



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 FCMl
Chief Executive

AGENDA

Committee: DEVELOPMENT CONTROL

Date and Time: Tuesday 2nd July 2019 at 7.30 p.m.

Venue: Council Chamber

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

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

Substitutes: Councillors Cutler, Palmer, Mrs Thornton and Tucker

Canvey Island Town Councillors: Greig and Mrs Sach

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

Enquiries: Miss Cheryl Salmon, ext. 2454

PART I (Business to be taken in public)

1. Apologies

2. Members' Interests

3. Minutes

A copy of the Minutes of the meeting held on 4th June 2019 is attached.

4. Public Speakers

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

5. Deposited Plans

The report is attached.

	Application No	Address	Page No
1.	18/1016/FUL	396 London Road, Benfleet, Essex, SS7 1AX (Boyce Ward)	1.

Agendas and Minutes can be viewed at 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

DEVELOPMENT CONTROL COMMITTEE

TUESDAY 4th JUNE 2019

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

Substitute Members Present: Councillor Cutler* for Councillor Mrs Haunts.

Canvey Island Town Council Representatives Councillors Greig and Mrs Sach were also in attendance.

Also Present: Councillors Ms Drogman, Palmer, Mrs Thornton and Tucker.

Apologies for absence were received from Councillors Cole and Mrs Haunts.

1. MEMBERS' INTERESTS

There were none.

2. MINUTES

The Minutes of the meeting held on 2nd April 2019 were taken as read and signed as correct.

3. DEPOSITED PLANS

(a) 19/0218/FUL - HOLLYWOOD GREAT BURCHES ROAD THUNDERSLEY BENFLEET ESSEX (ST PETER'S WARD) - DEMOLITION OF EXISTING HOUSE, REMOVAL OF ALL ASSOCIATED BUILDINGS, HARD STANDING AND STORAGE AREAS AND REPLACEMENT WITH 4NO. DETACHED HOUSES - MR & MRS WELCH

The Planning Officer reported that the proposal sought to redevelop the site with four houses. It was considered that the development would have a greater impact on the openness of the Green Belt than the existing buildings. As the application represented inappropriate development it was therefore recommended for refusal.

The application was presented to the Committee at the request of Councillor Dick on the basis that it was "not conducive to Green Belt policy".

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

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

During debate some Members felt that the proposed development would have a greater impact on the openness of the Green Belt than the existing buildings on

site and concurred with the Planning Officer's view that the application should be refused because it represented inappropriate development. Other Members did not agree that the development would have a greater impact on the openness of the Green Belt and felt that the proposal represented an exception as detailed at paragraph 145(g) of the National Planning Policy Framework.

Following debate, a vote was taken and there was an equality of votes for and against the recommendation of refusal in the report. The Chairman used his casting vote against refusal. A further motion for approval subject to conditions to include a condition that permitted development rights on the site be removed was proposed and seconded. Again, there was an equality of votes for and against the motion and the Chairman used his casting vote for approval. It was therefore:

Resolved –

1. That the application be approved because the exception set out at paragraph 145(g) of the National Planning Policy Framework which permits the redevelopment of previously developed land applies as the development would not have a greater impact on the openness of the Green Belt than the existing development.
2. That the approval be subject to conditions to be determined by the Planning Officer in consultation with the Chairman and Vice Chairman and to include the removal of permitted development rights on the site.

(b) 17/0964/OUT - WALSINGHAM HOUSE, LIONEL ROAD CANVEY ISLAND ESSEX SS8 9DE (CANVEY ISLAND CENTRAL WARD) - DEMOLITION OF FORMER CONVENT AND CONSTRUCTION OF UP TO 32 NEW DWELLINGS - THE TRUSTEES OF THE INSTITUTE OF OUR LADY OF MERCY

The application sought outline permission, for the erection of up to 32 dwellings and associated works, on a brownfield site in the urban area. The site was allocated for school and worship purposes in the adopted Local Plan however the land within the confines of the application site no longer fulfilled either of these functions and was unlikely to be put to such use in future. The proposal sought outline consent only with all matters reserved except access.

Detailed consideration had been given to the proposal in the context of Government guidance and the adopted policies and guidance set out in the adopted Local Plan and in light of comments received, particularly from local residents, and for the reasons set out in the report, the principle of residential development was considered appropriate on the site.

The proposal was therefore recommended for approval, subject to the conditions set out in the report, and subject to the applicant being willing to enter into a S106 agreement to achieve appropriate contributions towards the provision of affordable housing, Recreational Disturbance Mitigation (RAMS) and the management and maintenance of any proposed open space for recreational and ecological use.

The Planning Officer drew the Committee's attention to comments received after publication of the agenda from the Badger Protection Group. It raised no objection to the proposal and confirmed there was no Badger Sett on site however as there was a sett on adjoining land it therefore requested a Habitat Survey was undertaken prior to commencement of works.

Following the Planning Officer's report, the Chairman read out a short statement from Ms Spalding, a local resident, who had been registered to speak in objection to the application but due to unforeseen circumstances had been unable to attend the meeting.

Mr Govier, the agent for the applicant, spoke in support of the application.

Councillor Greig, a representative from Canvey Island Town Council, spoke in objection to the application.

During debate some Members expressed their objections to the proposal due to increased traffic congestion in the general vicinity of the site, increased flood risk and the loss of open space however it was recognised that the site was in private ownership and not designated as public open space.

In response to the concerns raised the Planning Officer explained that the Highways Authority had raised no objection to the scheme based on access or highway capacity. If the proposal was approved the applicants would be required to submit and implement a detailed surface water drainage scheme for the site to mitigate any flood risk. The application site was well served by the nearby Paddocks open space and it was considered that some recreational need may be met within the site in association with the proposed attenuation pond.

Following detailed consideration other Members felt that that the principle of residential development was considered appropriate on the site and concurred with the Planning Officer's view that the application should be approved subject to the applicant entering into a S106 Agreement.

At the conclusion of the debate it was:

Resolved – That the application be approved subject to the applicant entering into a S106 Agreement to secure affordable housing provision, recreational disturbance and the management and maintenance of the proposed open space for recreational and ecological use and the conditions as set out in the Planning Officer's report.

Chairman

ITEM 1

Application Number:	18/1016/FUL
Address:	396 London Road Benfleet Essex SS7 1AX . (Boyce Ward).
Description of Development:	Part two/part three storey block of 24 No. self-contained flats with associated parking and landscaping.
Applicant:	Holgate Property Services Ltd.
Case Officer	Ms Kim Fisher-Bright.

Summary

The proposal represents a variation of a previously approved scheme and seeks to provide 24 flats on the site.

The principle of the use of the site, which is allocated for Green Belt purposes, for residential development has been established by the previous grant of consent for both 18 and 22 flats as part of a wider scheme of development.

The proposal seeks to add two units to the approved larger scheme.

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

Site Description

The application site is located on the southern side of Bread and Cheese Hill, immediately to the west of the junction with Rhoda Road. The site has been cleared but was formerly used for the display and sale of cars. A single storey building used as a sales office was previously located in the centre of the site.

The site has a width of some 54m and a depth of approximately 42m and exhibits substantial falls to the east and south.

To the west the site is bounded by Rhoda Road beyond which is the recently completed flatted development at Manna Heights whilst to the west are detached dwellings fronting London Road. To the south the site is bounded by the curtilages of a new development of two dwellings currently under construction whilst to the north the site overlooks the A13 and vegetated land on the north side of London Road, allocated for Green Belt purposes.

Description of Proposed Development

The application seeks consent for twenty-four, one and two bedroomed flats within a single block, arranged over five floors, including a lower ground floor and accommodation within the roof. The scheme provides 24 car parking spaces, bicycle and refuse storage facilities and amenity space.

Access to the development is proposed from Rhoda Road.

In detail the proposal seeks to modify an extant consent for 22 units, approved in 2016, to provide a further one bedroomed flat at lower ground floor level and a two bedroomed flat in the roof space.

Supplementary Documentation

The application was accompanied by the following documentation:

- Flood Risk Assessment (2013)
- Design and Access Statement
- Geo-Environmental Report
- Remedial Methodology Report
- Japanese Knotweed Removal Warranty
- Land Registry Documentation
- SuDS Checklist, Management Plan and Storage Report
- Surface Water Drainage calculations

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

Relevant History

April 2013 - Permission granted for the demolition of buildings and construction of a three-storey block of 18 flats on the site as part of a wider scheme of redevelopment (CPT/25/13/FUL). The application was approved subject to a Section 106 Agreement dated the 21st February 2014 for the provision of 9 affordable housing units and highway works.

April 2016 - Permission granted for the demolition of the car sales building on the site and the construction of a part two storey, part three storey block of 22 flats (14/0668/FUL). The application was approved subject to a Section 106 Agreement dated the 21st February 2014 for the provision of an appropriate contribution towards off site affordable housing and improvements to Rhoda Road.

The existence of these consents represent a material planning consideration in the determination of the current application.

In March 2018, a request for pre-application advice in respect of a proposal to modify the approved scheme for 22 flats to achieve a further flat in the roof space and thus provide 23 flats on the site, was received. The applicant was advised that whilst the submitted scheme satisfied most of the policy and guidance requirements, the design precluded the provision of adequate living conditions for occupiers of the proposed additional unit and was therefore unlikely to attract a favourable recommendation.

The current application for two additional flats (identified as flats 2 and 24) was received in January 2019.

Local Plan Allocation

The site is allocated for Green Belt purposes in the adopted Local Plan but has been previously identified as suitable for release for residential development.

Relevant Policies

Introduction and achieving sustainable development

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

Decision making

Paragraphs 47, 49, 50, 54.

Delivering a sufficient supply of homes

Paragraphs 61.

Promoting healthy and safe communities

Paragraphs 91, 92, 96, 98.

Promoting sustainable transport

Paragraphs 105, 106.

Making effective use of land

Paragraphs 117, 118, 123/

Achieving well designed places

Paragraphs 124, 127.

Protecting Green Belt land

Paragraphs 133, 143, 145.

Meeting the challenge of climate change, flooding and coastal change

Paragraphs 150, 158-160, 163.

Conserving and enhancing the natural environment

Paragraphs 170, 175, 178, 180, 182.

Castle Point Borough Council Adopted Local Plan 1998

This allocates the site for Green Belt purposes.

Relevant Policies include:

EC2	Design
EC3	Residential Amenity
EC13	Protection of wildlife and their habitats
EC14	Creation of new wildlife habitats.
H7	Affordable Housing
H9	New housing densities
H10	Mix of development

H13	Location of Development
H17	Housing development – design and layout
T8	Car parking
CF1	Social and physical infrastructure and new developments
CF14	Surface water disposal

Residential Design Guidance

RDG2	Space around Dwellings
RDG3	Building Lines
RDG4	Corner Plots
RDG5	Privacy & Living Conditions
RDG6	Amenity Space
RDG7	Roof Development
RDG8	Details
RDG9	Energy & Water Efficiency & Renewable Energy
RDG10	Enclosure & Boundary Treatment
RDG11	Landscaping
RDG12	Parking & Access
RDG13	Refuse & Recycling Storage
RDG16	Liveable Homes

Other Relevant Documents

- Essex Planning Officers Association Vehicle Parking Standards – C3 (August 2009)
- Developer Contributions Guidance SPD – Adopted 1st October 2008
- Thames Gateway South Essex Strategic Housing Market Assessment 2016 (2017 Addendum)
- Castle Point Green Belt Landscape Assessment September 2010
- Castle Point Green Belt Function Assessment September 2010
- Castle Point Green Belt Sustainability Assessment 2011
- Castle Point Open Space Appraisal Update 2012
- Safer Places: The Planning System and Crime Prevention 2004

Consultation Responses

Lead Local Flood Authority

No objection subject to conditions.

Environment Agency

No objection subject to conditions.

Essex County Council - Highways

No objection subject to conditions.

Essex County Council - Social Services

No response received.

Essex County Council - Infrastructure

No contribution required.

Anglian Water

No response received.

NHS England

No response received.

Environmental Health Officer CPBC

No objection subject to conditions.

Waste and Recycling Officer CPBC

No objection.

Neighbour notification, press and site notices

21 letters of objection and one letter of comment have been received raising the following issues:

- Inadequate parking for residents and visitors of adjoining flats
- Irresponsible parking will lead to difficulties of access.
- Increased congestion
- Too many flats
- Site should be turned into a park
- Overlooking of adjoining flats
- Loss of privacy to adjoining flats
- Loss of sunlight to adjoining flats resulting in heat loss
- Inadequate social facilities to serve development
- Inadequate medical facilities to serve development
- View will be darkened
- Flats out of keeping with the area.
- Loss of habitat
- Increased pollution
- Bread and Cheese Hill an accident Blackspot
- Proposal will exacerbate parking problems experienced as a consequence of the flatted development on the adjoining site.
- Disturbance caused by car headlights
- Congestion makes access by emergency vehicles difficult /impossible
- Site should be served from London Road.

Comments on Consultation Responses

All matters of relevance will be considered in the evaluation of the proposal.

Evaluation of Proposal

The main issues for consideration are the principle of flats on this site, density and mix of development, ecology, design and layout, the impact on residential amenity, parking and highway implications, flood risk and drainage, contamination and infrastructure.

The Principle of flats on the site

Policy H13 of the adopted Local Plan states that proposals for flats and sheltered accommodation will be permitted within areas allocated for residential development subject to such development not adversely affecting the amenity of adjoining residents or the character of the area by reason of traffic generation. The scale, siting and design of the proposed building should not have an adverse impact on the character and appearance of the area and the development should provide appropriate building lines, setting and space around the building, car parking, access, amenity space and landscaping.

Flats are also to be permitted on sites on or near a main road.

The site is located immediately adjacent to London Road, a main distributor through the Borough. The site is therefore considered to be on or near a main road and therefore satisfies this element of the policy.

However, Policy H13 also states that flats will be permitted in areas allocated for residential development. The site is allocated for Green Belt purposes in the adopted Local Plan. Prima facie therefore the proposal represents inappropriate development which should attract a recommendation of refusal.

However, planning permission for a scheme providing 22 flats was approved on this site in 2016, following the identification of the site as suitable for release from the Green Belt, for residential purposes, in the light of the identified shortage of land available for the satisfaction of local housing needs.

It is considered that this consent, coupled with the continuing shortage of housing land represents the very special circumstances that are required to justify inappropriate development in the Green Belt.

It is not therefore considered that an objection to the proposal on Green Belt grounds could be sustained.

A number of residents have objected to the proposal on the basis that there are too many flats in the area and that flats are out of character with the adjoining development.

Government guidance is clear that the optimum use must be made of all suitable land to assist in meeting housing need.

Flats are a particularly efficient and economic means of achieving higher densities of development on relatively small sites and as such are, in appropriate circumstances, likely to comprise a growing proportion of housing provision in the future. Under the circumstances it is not considered that an objection to the principle of flats on the site would be supported on appeal.

Further, given the development immediately to the east of the application site and that proposed further to the east, all of which comprises flats, it is considered unlikely that the argument that flats are out of character with the surrounding area could be sustained on appeal. No objection is therefore raised to the proposal on this basis.

Whilst the principle of such provision is therefore accepted, the proposal must still demonstrate satisfaction of all relevant policies and design guidance pertaining to the provision of such dwellings.

The Density and Mix of Development

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. This is appropriately considered in the assessment of the proposal against the provisions of the adopted Residential Design Guidance.

Paragraph 118 of the revised NPPF strongly encourages increased density of development on appropriate sites in order to mitigate extant housing need. In particular it encourages the provision of taller buildings where this would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well-designed (including complying with any local design policies and standards) and can maintain safe access and egress for occupiers.

Paragraph 123 of the NPPF reinforces this stance by stating that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning decisions avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site. Local Authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in the Framework. In this context, when considering applications for housing, the NPPF requires that authorities take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).

Policy H10 of the adopted Local Plan states that in all residential developments the Council will seek an appropriate range of dwelling types. This is 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 one and two bedroomed units, the provision of which will meet an identified need.

Under the circumstances the proposal is considered to satisfy the requirements of Policy H10 of the adopted Local Plan and the provisions of the NPPF in terms of density and mix of development.

Ecology

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

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

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

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

The site the subject of the current application was previously used for car sales and related purposes and was almost entirely hardsurfaced. In more recent times, the site has been entirely cleared of structures and vegetation. Under the circumstances it is considered to have limited ecological value and redevelopment of the site is not considered likely to lead to significant habitat loss.

The site is however in close proximity to a number of sites identified as being of ecological importance and, in recognition of the requirements imposed on the earlier consents, the applicant has identified opportunities for improvements to the biodiversity of the site. Consequently the current scheme incorporates the provision of four small bird boxes, four swift boxes and four bat boxes.

Such consideration is welcomed and will enhance the biodiversity credentials of the site.

It should be noted however that the site is within the zone of influence associated with the Ramsar site (Benfleet and Southend Marshes). Development of the site will therefore have wider ecological implications.

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

The proposal seeks to provide 24 dwellings and as such a contribution towards RAMS is required.

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

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

Design and Layout

Policy EC2 of the current Local Plan seeks a high standard of design in relation to all new buildings. This is consistent with paragraphs 124 and 127 of the National Planning Policy Framework (NPPF).

The design of the proposed block of flats would not be radically different from the previously approved scheme for 22 units, the only significant amendments being alterations to the ridge line on the eastern and southern elevations, in order to achieve internal head height, and the provision of rooflights in the eastern, western and southern roof planes. These features are not considered to have a significant impact on the character and appearance of the building when compared to the approved scheme.

Policy EC2 requires the spaces around buildings to be enhanced by appropriate hard and soft landscaping. This is reflected in RDG11 of the Council's Residential Design Guidance, which requires schemes for flats to be provided with soft and/or hard landscaping suitable for the type of accommodation provided.

A limited landscaping scheme has been submitted which reflects that of the development to the east, being comprised of hedge-like planting to the northern and eastern boundaries and the provision of planted areas on the northern and southern sides of the building. The majority of the amenity area associated with the development being laid to grass. Such landscaping is considered appropriate in its context.

RDG2 requires the space around buildings to be informed by the prevailing character of development.

RDG3 requires the achievement and maintenance of appropriate building lines.

The proposed building reflects the setting and isolation spaces achieved by the adjoining flatted development and would occupy the same general footprint as the previously permitted scheme, modified on the western end to accommodate the proposed additional unit at lower ground floor level. The new unit at lower ground floor level would be located some 15m from the western boundary of the site, consistent with the isolation achieved by the lower ground floor units provided within the previously approved scheme.

Under the circumstances, no objection is raised to the proposal on the basis of the setting of the building or the isolation space provided.

RDG4 seeks to ensure that development provided on corner plots adequately reflect their dual setting in their design.

The proposed building is located at the junction of Rhoda Road and London Road. As with the approved scheme, the building lacks a specific focal feature at the junction but the elevations to

both London Road and Rhoda Road are adequately articulated and perforated to create interest on both frontages. No objection is raised under RDG4.

RDG5 is concerned to ensure that windows should be designed and be of a size which provides for adequate natural light and ventilation to enter the room they serve.

This requirement is fully satisfied in respect of units 1 – 23, however Unit 24, which is to be provided within the roof of the building, is served by roof lights only. These will have a maximum cill height of 1.1m and will be top hung.

During pre-application discussion concern was raised in respect of the ability of this arrangement to provide adequate natural light and ventilation to the unit. In the submitted scheme, the applicant has significantly increased the number of rooflights serving the living area and as a consequence it is no longer considered that an objection to the proposal on this basis could be sustained.

Whilst dwellings served entirely by rooflights are infrequent and there is concern that such an arrangement will offer limited outlook, it is not considered that these considerations represent a robust objection in the context of this particular proposal.

RDG6 requires appropriate amounts of outdoor amenity space to be provided in proportion to the size of the dwelling. For flats 8m² of amenity space is required for each habitable room, with a minimum provision of 25m² per flat. For the proposed 24 flats, an amenity area of 600m² is required.

The amenity area available to this development at ground level would only amount to some 215m².

There would be two roof gardens of some 45.7m² and 71.7m² and a ground floor external terrace of some 11m² provided. The first would serve Flat No.24 and no access to the area by other occupiers would appear possible.

The second roof garden would appear to be available to other users, however, given its relationship to Flat 20 and isolation from other flats, it is considered unlikely that others would use this area.

The ground floor terrace is only accessible from flat 5.

This effectively means that the ground level amenity space needs to serve the occupiers of 21 apartments, which equates to approximately 10.2m² of amenity space per apartment. This is significantly below the figure of 25m² in the Council's design guidance; however, the level of provision is slightly greater than that which was accepted for a scheme of 22 flats on the site (10m²). Under the circumstances it is not considered that an objection to the proposal on the basis of a lack of amenity space provision would be supported on appeal.

RDG7 is concerned with roof design and requires roofs to be compatible with the development with which it is to be associated and informed by the prevailing character of the area and surrounding roof forms.

The current proposal largely replicates the roof treatment of the previously approved scheme, although it has been slightly modified at the southern end in order to accommodate the additional

unit. The overall form of the roof however maintains its design integrity and reflects that of the adjoining development. No objection is therefore raised to the proposal on the basis of RDG7.

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

The proposed development presents reasonably articulated and balanced elevations to both road frontages which are similar to the approved scheme, modified only to accommodate the new units.

The proposed materials are identical to the approved scheme with red facing brickwork, white rendered panels, cream cladding panels and three colour handmade roof tiles. The inclusion of projecting bays at differing levels provides additional form and is similar to the approved scheme with the materials matching adjacent properties.

The overall effect will be of a traditional style building which would reflect the character and appearance of the area.

No objection is raised to the proposal under RDG8.

RDG9 is concerned with energy and water efficiency and renewable energy. No details of any energy and water efficiency measures have been submitted, however the building demonstrates the potential for passive solar gain by virtue of its orientation and setting and details of further measures can be secured by the imposition of conditions on the grant of any consent. No objection is raised to the proposal under RDG9.

RDG10 is concerned with boundary treatments. The submitted scheme identifies comprehensive boundary planting to the main roads set in front of black powder coated metal railings, to function as a visual and physical enclosure. Such treatment reflects that of the adjacent site and is considered acceptable.

No statement is made in respect of boundary treatments to the southern and western boundaries, however a condition requiring appropriate treatment can be appended to the grant of any consent.

Guidance at RDG13 requires all forms of residential development to be provided with safe, adequate and suitable means of refuse and recycling storage. For flats, this is usually expected to take the form of some sort of communal storage room or area, from where the Council's refuse collection service can then retrieve refuse material.

The proposal features a refuse storage area with dimensions of some 3.45m by 4.55m (max) at the rear of the site. The Council's refuse and recycling service has advised that the capacity and location of the proposed facility is acceptable in operational terms.

Design details of the store have been submitted and appear to indicate the provision of a simple wooden enclosure. This enclosure is unroofed and unsecured.

Given the proximity of the site to areas of known wildlife activity, the proposed refuse and recycling store is considered inadequate and likely to be predated by wildlife, to the detriment of the character of the area and amenity of local residents. An alternative, secure and roofed facility is required and will be sought via the imposition of a condition on the grant of any consent.

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

Paragraph 127 of the NPPF identifies that planning decisions should seek to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and that policies may make use of the nationally described space standard, where the need for an internal space standard can be justified.

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

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

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

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

The proposal indicates that all of the one bedroomed flats have floor areas of some 39m² and the two bedroomed flats, which are all indicated to be three person properties, are a minimum of 58m². Whilst some of the properties are marginally below the Standard, given that the deficit, where it is present, is marginal and the fact that the Standard has not been formally adopted by the Planning Authority, it is not considered that the size of the dwellings represents a robust objection to the proposal.

Impact on residential amenity

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

Several local residents have objected the proposal on the basis of loss of natural light. One has commented that the proposal will darken their view.

RDG3 requires proposals not to cause excessive overshadowing or dominance of adjacent properties. Whilst the revised scheme now under consideration results in a slight increase in ridge height and roof mass on the southern extension when compared to the previously approved

scheme, the proposed building is considered to be relatively isolated from existing residential properties and it is not considered that the revised design would have a significantly different impact on the amenity of nearby residents by reason of overshadowing or diminution of natural light than the previous scheme.

Since the approval of the earlier scheme development of the land to the south of the site has commenced. After examination of the physical relationship between the proposed development of 396 London Road and the approved development on land to south, it is not considered that there would be any loss of amenity caused to residents of the proposed new houses by way of obtrusiveness or dominance from the proposed flats. It is also not considered that the new houses would be close enough, or tall enough, in relation to the proposed development of 396 London Road to cause undue obtrusiveness or dominance to potential occupiers of the currently proposed development. No objection is therefore raised to the proposal on this basis.

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

RDG5 deals with privacy and living conditions and requires a distance of 9m to be provided between first floor windows and the boundary of the site, increasing to 15m at second floor and 18m at third floor level and above.

Windows placed in the northern (front) aspect do not meet the requirements of RDG5, being located some 3m – 6m from the boundary they face, However, these windows overlook London Road and are not considered likely to result in undue overlooking of adjacent properties.

The windows serving habitable accommodation located in the southern wall of the proposed development would be fully compliant with this provision.

Windows serving the proposed southern stairwell would be located less than the requisite distance from the boundary at second floor level and above, however it is considered that these windows may be obscure glazed and fixed to 1.7m above the finished floor level of the area they serve which would secure the privacy and amenity of the occupiers of the dwellings to the rear.

Windows in the western elevation of the building would be located some 14.5m from the western boundary of the site. By reason of the topography of the site, the identified first floor is actually set at second floor height and windows serving flat 12 which look west should be located at least 15m from the boundary. A distance of 14.5m only is achieved and prima facie the proposal should attract an objection in this respect. However, it should be noted that the current scheme replicates that permitted under application reference: 14/0668/FUL wherein it was determined that whilst a technical deficiency was proposed, it was unlikely in reality to lead to a significant loss of amenity to adjacent residents.

Under the circumstances it is not considered that an objection may now reasonably be raised to this element of the current scheme, such relationship having previously been found to have been acceptable and there having been no change in this particular circumstance of the proposal.

Windows in the eastern elevation would overlook Rhoda Road and such a relationship would not ordinarily attract comment. In this instance however it should be noted that several local residents of Manna Heights have objected to the proposal on the basis of the relationship between opposing windows within the proposed block and that existing to the east.

It is acknowledged that the potential for intervisibility between opposing windows exists, at a distance of some 13.5m. However, such features are not uncommon in flatted developments and it should again be noted that the relationship between the current proposed building and Manna Heights has not changed since the approval of the earlier scheme. The opportunity for overlooking and potential loss of privacy is therefore a matter of public record and one which would have been available for consideration by current occupiers of the adjoining property.

As the relationship between the Blocks has previously been found to be acceptable and there has been no change in circumstances since approval of the earlier scheme, an objection to the proposal on the basis of potential overlooking and loss of privacy may not now be reasonably upheld.

Flat 24, provided in the roof of the building would be served by rooflights. This flat would, as a consequence of the topography of the site be located at second floor level and the proposed roof lights in the southern roof plane would be located some 16m from the rear boundary and thus meet the requirements of RDG5.

Roof lights located in the western roof plane would be located some 40m from the western boundary of the site.

The roof light located the eastern roof plane would be located less than 15m from the boundary, however, this roof light would be located some 16m from the western elevation of the adjoining Block of flats. At this distance it is not considered that an objection to the proposed roof light on the basis of overlooking and loss of privacy can be sustained.

The proposal features roof garden areas recessed within the roof.

No cross sections have been provided to identify the extent to which persons using these spaces would be visible from other parts of the site and adjoining land or whether persons using these areas would be afforded significant views across other sites, to the detriment of the privacy and amenity of other occupiers.

Raised garden areas such as those proposed, are treated as balconies for the purposes of RDG5. The external terrace to flat 5 must therefore be locate a minimum of 9m from the western and southern boundaries of the site. This is achieved.

The roof terrace to flat 20 must be located a minimum of 18m from the western and southern boundaries of the site. This is also achieved.

Finally the roof terrace to flat 24 must be located a minimum of 18m from the western and southern boundaries of the site. This is also achieved.

Under the circumstances it is not considered that the proposed roof terraces would lead to undue overlooking or loss of privacy to adjoining residents. No objection is therefore raised to the proposal on this basis.

One resident has objected to the proposal on the basis of the increased levels of pollution likely to be generated by use of the site.

Whilst it is acknowledged that residential occupation of the site would be likely to lead to traffic attending the site and thus potentially generate locally higher levels of pollution, it must be recognised that the site is currently within an area dominated by traffic, being located on the London Road.

Further it must be recalled that the site has previously been used as a petrol filling station and for car sales, uses which generated significant vehicle movements and pollution and has consent for the provision of 22 flats.

Whilst concern over the propensity of this development to generate pollution is recognised, such generation is consistent with that which might be generated by any similar sized scheme and it is not considered that the impact on the health or amenity of adjoining residents would be so significant as to represent a robust or sustainable reason for refusal.

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

One local resident has objected to the proposal on the basis that headlights on vehicles using the proposed car park will result in light pollution to their dwelling.

It is considered that such impact can be remedied through the use of appropriate boundary treatments. A condition to this effect can be attached the grant of any consent.

Parking and Highway implications

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

RDG12 requires parking not to be visually dominant.

The currently adopted standards require the provision of a minimum of one parking space for one bedroomed properties and two spaces for properties with two or more bedrooms.

Unallocated visitor parking should be provided at a rate of 0.25 spaces per dwelling, rounded up to the nearest whole space.

The parking required for the proposed scheme is as follows:

7 x 1 bed flats = 7 spaces
17 x 2 bed flats = 34 spaces
0.25 x 24 = 6 visitor spaces

Application of the parking standards, as set out above, generates a requirement for 47 spaces.

Due to internal changes which has resulted in the provision of a greater number of one bedroomed flats and fewer two bedroomed units on the site, the maximum level of parking required for the revised scheme is the same as that required for the previously approved scheme.

Parking provision for 24 vehicles is proposed, providing one space per unit. This represents a significant deficiency in parking provision on the site.

However, the site is considered to be in a sustainable urban location with good access to local services and public transport. In such situations the Planning Authority has previously sought to dispense with the requirement for visitor parking and accept resident parking on the basis of one space per flat.

On this basis, the level of parking suggested is acceptable.

A number of local residents have objected to the proposal on the basis that one parking space per flat is inadequate and that residents in the recently approved adjoining flatted development frequently have difficulty parking on the adjoining site and resort to parking on adjoining roads to the detriment of the safety and convenience of residents.

Comment is also made that the lack of visitor parking makes it difficult for family and friends to attend the adjoining site.

Whilst the parking difficulties of residents is noted, Essex Highway Authority has raised no objection to the quantum of parking proposed, (indeed a recommended condition is the provision of 24 parking spaces on the site, thus the Highway Authority is satisfied that the level of parking proposed is acceptable.). In the absence of an objection from the Highway Authority and in the light of the extant consent and Government guidance in respect of the need to increase the density of development, particularly on sites well served by public transport, it is considered unlikely that a reason for refusal based on inadequate parking provision would be supported on appeal.

The quantum of car parking provided on the site, by virtue of the increased number of flats to be provided, would be greater than that provided as part of the previous scheme and would, as a consequence of this increased provision and the reconfiguration of the carpark, have a greater visual presence on the site. However, with appropriate landscaping it is not considered that this would be unduly dominant in the context of the development as a whole, particularly when viewed from the A13. No objection is therefore raised to the proposal on the basis of the impact of parking on visual amenity.

The Essex Parking Standards, Design and Good Practice, 2009, identifies that for each dwelling a secure bicycle parking facility is required.

In addition one cycle parking space should be provided for every eight dwellings for visitors. Given local concern in respect of parking provision, the provision of adequate visitor bicycle spaces is considered essential, thus a total of 27 cycle parking spaces is required.

A cycle store is indicated on the layout which appears to provide space for 15 cycles. The details accompanying the layout plan suggest however that the proposed bicycle store can accommodate only 10 bicycles. In either case the level of provision is inadequate.

However it is considered that this matter can be resolved by the imposition of a condition the grant of any consent, requiring the submission of details of appropriate provision.

With regard to the location of the proposed bicycle storage facilities, it is noted that the proposed store is located adjacent to the southern boundary of the site. Access to the store is in extremely close proximity to a parallel parking space, such that it is not considered to represent a safe and

convenient location for such a facility. An alternative location is required and can again be secured by the imposition of a condition on the grant of any consent.

The Highway Authority has recommended that the developer provide a residential travel information pack to new occupiers, including free travel scratch-card tickets, to encourage public transport use. Given that the quantum of development on the site would be increased by this proposal and local concerns in respect of parking, the need to encourage public transport use is even more pressing. A condition requiring the provision of residential travel information packs to new occupiers will therefore be appended to any consent granted.

Subject to appropriate conditions no objection is therefore raised on the basis of Policy T8 or RDG12.

It is noted that a number of local residents have objected to the proposal on the basis of the inadequacy of the local road network, the inconvenience of the proposed access point and the fact that Bead and Cheese Hill is becoming an accident blackspot.

It should be noted that the Highway Authority has not identified any of these potential features as a cause for concern and has not sought to object to the proposal on the basis of these concerns.

Under the circumstances, no objection may therefore be raised the proposal on parking grounds.

Drainage and Flood Risk

The proposal site is located in Flood Zone 1 and is not therefore liable to tidal inundation. However, the site is identified as being potentially liable to surface water flooding.

The LLFA has raised no objection to the proposal subject to the provision of an appropriate surface water drainage scheme. Conditions to secure such a scheme may be attached to the grant of any consent.

Contamination

At the time of determining application CPT/25/13/FUL it was noted that there was the potential for the (wider) site to be contaminated from historical uses. Conditions were imposed requiring details of remediation works to be submitted for the Council's approval.

The principal source of potential hazard was identified as petrol hydrocarbons in the soil, arising from former vehicle related uses, vapours from which may have presented a nuisance to future occupiers. This has been dealt with on the adjoining land through the excavation of the affected soil, its replacement with other soil and the installation of a hydrocarbon/vapour resistant membrane.

In respect of the application site, the previously submitted Contaminated Land: Phase 1 Desk Study by AGB Environmental identified that a further potential source of pollution existed in the form of three underground storage tanks, which were decommissioned in September 1984. In order to ensure that these tanks did not pose a risk to the development of the site or its future use, the report recommended various remedial actions.

The current application is accompanied by a further report which identifies the remedial works undertaken to date and the actions still required.

The report has been considered by the Council's Environmental Health Officer who is satisfied with the content but has confirmed that a Closure Report should be submitted upon completion of the works. The closure report should include full verification details as set out in the Remediation Method Statement together with details of any post remediation sampling and analysis and documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site must be certified clean.

A condition requiring the submission of such a report can be appended to the grant of any consent.

The Environment Agency has also considered the submitted reports and has identified that the investigation so far has not included groundwater tests.

The EA identify that the previous use of the site as a petrol filling station presents a high risk of contamination that could be mobilised during construction to pollute controlled waters, which are particularly sensitive in this location because the site is located on a secondary aquifer A and secondary aquifer undifferentiated.

The submitted Ground Investigation Report demonstrates that it will be possible to manage the risk posed to controlled waters by this development but further detailed information will be required before built development is undertaken.

This can be required by condition.

Japanese Knotweed

Japanese Knotweed has previously been identified on the site. This infestation was excavated and removed from site on 28 February 2018.

The applicant has submitted a warranty of work which confirms this action.

Under the circumstances no further consideration of Japanese knotweed on this site is required.

Infrastructure

Policy CF1 of the Adopted Local Plan is concerned with social and physical infrastructure and new developments. It states that where the infrastructure requirements generated by development cannot be met by the existing provision the Council will require developers to provide appropriate highway and drainage improvements and appropriate improvements to social infrastructure to serve the needs of the new development.

Affordable housing

Policy H7 of the Local Plan sets out the Council's policy in relation to affordable housing provision, which is that the number of affordable dwellings to be provided will be dependent upon the size of the site, its location and any substantial costs associated with the provision of other necessary infrastructure. This is consistent with paragraphs 50 and 173 of the NPPF.

The proposed development is for a single block of flats. Registered Providers of Affordable Housing (RPs) will not take on parts of blocks because of the management and maintenance issues that this can create; consequently the provision of a proportion of the proposed flats as affordable housing units is unlikely to be viable. Where such a situation arises the Planning Authority will seek a financial contribution to the provision of affordable housing off-site through a Section 106 Agreement.

The applicant has agreed to the provision of an appropriate financial contribution towards off site provision.

Education

Policy CF1 of the Local Plan states that where the infrastructure requirements generated by development cannot be met by the existing provision, the Council will require developers to provide appropriate improvements to social infrastructure to serve the needs of the new development. This is consistent with the principles set out at paragraph 94 of the NPPF.

The County Council, as Local Education Authority, has advised that no financial contribution is required in respect of the proposed development.

Provision of Open Space

One resident has objected to the proposal on the basis that the land should be used as a park to serve existing residents.

Policy RE4 of the Adopted Local Plan is concerned with the provision of children's play space and parks. It states that the Council will seek to provide and facilitate the provision of additional children's play space and parks in areas of identified need. Where possible and appropriate, such provision shall be made in association with new development.

No specific need has been identified in this instance.

In the absence of a clearly stated need for additional open space no objection may be raised to the proposal on this basis.

It should also be noted that given the private status of the land and the extant consent for the development of this site with 22 flats, the provision of a park would in any case be unlikely to be achieved on this site.

Health Services

A number of residents have commented on the difficulties encountered in gaining appointments for medical services and have objected to the proposal on the grounds that further housing provision will exacerbate the situation.

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

In some circumstances, where particular difficulties are encountered NHSEngland will seek a contribution towards health service provision. None has been sought in this instance.

In the absence of a clearly identified deficiency in the provision of medical services, no objection may be raised to the proposal on this basis.

Social Facilities

One local resident has objected to the proposal on the basis that local clubs and social facilities do not have the capacity to meet the needs of existing residents and that existing facilities are closing down. The resident is concerned that additional development will exacerbate difficulties of access.

The facilities identified as lacking/declining appear to be voluntary and commercially operated ventures, the control and availability of which is beyond the remit of the Planning Authority.

As such the difficulty of access encountered cannot represent a robust objection to the proposal.

Conclusion

The proposal represents a variation of a previously approved scheme and seeks to provide 24 flats on the site.

The principle of the use of the site, which is allocated for Green Belt purposes, for residential development has been established by the previous grant of consent for both 18 and 22 flats as part of a wider scheme of development.

The proposal is considered satisfactory in the context of the provisions of the adopted Local Plan and Residential Design Guidance.

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

My Recommendation is: APPROVAL subject to the applicant entering into an Agreement under Section 106 of the Town and Country Planning Act to secure the following:

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

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 off-site Affordable Housing and the mitigation of recreational disturbance within designated areas (RAMS).

- 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

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

- 4 Prior to the commencement of works above foundation level, details of all energy and water efficiency measures and renewable energy mechanisms to be installed on and within the building shall be submitted to and approved by the Local Planning Authority.

REASON: In accordance with the provisions of RDG9 of the adopted Local Plan and the National Planning Policy Framework.

- 5 The proposed shared vehicular access as shown on planning drawing 3359 PA-10 dated October 2018 shall be constructed at right angles to the existing carriageway. The width of the access at its junction with the highway shall be constructed to a width of at least 5 metres and shall be provided with an appropriate vehicular crossing of the carriageway.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with Policy EC2 of the adopted Local Plan.

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

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

- 7 The car parking and turning area, as shown on drawing 3559 PA-10 dated October 2018, shall be provided, hard surfaced in bound materials and drained in accordance with SuDS

principles, prior to occupation of any flat. Thereafter, the car park and turning area shall be retained for those purposes and not used for any other purpose unless first agreed in writing with the local planning authority.

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

- 8 Prior to first occupation of any flat, details of the facilities to provide an appropriately located, secure and covered storage for no fewer than 27 cycles shall be submitted to and approved in writing by the local planning authority.

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.

- 9 Such cycle storage facility as may be approved pursuant to condition 8 shall be provided and made available for use prior to occupation of any flat. Thereafter, it shall be retained for its approved purpose unless otherwise agreed in writing with the local planning authority.

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.

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

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

- 11 Written confirmation of the date of issue of the Residential Travel Information Packs to occupiers shall be provided to the local planning authority within one calendar month of occupation of the last flat to be occupied.

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

- 12 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.

- 13 Prior to occupation of any flat, revised details of facilities for the storage of domestic refuse and recycling materials shall be submitted to, and approved in writing by, the local planning authority. Such facility shall be roofed and secured in order to prevent predation by wildlife.

REASON: To make satisfactory provision for the storage of refuse and recycling materials on site in the interests of visual and residential amenity.

- 14 Such facilities as may be approved pursuant to condition 13 shall be provided and made available for use prior to first occupation of any flat hereby approved and thereafter retained for their approved purpose unless otherwise agreed in writing with the local planning authority.

REASON: To retain satisfactory provision for the storage of refuse and recycling materials in the interests of visual and residential amenity.

- 15 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: 3559 PA-10 dated October 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.

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

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

- 17 The proposed boundary treatments to the northern and eastern boundaries of the site shall be installed in accordance with the details provided on drawing No. 3359 PA-10 dated October 2018, and within section 8 of the submitted Design and Access Statement and shall thereafter permanently retained as such.

Such railings shall not exceed a height of 1.8m

REASON: To ensure an appropriate form of development, sympathetic to the character and appearance of the surrounding area.

- 18 Details of the proposed boundary treatments for the southern and western boundaries shall be submitted to, and approved by, the Local Planning Authority prior to the first occupation the proposed development.

Any such approved scheme shall thereafter be implemented prior to the first occupation the proposed development and thereafter permanently retained as such.

REASON: In order to provide a suitably screened amenity area for use by occupiers of the proposed flats.

- 19 Prior to first occupation of the development hereby approved, the proposed bat and bird boxes as shown on drawing No. 3359 PA-10 dated October 2018 shall be installed in the positions indicated on that drawing and thereafter permanently retained as such.

REASON: In order to mitigate for the loss of bird and bat habitat and to enhance the biodiversity of the site in accordance with Policy EC14 of the adopted Local Plan and the provisions of the National Planning Policy Framework.

- 20 Prior to first occupation of the development approved, details of the proposed external lighting of the scheme shall be submitted to and approved by the Local Planning Authority.

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

- 21 Any approved lighting scheme shall thereafter be installed in its entirety and thereafter permanently maintained as such.

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

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

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

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

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

- 24 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

- 25 The public's rights and ease of passage over Rhoda Road shall be maintained free and unobstructed at all times.

REASON: To ensure the continued safe passage of the public on the highway and accessibility in accordance with the provisions of Policy EC2 of the adopted Local Plan.

- 26 A Closure Report should be submitted upon completion of the works. The closure report shall include full verification details as set out in the Remediation Method Statement. This should include details of any post remediation sampling and analysis, together with

documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean;

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

REASON: In order to ensure the appropriate remediation of the site

- 27 Prior to each phase of development approved by this planning permission no development shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site

A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.

1. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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

REASON: To ensure that the development does not contribute to, or is not put at unacceptable risk from/adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework.

- 28 Prior to any part of the permitted development being occupied, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

REASON: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 170 of the National Planning Policy Framework.

- 29 The development hereby permitted shall not commence until a monitoring and maintenance plan in respect of contamination, including a timetable of monitoring and submission of reports to the local planning authority, has been submitted to, and approved in writing by, the local planning authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to, and approved in writing by, the local planning authority.

REASON: To ensure that the site does not pose any further risk to human health or the water environment by managing any ongoing contamination issues and completing all necessary long-term remediation measures. This is in line with paragraph 170 of the National Planning Policy Framework.

- 30 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 170 of the National Planning Policy Framework.

No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

REASON: To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 170 of the National Planning Policy Framework.

- 31 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

REASON: Piling or any other foundation designs using penetrative methods can result in risks to potable supplies from, for example, pollution / turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater. The National Planning Policy Framework paragraph 170 states that the

planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution.

- 32 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:

- Final modelling and calculations for all areas of the drainage 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, to ensure the effective operation of SuDS features over the lifetime of the development and to 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.

- 33 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 topsoil 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.

- 34 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.

- 35 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.

INFORMATIVES

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

Environmental Health Officer Advice

(i) Construction: Noise and Dust Control

All relevant precautions to minimise the potential for disturbance to neighbouring residents in terms of noise and dust during the development must be taken. Water suppression shall be employed for any stone or brick cutting and it is advisable to notify neighbours of any noisy works in advance.

Please be aware that the accepted times in the Borough for noisy works in terms of construction are:

Monday - Friday: 8am - 6pm

Saturday: 8am - 1pm

Sundays and bank holidays: no works

The site may be in operation outside of these hours. The above times relate to noisy works which will cause a disturbance to residents and businesses in the surrounding area.

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

(ii) Contaminated land

Should the works unearth any contaminated land, 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.

(iii) Burning of trade waste

Under the Clean Air Act 1993 it is an offence to emit dark or black smoke or burn material that is likely to give rise to dark or black smoke on industrial and trade premises or burnt in connection with any industrial or trade process. If a bonfire is producing or likely to produce dark or black smoke by the burning of trade or commercial waste, then the persons responsible may be liable to fines of up to £20,000.

Environment Agency Advice to Applicant

Sustainable Drainage Systems (SuDS)

1. Infiltration sustainable drainage systems (SuDS) such as soakaways, unsealed porous pavement systems or infiltration basins shall only be used where it can be demonstrated that they will not pose a risk to the water environment.
2. Infiltration SuDS have the potential to provide mobilise pollutants and must not be constructed in contaminated ground. They would only be acceptable if a site investigation showed the presence of no significant contamination.
3. Only clean water from roofs can be directly discharged to any soakaway or watercourse. Systems for the discharge of surface water from associated hard-standing, roads and impermeable vehicle parking areas shall incorporate appropriate pollution prevention measures and a suitable number of SuDS treatment train components appropriate to the environmental sensitivity of the receiving waters.
4. The maximum acceptable depth for infiltration SuDS is 2.0 m below ground level, with a minimum of 1.2 m clearance between the base of infiltration SuDS and peak seasonal groundwater levels.
5. Deep bore and other deep soakaway systems are not appropriate in areas where groundwater constitutes a significant resource (that is where aquifer yield may support or already supports abstraction).
6. SuDS should be constructed in line with good practice and guidance documents which include the SuDS Manual (CIRIA C753, 2015), Guidance on the Construction of SuDS C768 and the Susdrain website. For further information on our requirements with regard to SuDS see our Groundwater protection position statements (2017), in particular Position Statements G1 and G9 - G13 available at:
<https://www.gov.uk/government/publications/groundwater-protection-position-statements>

The Environment Agency recommends that developers should:

- 1) Refer to the EA 'Groundwater Protection' website;
- 2) Refer to the EA CL:AIRE Water and Land Library which includes the risk management framework provided in CLR11, 'Model Procedures for the Management of Land Contamination', when dealing with land affected by contamination, and also includes the Guiding Principles for Land Contamination for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, for example human health;
- 3) Refers to the EA Land Contamination Technical Guidance;
- 4) Refers to 'Position Statement on the Definition of Waste: Development Industry Code of Practice';
- 5) Refers to British Standards BS 5930:1999 A2:2010 Code of practice for site investigations and BS10175:2011 A1: 2013 Investigation of potentially contaminated sites - code of practice.
- 6) Refer to the EA 'Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination' National Groundwater & Contaminated Land Centre Project NC/99/73. The selected method, including environmental mitigation measures, should be presented in a 'Foundation Works Risk Assessment Report', guidance on producing this can be found in Table 3 of 'Piling Into Contaminated Sites';
- 7) Refer to the EA 'Good Practice for Decommissioning Boreholes and Wells'.

The Highway Authority advice:

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

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 may be obtained free of charge from the Gov.uk website (<https://www.gov.uk/guidance/party-wall-etc-act-1996-guidance>).