National Planning Policy Framework.
5. The proposed development, by reason of its isolation from local and community facilities, fails to achieve a sustainable form of development, contrary to Government guidance as set out in the National Planning Policy Framework.

- 6 The proposed development, by reason of its isolated location and limited access to public transport routes is considered likely to be heavily reliant on the use of private transport and will consequently result in significant vehicle movements along Great Burches Road, which is a private road lacking public footways, to the detriment of the amenity of local residents and the safety of pedestrians and other road users, contrary to Policy EC2 of the adopted Local Plan, and Government guidance as set out in the National Planning Policy Framework.

3. **18/0382/OUT - CHASE NURSERIES. THE CHASE, THUNDERSLEY (CEDAR HALL WARD) - OUTLINE - DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF ELEVEN HOUSES WITH DETERMINATION OF ACCESS, SCALE AND LAYOUT - MR AND MRS PETTIFOR**

At its meeting on 2<sup>nd</sup> October 2018 the Committee had given consideration to an application for outline permission for the development of land at the site of the former Chase Nurseries with eleven detached dwellings, an access Road and associated infrastructure.

The proposal had been recommended for refusal on the basis of Green Belt policy and prematurity. Concerns were also raised in respect of the low density of the proposed development and the piecemeal nature of the proposed release of the site in advance of comprehensive consideration of all potential strategic sites which was considered likely to prejudice the achievement of a more comprehensive and efficient form of development.

Following consideration of the report, Members were of the view that the proposal was in accordance with the NPPF as it was on previously developed land and was not premature in the context of the Local Plan as the site had consistently been included in previous draft versions of the Local Plan for development purposes. The development was not considered to be of unduly low density and Members felt that there was a need for this type of accommodation in the local area. Members were therefore minded to grant consent of the development.

However, by virtue of the provisions of the Town and Country Planning (Consultation) (England) Direction 2009, the application was identified as one which needed to be referred to the Secretary of State, in order that he might consider whether this was an application he wished to call in for his own determination. The Secretary of State had now advised that he had decided not to call in the application and was content that it should be determined by the local planning authority. The reason for this decision was that, having regard to his policy on call-ins, the application did not involve issues of more than local importance justifying the Secretary of State's intervention. Accordingly the matter was referred to Members for final determination.

The Planning Officer informed the Committee that since the application was originally considered work had progressed on the Essex Coast Recreational Avoidance and Mitigation Strategy (RAMS). The strategy, jointly prepared by the 11 district/borough Councils across Greater Essex, set a strategic approach to identifying the scale of recreational disturbance to Special Protection Areas, Special Areas of Conservation and Ramsar. It had now been identified that as a consequence of past and future planning growth any proposal for new residential development within Castle Point would be likely to generate recreational activity within designated areas and as such every net dwelling provided would be expected to contribute financially to the mitigation of that demand. Such contribution could be secured through the provisions of a S106 Agreement.

The Planning Officer therefore advised that should Members remain minded to grant permission for the proposed development, it was considered that any such grant of consent should be subject to a S106 agreement and conditions as set out in the report.

Following consideration of the item it was:-

**Resolved** – That the application be approved subject to the applicant being willing to enter into a S106 Agreement to secure the following:

- the appropriate provision and management of the proposed public open space,
- the appropriate provision and maintenance of bird and bat boxes,
- the appropriate upkeep of the requisite upgraded highway and
- the provision of a contribution towards the mitigation of recreational disturbance on the European Designated site (Southend and Benfleet Marshes Site of Special Scientific Interest, Special Protection Area and Ramsar site)

and the conditions as set out in the Planning Officer's report.

Chairman



**ITEM 1**

<b>Application Number:</b>	<b>18/0638/FUL</b>
<b>Address:</b>	<b>The Haystack Public House Car Park Long Road Canvey Island Essex (Canvey Island South Ward)</b>
<b>Description of Development:</b>	<b>Three-storey mixed commercial/residential development to include 6 retail units and 14 flats with communal garden and parking provision</b>
<b>Applicant:</b>	<b>Islanders Fish Restaurants Ltd</b>
<b>Case Officer:</b>	<b>Ms Kim Fisher-Bright</b>
<b>Expiry Date</b>	<b>11.01.2019</b>

---

**Summary**

The application seeks consent for a development of six retail units and fourteen flats on land close to the junction of Long Road and Furtherwick Road, on the site of the former Haystack Public House car park.

The introduction of residential development on the site constitutes a departure from the Development Plan as the site is allocated for shopping purposes in the Adopted Local Plan. However, the proposal retains a commercial element, consistent with its Town Centre location and would be consistent with Government guidance as set out in the NPPF which seeks to secure residential accommodation at first floor level and above within Town Centres.

No objection is therefore raised to the principle of a mixed commercial/residential development on this site.

The proposed development can satisfy all highway and drainage requirements and there is no strong economic reason why the redevelopment of the site for mixed commercial/residential purposes should not be allowed.

The proposal will however attract a requirement for a contribution under the provisions of the Recreational Disturbance Avoidance Mitigation Strategy, which can be secured through a S106 Agreement.

Subject to such an agreements and appropriate conditions, the proposal is recommended for approval.

**Site Visit**

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

**Introduction**

The site is located on the southern side of Long Road and is irregular in shape, having a maximum width of some 40m reducing to approximately 32m at the front elevation of the building and a maximum depth of some 51.4m.

The site is currently vacant but was previously used for many years as the carpark serving the Haystack Public House which is located on the northern side of Long Road, at the junction with Furtherwick Road. In more recent times part has been used as a taxi rank and shopper's car park.

To the north the site is bounded by the carriageway of Long Road, beyond which is the Haystack Public House and Iceland store car park. To the east is a terrace of two storey commercial and residential properties whilst the west are the three storey blocks of flats known as Drapers Court and Bradley Court.

To the south the site is bounded by Cisca House, a single storey senior citizen centre and the former Rio Cinema.

An existing vehicular shared access, gaining access from Long Road, serves both the application site and the rear of the existing 2 storey parade of shops (with flats above) primarily fronting Furtherwick Road.

### **The Proposal**

The submitted drawings indicate the provision of a three storey, pitched roofed building providing six commercial units at ground floor and 12 two bedroomed and two 3 bedroomed flats arranged across two floors above. These would be served by both lift and stairs.

The applicant advises that the number of commercial units is subject to market demand and may be varied to provide less than 6 units when constructed.

Car parking for 22 vehicles would be provided within an undercroft at the rear of the frontage development, with a large garden/amenity area provided at first floor level. Access to the parking area would be via an existing access point, which would be improved and increased in width from 3.45m to 5.5m in order to accommodate the traffic accessing this site and that to the east.

It is also intended to provide a 900mm wide pedestrian path (painted hatched zone) to the end of the existing parade of shops as there is no provision currently – this will be treated as a shared surface area and will provide a 6.4m wide access route, providing ample clear width for vehicles to pass a parked delivery vehicle. There will also be a new 2.0m wide pedestrian footpath against the side of the new building on the east elevation that will continue southwards along the edge of the car parking perimeter

Following discussion on site with Essex CC Highways, the radius at the junction with Long Road has been increased to ease/facilitate the reversing of delivery vehicles (times to be managed as far as possible) and waste collection.

Refuse and recycling storage and bicycle storage would be provided within the envelope of the building.

### **Supplementary Documentation**

The application was accompanied by the following documents:

- Design And Access Statement
- Flood Response Plan
- Sequential Test Report

- Tidal Breach Modelling Report
- Tidal Breach Modelling Rep...
- Flood Risk Assessment
- Landscaping Palette
- Hydrostatic Calculations

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

### **Relevant Planning History**

A request for pre application advice was received in October 2017. This application follows the provision of advice.

There is no other relevant planning history.

### **Local Plan Allocation**

Shopping

### **Government Guidance and Relevant Policies**

#### National Planning Policy Framework (NPPF 2018)

##### *Introduction:*

Paragraphs 2, 3, 6

##### *Achieving sustainable development:*

Paragraphs 7, 8, 10, 11, 12

##### *Decision Making:*

Paragraphs 38, 47, 54, 55, 56

##### *Delivering a sufficient supply of new homes:*

Paragraph 62,

##### *Ensuring the vitality of Town Centres*

Paragraphs 85, 87

##### *Promoting sustainable transport:*

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

##### *Making effective use of land:*

Paragraphs 117, 118, 121, 122, 123

##### *Achieving well-designed places:*

Paragraphs 124, 127, 130

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

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

##### *Ecology:*

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

Castle Point Borough Council Adopted Local Plan 1998

Policy S1	Location of Retail Development
Policy S4	Non-Retail Development
Policy S5	Parking and Servicing
Policy H13	Location of Development
Policy H7	Affordable Housing
Policy H9	New Housing Densities
Policy H10	Mix of Development
Policy H17	Housing Development – Design and Layout
Policy T8	Car Parking Standards
Policy EC2	Design
Policy EC3	Residential Amenity
Policy EC4	Pollution
Policy EC5	Crime Prevention
Policy EC7	Natural and Semi-Natural Features in Urban Areas
Policy EC13	Protection of Wildlife and their Habitats
Policy EC22	Retention of Trees, Woodland and Hedgerows
Policy CF14	Surface Water Disposal

Residential Design Guidance –

RDG2 –	Space around Dwellings
RDG3 –	Building Lines
RDG5 –	Privacy & Living Conditions
RDG6 –	Amenity Space
RDG8	Detailing
RDG9 –	Energy & Water Efficiency & Renewable Energy
RDG10 –	Enclosure & Boundary Treatment
RDG11 –	Landscaping
RDG12 –	Parking & Access
RDG13 –	Refuse & 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 (25<sup>th</sup> 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)

## **Consultation**

### ECC Legal Services

No response received.

### CPBC Legal Services

Land owned by the Council lies to the west and south of the site. Concerned about the potential for encroachment.

### CPBC Environmental Health Officer

Concerned about potential impact of hot food takeaways on future residents.

Conditions/informatives requested.

### CPBC Streetscene Officer

Access to commercial bin area unclear.

No objection to domestic bin area. Need to ensure that the pavement outside the bin area has a drop kerb to allow the bins to be wheeled to the vehicle.

### CPBC Emergency Planning Officer

Flood Response Plan requires updating.

### Canvey Island Town Council

Not opposed to the development of this site but consider this application should be refused for the following reasons:

- It is out of character with the current street scene.
- The current infrastructure is inadequate and further development could cause an adverse effect on a very busy road and is too close to the roundabout and pedestrian crossing.
- The proposed development fails to provide adequate parking for the retail units and no facility for deliveries.

### Lead Local Flood Authority

No objection subject to conditions.

### Anglian Water

The foul drainage from this development is in the catchment of Canvey Island Water Recycling Centre that will have available capacity for these flows.

Surface Water Drainage Strategy unacceptable. Recommends condition.

### Environment Agency

No objection subject to condition.

### ECC Highways

No objection, subject to conditions.

### Social Services

No response received

ECC Infrastructure

No response received

NHS England

No response received

Essex Police.

Would like to see this developer seek to achieve a Secured by Design award in respect of this development.

**Public Consultation**

A Notice was posted on the site and 88 local residents and occupiers were consulted.

The following responses were received:

Objection

Proposal should include opportunities for the charging of electric vehicles.

Support

The application fits with the area and the local car park provides the parking for shoppers.

**Comments on Consultation Responses**

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

**Evaluation of Proposal**

The main issues to be considered are:

- (i) The principle of a mixed use on the site
- (ii) Scale, density, design, layout and external materials
- (iii) Other material considerations.
  - (a) Residential Amenity
  - (b) Pollution
  - (c) Energy and Water Efficiency
  - (d) Internal Space Provision
  - (e) Trees and Landscaping
  - (f) Ecology
  - (g) Drainage and
  - (h) Affordable Housing
  - (i) Secured By Design

(i) The principle of a mixed use on the site

The site is allocated for shopping purposes 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 site is not within a primary shopping frontage, being located on the periphery of the Town Centre.

The site has for many years under-performed in terms of its contribution to the vitality and viability of the Town Centre as a car park, given the availability of other, better maintained car parks in the vicinity and in recent months has in fact been unavailable for use, thus presenting a visually poor and unused feature in the Town Centre edge.

The development of the site will result in the loss of a carpark and might be expected to prejudice the operation of the Public House it formerly served, however the car park has not been exclusively used by patrons of the Haystack Public House for many years, and as a consequence it is not considered that its loss would have a significant impact on the operation of that facility or the viability or vitality of the Town Centre and could result in a significant improvement in the visual quality of the entrance to the Town Centre from the west.

The principle of redevelopment is therefore welcomed.

The proposal seeks to provide retail space at ground floor level with two floors of residential accommodation above.

In terms of the commercial element of the proposal, it is intended to provide some 301m<sup>2</sup> of commercial floorspace, comprising:

A1 – Shops	122m <sup>2</sup>
A3 - Restaurants and cafes	114m <sup>2</sup>
A5 - Hot food takeaways	65m <sup>2</sup>

The provision of such accommodation on the site would, in principle, be consistent with it's the Local Plan allocation and town centre fringe location and as such no objection is raised to the principle of its provision on this site.

Whether the scheme is equally acceptable in terms of its detail will be examined later in this report.

The provision of residential accommodation on the site would, prima facie, appear inconsistent with the Local Plan allocation.

The site is however identified as suitable for residential use in the adopted Canvey Town Centre Master Plan.

Furthermore, the NPPF at paragraph 85(f) supports the allocation of a range of suitable sites to meet a variety of uses, including residential development, in town centres. Paragraphs 85 and 117 of the NPPF encourage local authorities to recognise the importance of residential uses within the Town Centre and the approval of residential development on appropriate brownfield sites. The use of space above retail units is particularly identified as being suitable for residential use.

The delivery of residential development on this previously developed site would provide an important contribution towards the provision of new homes within the Borough which exhibits a significant deficiency in housing land supply.

No objection is therefore raised to the principle of an element of residential development in this site.

In respect of the location of flatted forms of development, Policy H13 of the Local Plan requires their location to be on, or near, a main road. This is to ensure that the higher levels of activity usually generated by such intensive forms of development do not have an adverse impact on the character of the area or amenity of occupiers in lower density forms of residential development and to encourage sustainable patterns of development.

This is consistent with paragraph 104 of the NPPF which seeks a mix of uses to minimise journey lengths for employment, shopping, leisure, education and other activities.

The application site is located on a main road and as such the proposed development is consistent with the Policy provision.

Furthermore the location of the site provides convenient access to local facilities within the town centre and to public transport. As such the site conforms to the principal requirements of Policy H13.

Given the location and circumstances of the site, the neighbouring forms of development and the contribution the site could make towards the provision of housing in the Borough the principle of residential flatted development on this site is considered acceptable.

Policy H13 is also concerned with ensuring that the location of flats does not adversely affect the amenity of adjoining residents. Detailed matters relating to residential amenity are discussed later in the evaluation of this proposal.

(ii) Scale, density, siting, design, layout and external materials

Policy EC2 of the Local Plan seeks a high standard of design in all development, which should have regard to the scale, density, siting, design, layout and external materials, in respect of both the development and its surroundings. This is consistent with paragraph 124 of the NPPF which requires development to contribute positively to making places better for people to live and work and the achievement of high quality and inclusive design for all development and paragraph 127 which seeks to ensure that development responds to local character and history, and maintains a strong sense of place while not preventing or discouraging appropriate innovation.

Policy H9 of the Local Plan requires the optimum density of housing to be achieved on any site, whilst ensuring that the proposal does not harm the character of the surrounding area, provides a functional and attractive layout with adequate building lines, landscaping, setting and space around the building and ensuring that the proposal accords with all appropriate policies. This is broadly consistent with para 122 of the NPPF which requires development to make efficient use of land and optimise the potential of a site to accommodate development, create and sustain an appropriate mix of uses and support local facilities and transport networks.

Policy H17 of the Local Plan requires consideration of the provisions of the Residential Design Guidance (RDG) Supplementary Planning Document, which is consistent with the design policies contained in the NPPF.

In the context created by the above policies and guidance consideration will be given to the scale, density and mix, siting, design, layout and external materials as follows:



(a) Scale

In order to achieve the quantum of development proposed, the proposal seeks the provision of a three storey building. The inspiration for a building of this scale appears to have been drawn from the flatted development located immediately to the west of the site, which is three storeys in height. In such a context the provision of a similar scale of development is considered acceptable.

No objection is therefore raised to the scale of development.

(b) Density and mix

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

Whilst broadly consistent with paragraph 122 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 61 of the NPPF which requires local planning authorities to plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community.

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

The proposed development consists of a mixture of two and three bedroomed flats, 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.

(c) Siting

RDG2 considers the provision of appropriate space around dwellings, which should be informed by the prevailing character of the area. Where dwellings are located adjacent to public open space and other areas of land which serve as a buffer to development, or the prevailing pattern of development requires a tighter urban grain, less space may be considered appropriate.

RDG3 is concerned with the provision and protection of appropriate building lines.

In proposals for flats isolation space equivalent to at least 25% of the width of the building is required with at least 1m provided between the building and the site boundary.

Long Road at this point is characterised by mixed use two storey development and three storey residential development.

The mixed use development is characterised by a tight urban grain which provides limited isolation between buildings and boundaries whilst the newer residential development achieves greater provision, consistent with the guidance.

The proposed development is shown to have a width of some 30m. Isolation space equivalent to at least 7.5m is therefore required, with at least 1m required between the flank elevations and the boundary of the site.

The building is shown to be 1m from the western boundary of the site which satisfies the guidance, however due to the configuration of the site the building is shown to be within 2m of the eastern boundary at the front elevation. The proposal therefore appears to be provided with significantly less isolation space than required. However, due to its alignment the majority of the building would be at least 5m from the eastern boundary. Whilst a pinchpoint would be created at the front of the site, the provision of an access road into the site would do much to mitigate the impact of this pinchpoint.

It is recognised however that even acknowledging this situation, the building would still only achieve visually obvious isolation spaces of some 6m, where 7.5m is required. Prima facie this deficiency should attract a recommendation of refusal. However, the proposal is on the edge of a town centre where a higher density of development and tighter urban grain is experienced. Under the circumstances it is not considered that the limited overall isolation would have a significant adverse impact on the character and appearance of the area and as such no objection is raised to the proposal on this basis.

An essential element of the siting of a building is how it relates to the established landscape.

The proposed development is shown to be provided on the same line as that development to the east of the site, such setting being interrupted only by a canopy provided to the shops at ground floor level and terraces to the flats above. It is not considered that this level of disruption to a relatively weak building line at this point would be significantly harmful to the character and appearance of the western entrance to the Town Centre and no objection is therefore raised to the proposal in respect of the setting the building relative to the building line.

#### (d) Design

The applicant has identified the style of development to be provided on the site. Essentially the building will appear as a three storey pitched roofed structure provided with suppressed bonnet style roof with a terrace/balconies provided to the front elevation.

The provision of a pitched roofed building would be consistent with the character of other development in the area and is considered acceptable in its context. No objection is therefore raised to this aspect of the proposal.

The provision of an open canopy at ground floor level is reminiscent of the canopy originally provided to retail units on Furtherwick Road and whilst private balconies and terraces are not a feature of the Town Centre or the adjoining residential development, their presence is not considered harmful to the character of the area.

No objection is raised to the overall design principles engaged in the development of the scheme, although some detailed areas of concern will be discussed later in this report.

Whilst it is noted that the Town Council has objected to the proposal on the basis of its inconsistency with the character of the area, it is not considered that this objection can be sustained in the light of the adjoining development.

(e) Layout

Given the predominance of residential development within the scheme, assessment of the layout of the proposed development will be against the provisions of the Council's adopted Residential Design Guidance.

The submitted drawings show a building with commercial usage and parking provided to the ground floor and residential accommodation over two floors arranged around a first floor landscaped garden.

Pedestrian access to the flats would be via an entrance on Long Road, via the undercroft car parking or via an external staircase provided on the western side of the building. Both stair and lift access would be available internally.

Six of the flats would overlook the street, the remaining 8 would overlook the garden area which is shown to be located on the southern side of the building at first floor level. Almost taking the form of a large balcony, the edge of the proposed garden area would be located approximately 1m from the western boundary of the site and between 0m and 5m from the southern boundary.

RDG5 is concerned with the ability of any proposed residential development to secure the privacy and amenity of both existing and proposed occupiers. In order to achieve this RDG5 requires a distance of 9m be maintained between any boundary and first floor (2nd storey) windows and 15m to be maintained between any boundary and second floor (3rd storey) windows. However if the design/layout of a development does not result in direct views between primary windows, a reduced distance between windows and boundaries may be considered appropriate. The guidance is clear that edges of balconies should be treated in the same manner as windows.

The guidance also states that buildings should be designed to ensure that all windows are of a size which provides for adequate natural light and ventilation. High level, fixed shut or obscure glazed windows should be restricted to secondary windows serving rooms or areas which are not occupied for any length of time and/or require a high degree of privacy, or provide only secondary light/ventilation to a room.

The proposed development provides windows to all but the extreme southern elevation.

Windows and balconies provided within the development's northern elevation would overlook the street and the carpark to the Iceland store on the northern side of the road. As such it is not considered that these windows or balconies would result in any undue overlooking or loss of privacy for adjoining residents.

Whilst it is acknowledged that views could be gained from the terrace/balcony provided on the front elevation, over the car park and windows in the eastern elevation of the adjoining flatted development, it is considered that the provision of screens at the sides to the terrace/balconies would adequately obscure such views.

Windows and balconies in the southern elevation at first and second floor level would be located a minimum of 19m from the southern boundary of the site and satisfy the policy requirement.

Windows in the western elevation overlooking the garden area would be located some 22m from the western boundary and would satisfy the requirements of RDG5. The balconies on this elevation would also satisfy the requirement in respect of the western elevation but would not achieve this level of isolation from their side elevations and potentially have the capacity therefore to cause overlooking and a loss of privacy for users of the land to the south. Prima facie this represents an objection to the proposal, however, the view to the south would be over the adjoining Cisca House and the side elevation of the Rio Bingo Hall. In this context it is not considered that the proposed balconies to this elevation would have an adverse impact on the privacy or amenity of adjoining residents and no objection is raised to the proposal on that basis.

In order to avoid overlooking within the development however it is considered that the balconies to units 4, 5, 6, 7, 11, 12, 13 and 14 should be provided with opaque screens to either side of the balconies to a height of 1.8m from finished floor level.

The eastern elevation is punctuated by 'wraparound' and secondary windows serving bedrooms and ensuites at first and second floor level to flats 3 and 10 and high level windows serving a corridor providing access to flats 6, 7, 13 and 14.

RDG5 makes it clear that the provision of high level, fixed shut or obscure glazed windows should be restricted to secondary windows serving rooms or areas which are not occupied for any length of time and or require a high degree of privacy.

Windows in the eastern elevation are obscure glazed and high level, serving ensuites and providing secondary light to bedrooms. Subject to conditions requiring the retention of these windows as obscure glazed and high level, no objection is raised to this element of the proposal.

Units 6, 7, 13 and 14 are served by an internal access corridor which would receive natural light from high level windows located in the eastern elevation of the proposed building. As these windows do not serve living space and are simply required to provide light to an area of circulation space no objection is raised to the principle of their provision. These windows do however offer the opportunity for overlooking of the rear elevations of the adjoining development from a distance of some 12m. In order to protect the privacy and amenity of occupiers of the adjoining flats these windows should therefore be obscure glazed and fixed to 1.7m above the finished floor level of the circulation area they serve. Subject to such control no objection is raised to this element of the proposal.

High level windows are also proposed on the western elevation. These appear to serve bathrooms and ensuites only and as such may be obscure glazed and fixed to 1.7m above finished floor level without adversely impacting on the amenity of future occupiers or adjoining residents. Subject to such control no objection is raised to this element of the proposal.

The proposed garden terrace would extend to within 1m of the western boundary of the site and at one point would immediately abut the boundary on the southern side of the site. Such proximity is considered likely to offer significant opportunity for overlooking and loss of privacy.

To the south the terrace would overlook the Rio Bingo Hall and Cisca House beyond which lies the Primary Care Trust Building and car park area.

Whilst ordinarily the Planning Authority would expect the terrace to be located at least 9m from the boundary of the site, in this particular case it is considered that as a consequence of the nature of the adjoining uses the garden terrace would be unlikely to result in any loss of privacy or amenity to the users of the land to the south and under these specific circumstances it is not considered that a sustainable objection could be raised to this element of the proposal.

With regard to the western edge of the terrace, this would be located approximately 1m from the boundary with the adjoining flatted development and approximately 19m from the side elevation of that development which is heavily perforated by windows serving living accommodation.

The proposed terrace would provide an opportunity to overlook the carpark of the adjoining flatted development from close proximity, however it is not considered that such overlooking would result in a diminution of the privacy and amenity of the users of that car park and as such it is not considered that an objection to the proposal on the basis of overlooking of the car park could be sustained on appeal.

Furthermore, the proposed terrace would be located some 19m from the windows provided in the side elevation of the adjoining flats. The relationship achieved between the flats and the terrace would be similar to that achieved between first floor windows and balconies on more traditional forms of development and as such it is not considered that an objection to the proposal on the basis of overlooking and loss of privacy could be sustained on appeal.

Under the specific circumstances of this site therefore no objection is raised to the proposed garden terrace.

RDG6 is concerned with the provision of amenity space and requires the provision of 8m<sup>2</sup> of amenity space per habitable room for flats. Where flats contain 3 or less habitable rooms a minimum of 25m<sup>2</sup> of amenity space should be provided for each flat. Such provision can be either private or communal and can include balconies provided they have a minimum depth of 1.5m and a useable floor area of 5m<sup>2</sup>. Habitable rooms do not include bathrooms, en-suites and utility rooms.

12 two bedroomed flats and 2 three bedroomed flats are proposed which attracts a requirement for 364m<sup>2</sup> of amenity space.

The proposed first floor landscaped garden has an area of some 398m<sup>2</sup> and therefore satisfies the amenity area requirement.

RDG13 requires the provision of safe, adequate and suitable means of refuse and recycling storage. Access to and from such storage must be clear, flat and unobstructed, and there should be adequate space to remove, empty and navigate round the waste receptacles.

The submitted drawings indicate the provision of a rectangular bin storage building located adjacent to the access to the undercroft parking, served by a footpath, and a smaller commercial bin storage area provided at the western end of the building.

The larger facility would appear to be set approximately 23m from the back of footpath on the east side of the development, in line with Council guidelines (25m). Direct access is provided with double door entry (min. clear width of 1m) for collection. The bin provision is as follows:

- Refuse provision to be 2 x 1100 litre bins

- Pink sack recycling provision to be 2 x 1100 litre bins.
- Food waste recycling provision to be 1 x 240 litre bin
- Glass recycling provision to be 1 x 240 litre bin.

The Council's Refuse and Recycling Officer has stated that he is happy with this provision.

This area is also however to be shared by the smaller commercial units (max. 3 x 1100 litre bins serving 3 units). This is unacceptable to the Refuse and Recycling Officer who has stated that commercial and domestic waste should be fully segregated. An alternative location for the commercial waste from the three smaller units must therefore be identified. This can be achieved through the imposition of a condition on the grant of any consent.

The commercial bin area located on the west side of the development is placed within a secure gated service area for exclusive use by the commercial units. This store indicates the provision of 3 x 1100 litre bins. These bins would be located beyond the recognised walking distance for Refuse Operatives and the applicant has advised that this waste will be privately contracted for collection via the side gate to the unloading area/collection on the widened access road on the east side of the building.

Under these circumstances, no objection is raised to this element of the proposal.

(f) Parking and Access

A significant element in the layout of any scheme is the provision of adequate, safe and convenient car parking.

Policy T8 of the adopted Local Plan sets out a requirement for development to make provision for car parking in accordance with the Council's adopted vehicle parking standards. This is consistent with para 105 of the NPPF which requires local planning authorities to set such standards reflecting local circumstances.

The current car parking standards require each two or three bedroomed dwelling to be provided with two on-site parking spaces. Each space should be 2.9m wide and 5.5m deep. One secure covered space per dwelling for cycles is also required.

The proposed development provides 14 properties which would require the provision of 28 car parking spaces.

In addition visitor parking at a ratio of 0.25 spaces per dwelling (rounded up) is required, thus the total parking requirement for the residential element of the development would be 32 spaces.

For the commercial element of the scheme some 34 spaces would be required, thus a total provision of 66 spaces should be made available on the site.

The proposal identifies the provision of 22 parking spaces with no distinction made between the residential and commercial elements of the proposal. Given the requirement for 22 spaces, (3 of which are disabled spaces) the scheme appears significantly deficient in parking provision.

However, the parking standards indicate that in urban areas a reduction in these standards may be considered, particularly for residential development where there is access to public transport, cycling and walking links to local services and facilities. Under these circumstances the Planning

Authority has routinely accepted the provision of parking on the basis of 1:1 for the residential units. Fourteen parking spaces would therefore be required for the residential element of the scheme.

Prima facie this would release 8 spaces for commercial use. Whilst this figure is still deficient of the standard, given the proximity of the site to public transport routes and local parking facilities for shoppers it is not considered that the identified deficiency of 26 spaces would be considered fatal, particularly when one considers the lack of on-site parking generally available within the Town Centre and the proximity of the site to public car parks at Oak Road and within the Paddocks complex.

Car parking spaces are required to be 2.9m wide and 5.5m deep and opposing bays are required to be 6m apart. This is achieved for most of the parking spaces, although two are all less than the requisite 5.5m deep. The Highway Authority has been specifically consulted on this issue and had responded that the minimal deficiency in parking space depth will not have an adverse impact on the operation of the car park. Consequently it has raised no objection to the proposal on this basis. In the absence of such an objection it is considered unlikely that a reason for refusal on this basis would be supported on appeal.

It is noted that no servicing facilities are available for delivery vehicles within the envelope of the proposed development. The omission of servicing facilities would be contrary to Policy S5 of the adopted Local Plan and would represent an objection to the proposal; however, following a meeting on site between the applicant and a representative from Essex Highways, it was agreed that the strategy for larger forms of deliveries for the commercial retail units on the site was for vehicles to reverse into the newly widened access road, and goods transferred by trolley via the rear service path via a secure gate. Smaller vans would be able to access the rear of the site via the secure car park. In order to facilitate easier vehicular movements when reversing, it was agreed that a larger than normal kerb radius of 7.5m should be provided to serve the access. Works to the radius would be undertaken beyond the confines of the application site, but can be secured by use of a Grampian style condition on the grant of any consent.

Cycle parking has been provided within the secure parking zone at ground floor level. This comprises of 10 stainless steel hoops, each able to secure 2 cycles, giving a total of 20 covered spaces.

For the residential element of the scheme 16 cycling parking spaces are required.

For the commercial element, the standard requires the provision of 1 space per 400m<sup>2</sup> for staff and 1 space per 400m<sup>2</sup> for customers for Class A1 uses, 1 space per 100m<sup>2</sup> for staff and 1 space per 100m<sup>2</sup> for customers for Class A3 uses and 1 space per 100m<sup>2</sup> for staff and 1 space per 100m<sup>2</sup> for customers for Class A5 uses.

On this basis a total of 6 additional cycle spaces would be required. This is not achieved on the site and could represent an objection to the proposal. However, the cycle parking spaces are provided within a secure car park to which the general public (customers) would not ordinarily be admitted. Under the circumstances the provision of customer cycle parking spaces within the site would appear redundant and no requirement for their provision is therefore maintained.

The cycle storage facility proposed is therefore considered adequate.

In terms of the location and design of the vehicle parking area, RDG12 requires the siting of parking not to dominate the public realm, and not to have an adverse impact on visual or residential amenity.

Parking areas are expected to be provided with ample opportunity for the exercise of natural surveillance and must be safe and convenient to use. Communal parking should be integrated into the overall design of the scheme.

The proposed parking is provided in the form of an undercroft located under the first floor terrace. In this location the parking area would have no adverse impact on the character and appearance of the surrounding area. Whilst surveillance of the area may be limited the provision of appropriately sited gates will enhance the security of the area such that high levels of natural surveillance are not considered necessary.

With regard to the proposed vehicular access to the site, this is shown to partially utilise the existing access serving the existing commercial site to the west, taken from Long Road.

The proposal includes widening the existing road access on to Long Road from 3.45m to 5.5m to allow for better and safer vehicular movement to the new development and improved access to the rear of the adjoining retail parade and flats. It is also intended to provide a 900mm wide pedestrian path (painted hatched zone) to the western end of the existing parade of shops in order to improve pedestrian safety. This zone will be treated as a shared surface area and will provide a total clear width of some 6.4m. This will provide the facility for vehicles to pass a parked delivery vehicle within the access road, thus avoiding vehicles waiting on the carriageway or footpaths to access the site. A 2m wide pedestrian footpath will also be provided along the eastern elevation of the proposed development to facilitate pedestrian access to the car park.

This arrangement is acceptable to the Highway Authority.

(g) Materials

The applicant has indicated that the external walls at ground floor level will generally be blue engineering bricks. The retail shop fronts will be aluminium framed double glazed (colour: mid grey). All metal work (balconies, columns, etc.) and copings/flashings to be gunmetal grey.

The external walls at first and second floor levels will use a terracotta rain screen system comprising of large format horizontal tiles on a steel support framework. Three natural earthy/sandy tones will be used on the elevation to create a warm but varied quality surface treatment.

Windows and external doors at first and second floor levels will be aluminium framed double glazed (colour: mid grey) and the roof will be artificial slate. All rainwater goods will be polyester powder coated (ppc) aluminium, also in gunmetal grey.

Western Red Cedar Vertical Timber Balustrade would be provided to the garden terrace and 2m high perimeter fence (architectural wire mesh with steel posts) would be provided to the eastern and southern boundaries. An existing timber fence would be retained to the western boundary.

The choice and range of materials are considered acceptable. No objection is therefore raised the proposal on this basis.



**(iii) Other Material Considerations**

**(a) Residential Amenity**

Policy EC3 of the Local Plan is concerned with ensuring that development does not have a significant adverse impact on residential amenity in respect of traffic, noise, fumes or other forms of disturbance.

This is generally consistent with paragraph 180 of the NPPF which requires development to be appropriate for its location and to take into account the effects of the development on general amenity and seeks to avoid noise from giving rise to significant adverse impacts on health and quality of life.

RDG12 seeks to ensure that parking provision is sited so as to avoid adverse impact on visual or residential amenity.

Consideration has been given to the potential for the passage of vehicles along the proposed access to the undercroft car park to result in undue noise and disturbance.

Whilst it is recognised that the passage of vehicles immediately adjacent to a flank wall could potentially result in noise and disturbance, such activity in the future must be considered in the context of past and current activity levels on the site.

The site represents an open carpark, the use of which may be recommenced with no limitation on the number of vehicles which may access the site or the hours of operation.

The proposed development will attract movements from potentially 22 cars and service vehicles. It is not considered that the noise and disturbance generated by such activity would be significantly different from that which might be experienced from a reinstatement of the former use and as such it is not considered that an objection can be raised the proposal on the basis of such disturbance.

The fact that the existing access to the west of the site already provides access and parking to the flats above the adjoining commercial development further limits the sensitivity of the area to activity of the type proposed.

The Council's Environmental Health Officer has identified the potential for noise and odour nuisance to be caused from the operation of class A3 (restaurant) and A5 (takeaway) use to residents living above. No details of sound insulation, mechanical ventilation or plant has been submitted and it is not therefore possible to determine the impact of the operation of the proposed units on the amenity of future residents. However, it is considered that conditions can be imposed on the grant of any consent to secure the details of appropriate mitigation measures. Subject to such conditions no objection is raised to the proposal on the basis of noise and disturbance for future residents.

It is considered that the proposed commercial uses will be too remote from other residential units to give rise to significant levels of noise and disturbance.

The Environmental Health Officer also considers that a condition should be imposed which prevents deliveries being taken at, or dispatched from, the site outside the hours of 07:00-21:00 nor at any time on Sundays, Bank or Public Holiday.

The premise behind the condition is considered acceptable, given that the proposed access will be located in close proximity to a number of residential units located the west of the application site, however, the proposed condition is considered too vague in its wording and could preclude the operation of the proposed takeaway units. A more refined approach which limited application of the condition to the supply chain rather than customers of the proposed development would be more appropriate and could be attached to the grant of any consent.

The impact of the proposal in terms of loss of privacy and overlooking has already been discussed in the context provided by RDG5 and is not revisited here.

(b) Pollution

Policy EC4 of the Local Plan states that development which would have a significant adverse effect on health, the natural environment, or general amenity by reason of noise, dust, vibration, light or heat, will be refused. This is generally consistent with paragraphs 178 -180 of the NPPF which seek remediation and mitigation of despoiled, degraded, derelict, contaminated and unstable land, requiring development to be appropriate for its location in order to prevent unacceptable risks from pollution and land stability, and requiring decisions to ensure that sites are suitable for their new use taking account of ground conditions, including pollution arising from previous uses.

The site has been extensively used for car parking purposes and may therefore have been subjected to contamination from vehicles. The EHO has not identified any contamination on the site, however in the interests of the safety of construction operatives and future users of the site, it is considered that an informative should be appended to the grant of any consent to the effect that should the works unearth any noxious wastes, such as would be considered in an Environmental Investigation (Contamination) or asbestos containing materials, careful consideration must be given to its handling and correct disposal.

Ground works and construction can give rise to noise and dust, to the detriment of local residents and businesses and can result in disruption to adjoining activities unless appropriately controlled. In order to minimise the adverse impact of the construction phase it is considered that a Construction Management Plan, detailing the provision of

- (i) the parking of vehicles of site operatives and visitors
- (ii) loading and unloading areas for plant and materials
- (iii) storage areas for plant and materials used in constructing the development and
- (iv) wheel and underbody washing facilities,

should be submitted and approved by the Planning Authority.

A condition to secure such a plan can be attached the grant of any consent.

In view of the location of the site at the entrance to a busy town centre it is also considered necessary to secure a lorry routing plan to ensure that heavy vehicles do not create or contribute towards congestion within the shopping area.

(c) Energy and Water Efficiency

RDG9 requires the design of all development to incorporate measures for achieving high levels of energy and water efficiency, and to demonstrate how its design, siting and layout has maximised the opportunities for solar gain, daylight penetration and the reuse/recycling of water. Their design and siting should be appropriate to the appearance of the building.

This is consistent with paragraph 148 of the NPPF which encourages development which reduces greenhouse gas emissions, and paragraph 153 which requires new development to take account of landform, layout orientation, massing and landscaping to minimise energy consumption.

The proposed development has been designed to take greatest advantage of its southern and western aspects, thus providing significant opportunity for passive solar gain.

In addition, the applicant has identified that the building will incorporate appropriate thermal insulation and that measures will be installed to harvest rain water for the purposes of irrigation of the communal garden. This will be achieved by capturing and holding rain water run-off from the roof and the garden zone within an underground tank alongside the surface water attenuation tank.

It is considered that these measures are sufficient to mitigate energy and water use impacts arising from occupation of the site.

A local resident has suggested that the site could be made more energy efficient by requiring electric vehicle charging points (EVCP) to be provided within the car park.

This Authority currently has no policy in respect of the provision of EVCP and cannot therefore insist on such provision in this instance. It can however encourage the applicant to consider installation of such points. This can be achieved through the addition of an informative on the grant of any consent.

It should be noted that the installation of electric vehicle charging points within private car parks does not require the formal consent of the planning authority and it is therefore open to the applicant to provide such facility at any point.

(d) Internal Space Provision

RDG16 requires all new dwellings to provide appropriate internal space and circulation, and to meet the existing and future needs of occupiers over their lifetime without the need for extensive alteration or adaption.

This is consistent with paragraph 127 of the NPPF which seeks the delivery of a wide choice of high quality homes to meet the needs of different groups in the community including families with children, older people and people with disabilities.

The flats proposed have good sized rooms with suitable turning and circulation space capable of accommodating disability living requirements. The accessibility of the flats is also attested to by the provision of disabled parking facilities and the provision of a lift.

It is considered that a scheme providing units of the size currently proposed would be acceptable in the context of RDG16.

(e) Trees and Landscaping

Policy EC7 of the Local Plan seeks the retention and enhancement of natural and semi-natural features. Policy EC22 of the Local Plan seeks the retention of existing trees and hedgerows wherever possible. Policy EC13 of the Local Plan states that development which is prejudicial to the interests of all wildlife and the retention and management of important habitats will be refused.

These policies are generally consistent with paragraph 170 of the NPPF which seeks the protection and enhancement of valued landscapes, geological conservation interests and soils, paragraph 175 which aims to conserve and enhance biodiversity and Paragraph 171 which requires distinctions to be made between the hierarchy of international, national and locally designated wildlife or geodiversity sites, so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks.

RDG10 seeks high quality means of enclosure and surface treatment appropriate to its context and ongoing maintenance. It should not dominate the public realm.

RDG11 requires the provision of soft and/or hard landscaping, the provision and maintenance of which should be contained in a landscaping scheme and seeks the inclusion of sustainable drainage systems within landscaping proposals.

The site is completely hard surfaced and currently provides no opportunity for landscaping or biodiversity.

The redevelopment of the site affords an opportunity for the introduction of landscaping and the applicant has submitted a detailed landscaping scheme which seeks to create a 'naturalised' amenity area at first floor level, characterised by extensive herbaceous planting, mounding, and the formation of a meandering path which seeks to reflect the character of the salt marshes whilst maintaining a low maintenance and attractive open space for future occupiers.

Four silver birch are to be planted at car park level on the southern and western boundaries, to create lightly shaded areas and provide screening to these elevations and the amenity space.

The scheme would create an attractive feature for residents as well as providing habitat for smaller and more mobile wildlife, particularly birds and invertebrates.

Furthermore the applicant has indicated that irrigation of the amenity area would be achieved through rainwater harvesting, with run-off retained within a subterranean attenuation tank below the car park. Such treatment is considered to be consistent with the provisions of RDG11.

The submitted landscaping scheme is considered appropriate and acceptable and no objection is therefore raised to its provision.

(f) Ecology

The site has no ecological designation and given the nature of the site is considered unlikely to be of significant ecological value.

However, the site is within the Zone of Influence associated with the Benfleet and Southend Marshes, Site of Scientific Interest, Special Protection Area and Ramsar site.

In September 2011 Natural England advised that 11 districts/boroughs Councils across Greater Essex should jointly prepare an Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS). The strategy would set a strategic approach to identifying the scale of recreational disturbance to Special Protection Areas, Special Areas of Conservation and Ramsar sites along the Essex Coast and propose measures to mitigate impacts. Work amongst the 11 authorities has now progressed to the stage where it has been identified that as a consequence of past and future planning growth any proposal for new residential development within Castle Point will be likely to generate recreational activity within designated areas and as such every net dwelling provided will be expected to contribute financially to the mitigation of that demand.

The proposal seeks to provide 14 dwellings and as such a contribution towards RAMS is required.

This can be secured through the imposition of a S106 obligation on the grant of any consent.

(g) Flood Risk and Drainage

Residual Risk

Canvey Island lies within an area identified as falling within tidal Flood Zone 3, defined by the 'Planning Practice Guidance: Flood Risk and Coastal Change' as having a high probability of flooding. The site benefits from the presence of tidal defences, which defend Canvey Island to a 1 in 1000 annual probability standard of protection. Although Canvey Island is defended to a high standard of protection, it is at risk should there be a flood defence failure. This residual flood risk should be considered, as although the likelihood of it occurring is low, the consequences should it happen would be very high.

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

The proposed development is classified as a 'more vulnerable' development in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance. It is therefore required to pass the sequential and exception tests as set out in the NPPF and the Planning Practice Guidance (PPG), in order to determine whether sites of lower flood risk probability exist which may be more suitable for the type of development proposed.

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

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

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

Having passed the sequential test, the proposal must then pass the exception test. In order to meet the requirements of the exception test as described in paragraph 160 of the NPPF the proposal must demonstrate that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

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

The second criterion requires that the applicant demonstrate that the development is safe and where possible will reduce flood risk overall. The applicant has provided a FRA however, the basis of the submitted breach modelling is taken from Southend data which produces a much lower flood level than the levels anticipated within the Castle Point Strategic Flood Risk Assessment (SFRA). In view of the discrepancy, reliance has been placed on the SFRA which indicates that the site could experience breach flood depths of up to 1 metre during the 0.5% (1 in 200) annual probability including climate change breach flood event and up to 2 metres during the 0.1% (1 in 1000) annual probability including climate change breach flood event (up to the year 2110).

It is clear therefore that under breach flood conditions the ground floor of the building will experience inundation. The ground floor is commercial in use and is therefore less vulnerable in terms of risk, all living accommodation would be provided 3m above ground level and will therefore be above the 1:1000 flood levels.

Furthermore it should be noted that the proposed amenity area would also be located above the 1:1000 flood levels and could therefore offer refuge for occupiers of the ground floor units.

As submitted therefore, the proposed development can provide safe refuge for all occupiers of the building and no objection is therefore raised to the proposal on the basis of residual flood risk, subject to conditions requiring the finished floor levels to be set at 2.697mAoD for the ground floor level and a minimum of 4.1mAoD for the first floor level in order to ensure all residential accommodation is provided above the 0.1% climate change breach flood level.

No strategy for the mitigation of water entering the ground floor has been provided. Given the potential for water depths of up to 2m on the site, it is suggested that the applicants may wish to give consideration to a water entry strategy. Under this regime, the building would be designed to allow any potential flood water to pass through in the event of a flood. The rationale for this approach is that if there were a breach of the defences the site would be under significant depth of water and if water was not allowed to enter the buildings significant pressure differentials would develop between the inside and outside due to the depth of water; which could lead to structural failure.

An informative to this effect can be appended to the grant of any consent.

A Flood Response Plan has been provided and found to be acceptable by the Council's Emergency Planning Officer. No objection is therefore raised to the proposal on the basis of flood response.

In order to demonstrate that the development will remain safe under flood conditions the applicant is required to demonstrate that any structure built on the site will be able to withstand the hydrodynamic and hydrostatic pressures likely to be placed upon it under flood conditions.

A statement prepared by Structural and Civil Engineering Consultants has identified that the building would be able to withstand pressures exerted upon it in flood waters of some 0.524m, however these depths are based on base flood levels taken from Southend. The SFRA predicts greater flood water depths on the Island, the impact of which has not been tested. However, it is considered that this is a matter that may be resolved through the submission of further details secured via a condition,

Subject to a condition requiring the submission and approval of such details no objection is raised to the proposal on the basis of the inherent stability of the building under flood conditions.

#### Surface Water Drainage

The EA Flood Maps indicated that the southern part of the site is at low risk of surface water flooding. (Low risk means that each year this area has a chance of flooding of between 0.1% and 1%. Flooding from surface water is difficult to predict as rainfall location and volume are difficult to forecast. In addition, local features can greatly affect the chance and severity of flooding, it is therefore difficult to predict the level of flood waters in such an event). Parts of the undercroft car park could therefore be at risk of flooding.

Mitigation of this existing risk is required for the benefit of future residents and occupiers and for adjoining residents and occupiers who may experience surface water runoff.

Development of a site also carries the risk of the potential for greater run off onto other sites.

Paragraph 163 of the NPPF requires local planning authorities to ensure flood risk is not increased elsewhere when determining planning applications.

In this instance the site is currently completely hardsurfaced with limited opportunity for surface water runoff mitigation. However, the proposal will introduce landscaped areas onto the site which will provide some opportunity for water percolation and uptake by plants and in addition the applicant has submitted a surface water drainage strategy which seeks to retain excess surface water within an attenuation tank provided beneath the proposed car park. Water will be retained within the tank during periods of excessive rainfall and then used to irrigate the landscaped areas or pumped into the existing surface water drainage system at a controlled rate, in order to prevent surcharging within the system. The LLFA has considered the proposal and originally raised a holding objection however, following the submission of further information this response has been moderated to require the submission of 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 for approval. This can be secured via the imposition of a condition on the grant of any consent.

Conditions securing details of implementation and maintenance of the proposed system have been also requested and can be attached to the grant of any consent.

Under the circumstances, no objection is raised to the proposal on the basis of flood risk.

(h) Affordable Housing

For the avoidance of doubt it should be noted that the scheme proposed does not attract a requirement for the provision of affordable housing.

(i) Secured by Design

Essex Police has commented that it would like to see this development achieve a Secured by Design award. Secured by Design is the official UK Police flagship initiative combining the principles of 'designing out crime' with physical security.

The design and layout for the under-croft car park has been based upon principles set down by Secure by Design with proximity card-controlled access to both the pedestrian gate and the electronic steel framed sliding gate for vehicular access.

It is considered that other aspects of the proposal may also benefit from a 'secured by design;' approach and the applicant is encouraged to examine such opportunities.

An informative to this effect can be appended to the grant of any consent.

## **Conclusion**

The scheme constitutes a departure from the Development Plan as the site is allocated for shopping purposes in the Adopted Local Plan. However, the proposal retains a commercial element, consistent with its Town Centre location and would make a useful contribution towards meeting housing needs, in a sustainable location, consistent with Government guidance as set out in the NPPF.

Furthermore, the proposed development can satisfy all highway and drainage requirements and there is no strong economic reason why the redevelopment of the site for mixed commercial/residential purposes should not be allowed.

No objection is therefore raised to the principle of a mixed commercial/residential development on this site.

The scheme will attract a requirement for the payment of a contribution towards the mitigation of recreational disturbance with the Benfleet and Southern Marshes Site of Scientific Interest, Special Protection Area and Ramsar site. The payment of £150 per dwelling can be secured via a S106 Agreement.

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

My Recommendation is **Approval** subject to the applicant being willing to enter into a S106 agreement to secure the appropriate mitigation of recreational impact on the European Designated site (Benfleet and Southend Marshes) and the following conditions

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



REASON: In order to ensure the provision of an appropriate financial contribution towards the provision of appropriate mitigation of recreational disturbance on the European designated Site (Southend and Benfleet Marshes).

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

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

- 3 No development shall take place, including any ground works or demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period.

The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and underbody washing facilities
- v. the appropriate routing of lorries and contractors vehicles visiting the site.

REASON: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and to protect the amenity of adjoining residents , in accordance with the provisions of Policy EC2 of the adopted Local Plan.

- 4 Prior to the commencement of development details of the measures to be implemented to ensure that all construction vehicles, including private vehicles used by contractors, approach and leave the site via Long Road to and from the west shall be submitted to and approved by the Local Planning Authority. No construction vehicles should seek to access the site via the Town Centre for any purpose. (Construction Vehicle Routing Plan).

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

- 5 Prior to the commencement of development a Site Waste Management Plan shall be submitted to, and approved by the Local Planning Authority.

REASON: In order to ensure that construction waste is recycled or re-used in order to make the most efficient use of natural resources, in accordance with Government guidance as set out in the National Planning Policy Framework.

- 6 Prior to the commencement of development, a revised scheme demonstrating the ability of the proposed structure(s) to withstand the hydrostatic and hydrodynamic pressures likely to be acting on the buildings in a 1 in 100 year and 1 in 1000 year flood event, based on the provisions of the Castle Point Strategic Flood Risk Assessment, shall be prepared by a qualified structural engineer and submitted to the Local Planning Authority.

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

- 7 The development shall be constructed in accordance with the scheme submitted pursuant to condition 6 above, by a qualified structural engineer.

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

- 8 The proposed development shall be constructed incorporating the design principles provided in the Department of Communities and Local Government document 'Improving the Flood Performance of New Buildings. Flood Resilient Construction'.

REASON: In order to ensure the provision of robust buildings, capable of rapid recovery in the event of a flood, in the interests of the amenity, health and well being of future occupiers.

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

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

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

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

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy EC2 of the adopted Local Plan and Government guidance as contained in the National Planning Policy Framework.

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

REASON: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety to ensure accordance with policy EC2 of the adopted Local Plan and Government guidance as contained in the National Planning Policy Framework.

- 12 Prior to occupation of the development the alteration to the western radius of the access shall be provided to the requirements of the Highway Authority as shown in principle on (ERGO DWG A102 Rev F).

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

- 13 No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- Evidence that infiltration of surface water for the development is not viable should be provided. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure.
- Limiting discharge rates to 5l/s/ha for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change.
- Proof that you have permission from Anglian Water to discharge into their surface water sewer system. Evidence must also be provided that this connection is made in a suitable location.
- Justification for the pumped solution including drawing of the existing surface water system.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- 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

- 14 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.

- 15 No works shall take place until 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

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

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

- 17 The development permitted by this planning permission shall be carried out in accordance with the following mitigation measures:

(i) Finished ground floor levels are set no lower than 2.697 metres above Ordnance Datum (AOD).

(ii). Finished first floor levels are set no lower than 4.1 metres above Ordnance Datum (AOD). The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

REASON: To reduce the risk of flooding to the proposed development and future occupants.

- 18 Prior to the operation of the commercial premises, a scheme for the control of noise and vibration of any plant (including ventilation, refrigeration, air conditioning and air handling units) to be used in pursuance of this permission shall be submitted to and approved in writing by the Local Planning Authority. This shall then be so installed prior to the first use of the premises.

The equipment shall be maintained and operated in compliance to the approved scheme whenever it is operation. After installation of the approved plant, no new plant or ducting system shall be used without the prior written consent of the Local Planning Authority.

REASON: In order to protect the amenity of residential occupiers of the site in accordance with Policy EC2 of the adopted Local Plan.

- 19 No deliveries shall be taken at the site outside the hours of 07:00-21:00 Monday - Saturday nor at any time on Sundays or Bank or Public Holidays.

REASON: In order to protect the amenity of residential occupiers of the site and the surrounding area, in accordance with Policy EC2 of the adopted Local Plan

- 20 Prior to first occupation each commercial unit shall be provided with at least 1x100 litre bin which shall be stored and used separately from the proposed domestic refuse and recycling area.

REASON: In order to ensure the provision of adequate and appropriate on site refuse and recycling facilities to meet the needs of the proposed commercial units

- 21 The proposed domestic waste storage facilities shall be provided prior to occupation of any flat. Thereafter such facilities shall be kept available for use by occupiers of the building for the storage of domestic waste prior to collection and not used for any other purpose.

Each bin provided within the storage facility shall be capable of being removed individually without the need to remove other bins.

REASON: In order to ensure the provision of adequate on-site waste storage facilities, the interest of the visual and residential amenity of the area.

- 22 The proposed refuse and recycling areas shall be served by a dropped kerb crossing in order to facilitate access and removal of refuse and recycling matter.

REASON: In order to ensure the provision of adequate and appropriate on site refuse and recycling facilities to meet the needs of the proposed commercial units.

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

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.

- 24 The proposed development shall not be occupied until such time as the vehicle parking areas indicated on the approved plans, including any parking spaces for the mobility impaired, has been provided. The vehicle parking areas and associated turning areas shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy T8 of the Adopted Local Plan.

- 25 Prior to first occupation of the proposed development, the approved cycle storage facility shall be provided and made available for use. Thereafter, it shall be kept available for the purpose of cycle storage and not used for any other purpose.

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.

- 26 The submitted schedule of materials is considered acceptable. The development hereby approved shall be built wholly in accordance with the approved materials, from which there shall be no departure without the formal consent of the Local Planning Authority.

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

- 27 Prior to the end of the first planting season after first occupation of the development hereby approved all landscaping works shall be carried out in accordance with the approved landscaping scheme shown on Drg no: (903)004A dated March 2018 and received by the Planning Authority on the 16th August 2018.

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

- 28 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.

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

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

- 30 The western elevations of the proposed balconies on the northern elevation of the proposed development at first and second floor level at first and second floor level shall be obscure glazed and fixed to a height of 1.7m above the finished floor level of the area they serve and thereafter permanently maintained as such.

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

- 31 An opaque screen to visibility shall be provided between the proposed balconies on the northern, southern and western elevations of the building, to a height of 1.7m above the finished floor level of the area they serve and thereafter permanently maintained as such.

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

### **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 Please note that a site notice was displayed in a publicly visible location at the site. Castle Point Borough Council would appreciate your co-operation in taking the site notice down and disposing of it properly, in the interests of the environment.
- 3 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](http://www.planningportal.gov.uk)) under Building Regulations.
- 4 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.

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 email: [development.management@essexhighways.org](mailto: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 There should be sufficient floor insulation to ensure that future use of the commercial site does not affect residents. Sound Proofing should be installed in accordance with the provisions of the Building Regulations.
- 6 There is a potential to cause a noise and dust nuisance during construction of these dwelling.

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.

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.

- 7 Should the works unearth any noxious wastes, such as what would be considered in an Environmental Investigation (Contamination) or asbestos containing materials careful consideration must be given to its handling and correct disposal. Waste transfer receipts must be obtained and kept.
- 8 Essex Police has commented that it would like to see this development achieve a Secured by Design award. Secured by Design is the official UK Police flagship initiative combining the principles of 'designing out crime' with physical security.
- 9 The applicant is requested to give consideration to the installation of electric vehicle charging points within the proposed development in order to facilitate the use of electric vehicles in accordance with Government guidance as set out in the National Planning Policy Framework.