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Angela Hutchings
Chief Executive

AGENDA

Committee: **DEVELOPMENT MANAGEMENT**

Date and Time: **Tuesday, 3rd October 2023, at 7.00pm**

Venue: **Council Chamber, Council Offices**

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

Membership: **Councillors Bowker (Chairman), Greig (Vice-Chairman), Acott, Anderson, Barton-Brown, Howlett, Lillis, C. Sach, Skipp and J. Thornton.**

Substitutes: **Councillors Fuller, Mountford, Savage, A. Thornton and Withers.**

Canvey Island Town Councillor: **S. Sach**

Officers attending: **Stephen Garner – Planning Manager
Keith Zammit – Planning Officer
Jason Bishop – Solicitor to the Council**

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

PART I (Business to be taken in public)

1. Apologies

2. Members' Interests

3. Minutes

A copy of the Minutes of the meeting held on 5th September 2023 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	23/0423/FUL	Site of The Warren and Tanglewood, Hall Crescent, Hadleigh, Benfleet, SS7 2QW (Victoria)	1
2	23/0422/VAR	179 Kiln Road, Thundersley, Benfleet, Essex, SS7 1SJ (Cedar Hall)	17
3	23/0456/FUL	Benfleet Service Station, 175-179 Kiln Road, Thundersley, Benfleet Essex (Cedar Hall)	23
4	23/0411/FULCLC	Waterside Farm Sports Centre, Somnes Avenue, Canvey Island, Essex, SS8 9RA (Canvey Island West)	34

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DEVELOPMENT MANAGEMENT COMMITTEE

TUESDAY 5th SEPTEMBER 2023

PRESENT: Councillors Bowker (Chairman), Greig (Vice Chairman), Acott, Barton-Brown, Howlett, Lillis, C. Sach, Skipp and J. Thornton.

SUBSTITUTE MEMBERS PRESENT: None

CANVEY ISLAND TOWN COUNCIL: None.

ALSO PRESENT: Councillors Dearson and A. Thornton.

APOLOGIES: Councillor Anderson

5. MEMBERS' INTERESTS

In relation to Agenda 5(4), Councillor Lillis declared that he had been a youth team manager and coach at Benfleet Football Club Associated Team over 7 years ago. He had not had any dealings with the club or anyone associated with it since that time. Councillor Lillis stated that he did not believe that his previous association was such as to affect his judgement on the application and he would be making his decision based on the content of the Planning Officer's report and after considering and listening to all the views as expressed during the committee.

6. MINUTES

The Minutes of the meeting held on 4th July 2023 were taken as read and signed as a correct record.

7. PUBLIC SPEAKERS

Agenda Item 5(2) – Mr Silk in objection and statement from Mr Zola in support.

8. DEPOSITED PLANS

(a) **23/0333/FUL - 49 CHURCH ROAD, THUNDERSLEY, BENFLEET, ESSEX, SS7 4BP (ST GEORGE'S WARD) – MR P CODARIN**

This application had been withdrawn by the applicant.

(b) **23/0335/FUL – 49 KILN ROAD, THUNDERSLEY, BENFLEET, ESSEX, SS7 1TA (CEDAR HALL WARD) – MR PATRICK ZOLA**

The application sought the conversion of a residential dwelling to a children's care home, at 49 Kiln Road, Thundersley. As the area was designated for residential use, the proposed application was not considered a departure from the allocation within the adopted Local Plan. The proposal would house four 13-18 year olds that were under the care of local authorities. The application was recommended for approval.

The application was presented to the committee as it has been called in by Councillor J Thornton on the grounds of the potentially excessive noise and disturbance to the amenity of neighbours, as well as to ensure the wider needs of the users/residents of the facility were met by the conversion and siting of the proposal.

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

A statement was read out on behalf of Mr Zola, the applicant, in support of the application.

In response to questions from the committee the Planning Officer explained that Essex County Council (ECC) had not been consulted on the application because whilst it had a duty to provide this facility it was not a consultee for the purposes of the planning process, it was for the Local Planning Authority to determine the suitability of the proposal on this site. However ECC had been contacted informally about the application and had not raised any concerns. The Operating Management Plan submitted was to address some of the planning concerns of officers and not to set out the day-to-day running of the facility. Information had not been submitted on whether staff on night shift were required to be awake as this was not required as part of the application. It was confirmed that there had been no discussions with the applicant on the Location Plan, the Planning Officer considered that the location provided all the facilities that a home would need e.g. transport links and shops. The close proximity of the dwelling to the A13 did not pose any more risk to the residents of this dwelling than any surrounding single-family dwelling.

With regard to the parking provision on the site it was confirmed that there would be a maximum of four children in the property at any one time. It was further explained that the site required six parking spaces however this was a maximum standard, as parking was a land hungry use. There were three existing useable parking spaces. Whilst it was acknowledged there would be a change over period for four staff there was potential for some overspill of parking. The surrounding area either had double yellow lines or required a permit therefore parking should not spill into those residential streets. The applicant had confirmed in the management plan that any visitation to the home would be pre-arranged so that there was no conflict with the staff change over period. There had been no assessment of vehicle movements on the site. It was possible that as the children could be up to 18 years of age they could have their own vehicles but this would be a matter for the manager of the facility to determine whether their vehicles would be allowed. Three off-street parking spaces on the site was considered to be sufficient and the Planning Officer's advice was that an objection raised on the basis of a lack of parking provision was not considered to be a sustainable reason for refusal.

During debate whilst Members recognised the need to provide this type of facility within the borough it was felt that there was insufficient detail to be able to approve the application. Concern was raised regarding the lack of scoping and information from ECC on the suitability of the proposal to home vulnerable children and the comments from the Police regarding the limited information they had been provided. Parking provision, in light of the number of staff and potential visitors to the property, was also a concern as well as the impact on neighbours' amenity.

The Planning Officer confirmed that scoping of the facility was not required as part of the planning process and that bodies such as ECC and OFSTED would carry out their inspections at a later date.

Following conclusion of the debate a vote took place on the recommendation in the Planning Officer's report which was lost. The committee gave valid reasons for a changed recommendation.

Following debate, it was:

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

- (a) Lack of amenity on the site
- (b) It is contrary to the Council's parking standards.

(c) 22/0422/VAR – 179 KILN ROAD, THUNDERSLEY, BENFLEET, ESSEX, SS7 1SJ (CEDAR HALL WARD) - VARIATION OF CONDITIONS 6 AND 7 (OPENING HOURS OF PETROL GARAGE AND SHOP, CAR WASH, CAR VAC AND AIR/WATER TOWER) OF PERMISSION CPT/108/05/FUL – MOTOR FUEL GROUP LTD

This item was withdrawn so that further information could be obtained from the applicant relating to information submitted after the consultation period and will be considered at a future meeting of the committee.

(d) 23/0432/FULCLO – BENFLEET FOOTBALL CLUB, MANOR ROAD, THUNDERSLEY, BENFLEET, ESSEX (ST PETER'S WARD) - PROPOSED 2.4M HIGH SECURITY FENCE WITH ACCESS GATES, 1.1M HIGH PITCH-SIDE BOUNDARY FENCE, 4NO. GRANDSTANDS, AND 6NO. FLOODLIGHTS – TRUSTEES OF BENFLEET FOOTBALL CLUB WOODSIDE PARK

The application sought the erection of a security fence with associated gates, pitch-side boundary fence, floodlighting and four grandstands to an established football pitch within Woodside Park. Whilst the area was designated for public open space and within the Green Belt, it was considered that the benefits of the proposal overcame the minimal harm caused by the proposal and therefore the application was recommended for approval.

The application was presented to the committee as it was sited on council-owned land.

In response to questions the Planning Officer stated that it was not known if the pitch was available for public hire as this was not part of the planning application. The land was leased to the applicant by the Council for the purpose of using it as a football pitch. An assessment had been submitted on the lighting columns and it was considered that the floodlights would not have a detrimental impact on neighbouring properties and their use was limited to 22:00hrs. The proposal was not expected to increase the number of spectators at the site. Public footpaths and bridleways would not be affected by the application. The proposal was unlikely to attract additional anti-social behaviour as the site would visibly remain open, there were no secluded areas. Any amendments to Benfleet Football Club's lease from the Council was a matter for Legal Services and not a material planning consideration.

During debate a Member felt that it was not appropriate to fence in public open space and was concerned if this application was agreed it may set a precedent. Other Members were fully supportive of the proposal and did not consider there to be any issues that would warrant a refusal, particularly as it would have little impact on the character of the surrounding area which would remain available as public open space.

Following debate it was:

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

Chair

ITEM 1

Application Number:	23/0423/FUL
Address:	Site Of The Warren And Tanglewood, Hall Crescent, Hadleigh, Benfleet, SS7 2QW (Victoria)
Description of Development:	Demolish existing dwellings and construct block of 12No. flats
Applicant:	Broadleigh Homes Ltd
Case Officer:	Mr Keith Zammit
Expiry Date:	12.10.2023

Summary:

The application seeks permission for the demolition of the two existing dwellings on the site and the erection of a block of 12 flats with parking. In all the circumstances the scheme is felt to be compliant with local and national policies and guidance, and no reasons for refusal can be found. The scheme is therefore recommended for APPROVAL.

The application is presented to the committee at the request of Councillor Skipp so that the committee can assess the potential deficits in parking and amenity space provision as required by the council's adopted standards and guidance.

Site Visit:

It is considered that it would be beneficial for Members to visit the site prior to determination of the application.

Site Description:

The application relates to an 825sqm site on the north-western corner of London Road and Hall Crescent. There are two existing residential properties on the site with vehicular access to Hall Crescent. The site is bordered by a two-storey dwelling to the northeast and a part single/part two storey building used as a clinic to the northwest.

Description of Proposed Development:

Permission is sought for the demolition of the existing buildings and the erection of a four-storey building containing 12 flats. The uppermost storey would contain the penthouse with the remaining flats spread over the lower floors. The building has the outward appearance of two conventional floors, with the second floor in a mansard roof and the third floor in a mansard roof of lesser footprint.

The main part of the building would be 9.6m tall with the penthouse having a maximum height of 11m.

The proposed external materials are yellow stock brickwork, white render, zinc cladding and a mixture of flat roof and smooth grey tiles.

Twelve parking spaces are proposed, including four in parking stackers at the rear and two on the site frontage to Hall Crescent.

Supplementary Documentation:

The application is accompanied by a design and access statement and viability assessment. The design and access statement is available to view online but the viability assessment is not due to it containing commercially sensitive information.

Planning History:

None relevant to the current application.

Local Plan Allocation:

Residential

Relevant Policies:

National Planning Policy Framework (the Framework, 2021)

Local Plan (LP, 1998):

EC2 – Design

T8 – Parking standards

H7 – Affordable housing

H9 – New housing densities

H10 – Mix of development

H13 – Location of development

Residential Design Guidance (2013):

RDG2 – Space around dwellings

RDG3 – Building lines

RDG4 – Corner plots

RDG5 – Privacy and living conditions

RDG6 – Amenity space

RDG7 – Roof development

RDG8 – Detailing

RDG10 – Enclosure and boundary treatment

RDG11 – Landscaping

RDG12 – Parking and access

RDG13 – Refuse and recycling storage

RDG16 – Liveable homes

Developer Contributions Guidance (Castle Point Borough Council, 2023)

Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (Essex County Council, 2020)

Parking Standards: Design and Good Practice (Essex County Council, 2009)

Technical Housing Standards: Nationally Described Space Standard (DCLG, 2015)

Community Infrastructure Levy (CIL):

The proposed development type is located within a Community Infrastructure Levy (CIL) charging zone, as set out in the council's adopted [CIL Charging Schedule](#). CIL is non-negotiable and is calculated at the time planning permission is granted. The charge is based on the net increase of

gross internal floor area of the proposed development, and payment of CIL is due upon commencement of the development, in accordance with the council's [CIL Instalment Policy](#). It may be possible to claim exemption or relief from CIL. Further information is provided on the council's website: [Community Infrastructure Levy \(CIL\) | Castle Point](#).

This is a residential development that is CIL liable.

Consultation Responses:

Ambulance Service

No comments received

Fire Brigade

Comments offered regarding access for firefighting, compliance with Building Regulations, water supplies for firefighting and the use of sprinkler systems.

Police

Recommend that the developer seeks to achieve the Secured by Design – Homes (Gold) accreditation.

Highways

No objection with suggested conditions.

Refuse and Recycling

No comments received

NHS

The development would have an impact on healthcare provision in the area where there is already a deficit of primary care facilities. A sum of £5,800 is requested to increase capacity (indexed to 01/01/2022).

County Education

No comments received

Environmental Health

Conditions recommended relating to noise levels in the dwellings, noise transmission between dwellings, construction times, construction activity and unforeseen ground contamination.

Lead Local Flood Authority (LLFA)

No formal comment as the development does not pose a significant flood risk and there is little opportunity to deliver new SuDS features. It is recommended that all hard surfaces are permeable and runoff rate is 1 in 1 greenfield rate.

Anglian Water

Unable to comment due to lack of drainage strategy.

CPBC Housing

A development of this size would be expected to provide affordable housing either on or off site.

Social Services

No comments received

Comments on Statutory Consultation Responses:

- o The Environmental Health suggestion conditions for construction management and achievement of certain noise levels in the dwellings vis-à-vis road noise are reasonable. There is no policy basis upon which to require sound attenuation between flats over and above Building Regulations so this would not be possible to be imposed.
- o The suggested highway conditions will be incorporated into any recommendation of approval where reasonable and necessary.

Public Consultation:

The following objection comments have been made:

- o No space for additional parking in Hall Crescent as it is already used for parking by workers in the area
- o No visitor parking for proposed flats
- o Loss of value of nearby property
- o Would not fit in the street scene as the houses in the street are two storeys
- o Would add to existing sewer/drain problems
- o Would worsen the existing poor condition of Hall Crescent
- o Disturbance/dust from building works
- o Would worsen highway safety in Hall Crescent
- o Additional noise/pollution to the area
- o Overlooking of nearby properties
- o Loss of family homes
- o Additional noise from flat dwellers
- o Lack of disabled parking for development

The following comment has been made in support:

- o The area needs more properties suitable for downsizers and first time buyers, it is also a short walk to Morrisons and town centre shops.

Comments on Public Consultation Responses:

- o Loss of value of property is not a planning consideration
- o Existing sewer/drain problems are the responsibility of the relevant statutory undertaker to resolve and cannot be laid at the door of this development
- o The existing poor condition of the road is a matter for the highway authority to address
- o Noise and disruption from construction is a transitory and short lived nuisance which would not be sustainable of forming a robust reason for refusal. Construction management plans could be used to manage the impact.
- o Noise and disturbance from new residents cannot be a reason for refusal as it is based on assumptions about the new occupiers.
- o Disabled parking spaces at private dwellings are not a typical requirement and would only be sought where dwellings are being built specifically for the disabled.
- o Other planning matters are considered in the evaluation of the proposal.

Evaluation of Proposal:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 set out that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise (paragraph 2 of the Framework).

The development plan for Castle Point is the policies of the 1998 Local Plan (LP) that were saved by direction under Article 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004. These are listed in the policies section of the report.

The main issues with this application are the principle, developer contributions, the design, impact on neighbours, living conditions for future occupiers and parking.

Principle

The land is allocated for residential purposes in the adopted LP so there is no objection to the principle of residential redevelopment.

LP policy H13 seeks, amongst other things, developments of flats to be located on or near a main road. The rationale for this requirement is not clear from the policy or supporting text and it is inconsistent with ensuring a sufficient supply of homes, as it could prejudice the redevelopment of sites for flats which might otherwise be suitable. This part of policy H13 should therefore not be applied. The other parts of policy H13 are normal development management considerations which are repeated elsewhere in the plan.

LP policy H10 seeks an appropriate mix of dwelling types. The proposed development would mostly consist of two-bedroom flats. While this would be somewhat homogenous in terms of dwelling mix, it is recognised that on small sites such as this the scope to provide a range of dwelling types is limited. The comment about a loss of family homes is noted but the council is also mindful of the need to increase housing supply, particularly on brownfield sites. Under the circumstances an objection to the proposal based on the loss of the existing dwellings would unlikely be supported on appeal.

LP policy H9 seeks the optimum density of development, which the policy defines as the number of dwellings which can be accommodated while ensuring that the development will not be harmful to the character of the site and the area, and will be attractive. This is best assessed using the council's Residential Design Guidance which is discussed more below.

On this basis, no objection is raised to the principle of the proposed development.

Developer contributions

LP policy H7 states that, where appropriate, the council will negotiate a proportion of developments as affordable housing of various tenures. The council's March 2023 Developer Contributions Guidance goes into more detail and explains that, on development sites proposing 10 or more units, the council will seek 35% of housing to be affordable. Where the affordable housing requirement does not generate a whole number, a financial contribution will be sought equal to the value of the part unit. Alternatively, the number can be rounded up to the nearest whole number and all units can be provided on site.

While the headline requirement is 35% affordable housing, the council will expect 25% of the dwellings on site to be affordable housing for rent, and 10% of the dwellings to be affordable home ownership products.

The 25% for affordable rent is always rounded up. The balance of the total number of affordable dwellings should be provided as affordable home ownership products.

In the case of this development, 12 dwellings are proposed. 4.2 affordable housing units are sought for a policy-compliant scheme. Three dwellings should be for affordable rent, and the remaining 1.2 dwellings as affordable home ownership. This should mean two affordable home ownership properties on site or one affordable home ownership property and a financial contribution for the fraction of a dwelling.

The developer has submitted a viability assessment which shows a viability deficit and no surplus generated by the development to support any affordable housing contribution or other section 106 agreement costs (CIL costs have been allowed for).

The council has had this independently reviewed. The conclusion of the report received is that this development could not viably deliver any affordable housing or section 106 contributions. Whether the development is approved or refused would therefore make no difference to the supply of affordable housing. A refusal would, however, only serve to further limit the supply of market housing. The council is in a weak position of land supply, having only 1.86 years as of May 2023. The government requirement is for a five-year supply. The net increase of 10 dwellings would make a modest contribution to supply, which will be factored into the overall planning balance.

The applicant has agreed to pay a contribution to mitigate recreational disturbance (discussed more below) as well as the requested healthcare contribution. The development would therefore mitigate its impact on wildlife habitat sites on the coast and on local healthcare facilities.

Design

The council's LP policy EC2 seeks a high standard of design in new buildings which is consistent with the Framework objective of achieving well-designed places. The council also has a Residential Design Guidance supplementary planning document which lists various design and layout criteria for new housing developments.

The general design of the building is felt to be appropriate for the area. The height of the main element at 9.6m would not be excessive in relation to the nearby two storey housing development. The penthouse would be set well in from the edges of the lower floors and would have little visual impact from the adjoining streets, although would be seen in longer views. It is not felt that a refusal based on the overall architectural style would be supported on appeal.

Within the council's Residential Design Guidance, RDG2 seeks the space around all new development to be informed by the prevailing character of space around dwellings, with at least 1m between properties and the boundary, and buildings containing flats having space equivalent to 25% of their width around them. The proposal comfortably meets this as the spaces represent at least 35% along both road frontages.

RDG3 requires proposals not to disrupt strong building lines. The proposal would be 4.5m from London Road which breaks the building line. The clinic to the west is 8.6m from London Road and the house at No.61 (on the other corner) is 9.2m from London Road. The proposal would be closer to the highway than neighbouring buildings but after consideration the building line in the area is not felt to be exceptionally strong and represent such a strong characteristic that the development would look out of place. The building would still maintain a reasonable setting.

The development would be 5.5m from the highway boundary in Hall Crescent. The neighbouring houses in Hall Crescent are about 7m from the highway (not 5.5m as shown on the applicant's plan). The next pair of semi-detached houses then steps back further from the highway, and the

next pair further again. This proposal would continue the staggered building line and it is not considered that it would be unduly harmful to the street scene.

RDG4 requires proposals to be designed to turn the corner, avoiding blank elevations to return frontages. This proposal turns the corner well with a good level of fenestration and articulation to both road frontages so there is no objection based on RDG4.

RDG7 requires the roof design of any development to be compatible with the building and the surrounding area. It should not appear top heavy, prominent or dominant. Features such as dormers should appear ancillary to the roof with good roof margins.

The roof of the building is considered to appear too tall in relation to the lower floors and the applicant is unwilling to change this aspect. The uppermost storey is felt to represent a contrivance which would be seen in long views of the building however it is acknowledged that this would not be visible from the adjacent streets. The roof design is not felt to provide the high quality design sought by the Framework when considering the character of the surrounding area, however in the absence of other design issues it is not felt to be sufficiently detrimental to the character of the streetscene to provide a strong reason for refusal.

RDG10 deals with enclosure and boundary treatment and seeks clear delineation between public and private space but without means of enclosure dominating the public realm or repeating poor forms of development. RDG11 seeks the provision of landscaping suitable for the type of accommodation provided. RDG12 seeks to prevent parking from dominating the public realm or having an adverse impact on residential amenity.

The proposed scheme has two parking spaces on the site frontage, with the rest being at the rear of the building. This is not considered an excessive level of frontage parking that would be unduly dominant in the street scene and has been reduced since the application was first submitted following discussions with the applicant. The plan allows space for landscaping, which would need to be developed into a detailed scheme. It is expected that the existing hedge to London Road would be retained or, if this is unsuitable, replaced with a hedge of species suitable for the location in terms of its growth habits and leaf/fruit fall. Any new planting should be set back a minimum of 1m from the highway boundary to prevent outward growth of the planting from encroaching upon the highway.

Subject to a condition for approval of landscaping and boundary treatments there is no objection to the proposal on this basis.

The proposed parking allocation does not give rise to concern in respect of noise or disturbance to the proposed dwellings. It is noted that there is a parking stacker at the rear of the site adjacent to the boundary with 1 Hall Crescent. The height of the parking stacker is not known as the applicant does not currently know the exact model that would be used. In the location proposed, it is not considered likely that a car stacker would lead to undue overshadowing or dominance of the neighbouring dwelling, and subject to agreement of details, including the outbuilding to house it, there is no objection to this facet of the scheme. The applicant has indicated agreement to such a condition.

Impact on neighbours

RDG5 seeks the provision of 9m between windows and the boundary at first floor level, increasing to 15m at second floor and 18m at third floor. This is to protect the privacy of adjacent residents.

The rear elevation of the building is closer than 18m to the rear boundary so these distances are not met, however, the site to the rear is non-residential so no loss of residential amenity would occur. If the clinic was ever redeveloped for residential, then those future residents would be aware of the overlooking when making the decision to buy. It is not reasonable to prejudice the redevelopment of this site based solely on what may or may not occur in the future and therefore this is deemed acceptable under RDG5.

Subject to the upper floor side windows facing 1 Hall Crescent being obscure glazed and fixed shut 1.7m above finished floor level, there is no objection to the proposal on privacy grounds.

It is also noted that some balconies will need 1.8m high side privacy screening, for example flats 7 and 11, to prevent overlooking of 1 Hall Crescent and to prevent inter-visibility between flats 4/5 and 8/9. Subject to a condition securing this, there is no objection under RDG5.

RDG3 also requires development not to cause excessive overshadowing or dominance of adjacent properties. It is not considered that the proposed building would lead to undue loss of amenity to surrounding residents by way of obtrusiveness or dominance due to the isolation space surrounding the building and its relationship with the surrounding built environment.

Living conditions for future occupiers

RDG6 requires the provision of amenity space in proportion to the size of the dwelling. At least 8sqm per habitable room should be provided in the case of flats, with a minimum of 25sqm per flat. Balconies with a floor area of at least 5sqm and depth of at least 1.5m may count towards this requirement.

Ground floor flats 1 to 3 have their own garden areas which meet this requirement. Careful boundary treatment and landscaping will be required to provide privacy from the street without resulting in the presence of obtrusive structures. Permitted development rights for boundary treatments should be withdrawn to prevent occupiers erecting fencing without express permission. As part of the landscaping scheme some paving should be provided outside the doors to provide an area for a table and chairs, et cetera.

Flats 4 to 11 on the first and second floors have balconies of at least 5sqm but less than 25sqm. The 25sqm figure is mostly applied to communal gardens which are not a feature of this development, with all amenity space provision being private. While the balconies are the only space that would be available to flats on the first and second floor, balconies provide a more useable space than a communal garden so it is considered that this would be an acceptable arrangement under the circumstances. This practice of permitting flats with solely a balcony is commonplace for other developments granted consent in Hadleigh and elsewhere in the borough. Refusal of the proposal on this basis would be unsustainable for this reason.

The penthouse flat 12 would have a 55sqm roof terrace which is a generous amount of space. A balustrade is indicated to prevent occupiers going too near the edge and overlooking 1 Hall Crescent. Subject to this balustrade being provided by condition there is no objection to the proposal based on amenity space provision.

A point to note is that the balcony enclosures are shown as clear glazed. In addition to the side privacy screen condition already mentioned, a condition is necessary to require the balcony enclosures to be etched or opaque glass in accordance with details to be approved by the planning authority. This is to prevent balcony clutter being visible in the street and to provide some privacy so that occupiers do not erect their own screening which, in the council's experience, leads to a poor appearance. This practice has been supported at appeal.

RDG5 requires windows to be designed and be of a size which allows for adequate natural light and ventilation to the rooms they serve. The proposal is fully compliant with this requirement.

RDG16 requires all new dwellings to provide appropriate internal space and circulation space reflecting the character of the surrounding area and current best practice. The DCLG 'Nationally Described Space Standard' is an example of best practice.

The proposed flats comply with the Nationally Described Space Standard. No objection is therefore raised based on RDG16.

Parking

LP policy T8 states that the council will apply with specified exceptions the car parking standards published by Essex County Council. The exceptions are in a now superseded appendix to LP so no longer applicable. The car parking standards have been set taking into account local circumstances, so their use is consistent with paragraph 107 of the Framework.

The standard for dwellings requires the provision of a minimum of one space for one-bedroom properties and a minimum of two spaces for properties with two or more bedrooms. One visitor space should be provided for every four dwellings.

The parking requirement of the development is as follows:

1 x 1 bed flat	1 space
11 x 2 bed flats	22 spaces
Visitor	3 spaces
Total	26 spaces

The application proposes 12 parking spaces which represents one per flat with no visitor parking and less than half the minimum number required. However, the parking standards allow for a reduction of the vehicle standard if there is development within an urban area, including town centre locations, that has good links to sustainable transport. The application site is within an urban area, just outside Hadleigh Town Centre with its many shops and services, and on the A13 London Road which is a major public transport corridor with many bus routes. This is considered to be a location with good connectivity and where a reduced car parking standard is appropriate. One space per flat with no visitor parking would be acceptable under the circumstances and would follow the practice taken by the council when approving flats in similar locations within Hadleigh and elsewhere in the borough.

A parking stacker is proposed for four of the spaces. The spaces within this structure do not meet the council's 2.9m width requirement for parking spaces. The clear platform width for the double stacker is 5.4m or 2.7m per space, although there would be some additional space in between the hydraulic support/lifting columns. The model of parking stacker chosen is, however, the widest available from that range and it is considered preferable to have a greater number of parking spaces by using the stacker, than have even fewer spaces without it. In practical terms the parking stackers would provide four useable parking spaces, where space on the ground only exists for two, whilst reducing the level of frontage parking which would dominate the front of the site were this permitted.

Subject to agreement of the precise model and details of the parking stacker, including the outbuilding to house it, there is no objection to this aspect of the proposal. The applicant has indicated agreement to such a condition.

It is noted that parking is heavily mentioned in the objection comments and particularly how Hall Crescent is used for parking by people working in the area, attending the nearby clinic, as well as by visitors and callers to the dwellings in Hall Crescent. It is known from officer experience that Hall Crescent is a heavily parked street, being close to many businesses and commercial operations and not having any parking restrictions. However, given that the street is heavily parked now, that parking is coming from existing dwellings and business uses in the area, not the proposed development. While it cannot be said with certainty that each set of flat occupants would have use of only one car, it is a location suitable for living without a car. There may be instances where flat dwellers or visitors would seek out a parking space in nearby streets but from the representations received, they would be joining others doing the same thing, and the overall effect on highway safety would not be so severe as to justify a refusal of planning permission. It should be noted that no objection to this has been received from the Highway Authority. If on street parking in Hall Crescent is of such a significant concern to residents, the possibility of double yellow lines or a scheme of residents permit parking could be investigated.

Cycle parking is required at a rate of one space per dwelling and one space per eight dwellings for visitors. Fourteen cycle spaces are indicated across various locations which represents acceptable provision in numerical terms. Full details to be provided by condition.

Other matters

RDG13 requires safe, adequate and suitable means of refuse and recycling storage to be provided. A bin store is shown at the rear of the site. The refuse and recycling service has not commented on this proposal although it is known that a 4m wide vehicle access is sufficient for a refuse collection lorry to reverse into the site and service the bin bay. There is therefore no objection to the proposal based on RDG13. Full details of the bin store to be agreed by condition.

It has been identified that population growth in Essex is likely to significantly affect wildlife habitat sites on the coast through increased recreational pressure. To counter this, the council has, along with other districts in the county, adopted the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) which sets out a tariff applied to all net new residential development within the zones of influence of the habitat sites. For 2023/24 this is £156.76 per dwelling. Once collected this goes into a fund to avoid and mitigate adverse effects from increased recreational disturbance. Alternatively, the developer can commission their own Appropriate Assessment.

The proposal lies within three zones of influence: Benfleet and Southend Marshes, Foulness, and Blackwater. The developer has indicated that they are willing to enter into a section 106 agreement to pay a recreational disturbance contribution. There is therefore no objection to this facet of the development.

The planning balance

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

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

- o where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁸, granting permission unless:
 - i. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁷; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

The council's development plan is not up-to-date. Footnote 8 of the Framework explains that, for applications involving the provision of housing, policies most important for determining the application will be out-of-date where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 74); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.

Castle Point Borough Council is unable to demonstrate a five-year supply of deliverable housing sites, therefore the policies most important for determining the application are out-of-date and permission should be granted unless (i) or (ii) above apply.

The application site is within the zones of influence of coastal habitat sites which are a protected area listed at footnote 7 of the Framework. However, the applicant has agreed to contribute towards measures to mitigate the effects of increased recreational disturbance so the policies within the Framework protecting that area do not provide a clear reason for refusing permission and (i) does not apply. The council must now determine whether (ii) applies.

The proposal would provide a benefit in terms of a boost to housing supply (of ten additional dwellings). Some concern has been raised with the design of the roof of the building being out of character, however this is a relatively minor concern when assessing the development as a whole.

The boost to housing supply of ten additional dwellings would have a small, yet not insignificant, impact on the council's housing supply at a time of shortage of land for housing, making maximising the efficient use of brownfield land. It therefore carries substantial weight. The roof design issue is an unattractive part of the proposal. This carries a little weight. The developer has agreed to pay contributions towards recreational disturbance mitigation and healthcare improvements, but that is only an absence of harm and does not carry any weight.

In the overall planning balance, the benefit of providing housing, with the substantial weight that carries, outweighs the negative design aspect of the proposed development.

It is therefore recommended that the application be approved.

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

My **RECOMMENDATION** is that planning permission is GRANTED subject to the applicant entering into an agreement under section 106 of the Town and Country Planning Act 1990 to secure the following:

- o a contribution of £1,567.60 for recreational disturbance mitigation, indexed from grant of planning permission

- o a contribution of £5,800 for improvements to local healthcare facilities, indexed from 01/01/2022

and the following conditions:

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

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

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

REASON: To ensure mitigation of increased recreational disturbance and increased demand for healthcare facilities arising as a result of the development.

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

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

- 4 No development shall take place, including demolition or preliminary groundworks, until a construction management plan has been submitted to and approved in writing by the local planning authority. The approved plan shall be adhered to throughout the construction period. The plan shall provide for:

- (i) Proposed hours of work
- (ii) Details of facilities for the cleaning of the wheels of vehicles leaving the site
- (iii) Areas for the reception and storage of building materials clear of the highway
- (iv) Areas for the storage of plant and machinery
- (v) Areas for the parking of vehicles of operatives of and callers to the development

REASON: To protect the amenity of nearby residents, to ensure that the parking of these vehicles in adjoining streets does not occur and to prevent loose material and spoil being transferred to the highway in the interest of highway safety. The condition is a pre-commencement condition as commencement of development before approval of the plan could lead to development having an unacceptable impact on the highway.

- 5 Any unforeseen ground contamination encountered during development, to include demolition, shall be notified to the local planning authority as soon as is practicable. Unless otherwise agreed in writing by the local planning authority as unnecessary, an appropriate ground investigation and/or remediation strategy shall be submitted to and approved in writing by the local planning authority, and the approved strategy shall be implemented in full prior to further works on site. Following remediation and prior to the occupation of any building, a Completion/Verification Report, confirming the remediation has been carried out in accordance with the approved details, shall be submitted to and approved in writing by the local planning authority.

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

6 Notwithstanding any details contained within the construction management plan, construction and demolition works and associated activities at the development, audible beyond the boundary of the site, shall not be carried out other than between the hours of 07:00 - 19:00 on Monday to Friday, 08:00 - 13:00 on Saturdays and at no other times, including Sundays and Public/Bank Holidays, unless otherwise agreed in writing with the local planning authority.

REASON: To protect the amenity of surrounding residential occupiers.

7 Prior to commencement of construction of the approved building, details of all materials to be used on the external surfaces shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

REASON: In the interest of visual amenity.

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

REASON: To ensure that the amenities of future occupiers are protected.

9 Prior to first occupation of the development, any upper-floor windows in the northeast facing side elevation shall be -
(i) obscure-glazed to at least level 3 on the Pilkington Scale (or such equivalent as may be agreed in writing with the local planning authority); and
(ii) non-opening, unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed;

and retained as such thereafter.

REASON: In order to prevent overlooking of the adjacent residential property.

10 Prior to first occupation of the development, obscure glazed screening shall be installed along the balcony edges in the positions marked A-B on the plans returned herewith, such screening to be obscure glazed to at least level 3 on the Pilkington scale (or such equivalent as may be agreed in writing with the local planning authority) with a minimum height of 1.8m from the floor surface of the balcony. Such screens shall thereafter be retained at all times that the development is occupied.

REASON: To maintain the privacy of occupiers of the neighbouring dwelling and occupiers of the approved development.

11 The balcony enclosures that are not subject to the preceding condition shall be formed of opaque material, details of which shall first be submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details, the approved balcony enclosures shall be installed prior to first

occupation of the development and retained unless otherwise agreed in writing with the local planning authority.

REASON: In the interests of visual amenity and the privacy of occupiers of the development.

12 Prior to first occupation of flat 12, a balustrade of 1.1m in height from the floor surface of the balcony shall be erected in the positions marked C-D on the plan returned herewith. Details of the balustrade to first be submitted to and approved in writing by the local planning authority. The approved balustrade shall, following installation, be retained at all times that flat 12 is occupied.

REASON: To restrict access to the parts of the roof that would lead to overlooking of the adjacent residential property.

13 Prior to first occupation of the development, a landscaping scheme shall be submitted to and approved in writing by the local planning authority. Such a scheme shall include planting plans, written specifications, including cultivation and other operations associated with plant and grass establishment, schedules of plants, noting species, plant sizes and proposed numbers/densities. The scheme shall also include patio areas outside the ground floor flats.

All landscaping works forming part of the approved scheme shall be carried out in accordance with the approved scheme prior to occupation of the development.

Any tree or shrub contained within the approved landscaping scheme dying or becoming damaged, diseased or uprooted within 5 years of the development being occupied shall be replaced by a tree or shrub of a similar size and species, or such other species as may be agreed in writing with the local planning authority.

REASON: To ensure a satisfactory standard of landscaping in the interest of visual amenity and to provide hard surfaced sitting out areas for the ground floor flats.

14 Any new planting shall be set back a minimum of 1 metre from the highway boundary.

REASON: To ensure that outward growth of vegetation does not obstruct the highway in the interest of pedestrian safety.

15 Prior to first occupation of the development, details of any new or replacement boundary treatments shall be submitted to and approved in writing by the local planning authority, with reference to accurately scaled plans. The approved boundary treatments shall be erected or constructed prior to first occupation of the development.

REASON: In the interest of visual amenity.

16 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or the equivalent provisions of any statutory instrument revoking, amending or re-enacting that Order), no gate, wall, fence or other means of enclosure shall be erected or constructed.

REASON: To protect the visual amenity of occupiers of the development and the street scene.

17 Prior to first occupation of the development, and notwithstanding the widths shown on planning drawing 4006-06-4 Rev D, the vehicle accesses shall be constructed at right angles to the highway boundary and to the existing carriageway and shall be provided as follows:

- i. The existing vehicle access that shall serve flat 1 shall be altered to align with the proposed parking space. The access shall be provided at 3.6 metres wide at its junction with the highway.
- ii. The new vehicle access for flat 3 shall be provided at 3.6 metres wide at its junction with the highway.
- iii. The shared vehicle access to the remaining parking spaces shall be altered and provided at a width of 5.5 metres wide at its junction with the highway.

Each access shall be provided with an appropriate dropped kerb vehicular crossing of the footway. Any redundant parts of the existing vehicle accesses shall be suitably and permanently closed incorporating the reinstatement to full height of the footway and kerbing immediately the proposed new/revised accesses are brought into first beneficial use. Full details to be agreed with the local planning authority in consultation with the Highway Authority prior to any works taking place within the highway.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety.

18 Prior to first occupation of the development and as shown on planning drawing 4006-06-4 Rev D, twelve space parking spaces shall be provided, this includes four spaces in the double bay stacking system. The parking provision and shared turning and circulation areas shall be retained in the agreed form and clear of obstruction at all times.

REASON: To ensure adequate space for parking off the highway is provided in the interest of highway safety.

19 The parking spaces (except for those in the stacking system), vehicle access, turning and circulation areas shall be provided prior to first occupation of the development in permeable bound materials, details of which shall first be submitted to and approved in writing by the local planning authority. The parking spaces, vehicle access, turning and circulation areas shall be retained in the agreed form.

REASON: To reduce surface runoff from the site in the interest of sustainable drainage and to prevent the transfer of loose material to the highway in the interest of highway safety.

20 Prior to first occupation of the development, details of the cycle parking shall be submitted to and approved in writing by the local planning authority, with reference to accurately scaled plans. The cycle parking shall be secure, covered and shall be provided prior to first occupation of the development and thereafter retained for its approved purpose.

REASON: To ensure appropriate cycle parking is provided in the interest of sustainable travel, taking into account the low level of parking provision at the development.

21 Prior to its installation on site, full details of the parking stacking system and its enclosure shall be submitted to and approved in writing by the local planning authority. The approved system shall be provided and made operational prior to first occupation of the development

and thereafter retained and maintained in accordance with the manufacturer's recommendations.

REASON: To ensure the continued availability of the on-site parking provision to prevent parking being displaced into nearby streets.

22 Prior to first occupation of the development, details of the refuse storage facility shall be submitted to and approved in writing by the local planning authority, with reference to accurately scaled plans. The approved facility shall be provided prior to first occupation of the development and thereafter retained for its approved purpose.

REASON: To make adequate provision for refuse storage in the interest of visual amenity and the amenity of surrounding residential occupiers.

23 Prior to first occupation of the development, the area hatched horizontally on the plan returned herewith shall be made up to support the weight of a 32 tonne refuse collection lorry.

REASON: To enable the collection of refuse materials from the site in the interest of the amenity of the area.

24 Prior to the laying of any hard standing for car parking, a scheme for the provision of electric vehicle charge points shall be submitted to and approved in writing by the local planning authority, with reference to accurately scaled plans. The approved scheme shall be implemented and any charge points made operational prior to first occupation of the development. Thereafter the system shall be maintained in accordance with any manufacturer's recommendations.

REASON: To make provision for the charging of electric vehicles in accordance with government guidance in the National Planning Policy Framework.

Informatics

1 The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application and negotiating acceptable amendments to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for a revised scheme, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

ITEM 2

Application Number:	23/0422/VAR
Address:	179 Kiln Road, Thundersley, Benfleet, Essex, SS7 1SJ (Cedar Hall)
Description of Development:	Variation of conditions 6 and 7 (opening hours of petrol garage and shop, car wash, car vac and air/water tower) of permission CPT/108/05/FUL
Applicant:	Motor Fuel Group Ltd
Case Officer:	Jamie Whitby
Expiry Date:	06.10.2023

Summary:

The proposal seeks to extend the operational times of the Shell petrol filling service and associated shop from 07:00-23:30 on Saturdays and 08:00-23:30 on Sundays to 06:00-23:30 seven days a week. There is no change to the weekday operating hours.

It is considered that these altered hours would have a limited impact on the surrounding area, and it is therefore recommended for Approval.

The application is presented to the Development Management Committee following a valid call-in request being lodged by Councillor J Thornton relating to the impact of the proposal on the residential amenity of neighbouring properties by reason of additional pollution.

Site Visit:

It is not considered necessary for Members to visit the site prior to determination of the application as this application concerns solely a change in operating hours of the existing premises.

Site Description:

The application premises is a petrol filling station with associated additional facilities; shop, car wash, car vac, and air/water tower. It is located on the northern side of Kiln Road.

To the east, and west of the site, and on the south side of Kiln Road is residential development, whilst to the north is undeveloped land that has permission to build nine bungalows, which has already granted and commenced.

Description of Proposed Development:

The proposal seeks to amend its operational hours for the petrol filling station (condition 6 of approved application CPT/108/05/FUL) by an hour on Saturdays and two hours on a Sunday, while retaining the existing business hours Monday to Friday, to provide service 6:00am to 11:30pm 7 days a week.

After further clarification from the agent, it has also been established that the application seeks to maintain the existing operating times for the car wash, car vac, and air/water tower, but extend the hours of business for the onsite shop to align with that of the operational hours for the petrol filling station – an increase of an hour and a half on Saturdays and three and a half hours on a Sunday to provide service 6:00am to 11:30pm 7 days a week (an amendment to condition 7 of approved application CPT/108/05/FUL).

Relevant History:

BEN/249/56 – Petrol Station. Approved 13th November 1956.

BEN/269/67 – New toilet and alterations to show room to provide direct access to rear. Approved 14th June 1967.

BEN/328/54 – Additional Access. Approved 13th September 1954.

BEN/374/70 – Self-service petrol filling station, with canopy, car-wash and accessory shop. Approved 21st October 1970.

BEN/374/70/A – Amended plan of redevelopment. Approved 8th April 197.

BEN/374/70/B – Amended plan of redevelopment. Approved 28th April 1971.

BEN/374/70/C – Amended plan of development. Approved 30th June 1971.

CPT/697/88 – Installation of 18,200 litre underground petroleum storage tank. Approved 14th June 1988.

CPT/481/96/FUL Raise and extend existing forecourt canopy and provide new illuminated canopy ad shop mounted fascias. Approved 23rd October 1996.

CPT/555/02/FUL – Change a condition of a planning permission to allow sales of goods other than motor accessories in shop. Approved 5th September 2002.

CPT/83/04/FUL – Redevelopment of service station. Approved 2nd April 2004.

CPT/108/05/FUL – Redevelopment of existing petrol service station (revised layout). Approved 4th May 2005 subject to the following relevant conditions:

6. The petrol filling station only shall be operated between the hours of 6 am to 11.30 pm Mondays to Fridays, 7 am to 11.30 pm Saturdays, and 8 am to 11.30 pm Sundays, and at no other times whatsoever without the prior consent in writing of the Castle Point Borough Council.

REASON: To safeguard the residential amenities of the occupiers of adjoining properties.

7. The proposed shop, car wash, car vac and air/water tower shall only be operated between the hours of 6 am to 10 pm Mondays to Fridays, 7 am to 10 pm Saturdays, and 8 am to 10pm Sundays, and at no other times whatsoever without the prior consent in writing of the Castle Point Borough Council.

REASON: To safeguard the residential amenities of the occupiers of adjoining properties.

18/0223/FUL – Extension to existing petrol filling station shop. Approved 24th May 2018.

Local Plan Allocation:

Residential and Long Term Residential

Relevant Policies:

Community Infrastructure Levy (CIL)

The proposed development type is located within a Community Infrastructure Levy (CIL) charging zone, as set out in the council's adopted [CIL Charging Schedule](#). CIL is non-negotiable and is calculated at the time planning permission is granted. The charge is based on the net increase of gross internal floor area of the proposed development, and payment of CIL is due upon commencement of the development, in accordance with the council's [CIL Instalment Policy](#). It may be possible to claim exemption or relief from CIL. Further information is provided on the council's website: [Community Infrastructure Levy \(CIL\) | Castle Point](#).

This application does not need to meet the criteria to deem it a CIL liable development.

Consultation Responses:

Environmental Health

No objection

'The proposed change is for the site to operate from 6am to 11:30pm daily, albeit with restriction of use of the air/water facilities and car wash, as well as any delivery activities, to the current approved hours of use.'

'An acoustic assessment has been submitted in support of the application. Having reviewed the submission, it adequately demonstrates that the proposed operational hours should not have an adverse noise impact on the local amenity and therefore acceptable in noise terms.'

It is noted that Environmental Health was reconsulted following additional information relating to the proposed dwellings to the north of the site and a revised acoustic assessment being submitted. Following this re-consultation and further additional details, it was concluded that the assessment adequately demonstrates the extension of operating hours should not result in a significant noise impact.

Neighbour Notification:

Ten comments from ten separate residential properties (five properties responded through a single petition) were received in objection to the proposal raising the following issues:

- o It will cause an increase in pollution, disruption, traffic, noise, and light pollution, which has a negative impact on neighbouring residents and wildlife
- o There are plenty of alternatives nearby and therefore this is not a necessity
- o Existing hours were granted previously "to safeguard the residential amenities of the occupiers of adjoining properties", any extension of open hours would contradict this
- o Current noise nuisance law is applicable between 11pm and 7am, and the station already operates outside these hours
- o It will decrease highway and pedestrian safety when it is darker earlier
- o It will result in increased energy use in a time when we are being encouraged to minimize our usage and lower emissions

- o Breaches of existing granted planning permissions were raised, regarding advertising proliferation and lighting levels, and noise pollution.
- o The site sells liquid gas bottles which no planning permission can be found approving

One comment was received in support of the proposal raising the points:

- o The early opening hours would benefit commuters, emergency services, and local residents
- o The extended opening times are not likely to exacerbate noise from the highway but rather serve those that already are using the road at this time

Comments on Consultation:

- o Claims have been made that existing conditions are not being adhered to regarding advertisement. The Local Planning Authority have no record of receiving complaints regarding this matter that have not already been closed. Should this be the case, an enforcement complaint should be raised with the Local Planning Authority or if it relates to noise should be lodged with Environmental Health.
- o Planning permission is not required to sell liquid gas bottles from a petrol station and this is not a material planning consideration.
- o All material concerns raised during the consultation period will be considered in this report.

Supplementary Documents:

Acoustic Assessment

Evaluation of Proposal:

The main issue here is the impact of the earlier morning and late evening opening on the amenity of adjacent residents.

Paragraph 185 a) of the National Planning Policy Framework states planning policies and decisions should mitigate and reduce to a minimum potential adverse impact resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.

Paragraph 185 c) of the National Planning Policy Framework states planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

Local Plan Policy EC3 states that development proposals which would have a significant adverse effect upon the residential amenity of the surrounding area by reason of traffic, noise, fumes or other forms of disturbance will be refused. This is generally consistent with paragraphs 183 to 188 of the National Planning Policy Framework (NPPF).

The proposal is to extend the operational times of both the petrol filling station and on-site shop to 6:00am to 11:30pm at weekends to match the current weekday operating times. The times of use for the car wash, car vac, and air/water tower are not proposed to be altered.

The local planning authority recognises that noise from vehicle doors being opened and closed can be intrusive, particularly in the early hours of the morning or late at night.

Regarding the objection raised relating to the current noise nuisance law, this legislation is not designed to be used to prevent planning permission being granted but rather maintain suitable noise levels within an area.

It is noted that in the original Noise Impact Assessment the impact to dwellings approved and yet to be built on the land to the rear of the site was overlooked. Both Environmental Health and the applicants noise consultant were made aware of this, and both reassessed the application accounting for such. These assessments have been used to review the application.

A detailed Noise Impact Assessment (NIA) has been undertaken and submitted in support of this application. This NIA has been examined by the authorities Environmental Health department who raise no objections to the proposal concluding that the NIA '*adequately demonstrates the extension of operational hours should not result in a significant noise impact*'.

The NIA has modelled expected visits during an hour period all together during a 15 minute window to generate a worst case scenario. This worst case scenario has been considered against the background noise measurements early in the morning and late at night on a Sunday, which is typically the quietest day. This also included corrections/penalties in line with British Standard testing to make this a worst case scenario. The NIA finds that the existing ambient background noise, from mostly traffic on Kiln Road, will be the same or greater than the noise level generated from the use of the filling station and shop during the proposed extended hours to the nearest residences, both existing and proposed. As such, no objection is raised to the proposal on this basis.

Given the site is already mostly hard surfaced and does not provide many opportunities for nesting for wildlife, the impact the extended times are likely to have on wildlife is considered minimal and no objection is raised on this basis.

While proliferation of services in a residential area is a material planning consideration, the site is already an existing petrol filling station and store and therefore the principle of the proposal is seen to be acceptable. It is also noted that while the BP garage alternative on London Road (A13) is closer to the major roundabout (Hadleigh Roundabout) than that of the Shell garage of this proposal, due to its location on the western bound side of the one-way system it requires one to travel some 965m from the roundabout to access it. The Shell garage on the other hand is some 680m from the roundabout, making it a slightly more convenient option, it also provides a singular convenient fuelling point between the major Sadlers Farm Roundabout and Hadleigh Roundabout.

It is appreciated that a previous application set the limits to safeguard the residential amenities of the occupiers of adjoining properties. The site prior to the approval of application CPT/108/05/FUL had no limitations on its operational times, it is worth noting that the operation limits for the petrol filling station were set based on the chosen opening hours of the business at the time and no other basis. Given the findings of the detailed NIA, it is not considered that there will be adverse harm to nearby residents caused by these extended operating hours and no objection is raised on this basis.

With regard to an extension of operational time increasing risk to the highway and pedestrians when it is darker out, the petrol station is currently operating during times which are considered dark, especially in winter when it gets lighter later in the morning and earlier at night. As such the extension of operation time is not considered to increase risk to highway and pedestrian safety.

Conclusion:

The NIA supports that the proposed change of operating hours would not result in an increase in noise levels above measured ambient levels and therefore concludes that the proposal would not harm the amenity of neighbouring residents by way of noise.

It is not considered that any other objections that there may be to the proposed operating hours of the site exist which would represent a sustainable reason for refusal since it is has been identified that the residential amenity of those occupiers surrounding the site would not be harmed. No objection is therefore raised to the proposal on this basis.

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 that planning permission is GRANTED subject to the following:

Conditions

- 5 Where vehicle parking spaces are provided on the site these facilities shall be retained solely for that use and for no other purpose whatsoever.

REASON: To ensure the retention of adequate on site car parking facilities to meet the Councils adopted standards for the amount of accommodation to be provided on the site.

- 6 The petrol filling station shall be operated only between the hours of 6:00am to 11:30pm seven days a week, and at no other times whatsoever without the prior consent in writing of the Castle Point Borough Council.

REASON: To safeguard the residential amenities of the occupiers of adjoining properties.

- 7 The car wash, car vac and air/water tower shall be operated only between the hours of 6:00am to 10:00pm Mondays to Fridays, 7:00am to 10pm Saturdays, and 8:00am to 10:00pm Sundays, and at no other times whatsoever without the prior consent in writing of the Castle Point Borough Council.

The shop shall be operated only between the hours of 6:00am to 11:30am seven days a week, and at no other times whatsoever without the prior consent in writing of the Castle Point Borough Council.

REASON: To safeguard the residential amenities of the occupiers of adjoining properties.

Informatics

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

ITEM 3

Application Number:	23/0456/FUL
Address:	Benfleet Service Station, 175-179 Kiln Road, Thundersley, Benfleet Essex (Cedar Hall)
Description of Development:	Demolition of car wash and the creation of charging zone, erection of EV chargers, erection of canopy, three jet wash bays, sub-station enclosure, plant room and associated forecourt works
Applicant:	Motor Fuel Group
Case Officer:	Jamie Whitby
Expiry Date:	06.10.2023

Summary:

The application seeks the erection of EV chargers, erection of canopy, as well as create three jet wash bays, sub-station enclosure, plant room and associated forecourt works to an established petrol station to the north of Kiln Road. While the area is designated for residential development, the site already represents a departure from this and the proposed should have a minimal impact and therefore the application is recommended for Approval.

The application is presented to the Development Management Committee following a valid call-in request being lodged by Councillor J Thornton relating to the impact of the proposal on the residential amenity of neighbouring properties by reason of additional pollution and eroding the natural environment.

Site Visit:

It is considered that it would be beneficial for Members to visit the site prior to determination of the application.

Site Description:

The application premises is a petrol filling station with associated additional facilities; shop, car wash, car vac, and air/water tower. It is located on the northern side of Kiln Road.

To the east, and west of the site, and on the south side of Kiln Road is residential development, whilst to the north is undeveloped land that has permission to build nine bungalows, which has already granted and commenced.

Description of Proposed Development:

The proposal seeks to demolish the existing car wash and create a charging zone through the erection of EV chargers with a canopy, as well as to create three jet wash bays, a sub-station enclosure, plant room and associated forecourt works.

Relevant History:

BEN/249/56 – Petrol Station. Approved 13th November 1956.

BEN/269/67 – New toilet and alterations to show room to provide direct access to rear. Approved 14th June 1967.

BEN/328/54 – Additional Access. Approved 13th September 1954.

BEN/374/70 – Self-service petrol filling station, with canopy, car-wash and accessory shop. Approved 21st October 1970.

BEN/374/70/A – Amended plan of redevelopment. Approved 8th April 197.

BEN/374/70/B – Amended plan of redevelopment. Approved 28th April 1971.

BEN/374/70/C – Amended plan of development. Approved 30th June 1971.

CPT/697/88 – Installation of 18,200 litre underground petroleum storage tank. Approved 14th June 1988.

CPT/481/96/FUL – Raise and extend existing forecourt canopy and provide new illuminated canopy ad shop mounted fascias. Approved 23rd October 1996.

CPT/555/02/FUL – Change a condition of a planning permission to allow sales of goods other than motor accessories in shop. Approved 5th September 2002.

CPT/83/04/FUL – Redevelopment of service station. Approved 2nd April 2004.

CPT/108/05/FUL – Redevelopment of existing petrol service station (revised layout). Approved 4th May 2005.

18/0223/FUL – Extension to existing petrol filling station shop. Approved 24th May 2018.

Local Plan Allocation:

Residential and Long Term Residential

Relevant Policies:

NPPF National Planning Policy Framework (2021)

Adopted Local Plan (1998)

EC2 Design

EC3 Residential Amenity

EC4 Pollution

EC13 Protection of Wildlife and their Habitats

H2 Residential Land

T8 Parking Provisions

Essex Parking Standards 2009 (Adopted 2010)

Community Infrastructure Levy (CIL):

The proposed development type is located within a Community Infrastructure Levy (CIL) charging zone, as set out in the council's adopted [CIL Charging Schedule](#). CIL is non-negotiable and is calculated at the time planning permission is granted. The charge is based on the net increase of gross internal floor area of the proposed development, and payment of CIL is due upon commencement of the development, in accordance with the council's [CIL Instalment Policy](#). It

may be possible to claim exemption or relief from CIL. Further information is provided on the council's website: [Community Infrastructure Levy \(CIL\) | Castle Point](#).

This application does not meet the criteria to deem it a CIL liable development.

Consultation Responses:

UK Power Networks

No response provided.

Environmental Health

Environmental Health provided an initial response on 14th August 2023 raising no objections to the proposal and stating the following:

'The planned proposal has included for the demolition of the existing car wash and plantroom and instatement of 6 No. electric vehicle (EV) charging bays with canopy, 1500 kVA enclosed substation and 3 No. jet wash bays with screens and 2 No. with canopy along the north boundary. The development has been proposed to facilitate modern EV variants within the forecourt intended for use during approved operating hours. The substation is considered as an entirely new plant type that is necessary to support the proposed extension of EV charging facilities and by nature, would operate on a 24/7 basis.

Appropriate noise guidelines have been followed within the report such as Noise Policy Statement for England, National Planning Policy Framework (NPPF), Planning Practice Guidance on Noise and British Standard BS 4142:2014 + A1:2019 Methods for rating and assessing industrial and commercial sound. The plant noise levels have been adequately predicted at the identified receptors taking into consideration distance losses, surface acoustic reflections and, where applicable, screening provided by the building.

Calculations show that noise emissions from the proposed installations would be sufficiently low as to cause no negative impact on nearby noise sensitive residential receivers with specified mitigation methods, therefore meeting the Council's and national requirements.'

A number of conditions were also suggested should the application be granted which relate to noise emitted from the substation and plant room, construction hours and notification of works.

Following concern that the Noise Impact Assessment had not taken into consideration the proposed dwellings to the north of the site granted consent under permission 19/0937/FUL, of which a technical commencement has occurred, Environmental Health were re-consulted on this matter.

Environmental Health re-considered the proposal in light of the development to the north (19/0937/FUL), taking into account plots seven and nine of this development which would be the nearest noise sensitive receptors to the jet wash bays, plant room and substation. Environmental Health considered that the areas to the north have a predicted noise level of 34dB/38dB which still indicates a low impact both day and night.

The re-consultation reiterated a previously suggested condition relating to the level of noise emitted from the substation and plant room and suggested a new condition restricting the hours of use of the jet wash bays.

Essex Badger Protection Group

No response provided.

Essex Highways

No response provided.

Neighbour Notification Responses:

Seventy-seven responses were received from seventy-four addresses. These comprise of one general comment, seventeen support comments, and fifty-nine objection comments.

The objection comments raised the following:

- o The provisions are not needed in this location and does not align with the Local Plan.
- o If implemented, it would represent overdevelopment of the site.
- o It will result in an increase in noise, chemical and light pollution, traffic, crime, and anti-social behaviour.
- o There should not be a 24-hour service.
- o The approved development to the rear has not been taken into consideration with regards to the Noise Impact Assessment.
- o A concern loss in privacy as a result of increased footfall.
- o It will result in decreased pedestrian safety.
- o The development would result in the loss of green space with works being undertaken in the Root Protection Area of an Oak tree and will also affect wildlife including badgers and bats that live on the site.
- o Concerns were raised regarding safety having EV chargers near petrol pumps.
- o The proposal would result in the worsening of the currently overwhelmed drain system.
- o No contact has been made to surrounding neighbours or businesses.
- o The site currently has unauthorised signage, and noise complaints about the car wash.

The support comments raised the following:

- o The proposal makes good use of the space it has on the site.
- o The proposal helps increase well needed infrastructure, through the providing of a currently lacking provision of public EV chargers in the borough.
- o It will have a positive impact for the environment, through the promotion of electric vehicles and subsequent reduction of petrol and diesel.
- o Noise would be no issue as chargers are practically silent and cars whilst charging are not loud.

The general comment raised the following:

- o There does not seem to be a fire risk assessment.
- o The point was made that electric fires from cars and EV chargers are rare stating that '*in 2019 the London Fire Brigade dealt with just 54 electric vehicle fires compared to 1,898 petrol and diesel fires*'.

Comments of Consultation:

- o Existing issues with drainage within the area is a concern to be raised with the associated drainage company, the proposed development cannot be required to address existing issues.
- o The LPA has consulted all relevant neighbouring properties on this application and while the NPPF 'encourages' those developing a site to engage with the community it is not mandatory.

- o No active planning enforcement cases have been identified for the site, if there are any planning issues these should be reported via the planning enforcement form.
- o Fire safety is a matter that is dealt with under building regulations and other legislation and is not a material planning consideration.
- o All relevant planning matters will be discussed in the 'Evaluation of Proposal'.
- o Any proposed conditions will be included on any recommended consent where necessary and reasonable.

Supplementary Documentation:

Cover Letter
 Noise Assessment Report
 Arboricultural Impact Assessment

Evaluation of Proposal:

The main issues that need to be considered with this application are its impact on neighbours and wildlife, and the impact on parking facilities.

The principle of the development

There are no policies within the Local Plan that relate directly to the provision of service stations or EV charging facilities.

Policy H2 of the Local Plan requires land allocated for residential purposes within the plan to be retained primarily for that purpose. This policy is consistent with the National Planning Policy Framework in so far as the use of residential land for non-residential purposes would encumber the efforts of Objective 5 Delivering a sufficient supply of homes.

The site already represents a departure for the land allocation in the current Local Plan with the site being a mixed-use Sui Generis/Class E (Petrol Station, Car Wash and Shop) use in an area allocated for Residential purposes. It is therefore not considered reasonable or sustainable to refuse the principle of any development on the site that relates to its existing use as a petrol filling station.

In terms of maintaining housing supply, the proposal would not result in the loss of any family dwellinghouses, so there would be no loss of a residential use contrary to Policy H2.

The Local Planning Authority (LPA) already take the approach that as electric vehicle (EV) ownership increases and is encouraged, through the restriction in future sales of internal combustion engine vehicles, new developments should provide electric vehicle charging facilities.

The borough currently only has three identified public EV charging facilities, and these are all located within supermarket car parks (more may exist that are not known to the LPA). It would not be unreasonable for visitors to the borough or those passing through with electric vehicles to need to charge their vehicles.

It is considered that the proposal would improve the existing infrastructure within the borough to enable public EV charging which will support the movement towards the greater use of electric vehicles with less reliance on internal combustion engines. The site is already used as a petrol filling station, and this would form an ancillary function to the current use. Furthermore, the proposed jet wash bays would replace the existing mechanical car wash which would also be an ancillary function to the petrol filling station.

Consequently, whilst the land is allocated for residential purposes, it is not currently used for that purpose and the proposal continues the non-residential use it is not considered that an objection to the proposal on the basis of the principle of the development would be justifiable.

Impact on neighbours

Policy EC2 of the council's adopted Local Plan seeks a high standard of design in all developments. Regard is to be given to the scale, density, siting, design, layout, and external materials of any development, which shall be appropriate to its setting, and which should not harm the character of its surroundings. This is considered to be consistent with the content of the NPPF which at paragraph 130 requires developments to be safe and function well for the lifetime of the development.

The council's LP policy EC3 states that development proposals which would have a significant adverse impact on the residential amenity of the surrounding area by reason of traffic, noise, fumes, or other forms of disturbance will be refused.

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

Given the proposal is to implement charging points for electric vehicles, it is considered unlikely that the development will result in an increase of fumes emitted from the site.

Concern was raised through the neighbour consultation that the development would lead to a decrease in pedestrian safety. The proposed works do not propose to alter the vehicular access to the site nor the public footpath. Whilst complaints have been received that vehicles queuing into the filling station already block the footpath to the south of the site, this is an existing situation and it is not appropriate to require the proposed development to ameliorate this issue.

It is also considered unlikely that given the current and proposed use of the site as a petrol filling station that any additional pollutants, dust, vibrations, or heat is likely to arise as a result of this development once operational.

Concerns were also raised through the public consultation that noise pollution would increase as a result of the addition of EV chargers and open-air car washing facilities. While the installation of EV charging facilities and associated infrastructure has the potential to increase noise pollution from the site, any noise generated from the electric vehicle chargers or substation is considered to be at a relatively low level compared to that which emanates from the site already. This is confirmed in figure D of the submitted Noise Impact Assessment which shows the specific sounds levels at building facades generated by the substation only. All of these readings are well below background noise levels recorded onsite during the assessment.

Whilst the jet wash bays have the potential to result in louder noise emissions than the chargers and substation, there is already a large mechanical car wash on the site which was a subject of complaint during the public consultation period.

With regard to the open-air car wash facility, it is not uncommon for these to be situated within service stations or close to a residential boundary. Existing examples of this can be found in the borough through the service station located on Somnes Avenue, Canvey Island, the service station located on the corner of High Street and Mitchells Avenue, Canvey Island, and

Sainsbury's service station on Rayleigh Road. With two of these being located within or adjacent to residential areas.

It is noted that in the original Noise Impact Assessment the impact to dwellings approved and yet to be built on the land to the rear of the site was overlooked. Both Environmental Health and the applicants noise consultant were made aware of this, and both reassessed the application accounting for such. These assessments have been used to review the application.

To provide some context in relation to sound levels as measured on a logarithmic scale called Decibels (dB), the following points give an indication of how the noise levels and differences are perceived by an average person:

'0 dB - represents the threshold of human hearing (for a young person with ears in good condition);

50 dB – represents average conversation;

70 dB – represents average street noise, local traffic etc;

90 dB – represents the noise inside an industrial premises or factory;

*140 dB - represents the threshold of pain – the point at which permanent hearing damage may occur.'*¹

A detailed Noise Impact Assessment has been undertaken which takes into account all noise sensitive receptors close to the site. Monitoring of existing noise levels has been undertaken and a worst-case scenario modelled for the proposed development to ascertain any harm which might arise from the proposed development. The assessment finds that any impacts from the proposal are anticipated to be between the No Observed Effect Level (NOEL) and Lowest Observed Adverse Effect Level (LOAEL) levels, which are all below the representative background sound levels at all times with none at the Significant Observed Adverse Effect Level (SOAEL). The report concludes that the development sound would be largely unnoticeable or just perceptible during the most noise sensitive periods of the assessment (during the night), but that this would not be of sufficient loudness to cause any change in behaviour or attitude.

Officers have also noted that the plans in the Noise Impact Assessment incorrectly depict the proposed development in relation to its existing built surroundings and proposed development to the north. The proposed development is shown to overlap the existing access to the west of the site and the site boundary is proposed too far to the north. These inaccuracies apply only to the plan in the Noise Impact Assessment and have been taken into account. Environmental Health when re-consulted looked specifically at the relationship between this development and, plots seven and nine of permission 19/0937/FUL. Environmental Health consider that that the 'areas to the north have a predicted noise level of 34dB/38dB which still indicates a low impact both day and night' and raise no objection.

In consultation with Environmental Health, no objection has been raised to the proposal on the basis of noise or disturbance to the amenity of neighbouring residents of dwellings either already or proposed to be constructed. A condition is proposed to secure that noise levels do not exceed existing background noise thresholds for the substation and plant room equipment which is considered suitable to prevent harm to residential amenity by way of noise from occurring from the substation or plant room.

Another condition is recommended limiting the hours of use of the jet wash bays to ensure the occupants of the nearest noise sensitive receptors are not adversely impacted. The proposed condition of the hours of operation for the jet wash bays (08:00-18:00 Monday to Saturday and 09:00-18:00 Sundays and Bank Holidays) is less than the current mechanical car wash (06:00-22:00 Monday to Friday, 07:00-22:00 Saturday and 08:00-22:00 Sundays). This would

¹ Annex 16.1 Acoustics and Vibration Terminology Glossary, Definitions and Abbreviations

mean that the jetwash bays are only in use during the day when the noise levels observed at the site are already higher. Subject to such a condition, no objection is raised to the proposal on the basis of noise unacceptably impacting the residential amenity of occupants of existing or proposed dwellings.

There is no objection from Environmental Health to the proposal and it is considered that an objection to the proposal on the grounds of excessive noise or harm to residential amenity by way of noise would therefore be unsustainable and unreasonable.

The issue of a loss of privacy from increased footfall to the site was raised during the consultation period. Whilst the development might increase footfall to the site, the council has no guidance or policies for commercial developments which relate to privacy. Even considering residential guidance and policies, these do not cover ground floor level development, which this proposal would fall within, and there are no restrictions on this type of development. It is not considered that the proposal would result in an identifiable loss of privacy to neighbouring residents as a result of the implementation of this proposal.

It is noted that objections were made to the proposal regarding a fear that crime and anti-social behaviour would be promoted as a result of this development with objection comments relating to the 24-hour use of the site. It is worth highlighting that only the EV chargers would have 24-hour use, and that the rest of the site's facilities would still be restricted by current planning conditions limiting the times in which they are used. Taking a pragmatic view, it is unlikely many people will use this facility late at night and in the early hours of the morning, as most people would charge their electric vehicles at home during this time. Views of anti-social behaviour were also linked to the encouragement of people congregating on site as a result of the additional infrastructure. Once again, taking a pragmatic view, the LPA consider that the inclusion of EV chargers would have no detrimental impact on people choosing to congregate on the site as a change of use is not occurring and the site is currently left open at night anyway.

Ecology

The council's LP policy EC13 seeks to prevent development that would be harmful to wildlife or important habitats. This is not entirely consistent with the Framework as that sets out a hierarchical approach (at paragraph 180) whereby significant harm to biodiversity resulting from a development should first be avoided, then mitigated, or finally compensated for.

The proposal is set to retain 247m² of green space. Given the site is already mostly hard surfaced, combined with the approved development to the north of the site, which has already been cleared of vegetation over the majority of the site, it is not considered that the site has a high ecological value. It is considered unlikely that the proposal would have a limited impact on wildlife breeding or feeding is considered minimal and any harm to biodiversity from the proposal would not be the significant harm that the Framework seeks to prevent. Therefore, no objection is raised on this basis.

Many objections raised feared the development would be detrimental to an established Oak tree. The proposal was submitted with a Tree Survey / Arboricultural Impact Assessment, in which mitigation strategies are outlined in which it shows that the established Oak tree will not be detrimentally affected by this development. It is also noted that this tree is not currently protected. Therefore, no objection is raised on this basis.

The LPA has no identified badger sett in the area of proposed development but as badgers were suggested to use this area the Essex Badger Protection Group (EBPG) was consulted. No response has been received from the Essex Badger Protection Group.

However, when granting consent for the development to the north, badgers were a concern as part of this development and a condition was added requiring a badger survey to be conducted prior to commencement of the development. A badger survey was conducted following application 19/0937/FUL which identified two sets within the central part of the site to the north, one in use and one not having any evidence of recent use. The one in recent use is much further to the north of the site whereas the discussed sett is 20-30m from the southern boundary of the site.

No badger survey has been undertaken as part of this proposal, however officers have examined the site and cannot see any visible signs of badgers, although officers are not experts on badgers. The site is also surrounded by good quality fencing with concrete gravel boards or solid brick walls which would dissuade badgers from casually entering the site. That being said, given the presence of badgers at the site to the north, it is considered suitable, given the proximity to known badger setts, to propose a condition similar to that imposed on permission 19/0937/FUL to require a badger survey to be undertaken prior to development of the area to the rear of the site. If badgers are identified to be present, the condition shall also require appropriate mitigation strategies to be submitted to and approved by the Local Planning Authority.

If setts are identified within the site and are confirmed as being in current use, then the mitigation would need to be delivered under a licence from Natural England which is separate from the planning process.

Subject to a suitably worded condition, no objection is raised to the proposal on this basis.

Parking provisions

The proposal is not set to increase the parking needs of the site whilst increasing the available parking spaces on the site. The Essex Parking Standards (EPS) 2009 (adopted 2010) stipulate that for 'Petrol Filling Stations' a maximum of 1 parking space should be provided per 20sqm of retail space. It also stipulates that parking spaces should be provided with a minimum width of 2.9m by a minimum length of 5.5m.

On the submitted plans it is shown that the overall site contains a building of some 234m², requiring 12 parking spaces.

The site currently has space for cars to park at the front of the store, containing 6 formalised parking bays, 1 of which is a disability parking bay. This represents a current deficit of 6 parking facilities, however there are also six spaces where cars can fill up with petrol and remain parked in whilst paying. The proposal does not propose to remove any of the existing parking bays, meaning with the proposed additional 6 EV charging parking spaces, adequate parking facilities would still be provided on the site.

The newly proposed bays shown on the proposed site plan measure some 3.0m by 5.0m which do not meet the requirements of the EPS. That being said, there is ample depth to provide bay depths of the required 5.5m while still allowing for adequate manoeuvrability into, out from and around these spaces. With this in mind, a condition can be added to any granted consent requiring the proposed EV charging bays to be marked with formalised bays measuring a minimum depth of 5.5m and minimum width of 2.9m.

No objection is raised to the proposal on this basis.

Conclusion:

The proposal would provide a benefit in terms of improved infrastructure for the use and subsequent promotion of electric vehicles, enhancing social and environmental sustainable development within the borough which carries a significant amount of weight.

The development has been found not to have an unacceptable impact on neighbours' amenity or wildlife. There may be some less than significant harm to biodiversity from the extending of hard surfacing, which carries some weight but after considering all matters carefully it is not considered that any detrimental impact of the development provide sufficiently robust or sustainable reasons to object to and refuse consent. No objection is therefore raised to the proposal on this basis.

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 that planning permission is GRANTED subject to the following: **Conditions**

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

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

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

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

- 3 The external surfaces of the development hereby approved shall be treated in accordance with the details specified on the submitted plans.

REASON: In the interest of visual amenity.

- 4 The external noise levels emitted from the substation and associated plant room equipment shall at no time exceed the existing background level at any noise sensitive premises when measured and corrected in accordance with BS4142:2014 +A1:2019 "Methods for rating and assessing industrial and commercial sound."

REASON: To ensure any nearby noise sensitive premises occupants are not adversely impacted by the proposed development.

- 5 The jet wash bays shall not operate at times other than 08:00 - 18:00 Monday to Saturday and 09:00 to 18:00 on Sunday's and Bank Holiday's.

REASON: To ensure any nearby noise sensitive premises occupants are not adversely impacted by the use of the proposed jet wash bays.

- 6 Any tree works and construction and/or demolition activities onsite shall be carried out in accordance with BS 5837:2012 and the content of the submitted TREE SURVEY/Arboricultural Impact Assessment dated 15th June 2023 prepared by Alltree Consultancy.

REASON: In order to ensure the health and safety of the tree(s) and in the interests of the amenity and character of the area.

- 7 Prior to the commencement of any development within 11m to the south of the site northern boundary, details of an appropriate scheme for the monitoring of the site to ascertain if badgers are present on the site shall be submitted to and agreed by the Local Planning Authority. Such scheme shall include details of appropriate mitigation actions and measures required to be implemented in the event of badgers being found to occupy or forage in the site.

REASON: In order to ensure the appropriate treatment of a protected species.

- 8 A wooden ramp sufficient to enable the escape of any badger which may inadvertently enter the construction site, shall be placed in any trench left open overnight during the construction period.

REASON: In order to provide an appropriate means of escape for any foraging badgers.

- 9 Prior to first use of the development hereby approved, the approved electric vehicle parking spaces shall be marked out and provided with a minimum length of 5.5m and width of 2.9m, and retained for the use of the parking of vehicles thereafter.

REASON: To ensure adequate onsite parking provision.

Informatics

- 1 The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application and negotiating acceptable amendments to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for a revised scheme, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

ITEM 4

Application Number:	23/0411/FULCLC
Address:	Waterside Farm Sports Centre, Somnes Avenue, Canvey Island, Essex, SS8 9RA (Canvey Island West)
Description of Development:	Refurbishment of an Artificial Grass Pitch (AGP) with perimeter fencing, hardstanding areas, storage container and floodlights
Applicant:	Shane Williams
Case Officer:	Miss Lois Naylor
Expiry Date:	06.10.2023

Summary:

The application seeks permission for the refurbishment of an existing external Artificial Grass Pitch (AGP) and associated works at Waterside Farm Leisure Centre. The refurbishment would modernise the current sports pitch in accordance with the FA's (Football Association) technical guidance and current standards.

The site is allocated for Green Belt and Public Open Space purposes in the council's adopted Local Plan and is considered consistent with national and local policy. The proposal is therefore recommended for APPROVAL.

The case is presented to committee given the Council is both the applicant and landowner.

Site Visit:

It is not considered that Members need to visit the site prior to determination of the application.

Introduction:

The application relates to an existing Artificial Grass Pitch on the grounds of Waterside Farm Leisure Centre, on the southern side of Somnes Avenue. The pitch is located centrally within the site boundary, to the south of the leisure centre and parking.

The existing pitch is some 65m wide and some 101m long with two floodlighting columns and three areas of hardstanding on the north side of the pitch, and two floodlighting columns and three areas of hardstanding on the south side of the pitch. There is an area of hardstanding on the eastern end of the pitch as well as the western end of the pitch.

To the north of the site is Castle Point Golf Course, to the east is a residential area, some 300m from the proposed refurbishment, to the south and west is a nature reserve with Cornelius Vermuyden School further to the south.

The Proposal:

Permission is sought for the refurbishment of the existing Artificial Grass Pitch including perimeter fencing, hardstanding areas, a storage container and floodlights.

The proposed refurbishment would comprise of replacing the existing 3G artificial grass pitch surface, replacement perimeter ball stop fencing and pitch perimeter barriers, extending the hardstanding spectator area, a new LED floodlighting system, goal storage recesses and a

maintenance/equipment store. The majority of the works would be contained within the perimeter of the existing AGP.

Supplementary Documentation:

The application is accompanied by the following supplementary documentation:

- o Design and Access Statement with Planning Statement
- o Appendix A – Existing Lighting Scheme
- o Appendix B – Proposed Lighting Scheme
- o Appendix C – LED Floodlighting Data Sheet
- o Appendix D – ILP Guidance Notes
- o Appendix E – Proposed Materials and Appearance
- o Appendix F – Sports Lighting Statement
- o Appendix G – Flood Risk Assessment, Flood Response Plan and Surface Water Drainage Scheme

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

Planning History:

The site forms part of the wider Waterside Farm Leisure Centre complex which has an extensive planning history, dating from 1967, for the use of the land for the purposes of sport and recreation.

Most relevant history:

CPT/492/09/FUL – Use of land as football pitch with associated 4m and 1.8m high fences and relocated storage cabins, relocate cricket table. Approved 19th November 2009 subject to the following conditions:

CPT/492/09/CDN/A – Discharge of Conditions 2 (Tree Planting), 3 (Drainage Details), 4 (Soil Removal) of CPT/429/09/FUL. Refused Discharge 21st July 2010.

CPT/492/09/CDN/B – Discharge of Conditions 2 (Tree Planting), 3 (Drainage Details), 4 (Soil Removal) of CPT/429/09/FUL. Refused Discharge 18th January 2011.

CPT/210/11/FUL – Use of land for football pitch, fencing and storage containers without complying with conditions 2-4 of CPT/429/09/FUL. Approved 14th June 2011.

Local Plan Allocation:

Green Belt
Public Open Space

Relevant Policies and Government Guidance:

NPPF National Planning Policy Framework (2021)

PPG Planning Practice Guidance

Adopted Local Plan (1998)
EC2 Design
EC3 Residential Amenity

EC4	Pollution
RE5	Public Open Space
T8	Parking Standards

Essex County Parking Standards September 2009 (Adopted June 2010)

Community Infrastructure Levy (CIL):

The proposed development type is located within a Community Infrastructure Levy (CIL) charging zone, as set out in the council's adopted [CIL Charging Schedule](#). CIL is non-negotiable and is calculated at the time planning permission is granted. The charge is based on the net increase of gross internal floor area of the proposed development, and payment of CIL is due upon commencement of the development, in accordance with the council's [CIL Instalment Policy](#). It may be possible to claim exemption or relief from CIL. Further information is provided on the council's website: [Community Infrastructure Levy \(CIL\) | Castle Point](#).

The proposal for the refurbishment of the existing grass pitch does not attract CIL.

Consultation:

Legal Services

No observations other than to say that the matter will need to come to DMC as the Council is the Land Owner.

Sport England

Sport England does not wish to raise an objection to this application subject to the following condition being attached to the decision notice should the local planning authority be minded to approve the application:

'Use of the refurbished artificial grass pitch shall not commence until:

- (a) certification that the Artificial Grass Pitch hereby permitted has met the FIFA Quality accreditation or equivalent International Artificial Turf Standard (IATS); and*
- (b) confirmation that the facility has been registered on the Football Association's Register of Football Turf Pitches; have been submitted to and approved in writing by the Local Planning Authority.*

REASON: To ensure the development is fit for purpose and sustainable, provides sporting benefits and to accord with Development Plan Policy.'

And informative:

'The applicant is advised that the pitch should be tested every three years by an accredited testing laboratory in order to achieve and maintain FIFA Quality accreditation.'

Environmental Health

Light spill has been shown to meet current guideline standards and therefore I do not have any objections to the application and suggest the following should you be minded in granting this application:

'Control switches and time clocks shall be installed to the floodlights to ensure they do not remain on any later than the permitted curfew hour.'

External artificial lighting at the development shall not exceed lux levels of vertical illumination at neighbouring premises that are recommended by the CIE guidance 2003 & 2017 and the ILP Guidance Notes for the Reduction of Obtrusive Light (2021).

Lighting should be minimised and glare and sky glow should be prevented by correctly using, locating, aiming and shielding luminaires, in accordance with the Guidance Notes.

REASON: To ensure that the amenity of occupiers of surrounding premises is not adversely affected by lighting'

Environment Agency

No objections to the application and request the following condition be appended to any future planning permission:

'The container on the site will be securely anchored to the ground to ensure that the container will remain in position throughout any flood event.

This mitigation measure 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 prevent damage to the surrounding area from the container should it float away in the event of a flood.'

Highways

From a highway and transportation perspective the impact of the proposal is acceptable.

Public Consultation:

No representations have been received to the neighbour notification and/or site notice.

Comments on Consultation Responses:

The conditions suggested by Sport England, Environmental Health and Environment Agency will be incorporated into any grant of planning permission where reasonable and necessary.

All material considerations will be discussed in the evaluation of this report.

Evaluation of Proposal:

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

The main considerations for this application are the flood risk and surface water runoff, the impact of the proposal on the Green Belt and area of public open space in which it is located together with the impact of the proposal on surrounding residents and any parking implications.

Given the proposal is for the refurbishment of an existing pitch, it is considered that the principle of the development has been considered already to which no objections were raised. It is not considered that the proposal would materially alter this consideration of the principal, therefore no objections are raised to the proposal on this basis.

Flood Risk

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

Paragraph 161 sets out that a sequential approach flood risk should be undertaken.

Paragraph 162 states that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in area with lower risk of flooding.

Paragraph 163 states that if it is not possible for development to be located in areas with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the proposed, in line with the flood risk vulnerability classification set out in national practice guidance.

It is considered that the aspects of the proposal to be taken into account in terms of flood risk to the existing site are the additional areas of hardstanding and the storage container. The other aspects of the development are not considered to materially alter the existing situation.

In applying the sequential test, a suitable catchment area must be decided upon for the area of search for alternative sites. The proposed development is for the refurbishment of an existing pitch at Waterside Farm Leisure Centre, including the extension of existing hardstanding areas and the addition of a storage container, which would serve the pitch in creating additional areas for visitors and storage of equipment. It is therefore considered that this can only be usefully provided adjacent to the pitch it is to serve, so the catchment area would be drawn around the existing pitch. All land surrounding the pitch is also in Flood Zone 3, the zone with the highest probability of flooding, so there are no alternative preferable locations for the proposed hardstanding area and container with a lower probability of flooding, and the sequential test is considered to be passed.

The exception test is not required to be passed for this type of development in Flood Zone 3 as it is considered to be a water compatible form of development.

The Environment Agency (EA) points out that the proposal would be at risk of flooding in both 1 in 200 year and 1 in 1000 year flood events, and there is no safe refuge for spectators. The EA also advises that no flood resilience/resistance measures has been proposed. However, the EA raise no objections to the proposed development on flood risk safety grounds as a Flood Response Plan has been submitted by the applicant.

The Flood Response Plan can be found at Section 4 of Appendix G titled 'Flood Risk Assessment, Flood Response Plan and Surface Water Drainage Scheme'. Whilst a flood response plan has been submitted, this contains no information about what to do prior to a flood and focuses primarily on recovery after a flood event. It would be expected for such a plan to cover what to do in the event of a flood warning being issued which is ceasing the use of the pitch and closing to prevent people becoming stranded on the pitch in the event of a flood. Whilst the Flood Response Plan is currently inadequate, this can be overcome by a suitable condition requiring a revised Flood Response Plan to be submitted and approved prior to first beneficial use of the pitch. Subject to such a condition, no objection is raised to the proposal on this basis.

Surface Water Runoff

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

Practice guidance states that generally, the aim should be to discharge surface runoff as high up the following hierarchy of drainage options as reasonably practicable:

- o into the ground (infiltration)
- o to a surface water body
- o to a surface water sewer, highway drain or another drainage system
- o to a combined sewer.

Section 5 of Appendix 3 states that the existing pitch currently has its own surface water drainage scheme, consisting of lateral and perimeter drains surrounding the pitch. It further states that due to the age of the pitch there are no recorded plans of the drainage system, however manholes round the perimeter of the pitch confirm that water does flow as intended to the outfall point, taking water away from the pitch.

The pitch currently has an outlet into the drainage ditch to the east of the site which is the main discharge point of the surface water from the pitch.

There are no plans to change, amend or alter this drainage system. The new carpet will be of a permeable nature and will still be able to allow infiltration through the sub-base and into the drainage system. No objection is raised to the proposal on this basis.

Impact on Green Belt

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

Paragraph 137 of the National Planning Policy Framework (NPPF) states that the fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and permanence.

Paragraph 138 of the NPPF sets out the five purposes of Green Belt:

- o To check the unrestricted sprawl of large built-up areas;
- o To prevent neighbouring towns merging into one another;
- o To assist in safeguarding the countryside from encroachment;
- o To preserve the setting and special character of historic towns; and
- o To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Paragraph 147 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 148 clarifies that very special circumstances will not exist unless the potential harm to the Green Belt is clearly outweighed by other considerations.

Paragraph 149 of the NPPF states that local planning authorities should regard the construction of new buildings as inappropriate development unless it is for a limited number of specified purposes, which includes the provision of appropriate facilities for outdoor sport and outdoor recreation, so long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.

In terms of design, the proposal would not be of any particular architectural merit but would be of a scale and design expected in such a setting and similar to that of the existing development. The proposal is considered to be of an appropriate design given the context.

In relation to the impact on openness, for the purposes of the application, the proposed storage container may be considered a building; it would be some 6.0m deep, some 2.4m wide and some 2.6m high, and it would be made of steel. Even though it would be coloured green, the container would be a noticeable feature in the open landscape.

Whilst views of the proposed container from the adjoining highway of the A130 Canvey Road and B1014 Somnes Avenue would be limited due to the distance from these road and only be fleeting in nature, government guidance does not limit the impact of the openness of the Green Belt solely on the views from public roads.

In views from the south, the container would be viewed against the backdrop of other containers, skatepark and the leisure centre.

Given that the scale of the container relative to the existing buildings and containers on the grounds of Waterside Farm Leisure Centre would be relatively minor, together with its location directly adjacent the pitch to serve the needs of the pitch, to house sports equipment and for maintenance purposes, allowing the users of the pitch to make better use of the facility, it is considered the limited harm to the openness of the green belt is outweighed by other considerations and very special circumstances may be said to exist.

It is also considered that the proposed floodlighting columns would have a very minimal impact on the openness of the Green Belt owing to the context of their surroundings against which they would be viewed, their slim profile and given the amount proposed to be additional is very limited (2).

Furthermore, although the pitch would be enclosed by the proposed fencing, there is already high level fencing surrounding the pitch, the proposed fencing is open in nature and serves primarily to restrict access and prevent the escape of sport equipment rather than as a screen to visibility.

Whilst it is noted that many minor impacts can have the cumulative influence of detrimentally affecting the openness of the Green Belt, balanced against any perceived visual impact on openness is the benefit this proposal would continue to bring to the community in supporting healthy lifestyle of members of the community.

Accordingly, the proposal is considered to constitute appropriate development within the Green Belt and no objections are raised on this basis.

Impact on Public Open Space

The council's adopted local plan has allocated certain sites for use as public open spaces which are required to be readily available for the public to use and were selected for their amenity value. Policy RE5 identifies land east of Canvey Way as an area of Public Open Space and the proposal site lies within this designation.

Paragraph 98 of the NPPF states that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.

Paragraph 99 of the NPPF states that the existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless one of a limited number of criteria are satisfied, of which are:

- o An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- o The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- o The development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

This application, although it would be situated on public open space, would not materially alter the use of the site as a sports pitch from the current arrangement. It would improve/update the current facility, to the benefit of the users of such facility. Therefore, it is not considered to be contrary to the guidance contained within the NPPF and Policy RE5. As such, no objections are raised to the proposal on this basis.

Impact on Residents

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

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

The increase in hardstanding areas has the potential to increase the number of spectators/visitors to the site which may subsequently increase the level of noise at the site. However, it is not considered that the scale of development would introduce such a volume of visitors that the residential properties to the east, a distance of some 300m from the pitch, would be detrimentally impacted by way of noise, traffic, fumes or other forms of disturbance.

Given this and the various facilities already contained within the grounds of Waterside Farm Leisure Centre including the existing pitch, a skatepark etc., as well as the lack of objection to the proposal, it is not considered likely to cause undue disturbance to surrounding residents.

Whilst the site currently has existing over pitch floodlighting, the proposal would include a new LED lighting system consisting of six new floodlighting columns to replace the four existing floodlight columns. Submitted lighting designs demonstrate that the proposed lighting spill from the new floodlighting would be lesser than the existing lights which would be an improvement over the existing lighting for nearby residents with the closest residential properties sit some 300m east of the site, which are separated by a field and well-established tree line. Therefore, it is

considered unlikely that the light produced from the site would have an impact to a detrimental level above and beyond the current floodlighting.

This is supported by the comment received by Environmental Health (EH) who raised no objection to the proposal given light spill has been shown to meet current guideline standards, and they suggest a condition be attached to any grant of development in regards to the use of the floodlights and level of illumination.

Given all of the above, and subject to such a condition suggested by EH, no objection is raised to the proposal under Policies EC3 and EC4.

Parking

Policy T8 of the adopted local plan seeks the provision of parking in accordance with adopted standards. The currently adopted standards are the 2009 Essex County Parking Standards which stipulate that for outdoor sport pitches, a maximum of 20 spaces are required per pitch plus 1 space per 10 spectator seats.

The existing site already has a significant amount of parking capacity, some 170+ spaces, to serve the needs of the leisure complex as a whole.

The existing pitch, whilst there are hardstanding areas for spectators, does not provide spectator seating. The total capacity of spectators following the proposal is not known to the LPA, however the proposal, whilst increasing the size of the existing hardstanding areas, would not create seating provision for spectators. Therefore, the parking requirements are considered to remain unchanged at just 20 parking spaces for the pitch.

Given this and the limited increase in hardstanding relative to the entire site, it is not considered that the proposal would create such an additional footfall that would render the existing parking situation insufficient.

Therefore, no objection is raised to the proposal on parking grounds.

Conclusion

The existing pitch was initially constructed in 1991 and the existing 3G surface was installed in 2013. Due to the age of the facility, the design and layout of the pitch therefore does not accord with the FAs current design guidance and several features of the facility, such as the surface, the fencing and the lighting, are in need of renewal to remain fit for purpose.

The importance of the facility for meeting community football needs was confirmed in Castle Point Borough Council's Playing Pitch Strategy (2018) which identified that the existing pitch was the only pitch with a 3G surface on Canvey Island and that, at the time the strategy was prepared, there was a deficiency of 3G pitch provision across the Borough including Canvey Island sub-area. The Council's 2022 update to the strategy has confirmed that the position has not changed since the original strategy was prepared in 2018.

It is also considered that the proposal would provide a benefit to the community in terms of updating and improving an existing pitch facility which carries a significant amount of weight. The development has not been found to have an unacceptable impact on neighbours' amenity subject to appropriate conditions and, whilst there is some identified harm to the openness of the Green Belt, when viewing in the balance and compared to the existing site, it is considered that the benefits of granting planning permission in relation to health and well-being, outweigh the adverse impacts.

Accordingly, it is recommended that planning permission is granted.

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

My **RECOMMENDATION** is that planning permission is GRANTED subject to the following:

Conditions

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

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

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

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

- 3 The external surfaces of the development hereby approved shall be treated in accordance with the details specified on the submitted plans and application form.

REASON: In the interest of visual amenity.

- 4 Any hard surfacing undertaken as a result of the proposal hereby approved shall be designed, constructed and maintained in accordance with sustainable urban drainage principles.

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

- 5 Control switches and time clocks shall be installed to the floodlights to ensure they do not remain on any later than the permitted curfew hour.

External artificial lighting at the development shall not exceed lux levels of vertical illumination at neighbouring premises that are recommended by the CIE guidance 2003 & 2017 and the ILP Guidance Notes for the Reduction of Obtrusive Light (2021). Lighting should be minimised and glare and sky glow should be prevented by correctly using, locating, aiming and shielding luminaires, in accordance with the Guidance Notes.

REASON: To ensure that the amenity of occupiers of surrounding premises is not adversely affected by lighting

- 6 The container on the site will be securely anchored to the ground to ensure that the container will remain in position throughout any flood event.

This mitigation measure shall be fully implemented prior to first use 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 prevent damage to the surrounding area from the container should it float away in the event of a flood.

7 Prior to the first beneficial use of the development, a Flood Response Plan shall be submitted to, and formally approved by, the Local Planning Authority.

Upon first beneficial use of the sports facility, the approved Flood Response Plan shall be enacted and thereafter maintained at all times that the facility is in use. Any revisions to the Plan shall be submitted to and formally approved by the Local Planning Authority.

REASON: In order to ensure the appropriate protection of users of the sporting facility in the event of a flood.

Informatics

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