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**Chief Executive**

## AGENDA

**Committee:** DEVELOPMENT CONTROL

**Date and Time:** Tuesday 4<sup>th</sup> October 2016 at 7.30 p.m.

**Venue:** Council Chamber

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

**Membership:** Councillors Hart (Chairman), Smith (Vice Chairman), Acott, Anderson, Blackwell, Mrs King, Mumford, Sharp, Sheldon, Varker, Mrs Wass, N. Watson and Wood.

Canvey Island Town Councillors : Greig and Tucker

**Officers attending:** Steve Rogers – Head of Regeneration and Neighbourhoods  
Fiona Wilson – Head of Legal Services  
Rob Davis – Planning Development and Enforcement Manager

**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 6<sup>th</sup> September 2016 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

Report of the Head of Regeneration and Neighbourhoods is attached.

	<b>Application No.</b>	<b>Address</b>	<b>Page</b>
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**DEVELOPMENT CONTROL COMMITTEE**

**6<sup>th</sup> SEPTEMBER 2016**

**PRESENT:** Councillors Hart (Chairman), Smith (Vice-Chairman), Acott, Anderson, Blackwell, Mrs King, Mumford, Sharp, Sheldon, Varker, Mrs Wass, Wood and Canvey Island Town Councillors Greig and Tucker.

Councillors Ladzrie, MacLean, Riley and Sach also attended.

Apologies for absence were received from Councillor N. Watson.

**10. MEMBERS' INTERESTS**

There were none.

**11. MINUTES**

The Minutes of the meeting held on 2<sup>nd</sup> August 2016 were taken as read and signed as correct.

**12. DEPOSITED PLANS**

**(a) 16/0212/OUT – 74 HIGH STREET, CANVEY ISLAND, ESSEX (CANVEY ISLAND SOUTH WARD) – DEMOLISH ALL BUILDINGS AND CONSTRUCT TWO BLOCKS OF 24 NO. SELF CONTAINED FLATS WITH 2 NO. RETAIL SHOPS ON GROUND FLOOR – CANVEY SUPPLY CO LTD**

The proposal sought outline consent for the provision of 24 flats and two retail units, arranged in the form of two, three-storey blocks, with associated parking, refuse and cycle storage facilities, on land to the south of the High Street, west of Venables Close, on Canvey Island.

It was reported that the proposal was considered satisfactory in the context of the adopted Local Plan, The New Local Plan and Residential Design Guidance and was therefore recommended for conditional approval.

Issues had been identified with the ability of the submitted proposal to adequately mitigate the impacts of surface water flooding; however it was considered that the matter might be resolved through the submission of a more detailed and robust Flood Risk Assessment at the reserved matters stage.

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

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

During discussion some Members raised concern regarding the effect the development would have on flooding in the area, particularly in light of the holding objection from the Lead Local Flood Authority and the deficiencies it had identified within the Flood Risk Assessment (FRA) in respect of the management of surface water runoff from the site. Members were also not generally in favour of the provision of water butts for the first floor flats with balconies as it was felt these were unnecessary and would not alleviate potential flooding in the area.

The Planning Officer explained that prior to the construction of the proposed development the applicant would need to submit a suitable FRA to the Lead Local Flood Authority, as required by Condition 3 of the recommendation. With regard to the water butts, it was believed that these were introduced to improve the environmental credentials of the scheme but were not a necessity. If Members were concerned about them the applicant could be requested to remove them from the scheme.

During debate some Members expressed their disappointment regarding the design of the proposal and did not feel it was attractive or in context with the local area due to its size. Concern was also raised about whether parking provision on the site was adequate. Other Members felt that the development was appropriate in this location and that providing the issues relating to the FRA could be resolved they were in favour of the proposal.

Following debate it was:-

**Resolved** - That the application be approved subject to an appropriate Section 106 Agreement regarding an affordable housing contribution and the conditions as set out in the Planning Officer's report.

**(b) 16/0418/FUL – 271 RAYLEIGH ROAD, THUNDERSLEY, BENFLEET, ESSEX (CEDAR HALL WARD) – DEMOLITION OF EXISTING BUILDING AND CONSTRUCTION OF 2 STOREY BLOCK OF SIX SELF CONTAINED FLATS WITH ASSOCIATED PARKING AND ROOF GARDEN – BELLE VUE HOUSE LTD**

The application sought permission for the residential development of a site within the Green Belt. The application was a revised scheme which sought to overcome the previous reasons for refusal raised under the Council's adopted Residential Design Guidance. Whilst this was achieved the proposal was still considered to be inappropriate development in the Green Belt. No very special circumstances necessary to justify such inappropriate development had been cited and the proposal was therefore recommended for refusal.

The application was presented to the Committee at the request of the Leader of the Council, in order for it to consider the impact of the redevelopment of this previously developed Green Belt site on the surrounding area.

Councillor MacLean, a Ward Member, spoke in favour of the application.

During debate some Members indicated they were in favour of the proposal as the previous reasons for refusal had been resolved and the height of the development had been reduced. Whilst the comments of the Planning Officer were noted it was considered that as the site had previously been developed the proposed building would not harm the openness of the Green Belt. Furthermore it was expected that sites such as this would be supported in a future Local Plan.

Other Members stated that the proposed development was much larger than the original building and felt that it would harm the openness of the Green Belt contrary to the Council's current Adopted Local Plan and concurred with the Planning Officer's recommendation that there were no very special circumstances to justify this harm.

Following debate it was therefore:

**Resolved** – That the application be approved subject to conditions to be agreed by the Head of Regeneration and Neighbourhoods in consultation with the Chairman and Vice Chairman.

- (c) **16/0504/FUL – KING CANUTE PH AND LAND ADJACENT, CANVEY ROAD, CANVEY ISLAND, ESSEX (CANVEY ISLAND CENTRAL WARD) – DEMOLITION OF EXISTING RETAIL UNIT AND GARAGE AND CONSTRUCTION OF VETINARY UNIT AND 2 NO. HOUSES, THE CONTINUED USE OF THE FORMER PUBLIC HOUSE AS A RETAIL UNIT INCLUDING SINGLE STOREY REAR EXTENSIONS AND THE CHANGE OF USE OF UPPER FLOORS TO 2 NO. FLATS WITH ASSOCIATED LANDSCAPING, PARKING AND CYCLE AND REFUSE STORAGE – NORVELLUS (CANVEY ISLAND) LLP**

The applicant sought permission for the conversion of the former King Canute Public House to a retail shop with two flats above and for the demolition of a large detached garage and retail unit within the curtilage of the site and the construction of a single storey building for use as a veterinary practice and two detached houses with associated parking and cycle/refuse storage.

The site was allocated for shopping purposes. The proposal incorporated residential development and would result in the loss of a retail unit; it therefore represented a departure from the Development Plan. The development would however contribute to the Council's housing supply and provide a replacement retail unit and a veterinary surgery which would support the day-to-day needs of the local community.

The proposal sought to resolve the issues raised in respect of previously submitted schemes which were refused consent in October 2015 and March 2016. It now met the provisions of the adopted residential design guidance and the proposed veterinary practice was now located in a satisfactory position relative to the eastern boundary of the site. Furthermore the scheme now incorporated works to the former King Canute Public House, providing for a new retail unit at ground floor level and two flats at first floor level.

The proposal was considered acceptable in the context of the adopted and emerging Local Plans and the NPPF and all substantive objections previously raised had been satisfactorily resolved. Accordingly the proposal was recommended for approval.

The application was presented to the Committee following its determination of the earlier schemes on this site.

During the presentation the Planning Officer reported that should the Committee be minded to approve the application it was suggested some minor amendments be made to conditions 12, 17 and 18 and that condition 27 should be removed.

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

During discussion Members indicated that they were in favour of the proposal as it resolved the previous issues raised. However it was stated that in light of the historical importance of the area the front facade of the current building should be preserved if at all possible. The Committee requested that a condition be added to any approval to this effect. It was also requested that a plaque commemorating the 1953 floods, which it was believed had been displayed inside the public house, be retained elsewhere on the site.

Following discussion it was:

**Resolved** – That the application be approved subject to the conditions set out in the Planning Officer's report, as amended, and a condition to protect the front façade of the current King Canute Public House building to be agreed by the Head of Regeneration and Neighbourhoods in consultation with the Chairman and Vice Chairman.

- (d) **16/0512/FUL – CONCORD RANGERS FOOTBALL CLUB, THAMES ROAD, CANVEY ISLAND, ESSEX, SS8 0HP (CANVEY ISLAND WEST WARD) – THE INSTALLATION OF A 17.5M MONOPOLE WITH 6 NO ANTENNAS AND 2 NO MICROWAVE DISHES, 3 NO EQUIPMENT CABINETS, ALONG WITH ANCILLARY DEVELOPMENT – TELEFONICA UK LIMITED**

The report on this item was withdrawn prior to the meeting.

- (e) **16/0538/FUL – 41 HOMESTEAD GARDENS, HADLEIGH, BENFLEET, ESSEX (ST JAMES' WARD) – PART TWO STOREY PART SINGLE STOREY REAR/SIDE EXTENSION AND ALTERATIONS TO ROOF INCLUDING FRONT DORMERS AND RAISING OF RIDGE – MR RAMSEY AND MISS BYLES**

The proposal was for extensions to provide an additional bedroom at roof level and enlarged bedrooms and living accommodation on the ground and first floor level. Whilst the proposal would not be harmful to the amenity of adjacent residents it was felt that the design exhibited a number of deficiencies and would

not be sympathetic to the appearance of the house or its relationship with the rest of the street. It was therefore recommended that permission be refused.

The application was presented to the Committee as the applicant was related to a member of staff.

During discussion Members stated that whilst they were not against the principle of extensions to the current building this scheme was not appropriate and concurred with the Planning Officer's view that the design was deficient. However it was suggested that the applicant be formally invited in to discuss with planning officers how the scheme could be improved and a satisfactory solution found.

Following discussion it was:-

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

1. The proposed increase in roof height would result in a disproportionate enlargement of the dwelling, detrimental to the character and appearance of the host dwelling and resulting in a building inconsistent with, and unsympathetic to, the character and appearance of the wider area, contrary to Policy EC2 of the adopted Local Plan, RDG7 of the Council's Residential Design Guidance and Government guidance as expressed in the National Planning Policy Framework.
- 2 The proposed dormer windows, by reason of their poor alignment with the windows on lower floors, are poorly placed within the roof plane and if approved would be detrimental to the character and appearance of the property and the visual amenity of the area, contrary to RDG7 of the Council's Residential Design Guidance and Government guidance as expressed in the National Planning Policy Framework.
- 3 The proposed side extension, due to its proximity to the western boundary of the site, would result in a dwelling of mean and cramped appearance, lacking an adequate setting and out of character with the pattern of development in the local area, contrary to Policy EC2 of the Castle Point Local Plan, RDG2 of the Council's Residential Design Guidance and Government guidance as expressed in the National Planning Policy Framework.

Chairman

## ITEM 1

<b>Application Number:</b>	<b>15/0710/FUL</b>
<b>Address:</b>	<b>242 High Road Benfleet Essex SS7 5LA (Boyce Ward)</b>
<b>Description of Development:</b>	<b>Construction of 18No self contained flats with 1No retail shop and 1No detached house with attached parking</b>
<b>Applicant:</b>	<b>Histonwood Ltd.</b>
<b>Case Officer:</b>	<b>Ms Kim Fisher</b>
<b>Expiry Date:</b>	<b>30.09.2016</b>

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## Summary

The proposal seeks to develop a brownfield site in a sustainable location with a mixed retail/residential development comprising one, two bedroomed detached house with integral carport, fronting Grove Road and a three storey block comprising a retail unit fronting the High Road and 18 flats with amenity space and car parking, all accessed from Grove Road.

Subject to the imposition of conditions the proposal would satisfy national and local policy requirements and make a contribution towards the satisfaction of small and affordable housing needs as well as maintain the opportunity for retail activity on the site, consistent with its edge of town centre location.

## Site Visit

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

## Introduction

The site is located on the eastern side of the High Road, at its junction with Grove Road. The site formerly hosted a retail unit and timber yard.

The site has a frontage of some 21m to High Road and return frontage to Grove Road of some 58m.

Immediately to the northwest of the site is a flat roofed, two storey supermarket building, beyond which is a terrace of two storey, early 20<sup>th</sup> century buildings providing retail units at ground floor level and offices/flats above. Behind these buildings and abutting the side boundary of the site is a 2.5 storey former office building on Thundersley Park Road, to the east of which lie two storey houses.

Immediately east of the site is a detached bungalow with a garage abutting the site boundary.

To the south of the site is the former Benfleet Water Pumping Station which is a Grade II Listed Building, now used by the Christian Fellowship as a meeting hall, to the east of which are bungalows.



To the south west of the site, on the opposite side of High Road, is a school, to the south of which is a three storey, flat roofed block of flats/commercial units.

An open dyke runs along the rear of properties fronting Grove Road and Thundersley Park Road, which is piped under the application site and the High Road carriageway to emerge as an open dyke again adjacent to No.227 High Road.

## **The Proposal**

The applicant seeks planning permission for the construction of a three storey building containing 18 self-contained flats and one retail unit with associated facilities and one detached house with integral carport.

The three storey building would front both High Road and Grove Road, with pedestrian access at the junction and vehicular and pedestrian access from Grove Road to the rear of the building. The three storey building would have a 'C-shaped' floor plan, creating an internal amenity area between three elevations of the building and the north western boundary of the site. The building has a maximum depth of 41.3m, a maximum width of 18.2m and a maximum height of 11.3m. This building would contain a shop unit of some 33m<sup>2</sup>, with WC and private bin store at ground level and 12 two bedroomed flats and 6 one bedroomed flats, arranged over three floors.

A detached house is proposed to the rear of the site fronting Grove Road. The house measures a maximum of 8.25m deep, 8.25m wide and 6.7m high. The dwelling would contain an open plan kitchen/living room/breakfast area, W.C., two bedrooms, two en-suites and an integral car port.

A car park providing 18 spaces is situated to the rear of the three storey block and two further spaces are proposed off Grove Road. Three new crossovers would be created to provide access to the parking areas and house. The pavement would be widened close to the junction of Grove Road and High Road.

Black coloured metal railings would be provided to the Grove Road boundary and beyond these railings a laurel hedge is proposed.

Surface water would be directed using gullies, falls and aco drains to soakaways and a water recycling tank located within the car park. A restrictive valve would be used to control the flow of water stored in the soakaways to the existing piped culvert which runs under the site.

## **Supplementary Documentation**

The application is accompanied by the following documents, which are available to view on the Council's website:

- Phase 1 Geo-Environmental Site Assessment
- Design and Access Statement
- Details of materials
- Rainfall, soakaway storage and outflow rate information

The application is also accompanied by a Viability Report which is not available for inspection due to the commercially sensitive nature of the data.

## Planning History

Formal pre-application advice (14/0696/PREAPP) was sought in 2014 for a mixed development comprising one two storey building containing 4 affordable flats on the northern part of the site and one three storey building on the southern part providing 18 general market flats and a shop unit.

Whilst no objection was raised to the principle of the provision of mixed residential/commercial development on this site, concerns over the proposed parking arrangements, impact on the street scene and on the setting of the adjacent listed building were identified.

## Local Plan Allocation

Shopping.

The site lies within the South Benfleet Town Centre but is not within a primary frontage.

## Relevant Policies and Government Guidance

### National Planning Policy Framework (NPPF)

Paragraphs: 23, 50, 51, 56-58, 73. 100- 104 and 131-134.

### Planning Practice Guidance

Ensuring the Vitality of Town Centres

Flood Risk & Coastal Change

### Castle Point Borough Council Local Plan (Adopted November 1998)

EC2	Design
EC3	Residential Amenity
EC4	Pollution
EC5	Crime Prevention
EC34	Setting of Listed Buildings
H7	Affordable Housing
H9	New Housing Densities
H10	Mix of Development
H11	Accessible and Wheelchair Housing
H13	Location of Development
H17	Housing Development – Design and Layout
S1	Location of Retail Development
S4	Non-Retail Development
S5	Parking and Servicing
T8	Car Parking Standards
CF14	Surface Water Disposal

### Residential Design Guidance (Adopted January 2013)

RDG1	Plot Size
RDG2	Space around Dwellings
RDG3	Building Lines
RDG4	Corner Plots
RDG5	Privacy and Living Conditions
RDG6	Amenity Space

RDG8	Detailing
RDG10	Enclosure and Boundary Treatment
RDG11	Landscaping
RDG12	Parking and Access
RDG13	Refuse and Recycling Storage
RDG15	Design Codes
RDG16	Liveable Homes

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

Developer Contributions Guidance Supplementary Planning Document (Adopted October 2008)

#### New Local Plan

SD1	Presumption In Favour Of Sustainable Development
R1	Town Centre Retail Strategy
R4	Town Centres
R9	Locations For Retail Development
T8	Parking Provision
H1	Housing Strategy
H12	Location Of Housing Development
H13	Size And Type Of Homes
H14	Securing More Affordable Housing
DES1	General Design Principles
DES3	Landscaping
CC1	Responding To Climate Change
CC6	Non Tidal Flood Risk Management
CC7	Sustainable Buildings (New Builds)
NE9	Protecting and Enhancing the Landscape and Landscape Features
NE10	Pollution Control and Residential Amenity
HE1	Conserving and Enhancing the Historic Environment

#### Additional Information

Strategic Housing Market Assessment (May 2016)

Strategic Housing Land Availability Assessment Update (October 2014)

South Essex Surface Water Management Plan (2012)

Planning Minister Statement (25<sup>th</sup> March 2015)

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

Technical Housing Standards (March 2015)

DEFRA Non-Statutory Technical Standards For Sustainable Drainage Systems (March 2015)

#### **Consultation**

##### Environment Agency

No objection. However, the following comments are made on Flood Defence Consent and flood risk:

### **Flood Defence Consent**

This development site sits directly above a culverted section of Benfleet Hall Sewer, which is designated a main river. The EA therefore wishes to ensure that the developer or site owner understands that they will have riparian responsibilities for the structure. It is therefore in their interest to ensure that access to the culvert for maintenance and/or surveys is maintained and that the proposed development does not impede this. It may be that this development offers an opportunity to improve the current access.

The submitted plans do not suggest that any building is proposed directly above this structure. However, under the terms of the Water Resources Act 1991 and the Anglian Land Drainage Byelaws, the EA prior written consent is required for any proposed works or structures in, under, over or within 9 metres of the top of the bank of the main river. If any development is proposed on or near the culvert, EA consent will be required and the developer may wish to survey the culvert before development begins to determine its condition.

### **Flood Risk**

EA maps show the site is located partly in fluvial Flood Zone 2, the medium probability zone, which comprises land assessed as having between a 1 in 100 and 1 in 1000 annual probability of flooding. The LPA should refer to EA Flood Risk Standing Advice for advice on reviewing flood risk assessments for development in Flood Zone 2.

#### Essex County Council - Lead Local Flood Authority (LLFA) – 13<sup>th</sup> October 2015

The application is classified as a major application and required to give priority to the use of SuDS.

The site is within a Critical Drainage Area outlined in the South Essex Surface Water Management Plan. It is important that the site deals with surface water runoff appropriately.

The site is under 1ha, so no Flood Risk Assessment is required, however the LLFA expects a level of drainage detail to be submitted so that it can be demonstrated that the development will not be at risk of flooding or increase flood risk.

#### Essex County Council - Lead Local Flood Authority – 15<sup>th</sup> October 2015

Investigating whether a sequential approach/exception test approach can be required as the site is shown to be an area at risk from surface water flooding.

Essentially the site is situated in a major surface water flow path and the findings of the above tests are likely to be that the site would not be appropriate to develop.

Site is identified as being within a Critical Drainage Area in the South Essex Surface Water Management Plan.

#### Essex County Council – Lead Local Flood Authority – 12<sup>th</sup> January 2016

Having reviewed the Flood Risk Assessment and the associated documents, object to the application on the following grounds:

### **Sequential approach**

The site is shown to be at high risk of surface water flooding on the updated Flood Maps for Surface Water and within the South Essex Surface Water Management Plan. We would expect the sequential approach to be undertaken including assessing the risk from surface water, as

described in Paragraph 18 of the Planning Practice Guidance - Flood Risk and Coastal Change (ref. 7-018-20140306).

Should the application site be shown to be the only site that can deliver this development (if there are no other sites in a lower flood risk area) then a flood plan should be provided to show that residents can be kept safe during a flood event.

### **Fluvial flood risk**

The site is adjacent to a main river, for which the catchment appears to be less than 3sq.km hence the EA have not modelled the fluvial flood risk as part of the Main River Flood Maps and there are no flood zones for this stretch of river. The applicant should provide modelling to determine if the site is in fact within a main river flood zone.

### **Discharge hierarchy**

The proposed house is shown to drain via soakaway. In line with the discharge hierarchy, this is the preferred method of surface water disposal. Infiltration test results or strong desktop evidence should be provided to show that there is suitable infiltration ability to dispose of surface water in this way. The remainder of the site should also drain via infiltration if this is a viable option. Only then may discharge to the existing culvert occur.

### **Proposed runoff rate**

The source of the proposed runoff rate of 5.6l/s should be explained. The runoff rate should be based on the greenfield runoff rate for the site, even for brownfield sites, unless this is shown to make the development unviable.

### **Treatment stages**

In line with Paragraph 109 of the NPPF, no pollution should occur from the development runoff. The SuDS principles outlined in the CIRIA Manual (C753) are to implement a treatment stage of SuDS features following the pollution indices approach, i.e. that the pollution treatment potential is higher than the pollution index for the source of the runoff. This should be demonstrated.

### **Storage volume**

The Drainage Plan shows the recycling storage tank provides 3cu.m of the required storage. Best practice suggests recycling should not count towards storage volumes unless there is a guarantee that the water will be used e.g. toilet flushing. The use for garden watering and car washing cannot be guaranteed; therefore this should not count towards the available storage.

Groundwater level monitoring should be provided to show that the underground storage would be technically feasible as the proposed storage feature is to be 1.2m deep presumably with cover above. If groundwater were to rise above the base of the feature this could result in a floatation effect causing the tank to fail.

Details of the type of feature should be provided to support the porosity used (100%). The winter storm profile should also be checked for compliance. An allowance for climate change over the development lifetime should be provided.

### **Additional information**

Any questions raised within this response should be directed to the applicant and the response should be provided to the LLFA for further consideration. If you are minded to approve the application contrary to this advice, we request that you contact us to allow further discussion and/or representations from us.

Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.

Essex County Council – Lead Local Flood Authority – 26<sup>th</sup> August 2016

Having reviewed the additional information provided by the applicant, we do not object to the grant of planning permission subject to the following:

**Condition 1**

*The development permitted by this planning permission shall be carried out in accordance with the Foul & Surface Water Network Drainage Design Layout by CES drawing no. CES408/01 rev.B to include:*

- *An attenuation tank to store the 1 in 100 plus 30% climate change event*
- *A downstream defender.*

*The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.*

**Reason**

*To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.*

*To ensure the effective treatment of surface water runoff to prevent pollution.*

**Condition 2**

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

**Reason**

*The National Planning Policy Framework paragraph 103 states that local planning authorities should ensure flood risk is not increased elsewhere by development.*

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

**Condition 3**

*No works shall take place until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.*

*Should any part be maintainable by a Maintenance Company, details of long term funding arrangements should be provided.*

**Reason**

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

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

**Condition 4**

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

**Reason**

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

**INFORMATIVES:**

- *Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to [suds@essex.gov.uk](mailto:suds@essex.gov.uk).*
- *Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.*
- *Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.*
- *The Ministerial Statement made on 18th December 2014 (ref. HCWS161) states that the final decision regarding the viability and reasonableness of maintenance requirements lies with the LPA. It is not within the scope of the LLFA to comment on the overall viability of a scheme as the decision is based on a range of issues which are outside of this authority's area of expertise.*
- *We will advise on the acceptability of surface water and the information submitted on all planning applications submitted after the 15th of April 2015 based on the key documents listed within this letter. This includes applications which have been previously submitted as part of an earlier stage of the planning process and granted planning permission based on historic requirements. The Local Planning Authority should use the information submitted within this response in conjunction with any other relevant information submitted as part of this application or as part of preceding applications to make a balanced decision based on the available information.*

Essex County Council – Education

The proposed development would generate a requirement for 3 primary and 2 secondary school places.

The development is located within the Castle Point primary group 4 (Benfleet) forecast planning group which is forecast to have a deficit of 6 places by the school year 2019-20. The implementation of the revised Community Infrastructure Levy Regulations on the 6th April 2015 now restricts the pooling of contributions for a specific item of infrastructure, such as the expansion of a school, to contributions from five separate planning obligations. Under these changed circumstances there will be no request for a contribution for the provision of additional primary places from this proposed development.

This proposed development is located within the Castle Point secondary group 1 (Benfleet) and is forecast to have a surplus of 803 places by the school year 2019-20. No contribution for additional secondary school places will be requested.

#### Essex County Council - Highways

As stated in the Parking Standards Design and Good Practice September 2009, a lower provision of vehicle parking may be appropriate in urban areas where there is good access to alternative forms of transport. The proposal site is considered to be in a sustainable location in the immediate vicinity of Benfleet Town Centre with good access to public transport and other facilities, therefore from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to conditions.

#### Anglian Water

There are assets owned by Anglian Water (AW) or subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. An informative should be appended should permission be granted.

The foul drainage from this development is in the catchment of Benfleet Water Recycling Centre which has available capacity for waste water and foul sewage flows.

The preferred method of surface water disposal would be to SuDS with connection to sewer as the last option. The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable. More detail is required to confirm connection point and flow rates. We would therefore recommend that the applicant needs to consult with Anglian Water and the Environment Agency. We will request that the agreed strategy is reflected in the planning approval.

Recommend the following condition if minded to grant planning approval:

*No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.*

*REASON: To prevent environmental and amenity problems arising from flooding.*

The planning application includes employment/commercial use. To discharge trade effluent from trade premises to a public sewer vested in Anglian Water requires AW consent.

#### CPBC Refuse and Recycling – 6<sup>th</sup> November 2015

The houses will be collected kerbside. The developer needs to ensure that the roadway on the site is suitable to take a 32 tonne vehicle. Damage caused from poor construction is the responsibility of the developer.



The bin area is not large enough, as it needs to house:

- 3 x 1100 litre refuse bins
- 3 x 1100 litre pink recycling bins
- 3 x 240 litre glass recycling bins
- 3 x 240 litre food waste recycling bins

CPBC Refuse and Recycling – 20<sup>th</sup> January 2016

Following receipt of revised plans.

We are happy with the size and design of the bin area.

CPBC Environmental Health Officer

No objection subject to the following conditions:

Contaminated land –

*The Phase 1 Geo-Environmental Site Assessment has been viewed and this Service agrees that there will need to be a Phase II intrusive investigation report detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011 Investigation of Potentially Contaminated Sites - Code of Practice. The report shall include a detailed quantitative human health and environmental risk assessment.*

*If necessary a remediation scheme detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. A clear end point of the remediation shall be stated, and how this will be validated.*

*Any ongoing monitoring shall also be determined.*

*If during the works contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed in an appropriate remediation scheme which shall be submitted to and approved in writing by the local planning authority.*

*A validation report detailing the proposed remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology shall be submitted prior to first occupation of the development. Details of any post-remedial sampling and analysis to demonstrate that the site has achieved the required clean-up criteria shall be included, together with the necessary documentation detailing what waste materials have been removed from the site.*

*Reason: To protect the health of future occupiers of the site from any possible effects of contaminated land.*

Asbestos

*The development shall not begin until a scheme to address the management and/or safe disposal of asbestos and asbestos containing materials has been submitted to and approved in writing by the local planning authority. The scheme shall include details of, where necessary, an asbestos identification survey by a qualified contractor, measures to be adopted to protect human health and the preferred asbestos disposal route, unless the local planning authority dispenses with any such requirement specifically in writing.*

*Reason: To protect the health of site workers and future occupiers of the site.*

Acoustic report

*The proposed development is in close proximity to the Benfleet High Road. For that reason this service requests an acoustic report to be commissioned, measuring the impact of noise upon the closest proposed receptor. The conclusive report, together with suggested schemes of work, if applicable, should be submitted to this Council for consideration before commencement of any works.*

*Reason: To identify whether noise from the Benfleet High Road will have an adverse impact upon the health of any future occupants of the site.*

**INFORMATIVES**

*1. Noise and dust control- The applicant should take all relevant precautions to minimise the potential for disturbance to neighbouring residents in terms of noise and dust during the demolition and construction phases of the development. Water suppression shall be employed for any stone or brick cutting and if necessary neighbours shall be advised in advance of any particularly noisy works. The site may operate from 07:00 Monday to Saturday, but no powered plant or machinery or power tools or activities such as hammering, piling and unloading materials and equipment likely to give rise to impact noise shall be used, operated or carried out externally before 08:00. The site shall close at 19:00 Monday to Friday and at 17:00 Saturday, but no powered plant or machinery or power tools or activities such as hammering, piling and unloading materials and equipment likely to give rise to impact noise shall be used, operated or carried out externally after 18:00 Monday to Friday and 13:00 Saturday.*

*The best practicable means, as identified in section 72 of the Control of Pollution Act 1974, to reduce noise to a minimum shall be employed at all times. All plant and machinery in use shall be properly silenced and maintained in accordance with the manufacturer's instructions.*

*2. No burning of waste or other materials - In the interests of maintaining and improving air quality within the borough there should be no burning of any waste or other materials on the site.*

*3. Electric vehicle charge points - In the interests of improving air quality within the borough, it is requested that all premises are equipped with electric vehicle charging points (EVCP's), this will enable greater future choice in electric vehicle ownership and usage.*

**Public Consultation**

Objections have been received from the following addresses in respect of the original consultation, re-consultation (following receipt of revised plans, additional details and an amended description), the posted site notice and the press notice:

Grove Road: 8, 10 (x3), 12, 25 (x2)  
Thundersley Park Road: 14 (x4)  
Crescent Road: 52

which make the following comments:

- Currently no heavy traffic as a no through road, this will be changed by proposal
- Wood yard operated at set hours and was quiet on evenings and weekends. This proposal would result in excessive noise in an area of quietness as the flats will be used at all hours.
- Excessive lighting from the windows, when the area is currently dark

- Loss of privacy
- Loss of security
- Exceed the original building height and width
- Excessive car usage
- Plans show cut through from Thundersley Park Road causing a dangerous rat run
- Inadequate parking
- Surrounding roads are already congested. Proposal will make this worse
- Due to extra cars access to my property will be impossible
- Grove Road and Crescent road are narrow with bends and hardly any verges, which is not suitable for extra traffic
- Semi-detached houses do not mirror or match surrounding properties
- Overdevelopment of a retail plot
- No flats or tall buildings in Grove Road
- Not in keeping and disproportionately large
- Will have a negative effect on all surrounding properties
- Plans show a lot more space on the road side and do not reflect the correct position of bungalows
- Brook running under development which is for drainage, and drains flood now
- Difficulties leaving Grove Road into High Road at peak times
- No provision for the mature trees to the rear and side of adjoining property
- Proposed boundary treatment is inadequate, needs to be brick and at least 2.5m high
- Loss of light
- Excessive car exhaust fumes/pollution from the additional cars next to adjacent garden
- Site entrance from Thundersley Park Road during construction
- Lose the use of garden during construction due to excessive noise, exhaust and potential asbestos pollution
- Three quarters of our garden would be enclosed by vehicles
- Severely affect the wildlife and environment in the area, including foxes, badgers and squirrels
- Major impact on our children's quality of life
- The building line of Grove Road has not been considered
- Two storey block would be acceptable and more in keeping if the inadequate parking is taken into serious consideration
- The drainage is inadequate
- The revised plans have just removed one semi-detached house, which does not overcome objections. Development will have a huge negative impact on all residents in Crescent and Grove Road
- Close to a primary school, and coupled with the lack of visibility, queuing traffic and additional traffic, this development would lead to problems
- Suffer from flooding during heavy rain. This development will exacerbate these problems

### **Comments on Consultation**

- The conditions suggested by the statutory consultees will be considered in the evaluation of the proposal.
- The demolition of the existing buildings and construction of the proposal is transient and therefore noise and disturbance associated with these periods does not represent a robust reason for refusing the scheme.

- Access from Thundersley Park Road is precluded by the car parking layout.

All other relevant comments will be considered in the evaluation of the proposal.

## Evaluation of Proposal

The issues to be considered are the principle of a mixed development on this site, the density and mix of proposed housing, design and layout, impact on the Listed Building, the provision of affordable housing, highways and car parking, drainage and flood risk, and other matters including accessibility and crime prevention, amenity, ecology and trees and contamination.

### (i) The Principle of Development

The site is located within an area allocated primarily for shopping purposes in the adopted Local Plan (ALP). Policy S4 of the ALP seeks to retain such areas for shopping purposes. This is consistent with policies R1 and R4 of the New Local Plan (NLP) and paragraph 23 of the National Planning Policy Framework (NPPF). The development of the site for residential purposes would be contrary to this provision. However, paragraph 51 of the NPPF states that local planning authorities should normally approve planning applications for change from commercial to residential use where there is an identified need for additional housing, provided there are no strong economic reasons why such development should not be permitted.

The Written Ministerial Statement (WMS), 'Planning for Growth', dated 2 March 2011 gives significant weight to the provision of housing in sustainable locations, particularly those close to significant employment opportunities. The WMS states that:

*"Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy."*

There is a clear and recognised need for additional housing provision within the Borough and as such a presumption in favour of the development of the site for residential purposes exists, unless there are strong economic reasons for refusing the development or the proposal would compromise the key sustainable development principles set out in national planning policy.

Both the ALP and the NLP support the principle of residential accommodation above retail development in Town Centres.

The site is within the core of the Town Centre but is not within a primary shopping frontage.

Furthermore, the site currently provides a timber yard and two retail units. The timber yard was not considered to significantly contribute to the retail activity of the centre and the proposed scheme will provide a replacement retail unit for those lost. On balance it is not considered that the redevelopment of this site in the manner proposed would have a significant adverse impact on the retail vitality or viability of the town centre and it is not considered that development of the site for a mixed commercial/residential purpose would compromise key sustainable development principles as set out in national planning policy.

The existing timber yard building is of poor appearance and not considered particularly attractive for alternative business uses. This, together with the fact that the site adjoins residential development on three sides strongly suggests that the principle of residential development on this site would be acceptable, being consistent with Government policy and guidance and the

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

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

The Policy specifically states that proposals for flats should be located on main roads. The front elevation and main pedestrian entrance to the flats would be onto the High Road which is the major distributor through the town. Whilst it is recognised that the proposed development would also share a frontage with Grove Road which is a residential street and not a major route, this arises as a consequence of the location of the site at a junction. The proposed flats would be read as a building which was set within the High Road frontage and as such the site is considered an appropriate location for the proposed development. In respect of the other criteria, it is more appropriate to make such an assessment of the proposal against the Council's Residential Design Guidance (RDG), which will be discussed later in the report.

(ii) Density and Mix of Housing

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

Whilst broadly consistent with paragraph 58 bullet 3 of the NPPF, Policy H9 is somewhat vague and a better test of whether the density of the development is appropriate is assessment of the proposal against the Council's Residential Design Guidance.

Policy H10 of the adopted Local Plan states that in all residential developments the Council will seek an appropriate range of dwelling types. This is also a vague policy, inconsistent with the requirements of paragraph 50 of the NPPF which requires local planning authorities to plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community.

Policy H1 of the New Local Plan, whilst of limited weight at this stage, seeks to encourage the provision of smaller dwellings in order to meet local needs.

The most up to date local evidence of need in respect of the mix of development on sites is the 2016 Strategic Housing Market Assessment (SHMA May 2016). This identified that for the Castle Point area, in the period 2014 – 2037, 33% of new dwellings should be 1 and 2 bedroomed properties and 67% of new dwellings should be 3 and 4+ bedroomed properties.

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

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

(iii) Design and Layout

Policy EC2 of the current Local Plan requires a high standard of design in all new buildings. This is consistent with paragraphs 56 to 58 of the NPPF.

EC2 specifically states that 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; that the appearance and treatment of spaces around buildings shall be enhanced by appropriate hard and soft landscaping and that all modes of movement are to be safe and convenient.

Policy DES1 of the NLP states that the Council will expect all forms of development to be designed to a high standard, meeting the design objectives set out at Appendix 1 of the NLP and fully integrating the sustainability requirements of policies CC7 and CC8 as appropriate.

It further states that development proposals must be appropriate to the site and its surroundings having regard to scale, density massing, height, landscape, layout, materials, detailing, access and security and crime prevention, having regard to the standards set out in *Secure by Design*.

In terms of scale, the proposed flats would be three storeys in height. Whilst it is acknowledged that buildings of this height are not characteristic of Grove Road, there is a significant element of three storey development on the High Road. In particular, there are three storey flats to the south west and immediately to the north of the site. In the context of this development it is not considered that there can be an objection to the principle of a three storey development in this area.

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

RDG1 is concerned with plot size and requires new development to be informed by the prevailing plot size in the area, in order to avoid harm to the character of the area.

The plot size for the proposed detached dwelling is generally larger than other plots in the immediate vicinity and provides good levels of isolation to all boundaries.

The proposed flats are similarly isolated from the southern and eastern boundaries of the site creating a relatively spacious setting in the context of Grove Road. Whilst it is acknowledged that the proposed building will immediately abut the northern and western boundaries of the site, these aspects are viewed in the context of the more densely developed commercial frontage.

In the context of the site it is not considered that the proposed development would, in terms of its plot size, have an adverse impact on the character and appearance of the area. No objection is therefore raised the proposal under RDG1.

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

In this case the proposed dwelling would be located 1m from the eastern boundary of the site and some 8.5m is retained between the western elevation of the dwelling and the western boundary of the site. The proposal therefore achieves a satisfactory setting for the dwelling and no objection is raised under RDG2.

With regard to the flats, space equivalent to 25% of the width of the building should be provided.

The proposed building would be some 16.3m wide at its frontage to High Road, with approximately 4.1m retained between the building and the proposed side boundary at its western frontage, increasing to some 17.5m at the western end. The requirements of RDG2 in this respect are considered to be satisfied.

On the Grove Road frontage, space equivalent to 65% of the width of the building is provided.

No objection is therefore raised under RDG2.

Guidance at RDG3 requires proposals to respect established building lines. The submitted layout indicates that the proposed buildings would, despite the comments of local residents, be located in conformity with the established building lines to both the High Road and Grove Road.

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

The proposed flats would be located to the southeast of an existing car park and former commercial premises which have been converted to residential use. The proposed flats have the capacity to throw shadow across the adjoining car park; however, given the nature of the adjoining land use and the fact that the proposed building will replace an existing building of similar scale, it is not considered that the occupiers of the buildings to the north would be adversely affected by the proposed development in terms of overshadowing.

The proposed flats are considered too remote from any other residential properties to give rise to a significant adverse impact on residential amenity on this respect.

The proposed dwelling is located due west of the adjoining residential property, No.19 Grove Road. The proposed dwelling would not extend beyond the front or rear elevations of the existing dwelling and whilst the proposed dwelling may impact on this neighbours' side elevation, it is considered that this is unlikely to adversely affect the amenities that might be reasonably expected by the occupiers of No.19.

No objection is therefore raised to the proposal under the provisions of RDG3.

RDG4 states that development on corner plots should be designed to turn corners. All elevations that face the public realm must be provided with articulation and fenestration at all levels and should provide good levels of natural surveillance.

The proposed flats are located on a corner plot and have been designed to take advantage of its dual aspect, providing a feature on the corner to emphasis the entrance to the building and to create a statement in the streetscape.

Both street facing frontages are well fenestrated and articulated, both elevationally and in terms of roof treatment and a high level of natural surveillance is achieved. The proposed development satisfies the requirements of RDG4 and no objection is raised to the proposal on this basis.

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

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

In respect of the detached property first floor windows would be provided to the front and rear elevations only. Whilst the window serving Bedroom 1 in the rear elevation would be located in excess of 9m from the rear boundary of the site, the window serving bedroom 2 would only be located some 8.35m from the rear boundary as a consequence of the alignment of the boundary. This represents a deficiency which would usually attract a recommendation of refusal; however in this instance the proposed window would overlook the parking area serving the proposed flats. The window would have no adverse impact on any adjoining resident and under the circumstances it is not considered that a reason for refusal based on a deficiency in isolation from the rear boundary would be supported on appeal.

The first floor front windows serving the detached dwelling would be some of 7.8m from the boundary they directly face. Whilst this is below the required 9m, these windows would face the public highway and consequently would not result in an adverse loss of privacy.

The windows in the front (south western) and side (south eastern) elevations of the proposed flats similarly overlook the highway and would not result in any undue overlooking or loss of privacy.

The flats are arranged around an internal courtyard with windows overlooking an internal amenity area.

Windows serving an internal corridor would overlook the amenity area at first and second floor level and would be some 8.8m from the opposing boundary. At first floor level these windows are slightly deficient, and at second floor level these windows are deficient by some 6.2m, and on this basis the proposal would normally attract a recommendation of refusal. However, the windows in this elevation overlook the blank flank wall of the adjoining supermarket and car park. In this situation it is not considered that the proposed windows would result in an undue loss of privacy or amenity to adjoining residents and no objection is raised to the proposal on this basis.

Windows are also provided to opposing flats in the front and rear of the block, across the internal courtyard, which would be some 17m apart.

Opposing windows at first floor level would be expected to achieve a minimum of 18m isolation. At second floor level this would be expected to be 30m. The proposed development is clearly deficient of this requirement; however, any overlooking which occurred would be restricted to the confines of the proposed development and would have no impact on adjoining residents. New occupiers would be aware of the relationship between windows and could make a judgement on the suitability of such an arrangement.

As such it is not considered that the proposal represents significant harm to existing residential amenity and no objection is raised to this element of the proposal.

Guidance at RDG6 requires appropriate amounts of amenity space to be provided to ensure the outdoor needs of the occupiers are met.

For dwellings, a minimum of 50m<sup>2</sup> amenity space should be provided. For flats, a minimum of 25m<sup>2</sup> shall be provided for each unit either privately or communally. Balconies can be included in this provision if a floor space of at least 5m<sup>2</sup> is achieved.



The dwelling benefits from an amenity space greater than 50m<sup>2</sup>. The flats would be provided with no balconies and occupiers would therefore be reliant on the communal amenity area. The flats generate a requirement for the provision of an amenity space of some 450m<sup>2</sup>.

Open space between the highway and the building is not considered to be private amenity space, its purpose being to provide an appropriate setting for the building. Whilst an area of land is provided between the proposed building and Grove Road, this area is not included within any calculation of amenity space.

The proposal is therefore reliant on the enclosed amenity area for its open space provision which extends to some 123m<sup>2</sup> only. The scheme is therefore severely deficient in terms of amenity space provision and ordinarily would attract a recommendation of refusal. However, the site is located within a densely developed urban area, where flats generally have limited amenity space, and in close proximity to a significant area of open space at St Mary's Playing Fields to the west. Proposals for similar forms of development in town centre locations, which have been refused on the basis of deficiencies in amenity space provision, have not been supported on appeal where it has been demonstrated that access is available to large areas of open space in close proximity. Under the circumstances it is not considered that a reason for refusal based on inadequate amenity space provision for the flats would be robust.

RDG8 requires that all development is designed to provide well proportioned and balanced properties which complement the surrounding area. The elevations of the proposed flats are reasonably articulated and the fenestration is aligned and balanced. Legibility of the building is aided by the turret feature to the main entrance and the mass of the building is visually reduced through the repetitious use of materials and articulation. The building does suffer somewhat from an unduly complicated roof structure; however it is not considered that this alone is sufficient to justify a refusal on design grounds.

The proposed dwelling is less successful in terms of its appearance; the windows to the front elevation are poorly aligned and the roof structure appears somewhat awkward in its attempt to reduce height at its western end. Despite these details however, it is considered unlikely that a reason for refusal based on poor design would be sustained in this case and no objection is therefore raised the proposal under RDG8.

RDG10 is concerned with the appropriate treatment of enclosure and boundary treatments.

It is proposed to provide 0.9m high black painted metal railings along the Grove Road frontage and 1.8m high timber fences around the rear of the site. The railings are to be supplemented by the planting of a laurel hedge. This treatment is considered acceptable; however the use of laurel throughout the site is likely to result in ecological sterility. It is therefore considered that a landscaping scheme, providing for the introduction of indigenous and wildlife friendly species should be implemented, details of which shall previously be submitted to, and approved by, the Local Planning Authority. Subject to such a condition, no objection is raised to the proposal on the basis of RDG10. Such provision would be consistent with RDG11 and DES3 of the NLP.

RDG12 and Policy T8 of the ALP and NLP are concerned with the provision of appropriate access and parking arrangements.

The proposed development seeks to take all access from Grove Road as is currently the case, but will require the formation of three new crossovers in order to achieve appropriate and

independent parking for the various elements of the scheme. The Highway Authority has raised no objection to the formation of such access points.

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

The currently adopted standards are the 2009 County Parking Standards which require the provision of one space for one bedroomed properties and two spaces for properties with two or more bedrooms, plus visitor parking at a rate of 0.25 spaces per dwelling, rounded up to the nearest whole space.

The parking requirement for this development is as follows:

6 x 1 bed apartments	6 spaces
12 x 2 bed apartments	24 spaces
Visitors $0.25 \times 18 = 4.5 =$	<u>5 spaces</u>
	35 spaces

Retail parking should be provided on the basis of one space for every 20m<sup>2</sup> of floorspace. The proposed retail unit has an area of some 33m<sup>2</sup> and therefore attracts a requirement for 2 parking spaces.

A total of 37 spaces are therefore required to serve the flats and retail unit.

In addition Policy S5 also requires the provision of servicing on site.

The proposal seeks to provide 19 parking spaces which equates to one car parking space for each of the proposed flats and one car parking space for the proposed shop. No servicing facilities are provided.

Although below the requirement of the parking standards, and the subject of concern as expressed by local residents, this provision as far as the proposed flats are concerned, is consistent with the approach adopted by the Council in respect of all sites in sustainable locations. Under the circumstances it is not considered that a reason for refusal on the basis of inadequate car parking for the flats could be sustained.

The proposed shop is also deficient in parking and service areas and ordinarily would attract a recommendation of refusal. However, the proposed shop seeks to replace a former retail unit which similarly had no independent parking or servicing provision.

Furthermore the adopted parking standards make it clear that a lower provision of vehicle parking may be appropriate in urban areas, including town centres, where there is good access to alternative forms of transport and existing parking facilities.

This policy advice, coupled with the lack of objection from the Highway Authority strongly suggests that an objection to the proposal based on inadequate parking and servicing provision is unlikely to be supported on appeal. No objection is therefore raised to the proposal on the basis of car parking or servicing provision.

It should be noted that the proposed dwelling requires two parking spaces which are provided within its curtilage. The currently adopted parking standards require bay sizes of 2.9m by 5.5m. The proposed spaces meet this requirement.

The residential cycle parking requirement is one space per dwelling plus one space per eight dwellings for visitors. 21 residents' cycle spaces are needed.

The retail element attracts a requirement for 2 cycle parking spaces.

No cycle parking facilities are identified within the scheme; however it is considered that opportunities may exist within the wider site to accommodate bicycle storage. Such provision can be the subject of a condition attached to the grant of any consent.

RDG13 is concerned with the provision of appropriate refuse and recycling facilities. Following the receipt of revised drawings the Council's Refuse and Recycling Officer raises no objection to the proposal on this basis.

(iv) Impact on Listed Building

Policy EC34 of the adopted Local Plan states that consent will not be granted for new development which would have an adverse effect on the setting of a listed building. This policy is generally consistent with paragraphs 129 to 134 of the NPPF. However, these paragraphs provide a greater degree of detail about what is, and is not acceptable in relation to development affecting the setting of a listed building and should therefore be considered alongside Policy EC34.

Policy HE1 of the New Local Plan (2016), whilst of limited weight at this time, is consistent with the protectionist stance of the adopted Local Plan and NPPF and states that the Council will seek to positively conserve and enhance important elements of the borough's historic environment and will seek to ensure that proposals enhance the setting of heritage assets.

Paragraph 129 of the NPPF states that in determining applications, local planning authorities should require applicants to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.

No assessment of the significance of the adjacent Listed Building has been submitted by the applicant.

However consideration of the historic environment record reveals that the pumping station is a single storey 19<sup>th</sup> Century, red brick building with a double range grey slate roof which is set above the level of the adjoining highway and presents a focal point in the street scene, the setting of which is marred to a degree by the adjoining unsympathetic development. From the south the Listed Building is viewed against the backdrop of a large corrugated warehouse building, wood yard and industrial silo, whilst from the north it is seen in the context of a visually poor quality flat roofed building associated with tool hire.

The proposed development would seek to replace the existing poor quality warehousing and adjoining flat roofed two storey building with an articulate building exhibiting elements of traditional design. It is considered that the proposal development would provide a more attractive

backcloth for the Listed Building and it is not considered that the proposed development would result in substantial harm to the setting of the Listed Building. As a consequence no objection is raised to the proposal under Policy EC34 or HE1.

(v) Provision of Affordable Housing

Policy H7 of the Local Plan is concerned with the provision of affordable housing and states that the Council will seek to negotiate a proportion of affordable housing for rent, shared ownership, or outright sale, where appropriate to the scale of development schemes. This policy is considered consistent with paragraphs 50 and 73 of the NPPF.

Policy H14 of the NLP states:

*In order to improve the affordability of accommodation in Castle Point, all proposals for housing development, and mixed use proposals that include an element of housing, resulting in 11 or more net additional homes will be required to make the following level of provision of affordable housing:*

- a. Canvey Island - at least 15%*
- b. Benfleet, Hadleigh and Thundersley - at least 25%*

*Affordable housing provision will normally be provided on-site, however the Council will also consider proposals for off-site provision where the provision of affordable housing is equivalent to the level of requirement set out under part 1 of this policy across both sites. Payments in lieu of on-site provision will only be permitted in exceptional circumstances. Such payments should be equivalent to the cost of on-site provision.*

The Council's adopted Developer Contributions Supplementary Planning Document (SPD) requires the provision of 35% of affordable housing on sites of 15 or more proposed units.

Since the adoption of the Developer Contributions SPD, additional assessments have been undertaken in respect of affordability and the need for affordable housing. The 2016 SHMA shows a need for 236 new affordable homes per annum in order to meet identified need. This figure exceeds the annual build rate adopted by Members and in effect would require that all new dwellings built in the Borough were provided as affordable housing units. This is clearly an unrealistic proposition as to adopt such a position would be to render development unviable. However, the Castle Point Draft New Local Plan Whole Plan Viability Assessment Phase 1 Report (VA) tested the viability of different types of site within Castle Point, and showed that a reduction to 25% of units to be provided as affordable units for sites on the mainland would be viable. These figures are repeated in Policy H14 of the NLP.

No affordable housing provision is provided on site; however the SPD and the VA does allow for financial contributions to be made for offsite provision where circumstances preclude provision on site. In this case there is limited opportunity to provide affordable housing units independently of the market flats and mixed tenure is not generally favoured by social housing providers. In this instance therefore it is considered that the provision of a financial contribution would be acceptable.

The SPD provides a formula for the calculation of financial contributions for off-site provision.

The applicant has identified that the proposal struggles to achieve financial viability with a zero affordable housing contribution but in view of the financial commitment already made to the site, is willing to take a lower than industry accepted margin on the development and proceed with an offer of a £50,000 contribution to off-site affordable housing provision.

This represents a contribution of approximately 3% instead of the requisite 25% and is substantially deficient of the required contribution.

In support of this statement the applicant has submitted a viability statement.

Viability is a material consideration in the determination of planning applications. Paragraph 173 of the NPPF states that to ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.

The Planning Authority is therefore required to consider the relative costs and returns of development, in determining an appropriate level of contribution, notwithstanding the provisions of the Whole Plan Viability Statement, which is focussed on achieving viability across the whole plan, rather than necessarily within specific proposals.

The only financial obligation imposed on the proposed development by the Planning Authority is that associated with affordable housing.

Consideration of the data provided by the applicant in the form of (BCIS) Average price figures for construction and sale prices for the proposed development, indicates that the scheme could not sustain a fully policy compliant affordable housing contribution; however it is considered that an appropriate contribution of affordable housing provision could be made beyond that currently suggested, and the extent of this contribution can be determined through the S106 agreement.

(vi) Drainage and Flood Risk

The site is located primarily within Flood Zone 1, although a small proportion, essentially comprising the piped culvert of Benfleet Hall Brook lies within Flood zone 2.

Paragraph 033 of the Planning Practice Guidance (reference ID: 7-033-20140306) states that it should not normally be necessary to apply the Sequential Test to development proposals in Flood Zone 1, unless the Strategic Flood Risk Assessment (SFRA) for the area, of other more recent information, indicates there may be flooding issues now or in the future.

The Castle Point Borough Council SFRA November 2010 does not identify the site as at risk of tidal flooding but does show that the site would be susceptible to intermediate surface water flooding. The mapping for the South Essex Surface Water Management Plan (SESWMP) April 2012 shows that the site would flood during a 1 in 100 rainfall event. Therefore the site is at risk from surface water flooding and the Sequential Test is applicable.

The application proposes 18 flats and one detached house located on a main road, which is ideally suited to development with flats. There is a significant unmet need for smaller dwellings in the Borough and a limited number of sites which are suited to their provision. The application site represents one of a limited number of opportunities to meet that need.

This limited availability of sites and the community need for smaller dwellings is considered to have greater weight than the risk of surface water flooding on the site and as such the proposal is considered to have satisfied the Sequential Test.

As stated above, the site incorporates part of the Benfleet Hall Brook, which runs in a piped culvert under the southern part of the site. The culvert upstream of the site is an open watercourse and in extreme rainfall events, has the potential to overflow, thus posing a flood risk to the application site.

Development of the site itself also poses a risk in that surface water runoff from the site may exacerbate flood potential conditions to the detriment of on-site and off-site residents. It is therefore essential that the redevelopment of the site incorporates appropriate measures to limit flood risk as far as possible.

Significant information has been provided to the Environment Agency and the Lead Local Flood Authority, in order to demonstrate that development of the site will not increase flood risk. Both parties are now satisfied as to the measures to be incorporated into the design of the scheme and subject to conditions neither seeks to object to the proposal on flood risk grounds.

It remains however, the responsibility of the Planning Authority to determine whether it is content that the level of risk present on site is acceptable. The key issues to consider are the safety of people present within the building, the safety of the building, the potential for the introduction of flood recovery measures into the development and the sustainability of the development.

In terms of sustainability, whilst the proposed buildings do not incorporate overt sustainability features such as solar panels, green roofs or significant rainwater harvesting systems, the site does represent a brownfield site within the urban area and close to public transport routes and retail and service opportunities. The site therefore represents a sustainable location and its use for mixed residential/retail purposes is sustainable and acceptable in the context of the local plans and national guidance.

In terms of the safety of people, the submitted Flood Risk Assessment identifies that in the event of a significant storm; most of the site would flood to a depth of 300mm. In order to respond to this risk the applicants have identified that the finished ground floor level of the proposed house will be some 0.5m above adjoining land levels, thus limiting the potential for flood water ingress.

In addition the proposed house seeks to provide first floor accommodation and as such can offer safe refuge above any flood waters.

In terms of the proposed retail unit/flats, the finished ground floor level is shown to be some 0.2m above the level of the adjoining land. This offers a greater opportunity for water ingress than the house, but the building again offers the opportunity to evacuate to the first floor level.

In each case, flood response needs to be documented in an appropriate Flood Response Plan (FRP) made available to future occupiers. The provision of a FRP can be achieved through the imposition of a condition on the grant of any consent.

In terms of the safety and resilience of the buildings, whilst it is acknowledged that the level of flooding likely to be experienced on the site is limited, it is incumbent on the Planning Authority to ensure that any building constructed on the site is capable of withstanding the hydrodynamic and hydrostatic pressures that will impact the building in a flood event and rapidly recovering from such an event.

No details of the buildings' structural stability under flood events or flood mitigation measures have been submitted; however such details can be required by condition.

Subject to the submission of appropriate details no objection is raised to the proposal on the basis of structural integrity under flood conditions or flood recovery.

Whilst it is acknowledged that the proposed development will result in a greater number of people being present on the site than is likely at the present time, the provision of appropriate flood mitigation measures in the design of the building and the implementation of a robust FRP are considered adequate to mitigate the impact to an acceptable level. Subject to the provision of these features it is not considered that the proposal represents a significant increase in flood risk on the site.

A further matter to consider is whether the proposed development would potentially give rise to greater off site flooding.

The applicant has identified that in the event of extreme rainfall, the proposed development could displace water as a consequence of the presence of buildings on the site.

It must be recalled however that the buildings and hardsurfacing associated with the wood yard covered a significant proportion of the site and no provision was made to accommodate surface water within the boundaries of the site. The proposed development provides less impermeable surfacing to the site and seeks to provide mechanisms within the site to attenuate surface water flows, thus minimising off site impacts and providing betterment over the current situation.

The provision and maintenance of the proposed mitigation measures can be ensured by condition. Under the circumstances no objection is raised to the proposed development on the basis of potential on or off site flood risk.

Concern has also been raised in respect of the potential for off-site flooding during the construction period. The LLFA is particularly concerned that construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction the LLFA requires there to be satisfactory storage of/disposal of surface water and groundwater agreed before commencement of the development.

Such agreement can be sought by the imposition of a condition on the grant of any consent.

(vii) Other Matters

Accessibility and Crime Prevention

Concerns have been raised regarding the lack of security that would befall No.14 Thundersley Park Road by reason of its proximity to the car parking area for the flats. There are limited windows overlooking this area, two bathroom windows and two kitchen windows and therefore limited natural surveillance would be provided. Nevertheless the car park is likely to be in regular use and this would provide some surveillance of the area. However to ensure adequate protection to adjoining residents it is considered that the boundary treatment to No.14 could be improved. Details and implementation of such improvements can be required by a condition attached to the grant of any consent. Subject to such a condition, no objection is raised to the proposal on the basis of crime prevention and security terms.

### Amenity

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

Concern has been raised by the occupiers of the adjoining dwelling in respect of the potential for noise and disturbance generated by the use of the proposed car park which directly abuts the side and rear boundaries of the site.

Whilst it is recognised that use of the car park will have an impact on the amenity of adjoining residents it is considered that this can be mitigated to an adequate extent through the use of appropriate boundary treatments.

Furthermore the proposed development is considered to represent betterment over the lawful use on site as a timber yard, with the associated industrial noise and traffic.

Noise and disturbance to other residents is considered unlikely to have a significant adverse impact on the health and amenity of adjoining residents by reason of the isolation achieved and the nature of the use.

No objection is therefore raised to the proposal on the basis of Policy EC3.

The Environmental Health Officer has also raised concerns in respect of the impact of noise generated by activity on the High Road, on the amenity of future occupiers of the proposed flats.

It should be noted that four flats would be located in close proximity to the highway and the occupiers of these flats may experience high levels of noise and disturbance as a result of this relationship.

In order to determine the extent of such disturbance and the appropriate remediation of such disturbance it is considered that an acoustics report identifying the level of harm and appropriate mitigation should be submitted to and approved by the Planning Authority prior to the commencement of development on the site.

Such submission can be secured by the imposition of a condition the grant of any consent.

### Ecology and Trees

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

Policy EC14 states that the Council will encourage proposals for further nature reserves. It will also promote the creation of new wildlife habitats in conjunction with development proposals. In considering planning applications, the Council will take into account the potential for the creation of wildlife habitats, particularly where these would enhance and complement existing elements of nature conservation on adjoining land.

The New Local Plan (2016) does not have a generalist nature conservation policy, focussing on ecologically sensitive and designated sites only; however, the NPPF however makes it clear that decision makers should minimise impacts on biodiversity and provide net gains in biodiversity



where possible, contributing to the Government's commitment to halt the overall decline in biodiversity.

The site is a former timber yard with significant built form cover and areas of hardsurfacing. The site therefore offers limited opportunities for wildlife. Whilst local residents have made reference to foxes, squirrels and badgers there are no records of a badger sett present on the site, and foxes and squirrels, if present, would not represent an impediment to the development of the site, neither being a protected species.

Consequently it is not considered that the development of the site would have a significant adverse impact on wildlife in the vicinity.

The proposal does however offer an opportunity to improve the biodiversity for the site which may be achieved through the use of native species within a proposed landscaping scheme.

The implementation of such a scheme can be achieved through the imposition of a condition on the grant of any consent.

Policy EC22 of the adopted Local Plan states that existing trees, hedgerows and woods shall be retained wherever possible. Where development takes place loss of existing tree cover and hedgerows shall be kept to a minimum.

Policy NE9 of the New Local Plan (2016) seeks to protect established trees with high visual amenity.

The site contains no significant trees. Trees on adjacent land may be adversely affected by the development; however these provide limited public benefit and therefore a condition requiring their protection during development is unlikely to be considered reasonable.

No objection is raised to the proposal on ecological or arboricultural grounds.

#### Contamination

The site has been used as a timber yard for many years and asbestos is known to have been present in the buildings. There is therefore potential for contamination of the land.

A preliminary Phase 1 Geo-Environmental Site Assessment has confirmed the potential for site contamination and has recommended further investigation with remediation as appropriate. Such investigation and remediation can be achieved through the imposition of conditions on the grant of any consent.

This course of action is recommended by the Council's Environmental Health Officer.

Subject to such conditions no objection is raised to the proposal on the basis of contamination.

It should be noted that the remediation of contamination represents a further cost of development which impacts on the ability of the site to contribute to the provision of affordable housing.

#### **Conclusion**

The proposal seeks to develop a brownfield site in a sustainable location with a mixed retail/residential development.

Subject to the imposition of conditions the proposal would satisfy national and local policy requirements and make a contribution towards the satisfaction of small and affordable housing needs as well as maintain the opportunity for retail activity on the site, consistent with its edge of town centre location.

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, subject to the completion of a satisfactory Section 106 Agreement regarding an affordable housing contribution, then the Head of Regeneration & Neighbourhoods be authorised to APPROVE the application subject to the following conditions;**

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

REASON: In order to ensure the provision of an appropriate financial contribution towards the provision of off-site Affordable Housing.

- 2 The proposed development shall be carried out in accordance with the Foul & Surface Water Network Drainage Design Layout by CES drawing no. CES408/01 rev.B to include:

- (i) An attenuation tank to store the 1 in 100 plus 30% climate change event
- (ii) A downstream defender.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to ensure the effective treatment of surface water runoff to prevent pollution.

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

REASON: The National Planning Policy Framework paragraph 103 states that local planning authorities should ensure flood risk is not increased elsewhere by development.

- 4 No works shall take place until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.

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

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

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

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

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

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

The Statement shall provide for:

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

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

- 7 Prior to first occupation of the development the vehicular access to the proposed house to the east of the site along Grove Road shall be constructed as shown on planning drawing 1482/1/300/M. The width of the access at its junction with the highway shall not be less than 3 metres and shall be provided with an appropriate dropped kerb vehicular crossing of the footway.

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

- 8 Prior to first occupation of the development the vehicular access to the proposed shared drive to the flats along Grove Road shall be constructed as shown on planning drawing 1482/1/300/M. The width of the shared access at its junction with the highway shall not be less than 6 metres and shall be provided with an appropriate dropped kerb vehicular crossing of the footway.

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

- 9 Prior to first occupation of the development the vehicular access to the proposed double parking space west of the site along Grove Road shall be constructed as shown on planning

drawing 1482/1/300/M. The width of this access at its junction with the highway shall not be less than 6 metres and shall be provided with an appropriate dropped kerb vehicular crossing of the footway.

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

- 10 Prior to the occupation of the proposed flats, the proposed private drive shall be constructed as shown on planning drawing 1482/1/300/M at a width of 6 metres for at least the first 6 metres from the back of footway.

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

- 11 Any existing access at the east of the site on Grove Road that is not required to accommodate the new access points, detailed in conditions 8, 9 and 10 shall be suitably and permanently closed incorporating the reinstatement to full height of the highway footway/kerbing immediately the proposed new accesses are brought into first beneficial use.

REASON: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety in accordance with Policy EC2 of the adopted Local Plan.

- 12 The existing access at the south of the site on High Road shall be suitably and permanently closed incorporating the reinstatement to full height of the highway footway/kerbing immediately the proposed new accesses are brought into first beneficial use.

REASON: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety in accordance with Policy EC2 of the adopted Local Plan.

- 13 Prior to first occupation, the public footpath linking Grove Road to High Road to the west of the double parking spaces shall be widened to a minimum width of 2 metres.

REASON: To ensure pedestrians can use the highway safely and in accordance with Policy EC2 of the adopted Local Plan.

- 14 The proposed dwelling shall be provided with two on-site parking spaces, as shown on planning drawing 1482/1/300/M. Each parking space shall be 2.9m wide and 5.5m deep.

REASON: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policies EC2 and T8 of the adopted Local Plan.

- 15 The proposed development shall not be occupied until such time as the vehicle parking areas serving the proposed flats, indicated on planning drawing 1482/1/300/M, have been hard surfaced, sealed and marked out in parking bays.

The vehicle parking areas and associated turning areas shall be retained in this form at all times.

The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

Each of the flats shall be allocated one parking space.

REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy EC2 of the adopted Local Plan.

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

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

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

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

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

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

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

- 19 Prior to first occupation of the development hereby approved a landscaping scheme shall be submitted to and formally approved 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.

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

- 20 Prior to the first occupation of the development hereby approved all landscaping works shall be carried out in accordance with the approved landscaping scheme and such works shall be formally approved by the Local Planning Authority.

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

- 21 Any tree contained within the approved landscaping scheme dying or being damaged, removed or becoming seriously diseased within 5 years of the date of this permission shall be

replaced by a tree of a similar size and species by the applicant or the applicants successor in title, as formally approved by the Local Planning Authority.

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

- 22 Prior to the commencement of development, details of appropriate cycle parking facilities for the proposed flats, dwelling and retail unit shall be submitted to and approved by the Local Planning Authority.

REASON: In order to ensure an appropriate level of cycle parking facilities on the site in accordance with the provisions of Policy T8 of the adopted Local Plan.

- 23 Such cycle parking facilities as are approved under Condition 22 above shall be provided prior to the first occupation of the development hereby approved and thereafter permanently retained for the use of occupiers of the development.

REASON: In order to ensure the provision of adequate on site cycle parking facilities, commensurate with the needs of the development.

- 24 Prior to the first occupation of the development hereby approved, a 2m high brick wall/close boarded screen fence shall be erected along the whole of the shared boundary between the application site and the property at No.14 Thundersley Park Road, details of which shall be submitted to and approved by the Local Planning Authority prior to the installation of such brick wall/close boarded screen fence.

REASON: To safeguard the privacy and amenities of both this and adjoining properties.

- 25 Prior to the commencement of development on the site a Phase II intrusive investigation report detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011, Investigation of Potentially Contaminated Sites - Code of Practice shall be undertaken and submitted to the Local Planning Authority.

The report shall include a detailed quantitative human health and environmental risk assessment.

If necessary a remediation scheme detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. A clear end point of the remediation shall be stated, and how this will be validated. Any ongoing monitoring shall also be determined. If during the works contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed in an appropriate remediation scheme which shall be submitted to and approved in writing by the local planning authority.

A validation report detailing the proposed remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology shall be submitted prior to first occupation of the development. Details of any post-remedial sampling and analysis to demonstrate that the site has achieved the required clean-up criteria shall be included, together with the necessary documentation detailing what waste materials have been removed from the site.

REASON: To protect the health of future occupiers of the site from any possible effects of contaminated land.

- 26 Prior to the commencement of development a scheme to address the management and/or safe disposal of asbestos and asbestos containing materials shall be submitted to and approved in writing by the local planning authority. The scheme shall include details of, where necessary, an asbestos identification survey by a qualified contractor, measures to be adopted to protect human health and the preferred asbestos disposal route.

REASON: To protect the health of site workers and future occupiers of the site.

- 27 Prior to the commencement of the mixed retail/flat unit an acoustic report shall be submitted, identifying the impact of noise upon the closest proposed receptor and appropriate mitigation works to limit the impact of noise and disturbance on future occupiers of the site.

REASON: To identify and mitigate any adverse noise impact upon the health of any future occupants of the site, arising from the relationship between the proposed flats and the adjoining High Road.

- 28 Prior to the commencement of development, a Flood Response Plan shall be submitted to, and formally approved by, the Local Planning Authority.

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

- 29 Upon occupation of the dwelling, the approved Flood Response Plan shall be enacted and thereafter maintained at all times that the dwelling is occupied. Any revisions to the Plan shall be submitted to and formally approved by the Local Planning Authority.

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

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

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

- 31 The development shall be constructed in accordance with the scheme submitted by a qualified structural engineer.

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

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

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

### **Informatives**

- 1 Under the terms of the Water Resources Act 1991 and the Anglian Land Drainage Byelaws, the prior written consent of the Environment Agency is required for any proposed works or structures in, under, over or within 9 metres of the top of the bank of the main river.

The developer may wish to survey the culvert before development begins to determine its condition.

- 2 Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to [suds@essex.gov.uk](mailto:suds@essex.gov.uk).

Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.

Changes to existing water courses may require separate consent under the Land Drainage Act before works take place.

- 3 Any boundary planting must be regularly maintained to ensure that none of the planting overhangs the highway.

The applicant should be made aware of the potential relocation of the utility apparatus in the highway; any relocation shall be fully at the applicant's expense.

All works affecting the highway to be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be addressed for the attention of the Development Management Team at SM03, Essex Highways, Unit 36, Childerditch Highways Depot, Childerditch Industrial Estate, Hall Drive, Brentwood, CM13 3HD or emailed to [development.management@essexhighways.org](mailto:development.management@essexhighways.org)

- 4 Noise and dust control-

The applicant should take all relevant precautions to minimise the potential for disturbance to neighbouring residents in terms of noise and dust during the demolition and construction phases of the development. Water suppression shall be employed for any stone or brick cutting and if necessary neighbours shall be advised in advance of any particularly noisy works.

The site may operate from 07:00 Monday to Saturday, but no powered plant or machinery or power tools or activities such as hammering, piling and unloading materials and equipment likely to give rise to impact noise shall be used, operated or carried out externally before 08:00.

The site shall close at 19:00 Monday to Friday and at 17:00 Saturday, but no powered plant or machinery or power tools or activities such as hammering, piling and unloading materials and



equipment likely to give rise to impact noise shall be used, operated or carried out externally after 18:00 Monday to Friday and 13:00 Saturday.

The best practicable means, as identified in section 72 of the Control of Pollution Act 1974, to reduce noise to a minimum shall be employed at all times.

All plant and machinery in use shall be properly silenced and maintained in accordance with the manufacturer's instructions.

No burning of waste or other materials - In the interests of maintaining and improving air quality within the borough there should be no burning of any waste or other materials on the site.

- 5 The applicant's attention is drawn to the need to obtain the consent of the Highway Authority for the placement of any materials associated with the development within the highway limits.
- 6 In undertaking the works hereby approved you are advised to satisfy yourself of your obligations to occupiers of adjoining properties in accordance with the Party Wall etc. Act 1996, details of which can be inspected at these offices or you may obtain details free of charge from the Planning Portal website ([www.planningportal.gov.uk](http://www.planningportal.gov.uk)) under Building Regulations.
- 7 The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

## ITEM 2

<b>Application Number:</b>	<b>16/0592/FUL</b>
<b>Address:</b>	<b>81 Stanley Road Thundersley Benfleet Essex SS7 3EN (St Peter's Ward)</b>
<b>Description of Development:</b>	<b>Outbuilding to rear</b>
<b>Applicant:</b>	<b>Roy Cass</b>
<b>Case Officer:</b>	<b>Mr Keith Zammit</b>
<b>Expiry Date:</b>	<b>07.10.2016</b>

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### Summary

The application seeks permission for an outbuilding within the rear garden of this property. There are no conflicts with either national guidance or the Council's policies and design guidance that can be identified and as such the proposal is recommended for APPROVAL.

The application is presented to the Committee because the applicant is the spouse of a Council employee.

### Site Visit

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

### Introduction

The application relates to a semi-detached chalet on the west side of Stanley Road, to the south of its junction with Chesterfield Avenue. Its adjoining neighbour is to the south, whilst to the north are the rear aspects of properties in Chesterfield Avenue. To the west (rear of the site) are the rear gardens of properties further west in Chesterfield Avenue. Much of the northern boundary of the site is screened by conifers located at the end of the gardens of properties in Chesterfield Avenue.

### The Proposal

Permission is sought for the erection of an outbuilding at the end of the garden for use as a living room/office. It would have a footprint of 8m by 4m with a shallow pitched roof to a height of some 3.4m and eaves of 2.5m. A separation of 0.8m between the building and the boundaries of the site is proposed.

The proposed external material for the walls is timber, with a shingle roof and UPVC doors and windows.

### Supplementary Documentation

None

### Planning History

2004 – permission granted for garage at side with flat roofed first floor accommodation above, front and rear dormers and conservatory at rear (CPT/21/04/FUL)

2008 – permission granted for two storey side extension to include car port (CPT/63/08/FUL)

### Relevant Government Guidance and Local Plan Policies

National Planning Policy Framework

Paragraphs 56 to 58

Local Plan

EC2 – Design

Residential Design Guidance

RDG3 – Building lines

**Consultation**

No statutory consultees were notified of this application

**Public Consultation**

One letter of objection has been received from 124 Chesterfield Avenue, raising concerns about the height of the building, proximity to boundary, possible use as sleeping accommodation, effect on sale of adjacent property and possible noise from the outbuilding.

**Comments on Consultation Responses**

- o The effect on any sale of adjacent property is not a material planning consideration.
- o The plans do not show sleeping accommodation
- o The impact of the proposal on adjacent residents is discussed in the evaluation of the proposal.

**Evaluation of Proposal**

The main issues with this application are the design of the proposed building and its impact on adjacent residents.

Design

The Council's Local Plan Policy EC2 seeks a high standard of design in all new buildings, which is consistent with paragraphs 56 to 58 of the National Planning Policy Framework.

In terms of its appearance, the proposed outbuilding is not considered to look out of place and is in line with what one might expect in terms of a domestic outbuilding in a rear garden. There is therefore no objection to the proposal on design grounds under Policy EC2.

Impact on neighbours

The proposed outbuilding would be a single storey structure only with all its openings facing east towards the main dwelling at No.81. It is therefore not considered that it would give rise to any opportunities for the overlooking of adjacent sites. Nor is it considered that activities associated with the use of the dwellinghouse would be likely to cause unacceptable levels of noise and disturbance to neighbours. The comments of the adjacent resident in this respect are noted but can be afforded little weight as they are based upon assumptions about how the occupiers might use the outbuilding. Should there be a future problem with noise and disturbance the matter can be suitable controlled under Environmental Health legislation.

Guidance at RDG3 seeks to prevent proposals from causing loss of amenity to adjacent residents by way of obtrusiveness or dominance. Whilst this guidance is directed primarily at extensions to dwellings, it is considered that it may also apply to buildings within the curtilage. The proposed structure would have an eaves height of 2.5m and ridge height of 3.4m. The nearest neighbouring residential properties are located in Chesterfield Avenue, and the roof has been designed to slope down towards those properties, thereby minimising the impact of the structure on them. These properties have rear gardens of some 12m in depth which is considered to act as an adequate buffer between the dwellings and the outbuilding that is proposed.

Given the scale of the outbuilding and its position relative to surrounding properties, it is not considered that it would be an unduly dominant or obtrusive structure. No objection is therefore raised on the basis of RDG3.

The proposal has no parking implications.

### **Conclusion**

The proposed outbuilding is considered to be acceptable in design terms. Its use in association with the occupier's enjoyment of the dwellinghouse would result in any undue loss of amenity to surrounding residents. It is therefore recommended that planning permission be granted.

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

### **My Recommendation is Approval with the following conditions**

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

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

### **Informatives**

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