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AGENDA

Committee: DEVELOPMENT CONTROL

Date and Time: Tuesday 5th January 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), Anderson, Blackwell, Cole, Cross, Mrs Govier, Hurrell, Mrs King, Sharp, Varker, Mrs Wass, N. Watson.

Canvey Island Town Councillors : Greig and Tucker

Officers attending: Steve Rogers – Head of Regeneration and Neighbourhoods
Fiona Wilson – Head of Legal Services
Kim Fisher – Chief Development Control Officer

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 1st December 2015 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.

	Application No.	Address	Page
1.	14/0668/FUL	396 London Road, Benfleet (Boyce Ward)	1
2.	14/0707/OUT	Land South of Roscommon Way, Canvey Island (Canvey Island West Ward)	14
3.	15/0696/FUL	408 London Road, Benfleet (Boyce Ward)	40
4.	15/0730/FULCLO	Crucible House, Endway, Hadleigh (St James' Ward)	54
5.	15/0772/FUL	Thames Court, Western Esplanade, Canvey Island (Canvey Island South Ward)	60
6.	15/0961/FUL	Nashlea Farm, Poors Lane, Hadleigh (Victoria Ward)	64
7.	15/0910/FUL	Land Adjacent to 1 Norwood Drive, Benfleet (Boyce Ward)	73
8.	15/0703/VAR	396-408 London Road, Benfleet (Boyce Ward)	80
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Members are advised that no site inspections are recommended in respect of items attached to this agenda.

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DEVELOPMENT CONTROL COMMITTEE

1ST DECEMBER 2015

PRESENT: Councillors Hart (Chairman), Blackwell, Cole, Cross, Mrs Govier, Hurrell, Mrs King, Sharp, Varker, Mrs Wass, N. Watson and Canvey Island Town Councillor Tucker.

Councillors Acott, Ladzrie, Riley and Wood also attended.

Apologies for absence were received from Councillors Anderson and Smith.

22. MEMBERS' INTERESTS

Councillor Blackwell declared a non-pecuniary interest in application 14/0707/OUT as he had attended a luncheon which had also been attended by one of the Directors of ILD (Canvey) Ltd and remained in the Chamber during consideration of the item.

Councillor Mrs King declared a disclosable pecuniary interest in application 14/0707/OUT and withdrew from the Chamber during consideration of the item.

Councillor Riley declared a non-pecuniary interest in application 15/0760/FUL as he was a member of the Hadleigh and Thundersley Cricket Club and remained in the Chamber during consideration of the item.

23. MINUTES

The Minutes of the meeting held on 3rd November 2015 were taken as read and signed as correct.

24. DEPOSITED PLANS

- (a) **14/0707/OUT – LAND SOUTH OF ROSCOMMON WAY, CANVEY ISLAND, ESSEX (CANVEY ISLAND WEST WARD) – OUTLINE DEMOLITION OF DISUSED PUMPING STATION AND ASSOCIATED SITE CLEARANCE AND CONSTRUCTION OF COMMERCIAL AND INDUSTRIAL DEVELOPMENT (USE CLASSES A3, B1(b), B1(c), B2, B8 AND SUI GENERIS WORKSHOP AND ACCESS TO ROSCOMMON WAY, INTERNAL ROAD ACCESS AND PEDESTRIAN LINKAGES, PARKING, SERVICE AREAS, UTILITIES AND INFRASTRUCTURE AND OPEN GREEN SPACE – ILD (CANVEY) LIMITED**

The application sought planning permission for 7.41ha of employment land uses comprising sui generis uses (workshop and showroom), A3, B1 (b), B1(c), B2

and B8 uses with associated land-raising, vehicle access from Roscommon Way, site works and landscaping.

The proposal was considered to be an appropriate form of development which would accord with the provisions of the National Planning Policy Framework and Adopted Local Plan and was therefore recommended for approval subject to conditions and the applicant entering into a Section 106 agreement.

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

A Member stated that due to technical difficulties with the website he had been unable to view the supplementary documents related to the application including the ecological report of the site. As a result he felt unable to make an informed decision on whether or not the application should be approved and suggested that the item should be deferred. Other Members of the Committee concurred with this view and following debate the recommendation of approval was rejected. It was:

Resolved – That the application be deferred to allow the Committee opportunity to study the supplementary documents related to the application.

(b) 15/0760/FUL – HADLEIGH AND THUNDERSLEY CRICKET CLUB, JOHN H BURROWS RECREATION GROUND, RECTORY ROAD, HADLEIGH, BENFLEET (VICTORIA WARD) – CONSTRUCTION OF BALCONY/VIEWING GALLERY TO THE EXISTING CRICKET PAVILION (REVISED SCHEME) – MR HEATH

The application sought the provision of a balcony/viewing gallery to the south-western elevation of the existing cricket pavilion, overlooking the cricket field. The proposal would accord with National Planning Policy and the Council's Local Plan Policies and accordingly the proposal was recommended for approval.

The application was presented to the Committee as the land, the subject of the application, was within the control or ownership of the Council.

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

During discussion Members commented that due to the nature and location of the proposal they did feel in a position to determine the application. It was considered that the proposal would be a positive addition to the premises and the Committee noted that it conformed with national and local planning policies. It was therefore:-

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

(c) **15/0766/OUT – ‘CARNINGLE’ THE COMMON, BENFLEET, ESSEX (ST PETER’S WARD) – DEMOLITION OF EXISTING DWELLING AND ERECTION OF 1 NO. DETACHED HOUSE AND 2 NO. SEMI-DETACHED HOUSES (OUTLINE) – MR & MRS BIRKIN**

The site was allocated for residential purposes and, subject to appropriate conditions, could adequately accommodate the provision of three dwellings, in the form proposed, without adverse impacts on biodiversity or the amenity of adjoining residents.

Access was a matter for consideration in the determination of the current application and whilst the principle of the achievement of access to the site from the unmade track to the south was acceptable, the originally submitted details were considered to result in an unacceptably large area of hard surfacing which would have a significant detrimental impact on the character and appearance of the area. Following discussion with the applicant's agent the scheme had now been revised to accord with the layout previously approved. The proposal was therefore recommended for approval.

Following consideration of the item it was:-

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

Chairman

ITEM 1

Application Number:	14/0668/FUL
Address:	396 London Road Benfleet Essex SS7 1AX (Boyce)
Description of Development:	Part two/part three storey block of 22 self-contained flats with associated parking and landscaping
Applicant:	Messrs Paterson And Brooks
Case Officer	Mr Keith Zammit
Due Date	17.03.2015
Extended Date	01.04.2016

Summary

The proposal represents a variation of a previously approved scheme and seeks to provide 22 flats on the site.

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

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

The proposal is therefore recommended for **APPROVAL** subject to conditions and the applicant being willing to enter into a S106 agreement in respect of the provision of contributions towards off-site affordable housing provision, primary education and improvements to Rhoda Road.

Site Description

The application site is located on the southern side of Bread and Cheese Hill, immediately to the west of the junction Rhoda Road. The site is vegetated at the rear and used for the external display of cars for sale at the front. A single storey building is located in the centre of the site, used for office purposes.

Description of Proposed Development

Planning permission exists for the construction of a three storey block of 18 flats on the site as part of a wider scheme of redevelopment (CPT/25/13/FUL).

Permission is now sought to construct a block of 22 flats on the site. The flats would be provided over five floors, with the top floor provided within the roof and two flats provided at lower ground floor level.

The exact arrangement of accommodation is as follows:

	<u>Approved</u>	<u>Proposed</u>
3 rd floor	-	1
2 nd floor	2	3
1 st floor	8	8
Ground floor	8	8
Lower ground floor	-	2
Total	18	22

A 22-space car park is proposed, together with refuse and cycle storage facilities.

Supplementary Documentation

The application was accompanied by the following documentation:

- Design and access Statement
- Contaminated Land desk Survey
- Japanese Knotweed Assessment
- Landscaping Specification
- Details of materials
- Service Information Report
- Site Waste management Plan

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

Relevant History

April 2013 – permission granted for the demolition of buildings and construction of 9 detached dwellings and 42 flats in two blocks of up to three storeys with parking, access, landscaping and associated works at 396-408 London Road (CPT/25/13/FUL) subject to a Section 106 Agreement dated the 21st February 2014 for the provision of 9 affordable housing flats and highway works.

Local Plan Allocation

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

Relevant Policies

National Planning Policy Framework
Paragraphs 17, 39 and 56 to 58

Current Local Plan
EC2 Design
H7 Affordable Housing
T8 Car Parking

Residential Design Guidance
RDG2 – Space around dwellings

RDG3 – Building lines
RDG4 – Corner plots
RDG5 – Privacy and living conditions
RDG6 – Amenity space
RDG11 – Landscaping
RDG12 – Parking and access
RDG13 – Refuse and recycling storage

Consultation Responses

County Education

A contribution of £27,624 index linked from April 2014 would have been required for additional primary school places prior to April 2015, but cannot be justified after that date because of the legislative changes to “pooling arrangements” brought into effect by regulations covering the Community Infrastructure Levy.

County Highways

No comments received

Refuse and recycling

The bin area should be large enough to accommodate the required containers. Doors should open outwards and be able to be held open. Access between the collection vehicle and the bin area should be flush or have dropped kerbs where necessary.

Neighbour notification, press and site notices

One objection received, stating that there are too many flats being built in Castle Point, leading to increased traffic and difficulties in travelling around.

Comments on Consultation Responses

The principle of the development and impacts on the education system and highway network are discussed in the evaluation of the proposal.

Evaluation of Proposal

The main issues for consideration are the principle of flats on this site, design, the impact on nearby residential properties, parking and relevant contributions, as well as amenity space provision, contamination, Japanese Knotweed control/eradication and refuse collection.

Principle

Permission for 9 detached dwellings and 42 flats was approved across a wider site, incorporating the application site in April 2013. This earlier consent proposed the development of the application site with 18 flats. The current proposal seeks to provide a further four flats on this site.

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

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

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

Policy H13 states that flats will be permitted areas allocated for residential development. The site is allocated for Green Belt purposes in the adopted Local Plan. Prima facie therefore the proposal should attract a recommendation of refusal. However, in 2012, the Council undertook work to identify housing sites to meet the requirements of paragraph 47 of the National Planning Policy Framework and a five year housing land supply. It was clear from a review of the Strategic Housing Land Availability Assessment that there was insufficient land within the existing urban area (non-Green Belt) to accommodate any significant increase in the provision of housing. At April 2012, the SHLAA identified a capacity of just 392 deliverable homes from the urban area compared to a requirement for at least 1,000 homes, plus an additional 20% allowance to provide flexibility in the supply.

In order to ensure a five year housing land supply, the Council undertook an exercise to identify additional sites for housing. The Green Belt in Castle Point is tightly drawn around the existing urban area, and as a consequence it was necessary to consider the appropriateness of bringing forward sites within the Green Belt to meet housing needs. This work culminated in the Council agreeing a list of 9 strategic sites for the accommodation of housing in December 2012, of which 4 were within the Green Belt. The capacity of these sites when combined with capacity within the existing urban area could accommodate in excess of 1,200 homes. Land at 396 to 408 London Road was included within this list of strategic sites.

In identifying this list of sites, the Council gave very careful consideration to the National Planning Policy Framework, which at paragraph 89 made it clear that the construction of new buildings in the Green Belt was not inappropriate where it involved the limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. It also gave consideration to the Ministerial Statement of the 6th September 2012 which promoted the redevelopment of previously developed land in the Green Belt as a means by which housing needs could be met. As a consequence of this national policy direction, the Council concluded that land at 396 to 408 London Road was an appropriate location for housing development given the nature and extent of existing development on the site. The decision of Council in December 2012 suggested that a quantum of development in the order of 50 homes across the whole site would be appropriate.

The site, the subject of the current application forms that part of the larger site referred to above.

Given the history of the site and the extant consent for the development of the site with flats it is not considered that an objection to the principle of flats on this site could be sustained. The proposal must however be demonstrated to satisfy all relevant policies and design guidance.

Design

Policy EC2 of the current Local Plan seeks a high standard of design in relation to all new buildings. This is consistent with paragraphs 56 to 58 of the National Planning Policy Framework (NPPF).

The design of the proposed block of flats would not be radically different from the previous scheme.

The roof design is slightly less attractive than the previous scheme which exhibited a relatively simple roof line, stepping down the hill. The proposed roof would now appear less visually cohesive, particularly when travelling in an eastbound direction along the A13. However, it is not considered that the current design would have such a detrimental impact on the character and appearance of the area that an objection on this basis could be robustly defended at appeal.

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

A landscape specification has been submitted with the application but no planting plan, showing species and numbers/densities, has been provided. This matter may however be determined under a condition attached to the grant of any consent. The broad concept of the landscaping scheme appears to consist of grassed areas around the building which would be acceptable in principle.

RDG2 requires the space around buildings to be informed by the prevailing character. The proposed building would provide isolation distances to the northern (London Road), eastern and western boundaries of the site similar to the previous scheme.

The proposed block would have some 11.7m isolation space to the rear (south). This is also very similar to the previously approved scheme. No objection is therefore raised to the proposal on the basis of the isolation space provided.

Impact on neighbours

RDG3 also requires proposals not to cause excessive overshadowing or dominance of adjacent properties. The proposed building is relatively isolated from existing residential properties and it is not considered that the proposed design would have a significantly different impact on the amenity of nearby residents than the previous scheme.

Although there are no residential properties to the south of this site at the moment, there is planning permission for two houses fronting Rhoda Road (CPT/599/13/FUL). After examination of the physical relationship between the proposed development of 396 London Road and the approved development on land to south, it is not considered that there would be any loss of amenity caused to residents of the proposed new houses by way of obtrusiveness or dominance from the proposed flats. It is also not considered that the new houses would be close enough, or tall enough, in relation to the proposed development of 396 London Road to cause undue obtrusiveness or dominance to potential occupiers of the currently proposed development. No objection is therefore raised to the proposal on the basis of RDG3.

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

The proposed development would be fully compliant with this provision in respect of the south facing (rear) aspect of the building. The north (front) and east (side) aspects overlook roads and would not result in undue overlooking of adjacent properties.

It is noted that there would be primary windows in the west facing side elevation. Although the floors of the building in this area are notated as "lower ground", "ground" and "first" it is considered that "ground", "first" and "second" more accurately describe the situation in respect of potential overlooking. The first floor windows are located in excess of 9m from the site boundary which is acceptable from a design and layout point of view. The second floor would

have a living room window located some 14m from the boundary where 15m is required. Whilst a technical deficiency, it is considered unlikely that in reality this would lead to significant loss of amenity to adjacent residents. Furthermore it is considered unlikely that a reason for refusal on this basis could be sustained on appeal.

The proposal features roof garden areas. These would be recessed within the roof, as can be seen on the sectional detail. The western garden would be surrounded by walls some 2.6m in height and would not therefore offer opportunities for overlooking of nearby sites. The eastern garden would only have walls of some 1.1m in height, which would potentially allow overlooking; however it would be located in excess of 18m from the southern and western boundaries of the site and as such it is not considered that existing residential properties would experience unacceptable levels of overlooking from this feature.

No objection is therefore raised to the proposal on the basis of RDG5.

Parking implications

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

RDG12 requires parking not to be visually dominant.

The currently adopted standards require the provision of a minimum of one parking space for one bedroomed properties and two spaces for properties with two or more bedrooms. Unallocated visitor parking should be provided at a rate of 0.25 spaces per dwelling, rounded up to the nearest whole space.

The parking required is as follows:

5 x 1 bed flats = 5 spaces

17 x 2 bed flats = 34 spaces

0.25 x 22 = 5.5 = 6 visitor spaces

Application of the parking standards, as set out above, generates a requirement for 45 spaces. A 22-space car park would be provided so the proposal is clearly deficient as assessed against the adopted standards. However, at the time of granting planning permission for the development under CPT/25/13/FUL a level of parking provision of one space per flat with no visitor parking provision was deemed acceptable, as the site was judged to be in a sustainable urban location. The same rationale must be applied to the current scheme. On this basis the proposal attracts a requirement for 22 spaces which is achieved. No objection is therefore raised to the proposal on the basis of inadequate parking.

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

A minimum of 25 secure and covered cycle storage spaces are required to be provided. A cycle store is indicated on the layout, but it has not been shown that this can accommodate the requisite level of cycle parking. No design details have been submitted. Were permission granted, a condition requiring submission and approval of details of appropriate cycle storage would therefore be required.

It is noted that the approved development for this site was required to provide a residential travel information pack to new occupiers, including free travel scratch-card tickets, to encourage public transport use. Given that the quantum of development on the site would be increased by this proposal, the need to encourage public transport use is even more pressing. Therefore, a condition should be imposed requiring the provision of residential travel information packs to new occupiers. This matter previously formed part of a Section 106 Agreement, but it is considered that a planning condition adequately serves the purpose.

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

Contributions

Affordable housing

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

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

Education

Policy CF1 of the Local Plan states that where the infrastructure requirements generated by development cannot be met by the existing provision, the Council will require developers to provide appropriate improvements to social infrastructure to serve the needs of the new development. This is consistent with the core planning principles set out at paragraph 17 of the NPPF.

The County Council, as Local Education Authority, has advised that, prior to April 2015, a financial contribution would have been required in order to mitigate the impact of the proposal on the primary education system. However it acknowledges that, because of changes to regulations regarding "pooling" of contributions, this cannot now be justified. Furthermore, such a contribution was not sought as part of the previously approved development.

Other matters

Amenity space

RDG6 requires appropriate amounts of outdoor amenity space to be provided in proportion to the size of the dwelling. For flats 8m² of amenity space is required for each habitable room, with a minimum provision of 25m² per flat. For the proposed 22 apartments, an amenity area of 550m² is required.

The plans state that ground level amenity areas totalling some 579m² are provided. However, the Local Plan clearly states that areas between the building and the highway will not be considered usable amenity areas. Therefore, the amenity area available to this development at ground level would only amount to some 196m²

There would also be two roof gardens of some 61m² and 68m² provided, serving apartments 15 and 16. It is considered that these apartments' needs are adequately met and they do not need to have use of the ground level amenity space.

The ground level amenity space needs to serve the occupiers of 20 apartments, which equates to approximately 10m² of amenity space per apartment. This is significantly below the figure of 25m² in the Council's design guidance; however it is recognised that the level of amenity space that comes with a dwelling is to a great extent a matter of personal preference and occupiers would be able to assess the level of amenity space available before deciding to buy or rent an apartment. On this basis, it is not considered that an objection to the proposal on the basis of a lack of amenity space provision would be supported on appeal.

Contaminated land

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

The principal source of potential hazard at the adjoining 398 and 406 London Road was identified as petrol hydrocarbons in the soil, arising from former vehicle related uses, vapours from which may have presented a nuisance to future occupiers. This has been dealt with on the adjoining land through the excavation of the affected soil, its replacement with other soil and the installation of a hydrocarbon/vapour resistant membrane. Following consultation with the Council's Environmental Health Service, this was considered to be satisfactory.

In respect of the application site at No. 396, however, the Contaminated Land: Phase 1 Desk Study by agb Environmental identifies that a further potential source of pollution exists in the form of three underground storage tanks, which were decommissioned in 1984. In order to ensure that these tanks do not pose a risk to the development of the site or its future use the report recommends sampling; however no evidence of such sampling has been provided. It is considered however that this matter may be addressed by the imposition of a condition on the grant of any consent

Japanese Knotweed

The submitted survey identifies an area of Japanese Knotweed within the site. The methodology that is proposed for eradication of the Knotweed is to cut and burn the stems, treat the area with a herbicide then excavate the herbicide treated weed and bury it on site to a depth of at least 5m. This will then be covered with a root barrier membrane and backfilled with topsoil or inert material.

This is considered an acceptable method of dealing with Knotweed and is in accordance with the Knotweed Code of Practice published by the Environment Agency. The submitted details do not, however, identify the proposed burial location. It is important that this is in an area where it is not likely to be disturbed in the future e.g. by installing services, landscaping or subsequent development. A condition requiring the submission of these details may be attached to the grant of any consent.

Refuse collection

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

The proposal features a refuse storage area with internal dimensions of some 2.8m by 6.1m at the rear of the site. The Council's refuse and recycling service has commented that this would be of adequate size.

No design details of the store have been submitted. As such, the planning authority cannot assess the suitability of the design of the proposed refuse storage facility. A condition requiring the submission and approval of design details should therefore be attached to the grant of any consent

Conclusion

The proposal represents an amendment of a previously approved scheme and seeks to provide 22 flats on the site.

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

The proposal is considered satisfactory in the context of the provisions of the adopted Local Plan and Residential Design Guidance. The wider scheme of development is subject to a Section 106 Agreement dated the 21st February 2014. If Committee approve this application the existing Section 106 Agreement will need to be varied accordingly.

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

Subject to the applicant entering into an Agreement under Section 106 of the Town and Country Planning Act to secure the following:

- o an appropriate contribution towards the off-site provision of affordable housing in lieu of provision on site as part of the proposed development
- o implementation of a scheme for the improvement of Rhoda Road to provide safe and convenient access to the proposed development. Such improvements to be provided prior to first occupation of the approved development.
- o appropriate amendments to the Section 106 Agreement dated 21st February 2014 to reflect this new scheme

the proposals are recommended for **APPROVAL** subject to conditions:

My Recommendation is, subject to the applicant entering into an Agreement under Section 106 of the Town and Country Planning Act to secure the matters referred to above, then the Head of Regeneration & Neighbourhoods is authorised to Approve with the following conditions

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

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

2. The proposed development shall be treated in accordance with schedule of finishes in the Design and Access Statement prepared by Brian Davison Associates dated November 2014, (Reference 1460.bda).

REASON: In the interest of visual amenity.

3. Prior to occupation of any flat a landscaping scheme shall be submitted to, and formally approved by, the Local Planning Authority. Such 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.

4. Prior to occupation of any flat, all landscaping works shall be carried out in accordance with the approved landscaping scheme. Thereafter, any tree or shrub contained within the approved landscaping scheme dying or being damaged, removed or becoming seriously diseased within five years of the date of this permission shall be replaced by a tree or shrub of a similar size and species, or such other species as may be agreed in writing with the Local Planning Authority.

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

5. Prior to occupation of any apartment, details of a cycle storage facility for 25 cycles shall be submitted to, and approved in writing by, the Local Planning Authority, as shown in principle on drawing 1460/S1/J prepared by Brian Davison Associates dated August 2014.

REASON: To make satisfactory provision for the parking of cycles in accordance with the Council's adopted parking standards.

6. Such cycle storage facility as may be approved pursuant to condition 5 shall be provided and made available for use prior to occupation of any flat. Thereafter, it shall be retained for its approved purpose unless otherwise agreed in writing with the local planning authority.

REASON: To retain satisfactory provision for the parking of cycles in accordance with the Council's adopted parking standards.

7. Prior to occupation of any flat, details of facilities for the storage of domestic refuse and recycling materials shall be submitted to, and approved in writing by, the local planning authority, as shown in principle on drawing 1460/S1/J prepared by Brian Davison Associates dated August 2014.

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

8. Such facilities as may be approved pursuant to condition 7 shall be provided and made available for use prior to first occupation of any flat hereby approved and thereafter retained for their approved purpose unless otherwise agreed in writing with the local planning authority.

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

9. Construction of the proposed flats shall not be commenced until a scheme to assess the risk from the underground storage tanks that are known to be present on the land, together

with the remediation of any ground contamination, has been submitted to, and approved in writing by, the local planning authority.

REASON: To ensure that construction workers and future occupiers of the site are not exposed to unnecessary risks.

10. Such scheme as may be approved pursuant to condition 9 shall be implemented in its entirety prior to occupation of any flat and written confirmation that any remediation works found to be necessary have been completed, shall be submitted to the Local Planning Authority within three months of first occupation of the proposed flats.

REASON: To ensure that construction workers and future occupiers of the site are not exposed to unnecessary risks.

11. No development shall take place until a survey has been undertaken of the extent of Japanese Knotweed on the site and a copy of this survey has been submitted to the local planning authority. If Japanese Knotweed is confirmed, full details of a scheme for its eradication and/or control shall be submitted to and approved in writing by the local planning authority prior to the commencement of development and the approved scheme shall be implemented in accordance with an agreed timescale.

REASON: To protect the natural environment pursuant to Policy EC13 of the adopted Local Plan.

12. Prior to occupation of any flat, a close boarded fence, 1.8m in height, shall be erected and thereafter maintained in the position marked A-B on drawing 1460/S1/J prepared by Brian Davison Associates dated August 2014.

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

13. The car parking area shall be provided, hard surfaced in bound materials and drained in accordance with SuDS principles, prior to occupation of any flat. Thereafter, the car park shall be retained for the purpose of car parking and not used for any other purpose unless first agreed in writing with the local planning authority.

REASON: To make and retain satisfactory provision for off-street parking on the site.

14. No external lighting, whether fixed to a building or freestanding, shall be installed unless details of it have first been submitted to and approved in writing by the local planning authority.

REASON: To prevent light nuisance being caused to surrounding residential occupiers.

15. Prior to occupation of any flat, the developer shall issue the occupiers of that flat with a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six (6) All Essex Scratchcard tickets.

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

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

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

17. Prior to first occupation of the development hereby approved, a suitable scheme for the provision of bat and bird boxes shall be submitted to and approved by the local planning authority.

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

18. Should any bats or reptiles be found prior to or during the development, all works must stop immediately and an ecological consultant contacted for further advice before works can proceed. All contractors working on site should be made aware of the advice and provided with the contact details of a relevant ecological consultant.

REASON: In the interests of minimising any adverse impact on local wildlife, in accordance with the provisions of the NPPF.

19. The existing access on London Road shall be suitably and permanently closed to the satisfaction of the Local Planning Authority, incorporating the reinstatement to full height of the highway verge / footway and kerbing, to the satisfaction the Highway Authority immediately the proposed new access from Rhoda Road is brought into 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.

20. The gradient of the proposed vehicular access shall be not steeper than 4% (1in 25) for the first 6 metres from the highway boundary and not steeper than 8% (1in 12.5) thereafter.

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

21. A surface water drainage scheme for the proposed car park and access shall be submitted to and approved by the local planning authority prior to the commencement of development on the site. Any such approved scheme shall thereafter be carried out in its entirety prior to the car park becoming operational and shall be retained and suitably maintained at all times.

REASON: To limit the potential for increased surface water flooding in the interests of the amenity of adjoining residents.

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

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

23. No occupation of the proposed development shall commence until such time as upgrades to the existing bus stop in both directions in the vicinity of the site on London Road, to include raised kerb, waiting facilities and associated infrastructure including if appropriate real time information has been provided entirely at the Developer's expense.

REASON: To make adequate provision within the highway for the additional pedestrian traffic generated as a result of the proposed development.

24. The approved Site Waste Management Plan shall be implemented throughout the construction period of the development hereby approved.

REASON: In order to ensure that construction waste is recycled or re-used in order to make the most efficient use of natural resources.

25. This permission should be read in conjunction with Section 106 Legal Agreement dated contemporaneously with this permission.

REASON: In order to ensure:

- o an appropriate contribution towards the off-site provision of affordable housing in lieu of provision on site as part of the proposed development
- o implementation of a scheme for the improvement of Rhoda Road to provide safe and convenient access to the proposed development. Such improvements to be provided prior to first occupation of the approved development.
- o appropriate amendments to the Section 106 Agreement dated 21st February 2014 to reflect this new scheme

Informatives

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

ITEM 2

Application Number:	14/0707/OUT
Address:	Land South Of Roscommon Way Canvey Island Essex (Canvey Island West)
Description of Development:	Outline - Demolition of disused pumping station and associated site clearance and construction of commercial and industrial development (Use Classes A3, B1(b), B1(c), B2, B8 and sui generis workshop and showroom) with associated land-raising, vehicle access to Roscommon Way, internal road access and pedestrian linkages, parking, service areas, utilities and infrastructure, and open green space
Applicant:	ILD (Canvey) Limited
Case Officer	Mrs Ishita Sheth
Due Date	11.03.2015
Extended Date	31.03.2016

Note

Consideration of this application was deferred at the meeting of the 1st December 2015 in order to allow Members to inspect the supporting documentation which had been unavailable to view the previous weekend due to technical difficulties.

My report, **updated to reflect responses received subsequent to the last Committee meeting**, is as follows:

Summary

The application seeks planning permission for 7.41ha of employment land uses comprising sui generis uses, (workshop and showroom), A3, B1 (b), B1(c), B2 and B8 uses with associated land-raising, vehicle access from Roscommon Way, site works and landscaping.

The proposal is considered to be an appropriate form of development which would accord with the provisions of the National Planning Policy Framework and Adopted Local Plan and is therefore recommended for **APPROVAL** subject to conditions and the applicant entering into a Section 106 agreement.

Site Visit

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

Introduction

The site lies to the south of Roscommon Way, approximately 340m west of its junction with Haven Road. To the south east of the site, along Haven Road, is a large liquid storage site (Oikos). To the north of the site is the Charfleets Industrial site.

The site is irregularly shaped with an area of some 8.36 hectares. The land is largely undeveloped but currently contains a (former) pumping station in the south east corner. The site is bounded to the south with a low level ditch which drains into Holehaven Creek. A ditch also runs north - south through the centre of the site.

The site is allocated for long term employment purposes in the adopted Local Plan. This allocation has been revised to employment land in the consultation draft New Local Plan.

The site falls within the Greater Thames Marshes Nature Improvement Area, forms part of a designated Local Wildlife Site (LoWS CP5 – Canvey Village Marsh) and consists of the remains of an old grazing marsh system, representing a scarce and declining Essex habitat. The fields that make up the Site are variously grazed, cut for hay or under no current management, each of these resulting in grasslands of different character. Although of considerable significance in its own right, this wildlife site also provides an extension to the adjacent Canvey Wick Site of Special Scientific Interest (SSSI) and links it to the Brickhouse Farm Marsh LoWS to the east (CP38).

The Proposal

The application is in outline form, with all matters reserved except for access. The application seeks planning permission for 7.41ha of employment uses comprising Sui Generis uses (workshop and showroom), A3, Restaurants and Cafés for the sale of food and drink for consumption on the premises, B1(a) Offices (not within A2), B1(b) Research and development, studios and laboratories and high technology and B1(c) Light Industry, B2 General industrial but excluding incineration purposes, chemical treatment or landfill or hazardous waste and B8 Storage or Distribution, including open air storage, with associated land-raising, vehicle access from Roscommon Way, site works and landscaping.

The application is accompanied by an illustrative layout plan and shows the division of the site into 6 zones. The existing site is bisected north-south by a small ditch, which is proposed to be retained and straightened and will inform the division of the site into its various zones. The site will be served by a new spine road extending from the eastern-most roundabout on Roscommon Way eastwards through the site.

The western part of the site, comprising of Zones 1-4 would provide Sui Generis Uses, A3 and B1 (b) or B1(c) uses with the eastern part providing an area of larger B2 and B8 units.

The application indicates the provision of some 909m² for Sui Generis/workshop and car showroom use, 700m² for A3 use, 6,400m² of B1(b) and B1(c) use, 12,000m² of B2 use and 6,300m² of B8 use; providing an overall floorspace of some 26,400m². The indicative layout shows each unit provided with independent car parking and servicing areas and of 2 storey height.

The land levels are proposed to be raised by a maximum of some 0.673m, to bring the site level with Roscommon Way. Such land-raising will result in a loss of floodplain storage capacity which will be compensated by the provision of a pond on land to the east of the proposed development area.

It is proposed to provide a hydrological connection to the drain by the construction of a sloping 'ramp' which extends for a length of some 15m.

It is also proposed to provide off site ecological mitigation on land to the north-east of the application site (referred to as the 'pear shaped' site) and a landscape buffer to the boundaries of the site.

Supplementary Documentation

The application is accompanied by the following documents:

- Environmental Statement, Non Technical Summary and Addendum
- Framework Travel Plan
- Archaeology Desk Based Assessment
- Transport Assessment
- Flood Risk Assessment
- Ecological Report

These are available to view on the Council's website.

Planning History

The site is undeveloped and has no planning history.

Local Plan Policies

The site is allocated for long term employment purposes within the Adopted Local Plan.

Long term is defined as post 2001.

The policies applicable to this application area as follows:

National Planning Policy Framework

Paragraphs

18 – 21	Securing economic growth
101 -104	Flood Risk
109	Conserving and enhancing the natural environment
118	Conserving and enhancing biodiversity

National Planning Guidance

Paragraphs 66 and 67	Flood Risk
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Adopted Local Plan

ED2	Long Term Employment Needs
T2	Intensification of Access Use
T8	Car Parking Standards
EC7	Natural and Semi-Natural Features
EC13	Protection of Wildlife and their Habitats
EC14	Creation of New Wildlife Habitats

Consultation

CPBC Planning Policy

The Council is currently in the process of progressing a New Local Plan following consultation on a draft in the Spring of 2014.

The site is identified for employment purposes in both the current 1998 Adopted Local Plan and the draft of the New Local Plan.

The National Policy Context for Economic Development

Section 1 of the NPPF sets out the Government's policies in relation to planning for a strong and competitive economy. Paragraphs 18 and 19 are clear that the Government is committed to securing economic growth in order to create jobs and prosperity, and to ensuring that the planning system does everything it can to support sustainable economic growth. Paragraph 20

is clear that local planning authorities have a key role in planning proactively to meet the development needs of business and support an economy fit for the 21st century.

Paragraph 21 of the NPPF sets out the specific requirements for local planning authorities in terms of planning for economic growth. It expects policies to address potential barriers to investment and not over burden businesses through excess requirements. Local Plans should set out a clear economic vision and strategy for their area, which supports existing and emerging business sectors, identifies priorities for regeneration, infrastructure provision and environmental enhancement, and promotes the development of clusters and the knowledge economy.

The Principle of Employment on this Site

The site was designated in the 1998 Adopted Local Plan as a long term employment site, to be brought forward upon review of the plan (Policy ED2). Policy T6 also makes reference to the site. It makes provision for a new road to be constructed as an extension of Roscommon Way and requires this to be provided prior to the development site.

The Draft New Local Plan identifies the site as an extension to the existing Charfleets Industrial Estate to be made available for employment purposes (B1b, B1c & B2). Furthermore the extension to Roscommon Way is now complete, providing appropriate access from a roundabout into the site.

The NPPF is quite clear that the presumption in favour of sustainable development does not apply in certain instances as set out in footnote 9. This includes sites in locations at risk of flooding. The 1998 Adopted Local Plan is silent on matters of flood risk. As such regard should be had to paragraphs 100 to 103 of the NPPF.

The South Essex Surface Water Management Plan 2012 identifies Canvey Island as a Critical Drainage Area. Given its low lying nature, land on Canvey is subject to surface water flooding and any development proposals at this site need to be designed to achieve resilience and resistance to flood risk. They also need to be designed to manage surface water drainage issues on or adjacent to the site and prevent an increased risk of flooding by surface water to other properties nearby.

A Local Wildlife Site designation (LoWS CPT5) affects the site. The development must provide sufficient and suitable compensation for the loss of wildlife in order to result in a net gain in biodiversity. Regard should be had to paragraphs 109 and 118 of the NPPF.

The Need for Employment in Castle Point

The Castle Point Employment & Retail Needs Assessment 2012 identifies that the Borough has less employment space overall than all neighbouring boroughs and that provided is predominantly comprised of industrial provision with a relatively low level of office provision.

The Assessment identifies that there is good demand for industrial space in Castle Point generally, but little available supply. Much of the stock is identified as old and unsuited to current needs, with few larger units and little modern stock. There are indications that local firms may find it hard to expand or upgrade premises without moving out of the Borough.

Demand for office space is low, predominantly for small units by local firms. Supply is also very low, predominantly comprised of small, older premises above shops and with very few new premises being built. The Borough is also identified as having very limited provision for small, start-up businesses compared with adjoining boroughs.

The application site is considered reasonably suited to meet future needs, although its proximity to the Thames estuary, relative remoteness and potential drainage issues are highlighted as potential matters to deter development.

The application site is considered to benefit from good strategic and local access, via Roscommon Way and its Extension, but it is still considered relatively isolated from public transport. Potential flood risk issues are highlighted, given the sites location in Flood Zone 3, as well as potential drainage issues. The Assessment also indicates that the site's proximity to the established Charfleets Industrial estate gives it a reasonably good profile. It concludes by considering the site as an average quality employment site, but which is available in the short term, and could accommodate B1c, B2 & B8 uses.

The Assessment states that comparing future requirements with the current supply of employment land in the Borough, which includes the application site, suggests that there is adequate quantitative supply of industrial space to meet future needs to 2031, under different estimates of future demand.

Highway Authority

No objection subject to conditions.

1. Prior to commencement of the development, the areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be provided clear of the highway.

Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

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

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

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

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

4. 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 under-body 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 DM 1 of the Highway Authority's Development Management Policies February 2011.

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

Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

6. The Cycle / Powered Two wheeler parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

Reason: To ensure appropriate cycle / powered two wheeler parking is provided in the interest of highway safety and amenity in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

7. No occupation shall commence until such time as the provision of a 2m wide footway from the site entrance to link into the existing Public Right Of Way along Roscommon Way has been provided entirely at the Developer's expense.

Reason: To make adequate provision within the highway for additional pedestrian movements generated as a result of the proposed development.

Environment Agency

No objection subject to the following condition:

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by SLR, referenced 407.05024.00001 Version 2 and dated April 2015, subsequent correspondence from SLR dated 8 June 2015 and the revised modelling and ground levels provided in a letter from SLR, dated 2 July 2015, and the following mitigation measures detailed within these:

1. Provision of compensatory flood storage to provide level for level direct compensatory storage for the main river crossing/bordering the site.
2. Excavation of the compensatory storage area must be complete before infilling on site commences.
3. Ground levels across the development shall be set at a maximum of 1.8mAOD.
4. A Flood Warning and Evacuation Plan in combination with the incorporation of a mezzanine floor within each building, to ensure safe refuge on site is available if required.

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.

Reasons:

1. To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided.
2. To ensure that flood plain capacity is maintained during construction of the development.
3. To ensure that there is no negative off site impact due to land-raising in accordance with Table 13.1 of R&D document FD2320.
4. To ensure safe access and egress from and to the site.

A Condition in respect of water voles has also been recommended which states the following:

- o Prior to any works to the banks of the ditch, a water vole survey will be undertaken by a qualified ecologist at an appropriate time of year and using recognised survey techniques. In the event that the works have the potential to affect this species then a mitigation scheme for both during construction works and once the development is complete shall be submitted to and approved in writing by the local planning authority. The works shall be implemented in accordance with the agreed mitigation scheme.

Reason: To ensure protection of the water voles in this location.

An objection relating to the Water Framework Directive (WFD) has been removed provided a condition is appended requesting the submission of a formal Construction Management Plan (CMP). In the physio-chemical section of the WFD assessment, it states that the risks of siltation and pollution from construction works will be managed through a formal CMP, which should be conditioned as part of any planning permission. The EA suggests that silt traps should be used as a standard procedure to prevent siltation of Charfleets Dyke during construction and would like confirmation of the measures to be used as part of the CMP.

Flood and Water Management Officer

No objection subject to the following condition:

The development hereby permitted shall not be commenced until a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment (FRA) (SLR Consulting, Reference: 407.05024.00001, April 2015), has been submitted to and approved in writing by the local planning authority. The drainage strategy shall include a restriction in run-off and surface water storage on site as outlined in the Drainage supporting letter (SLR Consulting Ltd, Ref Reference 407.05024.00001, 8 June 2015). The scheme shall be implemented in accordance with the approved details before the development is completed.

In particular the Drainage scheme shall include the following:

- o Drainage modelling calculations showing the discharge of run-off from all the sub-catchments of the development restricted to the equivalent 1 in 1 year greenfield rate. In this case, the maximum discharge from each of the 5 outfalls will be limited to 1l/s.
- o Where on site attenuation is achieved through ponds, permeable paving, permeable sub-base, or other similar methods, calculations showing volume of these should be submitted.
- o Drainage calculations should demonstrate how the system operates during a 1 in 100 year event, for the critical duration storm, including an allowance for climate change.
- o Drainage Strategy Layout/Plan of the scheme including dimensions of the different SuDS features. The plan should indicate the areas for surface storage of exceedance flows and flow paths which should be away from buildings.
- o Provide details of adoption and schedule of maintenance of the scheme for the lifetime of the development.
- o Provide the required number of treatment stages for treating run-off from the different areas of the development.

They also have the following advisory comments:

- o Whilst the site is not situated in a Critical Drainage Area, (CDA) reference should be made to the recommendations of the Surface Water Management Plan as the site may impact on the adjacent CDA.
- o The site is situated in Flood Zone 3, and benefits from the flood defence infrastructure along the River Thames. The EA recommendations on the submitted fluvial modelling must be fully incorporated in the planning condition(s) as outlined.

Anglian Water

No assets owned by Anglian Water or subject to an adoption agreement within the development site boundary. Recommends the following condition to be attached to any consent granted:

No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No premises shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.

Reason: To prevent environmental and amenity problems arising from flooding.

Natural England

No objection subject to suitably worded planning conditions which achieve the following:

- An **on-site** landscaping, habitat creation and management plan (including monitoring), targeting in particular those invertebrate species which currently use, or are likely to use, the Roscommon Way Extension road verges, and the broader assemblage of invertebrate species known from the Canvey Wick SSSI (especially highly mobile species which are likely to use foraging habitats beyond the boundary of the SSSI).
- An **off-site** habitat creation and management plan (including monitoring), targeting a similar range of species as described above.
- A Wildlife Protection Plan, to safeguard sensitive wildlife habitats during the construction phase of development.
- A lighting strategy, to minimise light spill onto surrounding wildlife habitats.

Natural England supports the intention to transfer the off-site “pear shaped land” to an appropriate nature conservation body (SLR letter to Natural England, dated 10th March 2015, section 5, page 8). The transfer of land and funded habitat management in perpetuity should be set out within a S106 legal agreement. This agreement needs to include details of the area of land to be managed and details of the organisation that will be responsible for implementing the scheme (both for an initial habitat creation and aftercare period, suggests for a minimum of three years, and thereafter). The agreement should be implemented and maintained in perpetuity. Other similar developments in the area have included a land management agreement for 99 years. The Agreement shall also include confirmation that an adequate funding package has been agreed between the applicant and the organisation to which the compensation area will be transferred.

Welcomes the proposed Construction and Environment Management Plan (CEMP). This should be secured with a suitably worded planning condition.

The Landscaping and Habitat Creation Management Plan (LHCMP) should be secured with a suitably worded planning condition. The Plan is proposes that this be limited to 10 years in duration; however Natural England considers that habitat management should be in perpetuity, in practice this should be 99 years, consistent with similar development projects within the area.

Essex County Council – Infrastructure Planning Officer

Requests a contribution of £370,560 for early years and childcare places.

Canvey Island Town Council

Following a meeting of the Planning Committee on the 27th July 2015, the Town Council objects to this application for the following reasons:

- o Major infrastructure improvements are required due to the significant impact of this development to the surrounding infrastructure.
- o This is not an isolated development proposal for this area and would overburden the highway network and would be contrary to Planning Policy T4 of the adopted Local Plan.
- o Flood Risk Assessments do not provide the evidence that the risk of flooding to the surrounding areas have been considered or sufficient preventative measures are in place.
- o The New Local Plan has yet to go out for consultation and should be considered before large developments are approved due to the impact to the surrounding areas and existing infrastructure.
- o There will be a detrimental impact on the traffic coming off the island along Somnes Avenue as the right of way is given to the additional traffic coming onto the island.
- o There is no sufficient evidence as to how foul water will be dispersed adequately.
- o There will be increased movement of traffic around the existing COMAH sites.
- o There are no cycle lanes to support the suggestion of other forms of transport and cycle provision and therefore the current infrastructure of the island is insufficient and would be contrary to Planning Policy T4 of the adopted Local Plan.
- o Traffic impact study required to ascertain the effect on the island's infrastructure as the intensification of traffic to the highway network is contrary to Planning Policy T2 of the adopted Local Plan.
- o Infrastructure requirements cannot be met and would be contrary to Planning Policy CF1 of the adopted Local Plan.
- o Policy CF13 should be considered due to the large scale development and the impact to the surrounding area.

British Pipeline Agency

Not aware that any of BPA apparatus falls within the application site.

Not in zone of interest.

Legal Services

No objection

Essex Field Club

Objects to the proposal for the following reasons:

- o Survey inadequate
- o The species which the Field Club consider present on the site were not found during the survey.
- o The proposal which involves land raising would result in unpredictable effects on hydrology of the site.
- o Run-off and pollution from vehicle movements within the development would have severe implications for the aquatic fauna.
- o 5m buffer is insufficient to avoid damage.

It should be noted that these were comments to the original submission. The ecology report has since been amended overcoming the objections from Natural England.

Further comments have been received stating that the Essex Field Club could demonstrate that the site has rare species if it had permission to access the land.

Refuse and Recycling

No comments at this stage.

Buglife

Objects to the proposal for the following reasons:

- o Impact on SSSI and its associated invertebrate assemblages.
- o Potential impacts on nationally rare and scarce invertebrates.
- o Loss of Local Wildlife Site.
- o Inadequate survey and assessment of site's value.
- o Absence of mitigation

Disputes the assessment of the site's value and considers that the lower ecological value of the site is the result of only short term high intensity management which is likely to be reversible with a more relaxed regime due to how recently the site provided a rich forage resource. Considers that the floral resource of these grasslands could be easily raised with more appropriate, sympathetic management.

Acknowledges the re-designed landscaping area to create a more continuous mitigation area undertaken in consultation with Natural England and notes that this has resulted in some improvements to the overall scheme. However, considers the proposed wildflower areas insufficient for the scale of impact that the proposed development is likely to have on the site and the surrounding area.

Raises concerns in respect of the raising of the ground and the potential for altered site hydrology to impact on the site's recognised ditch fauna. Concerns about the lack of long term commitment to manage the limited mitigation proposed.

RSPB

Refers to letter of the 11th August 2015. The Environmental Statement (ES): Addendum (CIR.I.0109 dated August 2015) does not fully meet the mitigation requirements requested both the RSPB and Natural England, as clearly presented in the letter of the 8 May 2015. Furthermore, it is essential that due weight and consideration is given to the new comments made by Mr Peter Harvey of the Essex Field Club in his email of the 10th August 2015 in relation to the ecological significance of the Local Wildlife Site.

Detailed Comments

1. Management Plans

1.1 Welcome the intentions of the Landscaping and Habitat Creation Management Plan (LHCMP) as presented in paragraphs 5.5.20/21 in the ES Addendum in connection with the flood attenuation land to the east of the main development.

1.2 Also notes that there will be a Management Plan (paragraph 5.6.4) for the “pear-shaped land” directly to the north of this area, referred to in Appendix 5.10 ‘Phase 1 Habitat Plan and Offsite Areas’ and previously described in Drawing 5982_13 “Proposed Wildlife Habitat Plan with building footprint”.

1.3 The RSPB is concerned that the LHCMP only has a ten-year span and that the management of the “pear-shaped land” has not been given a timescale, merely being described as “long-term”.

1.4 Natural England, in their letter of the 8 May 2015, highlight that such plans should run in perpetuity and reference that similar plans in the area have a 99-year term. The RSPB believes that such vision is essential, in order that the Council can be satisfied that the important invertebrate species which exist in and around the neighbouring Canvey Wick Site of Special Scientific Interest (SSSI) are maintained and enhanced.

1.5 Note that there is no mention of a structured programme of monitoring. This must be included in any management plan in order to ensure its effectiveness.

1.6 The RSPB considers that any land being managed must also be functioning for the important invertebrate species in advance of the main development.

2. Email from Peter Harvey dated 10th August 2015

2.1 In light of Mr Harvey’s email, urge the Council to give due weight to this in accordance with paragraph 109 of the National Planning Policy Framework which states, “The planning system should contribute to and enhance the local environment by establishing coherent ecological networks that are more resilient to current and future pressures.”

2.2 As such, refer to point 2.14 of our previous correspondence dated 28 January 2015, which highlighted the importance of such a network for the key nationally-important species present on and around the adjacent Canvey Wick SSSI.

3. Biodiversity enhancements – other species

3.1 Whilst the RSPB is fully supportive of nest-boxes being installed (paragraph 5.5.16), an opportunity will be missed here if the development does not incorporate integrated nest-boxes into the fabric of the design.

3.2 This would be in line with Development Management policy NE8 (paragraph 18.50) of the draft Local Plan which highlights the good work being undertaken across Essex to “integrate biodiversity in to development”.

3.3 Integrated nest-boxes are primarily used by Birds of Conservation Concern such as swifts, starlings and house sparrows. The latter two species are also priority species under the Natural Environment and Rural Communities (NERC) Act (2006). Nest-boxes, which are proposed in the ES Addendum are generally used by more widespread species and after time are likely to fall in to disrepair.

3.4 The RSPB would welcome the opportunity to work with the Council and the developer to advise on how an integrated nest-box scheme could be worked in to the fabric of the development. Such a successful scheme would provide the Council with an opportunity to demonstrate its delivery of policy NE8.

Environmental Health Officer

The proposed development raises no immediate concerns.

Health and Safety Executive

No objection on safety grounds.

Subsequent Responses

Subsequent to the above comments, an email was received from the agent stating the following:

On the matter of nature conservation

In the response of 6th October 2015, SLR stated that the LHCMP (Landscape Habitat Creation Management Plan) would encompass both on and off-site areas (i.e. site landscaping, 'pear-shaped' land and the 'loop' field which includes the flood mitigation area). This would deliver a coherent approach. SLR explained that the plan would be for a 10 year term to establish habitats, monitor their development, and manage the land to its full potential for invertebrates. Thereafter, the LHCMP would be reviewed every 5 years within the framework of an agreed mechanism (i.e. the s.106) to secure funding for long term management and funding. The funding package would be for 25 years, and the relevant land transfer would be in perpetuity (i.e. 99 years). The distinction between the long-term 25 year funding package and the 'in perpetuity' land transfer is therefore an important one.

On the matter of education contribution

Refers to the correspondence between the applicants and ECC regarding the proposed early years and childcare contribution. Considers that the figure of £370,560 will be subject to a reduction given the up-dated employment generation evidence that has been provided to ECC whose response is awaited.

On the matter of conditions

In relation to the proposed conditions, considers that there is some unnecessary duplication between their requirements and the intended scope of the s.106, and that some conditions could also be combined. Conditions 13, 16 and 17 all include matters covered, at least in part, by the s.106. Furthermore, conditions 16 and 17 could be combined into one holistic plan for the on and off-site areas, and conditions 21 and 22 could be combined with condition 21 stating that

the boxes are to be installed prior to the nesting season following completion of the relevant buildings.

Considers it would be useful to agree definitions of 'on-site' and 'off-site' in order to avoid any uncertainty. This might be an appropriate matter for discussion during the s.106 drafting process.

Consultee responses

In response to the agent's email, responses have been received from Natural England and the Infrastructure Planning Officer (Essex County Council) as below:

Natural England

In letter of 22nd September 2015, sought clarification on the duration of the management plan, as a 10 year plan was referred to in the ES Addendum. Note that this 10 year plan represents the initial habitat creation and management plan period, to be followed by 5-yearly reviews.

Furthermore, note that the funding package associated with habitat management of off-site areas (the "pear" land and the "loop" parcel) is to be limited to 25 years, however the transfer of that land would be in perpetuity.

Natural England welcomes the proposal to secure the off-site land parcels for nature conservation purposes (consistent with the wider aspirations of the area) by way of land transfer to a conservation organisation, and supports the provision of funding to achieve the objectives for these areas. The commuted sum should be adequate for the conservation body to meet the management objectives of that area for the time period in question. In this case a 25-year funding package has been offered.

Without assurances that ongoing management will be resourced beyond the 25-year funded term, Natural England does not consider that 25 years represents a "long-term" agreement. Advise that Natural England cannot speak for the nature conservation organisation in question, and ultimately it must feel that the package is adequate to deliver the aspirations of the area for the required period.

Infrastructure Planning Officer- Essex County Council

- o Confirms that the link between job creation and nursery spaces is based upon countywide (Essex) experience. Details about this and information as to how a contribution is calculated can be found in the Developers' Guide to Infrastructure Contributions and the Education Supplement.
- o (<http://www.essex.gov.uk/Education-Schools/Schools/Delivering-Education-Essex/School-Organisation-Planning/Pages/Developer-Contributions.aspx>)
- o With regards to 'double counting', residential units and employment sites are calculated separately. Double counting could only occur on a mixed use development whereby a new resident also gained employment on the development.
- o There are currently no signed S106 agreements for early years and childcare (EY&C) in Canvey Island. The EY&C team suggests that the contribution from the proposed development would be used for a new provision. The details of this, and its location, would be finalised after the S106 agreement is signed.

In order to address the varying probable numbers of jobs created by the proposed development, suggests a formula based S106 agreement.

Public Consultation

One response has been received which makes the following comments:

- o Part of the site is a part of SSSI.
- o Impact on wildlife.
- o Increase in surface water and flooding of drainage ditches from the proposed development.
- o Site used for grazing and should be protected in an already overpopulated island.
- o Tidal flooding is not the biggest problem on Canvey Island; surface water is.
- o What is Canvey Island's employment floor space need?
- o Would be sensible to utilise existing floor spaces – redundant and vacant spaces on Charfleets Industrial Estate.
- o Are local builders going to be used for this development?
- o How many businesses have signed up to take employment floor space?
- o What are the evacuation plans in the event of an incident at the gas or liquid installations?
- o Increase in traffic and pollution.
- o Local people didn't get a chance to comment.

Comments on Consultation Responses:

- o The Castle Point Employment & Retail Needs Assessment 2012 discusses the employment floor space need within the Borough.
- o No part of the application site is designated as a SSSI.
- o Consultation on the proposal was carried out in accordance with the Statement of Community Involvement and EIA regulations.
- o The conditions recommended by the various statutory bodies can be attached to any consent granted.
- o Other relevant issues are discussed in the evaluation of the proposal.

Evaluation of Proposal:

The main considerations in respect of the application are the principle of development, flood risk, ecology and traffic and parking.

Principle of Development

Policy ED2 of the Adopted Local Plan is concerned with 'Land to the south of Charfleets Industrial Estate' which is shown on the Proposals Map as safeguarded for long term employment purposes. The Policy states that this is an area of special reserve to take account of possible development needs beyond the current plan period (post 2001). Until such time as reviews of the structure plan and the local plan show that the land needs to be released for employment purposes, the land will be kept free of development which would prejudice later comprehensive treatment; valuable wildlife features will be protected.

The application site forms the entirety of the land safeguarded for employment purposes under saved Adopted Local Plan Policy ED2 which seeks to retain land for employment purposes beyond the plan period, (post 2001), subject to a need for such employment land being identified within reviews of the Structure and Local Plan.

Due to changes in the methodology for the preparation and publication of Development Plans, Structure Plans are no longer prepared and reliance must therefore be placed on a review of

the Local Plan. The Local Plan is currently under review and consideration of the employment needs of the Borough is informed by the Castle Point Employment & Retail Needs Assessment 2012. This clearly identifies that the Borough suffers a relative deficiency in employment land when compared with its neighbours and that there is good demand for industrial space in Castle Point generally, but little available supply. Much of the existing stock is identified as old and unsuited to current needs, with few larger units and little modern stock. This situation prejudices the expansion and development of local employers.

On this basis it is considered that a need for employment land can be identified. Recognition of this need has resulted in the land being identified for employment purposes in the Draft New Local Plan.

Whilst it is recognised that the Draft New Local Plan is not the current adopted Local Plan, it is not considered that the proposed development raises such issues of contention in respect of land use that an objection to the proposal on the basis of prematurity could be sustained on appeal. No objection is therefore raised to the principle of the development of the land for employment purposes.

Turning to the specific uses proposed, the proposal seeks to provide B1(b), B1(c), B2 and B8 uses, a sui generis use (car dealership) and A3 uses. Some 93% of the proposed floorspace within the proposed development would comprise 'B' class uses. Such use is acceptable in principle.

With regard to the incorporation of a Car Dealership into the employment area it is clear that such uses, by reason of their need for relatively extensive sites, would normally be found within industrial areas. Present examples of such uses within the Borough can be found on the Charfleets Industrial Estate and the Stadium Way Trading Estate. Under the circumstances it is not considered that an objection can be raised to the provision of a car dealership on this site.

With regard to the provision of A3 uses on the site, it is clear that such uses would not normally be found within an industrial estate. The submitted Planning Statement states that the proposed A3 use would provide a complementary service for the business development at this site and nearby employment sites.

Furthermore, A3 uses would generate employment which technically would meet the terms of Policy ED3. Whilst Policy ED2, relating to the site of the application does not specifically permit A3 uses, it is clear that such a use would supplement and support the proposed employment uses and as such would be acceptable on the site.

It may be noted that the proposed A3 use would comprise only some 2.4% of the proposed floor space within the development.

It may further be noted that food outlets are commonly found on industrial sites, such as at the Stadium Way Trading Estate.

Under the circumstances it is not considered that the proposed A3 use would undermine or prejudice the use of the site for employment purposes and no objection is raised to the principle of such provision within the site.

No objection is therefore raised to the proposal under Policy ED2 of the Adopted Local Plan.

Flood Risk

Government guidance as contained in the NPPF requires all proposals in areas at risk of flooding to be accompanied by a site-specific Flood Risk Assessment in order to demonstrate

that the occupiers of the proposed development would not be placed at unacceptable risk in the event of a flood. The proposal may also be required to pass the sequential and exception tests as set out in the National Planning Policy Framework and associated Practice Guidance, in order to determine whether sites of lower flood risk probability exist which may be more suitable for the type of development proposed.

Proposals are also required to demonstrate that they would not increase flood risk elsewhere.

The proposal seeks to provide commercial and industrial uses within the settlement of Canvey Island.

Such uses are considered to be a 'less vulnerable use' as defined within the Flood Risk Vulnerability Classification as provided in the Paragraph: 066 (Reference ID: 7-066-20140306) of the National Planning Guidance. This type of development is considered to be appropriate within Flood Zone 3 (Table 3: Flood risk vulnerability and flood zone 'compatibility,' Paragraph: 067 (Reference ID: 7-067-20140306). Exception testing is not therefore required in respect of such development.

In respect of sequential testing, in order for industrial/commercial development to serve the community of Canvey Island it is considered that it would need to be located within that settlement. Since the settlement of Canvey Island is located entirely within Flood Zone 3, it is not considered that there are reasonably available alternative sites within the area with a lower probability of flooding that could accommodate the proposed development.

Under the circumstances it is considered that the proposal passes the sequential test.

The submitted Flood Risk Assessment states that in the event of a breach of the tidal defences, the depth of flooding across the site would be approximately 0.2m. It is considered that in such an instance there should be provision for the occupiers and visitors to the buildings to evacuate to a refuge area at a higher level. The application is currently at outline stage and there are limited details in respect of the use or occupancy of the proposed buildings. However, it is considered that refuge areas for each unit could be incorporated into the scheme and such details could be submitted as part of the reserved matters.

The proposed buildings should also be constructed to a standard offering resistance and resilience to floodwaters and rapid recovery from a flood event. The submission of a scheme of flood resilience measures capable of withstanding the effects of a 1 in 1000 year (plus climate change) event is therefore required. This can be achieved by the attachment of an appropriate condition to the grant of any consent.

It is also necessary to consider whether the buildings would be able to withstand the hydrodynamic and hydrostatic pressures that would occur during a flood event. No details have been provided; however such information could be submitted and approved prior to the commencement of the development via a condition.

In respect of the safety of occupiers, no flood response plan has been provided to clarify the best response for staff and visitors of the proposed units during a flood event. A breach of the seawall could occur during operational hours and as evacuation is not recommended, unless on the instruction of the emergency services, it is important to document the flood risk to the site and to employees and customers of the various businesses and, more importantly, the actions that should be taken should a flood warning be issued. The submission of a Flood Response Plan identifying these risks and actions can be required by condition.

It is acknowledged that the proposed development will result in more people being present on the site but this is not considered to equate to a greater level of risk sufficient to warrant refusal of planning permission. Subject to appropriate conditions the proposed development is considered to represent an acceptable risk.

Paragraph 103 of the NPPF states that when determining applications, local planning authorities should ensure flood risk is not increased elsewhere.

The proposed development will render impermeable significant areas of the site. Furthermore, the site is to be raised to facilitate access from Roscommon Way. The proposed development therefore has the potential to increase flood risk elsewhere. In order to compensate for this effect it is proposed to provide a flood compensation area on a parcel of land to the east of the application site that is within the applicant's ownership. This land comprises a pasture/hay field within the Local Wildlife site (LoWS) which is situated within a loop of land defined by a drain of brackish water along its southern, eastern and northern sides. It is proposed that the central part (0.3 ha) of this off-site adjacent field would be lowered to provide compensatory flood storage. The excavated material would then be used as a part of the land raising of the application site.

A hydrological connection is proposed to the brackish drain in the form of a sloping ramp which extends for a length of some 15m. Under flood conditions water would ingress into the low hollow. At other times the site is likely to vary between dry and damp/marshy.

The Environment Agency considers the proposed mitigation appropriate and raises no objection to the proposal. Subject to the conditions recommended by the Environment Agency and the other conditions discussed above, no objection is raised to the proposal on the basis of Flood Risk.

Ecology

The site lies within 500m of two SSSIs, falls within the Greater Thames Marshes Improvement Area and forms part of the Canvey Village Marsh Local Wildlife Site. The site therefore has significant potential for ecology.

Policy EC7 of the Adopted Local Plan is concerned with natural and semi-natural features in urban areas and states that such features and open spaces within urban areas shall be retained and enhanced wherever possible, in order to safeguard their physical, visual, recreational and wildlife value.

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

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

With the exception of Policy EC13, these policies are considered consistent with the NPPF. Policy EC13 is inconsistent with the provisions of the NPPF as it does not seek a hierarchical response to sites with nature conservation interest. Under the circumstances it is considered appropriate to consider the proposal in the context of paragraphs 118 and 119 of the NPPF.

Paragraph 109 of the NPPF states:

“The planning system should contribute to and enhance the natural and local environment by:

- o protecting and enhancing valued landscapes, geological conservation interests and soils;
- o recognising the wider benefits of ecosystem services;
- o minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures".

In paragraph 118 it states:

"When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- o if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- o proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site's notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest;
- o development proposals where the primary objective is to conserve or enhance biodiversity should be permitted;
- o opportunities to incorporate biodiversity in and around developments should be encouraged;
- o planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss".

The majority of the application site (6ha) forms part of the larger (36ha) LoWS CPT5 Canvey Village Marsh Local Wildlife Site (LoWS), which was designated on the basis of its character as old grazing marsh and the diversity of flora and fauna this supports.

The site also has importance as a consequence of its proximity to two nationally designated sites – the Canvey Wick SSSI and the Holehaven Creek SSSI.

The applicant has submitted an Environmental Statement and an ecological report of the site. The findings state that the proposal will not have any adverse impacts on the adjacent SSSIs.

Natural England has been consulted but has raised no objection to the proposal subject to securing the finer details of the mitigation scheme, appropriate long term land management and the transfer of off-site areas to an appropriate nature conservation body.

Furthermore it advises that the authority should secure the proposed Construction and Environmental Management Plan (CEMP) and Landscaping and Habitat Creation Management Plan (LHCMP) with suitably worded conditions.

Whilst raising no objection to the proposal Natural England has requested clarification in respect of the management of on and off site invertebrate mitigation areas. It states that the currently proposed 10-year arrangement should not be considered long-term and that such arrangement should be in perpetuity, in practice, for a period of 99 years.

The main impact of the proposed development on habitats would be the loss of some 6ha of land which currently forms the northern part of the Local Wildlife Site (LoWS).

The submitted Environmental Statement Addendum states that all of the habitats found within the application site are of site level ecological importance only. The applicant contends that the loss of these areas constitutes a local ecological impact only.

Buglife has objected to the proposal on the basis that the development would result in the loss of a local wildlife site and a valuable connective feature in the area which supports species associated with the SSSIs. Buglife considers that recent management of the site has prejudiced the interests of wildlife and has led to a decline in the quality of forage resources. It considers however that a sympathetic management regime would restore the value of the site.

The RSPB and Essex Field Club have raised also objections, stating that the application site provides habitat for a number of rare species which could be demonstrated if access were allowed to the site for survey purposes.

The RSPB has also made comments about mitigation requirements synonymous with the comments made by Natural England.

It has also made comments about the potential for integrating nest-boxes within the fabric of the development.

In response to these comments it should be noted that the current management of the land is not a matter that can be controlled by the Planning Authority. Nor can the Planning Authority require the applicant to provide third parties with access to their land for survey purposes.

The evidence submitted to date indicates that the northern part of the LoWS, where the development is proposed is of low ecological value. In the absence of evidence to the contrary this statement must be accepted. Nevertheless, mitigation of the impact of the proposal on interests of ecological importance is required.

The Environmental Statement Addendum states that some 2.06 ha of landscaping/greenspace would be provided within the layout with an additional 0.60 ha comprising of the southern perimeter ditch and a five metre buffer would be retained and enhanced for ecological purposes, outside of the application site but on land within the applicant's ownership. Within the application site, a 1.8m batter, formed when the land is raised, would be landscaped for wildlife and sown with an appropriate seed mix. It is proposed that all of the site landscaping would be designed to be of specific benefit to invertebrates and in particular bees, by providing a tall sward with abundant forage plant species such as clovers, vetches and trefoils.

Furthermore some 200m of ditch would be enhanced to provide improved habitat in the southern part of the site for water vole, reptiles, amphibians, breeding birds and bats.

It is also proposed to develop a sensitive lighting scheme with the aim of avoiding direct illumination of ditch features and light spill into the wider LoWS. No details of these features have been provided but can be required to be submitted by condition.

Overall, it is acknowledged that the proposal would result in the loss of land forming part of a LoWS. However, the evidence available suggests that the development site is of limited value and that mitigation and appropriate management of the site could achieve positive enhancement of habitats and biodiversity.

Whilst the objections of the RSPB and Buglife are noted, Natural England raises no objection to the proposal subject to imposition of controls in respect of the provision and management of

land identified and retained for ecological purposes. Under the circumstances, no objection is raised to the proposal in respect of Ecology.

Parking and Highway Matters

Policy T2 states that proposals which would result in the intensification of the use of existing accesses or the creation of new accesses onto any trunk, principal or other classified road will, in appropriate cases, require the submission of a traffic impact study demonstrating the ability of the highway network to accommodate the proposed development.

Where such demonstration cannot be shown, or where there is a policy objection from the highway authority, permission will be refused.

When considering applications that would affect these roads the council will consult the highway authority and will take the advice received into account when determining applications for planning permission.

The proposed development will result in an intensification of the use of Roscommon Way. The application includes the submission of a Transport Assessment and a Framework Travel Plan. The Highway Authority has not raised any objection to the proposal subject to conditions.

The applicant has advised that it is willing to contribute £30,000 towards the provision of highway signage for the site. This would need to be secured through the S106 Agreement.

No objection is therefore raised to the proposal under Policy T2 of the Council's Adopted Local Plan.

Policy T8 requires adopted parking standards to be taken into account. In this case, the current standards are the vehicle parking standards as set out by the Essex County Council.

Whilst the application is at outline stage only with the detailed layout reserved for future consideration, consideration of the submitted indicative layout suggests a parking requirement of some 662 parking spaces across the site. Only some 566 spaces are provided with the most significant deficiency serving the proposed B2 uses.

Whilst the A3 use is also deficient, this use is intended to complement the use of the site by existing users and as such a degree of shared parking may be appropriate.

Nevertheless the applicant is cautioned to ensure that an appropriate level of parking and servicing is provided to serve all uses across the whole of the site, in the submission of any reserved matters.

Archaeology

An Archaeological Desk-based Assessment has been submitted as a part of the application. This report concludes that no designated archaeological assets are located within or in close proximity to the application site. A low potential has been identified for all periods for the application site and any unknown assets that are located within the application site are likely to be of no more than local significance.

Under the circumstances, it is not considered that the site has any archaeological implications.

Proximity to a Hazardous installation

Paragraph 5.31 of the Council's Adopted Local Plan states that in determining whether or not to grant permission for a proposed development on land within the consultation zones, the Planning Authority will take account of advice it receives from the Health and Safety Executive.

The Health and Safety Executive has not raised any objection in respect of the proposal. No objection is therefore raised to the proposal on this basis.

Conclusion:

The proposed application is considered to be an appropriate form of development within an area allocated for employment uses. Whilst it is acknowledged that development of the site would result in the partial loss of a Local Wildlife Site, this loss must be considered in the light of the pressing need for greater employment opportunity in the Borough and the proposed mitigation of the impact on wildlife.

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.

Subject to the applicant entering into an Agreement under Section 106 of the Town and Country Planning Act to secure the following:

- the transfer of the 'pear shaped' compensation land and funded habitat management to an appropriate body in perpetuity,
- the creation, management and maintenance of the open areas within the site
- provision of £370,560 for early years and childcare places,
- the implementation and monitoring of travel plan including payment of a £3,000 Travel Plan Monitoring fee to Essex County Council
- the management and monitoring of the proposed surface water drainage system and
- the provision of £30,000 towards highway signage.

the proposals are recommended for **APPROVAL** subject to conditions:

My Recommendation is, subject to the applicant entering into an Agreement under Section 106 of the Town and Country Planning Act to secure the matters referred to above, then the Head of Regeneration & Neighbourhoods is authorised to Approve with the following conditions

1. This permission should be read in conjunction with Section 106 Legal Agreement dated contemporaneously with this permission.

REASON: In order to ensure:

- the transfer of the 'pear shaped' compensation land and funded habitat management to an appropriate body, in perpetuity, in the interests of maintaining the ecological value of the wider site
- the creation, management and maintenance of the open areas within the site, in the interests of maintaining the ecological value of the site
- provision of £370,560 for early years and childcare places,
- the implementation and monitoring of travel plan including payment of a £3000 Travel Plan Monitoring fee to Essex County Council
- the management and monitoring of the proposed surface water drainage system and
- the provision of £30,000 towards highway signage.

2. The development hereby permitted may only be carried out in accordance with details of the layout, scale and external appearance of the building(s), the landscaping of the site, and the means of access thereto, (hereinafter called "the reserved matters"), the approval of which shall be obtained from the Local Planning Authority before development is begun.

Application for the approval of the reserved matters shall be made to the local planning authority within three years beginning with the date of this outline permission.

The development hereby permitted shall be begun on or before whichever is the latter of the following dates- (a) the expiration of three years beginning with the date of the outline permission; or (b) the expiration of two years from the final approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.

REASON: The particulars submitted are insufficient for consideration of the details mentioned, and also pursuant to Section 92 of the Town and Country Planning Act 1990.

3. The use of the site shall be primarily for uses falling within Class B1(b) and (c), B2 and B8 of the Town and Country Planning (Use Classes) Order 1987 as amended and for A3 use and one motorcar dealership only (in accordance with the floor space indicated in Table 4.2 in the Environmental Statement Addendum) unless otherwise permitted by Castle Point Borough Council.

REASON: In order to ensure a satisfactory form of development and in the interests of the creation of local employment opportunities.

4. Prior to the construction of any building, areas within the site for the purpose of loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be provided clear of the highway.

REASON: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety.

5. No unbound material shall be used in the surface treatment of the vehicular access within six metres of the highway boundary.

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety.

6. 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.

7. 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:

- the routing of lorries servicing the site and the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials

- storage of plant and materials used in constructing the development
- wheel and under-body washing facilities

REASON: To ensure minimal disruption to traffic flows in the area, to ensure that on-street parking of 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.

8. Prior to the occupation of any building, all parking areas to be provided to that building or use of land shall be provided in accordance with the adopted parking standards and shall be hard surfaced, sealed and marked out in parking bays. The vehicle parking areas and associated turning areas shall be retained in this form in perpetuity and shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided

9. Prior to the occupation of any building or use any cycle/powered two wheeler parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

REASON: To ensure appropriate cycle / powered two wheeler parking is provided in the interest of highway safety and amenity

10. No occupation of any building or use of land shall commence until such time as the provision of a 2m wide footway from the site entrance to link into the existing Public Right Of Way along Roscommon Way has been provided entirely at the Developer's expense.

REASON: To make adequate provision within the highway for additional pedestrian movements generated as a result of the proposed development.

11. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by SLR, referenced 407.05024.00001 Version 2 and dated April 2015, subsequent correspondence from SLR dated 8 June 2015 and the revised modelling and ground levels provided in a letter from SLR, dated 2 July 2015, and the following mitigation measures detailed within these:

- Provision of compensatory flood storage to provide level for level direct compensatory storage for the main river crossing/bordering the site.
- Excavation of the compensatory storage area must be complete before infilling on site commences.
- Ground levels across the development shall be set at a maximum of 1.8mAOD.
- A Flood Warning and Evacuation Plan in combination with the incorporation of a mezzanine floor within each building, to ensure safe refuge on site is available if required.

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 elsewhere by ensuring that compensatory storage of flood water is provided, to ensure that flood plain capacity is maintained during construction of the development, to ensure that there is no negative off site impact due to land raising and to ensure safe access and egress from and to the site.

12. Prior to any works to the banks of Charfleets Dyke, a water vole survey will be undertaken by a qualified ecologist at an appropriate time of year and using recognised survey techniques. In the event that the works have the potential to affect this species on the site then a mitigation scheme for both during construction works and once the development is complete, shall be submitted to and approved in writing by the local planning authority prior to any works. The works shall be implemented in accordance with the agreed mitigation scheme.

REASON: To ensure protection of the water voles in this location.

13. The development hereby permitted shall not be commenced until a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment (FRA) (SLR Consulting, Reference: 407.05024.00001, April 2015), has been submitted to and approved in writing by the local planning authority. The drainage strategy shall include a restriction in run-off and surface water storage on site as outlined in the Drainage supporting letter (SLR Consulting Ltd, Ref Reference 407.05024.00001, 8th June 2015). The scheme shall be implemented in accordance with the approved details before the development is completed.

In particular the Drainage scheme shall include the following:

- Drainage modelling calculations showing the discharge of run-off from all the sub-catchments of the development restricted to the equivalent 1 in 1 year greenfield rate. In this case, the maximum discharge from each of the 5 outfalls will be limited to 1l/s.
- Where on site attenuation is achieved through ponds, permeable paving, permeable sub-base, or other similar methods, calculations showing volume of these should be submitted.
- Drainage calculations should demonstrate how the system operates during a 1 in 100 year event, for the critical duration storm, including an allowance for climate change.
- Drainage Strategy Layout/Plan of the scheme including dimensions of the different SuDS features. The plan should indicate the areas for surface storage of exceedance flows and flow paths which should be away from buildings.
- Provide details of adoption and schedule of maintenance of the scheme for the lifetime of the development.
- Provide the required number of treatment stages for treating run-off from the different areas of the development.

REASON: To prevent flooding elsewhere and to deal with surface water run-off in a sustainable manner.

14. No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority.

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

15. No buildings shall be occupied or land uses commenced until the works have been carried out in accordance with the foul water strategy approved under Condition 14 unless otherwise approved in writing by the Local Planning Authority.

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

16. An on-site landscaping, wildlife protection, habitat creation and management plan (including measures for appropriate monitoring), targeting in particular those invertebrate species which currently use, or are likely to use, the application site, the Roscommon Way Extension road verges, and the broader assemblage of invertebrate species known from the

Canvey Wick SSSI (especially highly mobile species which are likely to use foraging habitats beyond the boundary of the SSSI) shall be submitted to and approved in writing by the Local Planning Authority as a part of the reserved matters application and S106 Agreement.

REASON: In order to protect the interests of wildlife present on the site and the SSSIs.

17. An off-site habitat creation and management plan (including measures for appropriate monitoring) targeting in particular those invertebrate species which currently use, or are likely to use, the application site, the Roscommon Way Extension road verges, and the broader assemblage of invertebrate species known from the Canvey Wick SSSI (especially highly mobile species which are likely to use foraging habitats beyond the boundary of the SSSI) shall be submitted to and approved in writing by the Local Planning Authority as a part of the reserved matters application and S106 Agreement.

REASON: In order to protect the interests of wildlife present on the site and the SSSIs.

18. Prior to the commencement of the development hereby permitted a Construction and Environment Management Plan (CEMP) shall be submitted to, and approved by, the Local Planning Authority. Such Plan shall include measures for the protection of wildlife during the clearance and construction stages in accordance with good practice. Any such Plan approved shall thereafter be implemented in its entirety.

REASON: This information is required prior to commencement to ensure that any development of the site including site clearance is carried out in an acceptable manner given the existence of protected species on site.

19. Prior to the commencement of any development on site a Site Waste Management Plan shall be submitted to and formally approved by the Local Planning Authority. Any such plan approved shall thereafter be implemented in its entirety.

REASON: In order to ensure that construction waste is recycled or re-used in order to make the most efficient use of natural resources.

20. A lighting strategy, designed to minimise light spill onto surrounding wildlife habitats shall be submitted to and approved by the Local Planning Authority. Any such strategy approved shall subsequently be implemented in its entirety.

REASON: In order to protect the interests of wildlife present on the site and the SSSIs.

21. Prior to the first occupation of the development hereby permitted details of appropriate bird boxes shall be submitted and approved by the Local Planning Authority. Such details shall include the number of boxes, the timing of the installation of these boxes, the position of the boxes and the future monitoring and maintenance of the boxes.

REASON: To ensure that adequate provision is provided for the nesting of birds to compensate the loss of habitat within the site.

22. The bird boxes approved under condition 21 shall be installed prior to the first nesting season, after completion of the host building and thereafter permanently retained as such.

REASON: To ensure that adequate provision is provided for the nesting of birds to compensate the loss of habitat within the site.

23. Prior to the occupation of any building or commencement of any use, 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.

24. Upon occupation of the development or commencement of any use, the approved Flood Response Plan shall be enacted and thereafter maintained at all times that the host building 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.

25. Prior to the commencement of any building, a scheme, prepared by a qualified structural engineer and demonstrating the ability of the proposed structures(s) to withstand the hydrostatic and hydrodynamic pressures likely to be acting on the buildings in a 1 in 200 year and 1 in 1000 year flood event shall be submitted to the Local Planning Authority.

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

26. The development shall be constructed in accordance with the scheme submitted by a qualified structural engineer pursuant to condition 25 above.

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.

27. Prior to the construction of any building a scheme of flood resistant and resilient construction for the approved buildings shall be submitted to and formally approved by the Local Planning Authority. Any flood resistance and resilience measures shall be in accordance with the document 'Improving the flood performance of new buildings' (DEFRA Publication).

REASON: To minimise damage to the buildings caused by floodwater and to enable faster recovery following a flood.

28. The development shall be constructed and fitted out in accordance with the approved scheme of flood resistance and resilience measures.

REASON: To minimise damage to the building caused by floodwater and to enable faster recovery following a flood.

Informatives

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

ITEM 3

Application Number:	15/0696/FUL
Address:	408 London Road Benfleet Essex SS7 1AX (Boyce)
Description of Development:	Erection of 5 No. three storey buildings containing a total of 37 self-contained flats with refuse and cycle storage, parking, landscaping and vehicular access to Catherine Road
Applicant:	Argent Developers Ltd
Case Officer	Mr Keith Zammit
Due Date	01.01.2016
Extended Date	01.04.2016

Summary

The application seeks to provide five blocks providing a total of 37 flats with associated parking and amenity area provision.

In all the circumstances it is considered that the proposed scheme achieves an appropriate form of development on the site and it is therefore recommended that the application be **APPROVED**.

Councillor Smith has requested that the application be presented to the Committee in order to consider the effect of the development on the surrounding area and the Green Belt.

Site Visit

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

Introduction

The application relates to a site on the southern side of London Road (Bread and Cheese Hill) with a frontage to London Road of some 55m and a return frontage to Catherine Road (an unmade road) of some 85m. It formerly contained a detached bungalow and garage.

The Proposal

Permission is sought for the erection of five blocks providing a total of 37 flats, with associated car parking and amenity space. The site will be served from Catherine Road.

Supplementary Documentation

The application is accompanied by a Design and Access Statement which can be viewed on the Council's website.

Planning History

CPT/25/13/FUL– (as part of a wider site). Construction of 9 detached dwellings.

This application also granted consent for the provision of 42 flats in two blocks of up to three storeys with parking, access, landscaping & associated works at 396-408 London Road in February 2014. One of the Blocks has been constructed.

This Planning Permission was also subject to a Section 106 Agreement dated the 21st February 2014 which made provision for 9 affordable housing flats together with highway works.

Relevant Government Guidance and Local Plan Policies

National Planning Policy Framework

Paragraphs 39, 50, 56, 58, 118, 173

Local Plan

EC2	Design
H7	Affordable Housing
H13	Location of Development
EC13	Protection of Wildlife and their Habitats
T8	Parking Standards

Residential Design Guidance

RDG2	Space around Buildings
REG3	Building lines
RDG4	Corner Plots
RDG5	Privacy and Living Conditions
RDG6	Amenity Space
RDG7	Roof Development
RDG8	Detailing
RDG9	Energy and Water Efficiency and Renewable Energy
RDG10	Enclosure and Boundary Treatment
RDG11	Landscaping
RDG12	Parking and Access
RDG13	Refuse and Recycling
RDG16	Liveable Homes

Consultation

Environmental Health

No response received.

Legal Services

No objection. There is an existing S106 agreement in place which will have to be varied if permission is granted.

Refuse and recycling

The developer needs to ensure the roadway on site is suitable to take a 32 tonne vehicle. Bin store sizes appear acceptable. No objections to amended plans.

County Education

No contribution requested.

County Highways

No response received.

Natural England

No response received.

UK Power Networks

No response received.

Public Consultation

25 objections received, making the following points:

- o detrimental to Green Belt
- o lack of infrastructure
- o lack of parking
- o increased use of Catherine Road will add to burden of maintenance for existing residents
- o this site may not be included in New Local Plan
- o amended plans have only reduced number of flats from 40 to 37, would not make any difference to the issues and concerns we have already raised

Comments on Consultation Responses

The impact of the proposal on the future maintenance of Catherine Road is not a material planning consideration.

All other relevant matters are considered in the evaluation.

Evaluation of Proposal

The main issues with this case are the principle of the provision of flats on the site, design issues, impact on neighbours, impact on ecology and parking implications.

Principle

Planning permission exists for the development of this site with 8 detached single family dwellinghouses.

Given the existence of a planning permission for the redevelopment of this site with 8 detached dwellings, it is not considered that an objection to the principle of residential development on this site could be sustained.

The current scheme seeks to provide 37 flats in place of the 8 detached dwellings

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

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

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

Policy H13 states that flats will be permitted areas allocated for residential development. The site is allocated for Green Belt purposes in the adopted Local Plan. Prima facie therefore the proposal should attract a recommendation of refusal. However, in 2012, the Council undertook work to identify housing sites to meet the requirements of paragraph 47 of the National Planning Policy Framework and a five year housing land supply. It was clear from a review of the Strategic Housing Land Availability Assessment that there was insufficient land within the existing urban area (non-Green Belt) to accommodate any significant increase in the provision of housing. At April 2012, the SHLAA identified a capacity of just 392 deliverable homes from the urban area compared to a requirement for at least 1,000 homes, plus an additional 20% allowance to provide flexibility in the supply.

In order to ensure a five year housing land supply, the Council undertook an exercise to identify additional sites for housing. The Green Belt in Castle Point is tightly drawn around the existing urban area, and as a consequence it was necessary to consider the appropriateness of bringing forward sites within the Green Belt to meet housing needs. This work culminated in the Council agreeing a list of 9 strategic sites for the accommodation of housing in December 2012, of which 4 were within the Green Belt. The capacity of these sites when combined with capacity within the existing urban area could accommodate in excess of 1,200 homes. Land at 396 to 408 London Road was included within this list of strategic sites.

In identifying this list of sites, the Council gave very careful consideration to the National Planning Policy Framework, which at paragraph 89 made it clear that the construction of new buildings in the Green Belt was not inappropriate where it involved the limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. It also gave consideration to the Ministerial Statement of the 6th September 2012 which promoted the redevelopment of previously developed land in the Green Belt as a means by which housing needs could be met. As a consequence of this national policy direction, the Council concluded that land at 396 to 408 London Road was an appropriate location for housing development given the nature and extent of existing development on the site. The decision of Council in December 2012 suggested that a quantum of development in the order of 50 homes across the whole site would be appropriate.

The site, the subject of the current application forms that part of the larger site referred to above which was considered to be only partially developed.

As stated above, paragraph 89 of the NPPF indicates that complete or partial redevelopment of previously developed sites need not be inappropriate, provided that this would not have a greater impact on the openness of the Green Belt or the purpose of including land within it than the existing development. This matter was carefully debated in the determination of the earlier proposal for the development of the wider site, and it was agreed that whilst the dwelling at No. 408 London Road was considered to constitute previously developed land, the garden and woodland attached to the dwelling were not developed and it could therefore be considered that the site, in its entirety, may not be considered previously developed land. However since the NPPF is not entirely clear on this point, the redevelopment of the site was nonetheless considered acceptable, given the strategic scale of the wider site and its contribution to the Borough's housing needs.

The second part of paragraph 89 has a further test – the impact on openness of the Green Belt or the purposes of including the land, compared to the existing situation.

In the context of the earlier proposal for the development of this site with eight detached dwellings it was conceded that the replacement buildings would be larger than the one they

would replace and as a consequence the proposal will have a greater impact on openness; however, it was also acknowledged that the existing building on the site compromised the openness of the Green Belt and that the proposal in its entirety would have a beneficial impact on the character and appearance of the area by removing unattractive non conforming uses.

In recognition of the lower density and less harmful impact of the proposed development of the site of 408 London Road on the character and appearance of the Green Belt, it was noted that a lower density of development on this site also provided a transition between the high density flatted development proposed to the west, which abutted the residential area, and the lower density development to the east which was in the Green Belt.

The current proposal now seeks to replace the approved detached house with five blocks providing a total of 37 flats.

The architect originally provided a scheme which provided four blocks of flats on this site and attempted to demonstrate, through massing diagrams, that the proposed scheme would have no greater impact on the openness of the site than the approved scheme. Details indicating that the proposed buildings would be similar in height and combined footprint to the approved dwellings were also submitted.

The fact that the proposed buildings had a similar height and site coverage to the approved dwellings was not disputed; however, the consolidation of the built form on the site would reduce the perception of openness and result in significantly more massive buildings.

Following discussion, the applicant submitted a revised plan which reduced the height of the buildings and replaced one of the large blocks with two smaller blocks of flats, thus attempting to introduce greater space into the site and reduce the impact of the buildings.

This has had some beneficial impact on the proposed development; however, as previously stated, this site was originally designed to provide a transition between the flats to the west and the low density development to the east. There would have been a gradual change from blocks of flats, to detached houses, to low density development and open land and woodland beyond. The current scheme would not achieve this transition and the built form would move directly from an intensive development to low density development.

This is an unfortunate aspect of the scheme and it could be contended that the proposal would undermine the philosophy underpinning the previously approved development and be detrimental to its integration into the surrounding area. However, in light of the Government's commitment to delivering a wide choice of high quality homes as set out in the NPPF, it is not considered that an objection on this basis could be robustly defended on appeal, especially since the principle of residential development has already been allowed and it is important to make most effective use of land with such status.

Paragraph 50 of the NPPF requires local planning authorities to plan for a mix of housing based on current and future demographic trends and the needs of different groups in the community and identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand.

The most up to date evidence is the Strategic Housing Market Assessment Review (2013). This states that for Castle Point, modelling has estimated the size mix for all tenures to be as follows:

- 1 bed – 10%
- 2 bed – 25%
- 3 bed – 48%

4+ beds – 17%

Looking at the wider redevelopment of 396-408 London Road, the approved scheme is skewed towards two bedroomed units but does provide a greater spread of units across the range of dwelling sizes. In terms of one and four bedroomed units, it is quite close to target.

The current scheme would cause the wider development to become more skewed towards the provision of one and two bedroomed units, removing the four bedroomed accommodation from the scheme altogether. This is regrettable as the development as originally approved catered for a wide range of housing needs whereas the net product of the current scheme would consist entirely of apartments.

In terms of the mix of dwelling types that would be provided, the proposal is less acceptable than the previous scheme. However, in light of the identified need for housing in the Borough it is not considered that an objection to the proposal on the basis of dwelling mix would be supported on appeal. No objection is therefore raised to the proposal on this basis.

Design

The proposed buildings would be similar in character and appearance to those recently constructed on land to the west. As such it is not considered that an objection can be raised to the proposal on the basis of design under Policy EC2.

Local Plan Policy EC2 seeks to ensure a high standard of design in all proposals. Particular regard will be had to the scale, density, siting, design, layout and external materials of the proposal which should be appropriate to the setting and which should not harm the character of the surroundings. Proposals should take account of all elements of the local design context.

The Council's Residential Design Guidance provides detailed advice to ensure that proposals do not adversely impact upon the visual amenity and character of the area or the amenity of adjacent residents.

Residential Design Guidance Notes 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13 and 16 are considered applicable to the current scheme.

Guidance at RDG8 within this document requires detailing of dwellings to be consistent with the overall architectural approach of the dwelling and not to result in the provision of prominent, dominant or obtrusive features.

The proposal overall is fairly traditional in design terms and would be consistent with the character and appearance of the flats to the east. In this context it is not considered that an objection to the proposal on the basis of scale or design could be sustained on appeal. No objection is therefore raised to the proposal in design terms.

RDG2 deals with space around dwellings. The space provided around dwellings should be informed by the prevailing character. For new large scale developments a different character can be created. In the case of buildings containing flats, isolation spaces equivalent to 25% of the width of the building should be provided. The proposal satisfies this requirement.

RDG3 requires proposals to respect established building lines. The proposed block at the front of the site would be situated approximately 8m from the highway boundary which compares favourably to the recently constructed block of flats to the west.

There is no strong building line on the western side of Catherine Road. The closest of the proposed buildings to Catherine Road would be some 4.5m from the highway boundary. The

building to the south, Forest House, is located some 5.3m from the highway boundary. The proposed building would therefore be closer to the highway than the neighbouring one, however in the context of loose knit sporadic development in Catherine Road it is not considered that this would be so injurious to visual amenity or otherwise out of character with the area that a reason for refusal on this basis could be sustained on appeal. No objection is therefore raised to the proposal on this basis.

RDG3 also seeks to prevent loss of amenity to adjoining residents through obtrusive or dominant rear building projections. By virtue of the configuration of the site and its relationship with the development to the west it is not considered that the proposal would result in the dominance of the adjoining dwellings.

Similarly, the level of isolation achieved between the proposed development and that to the east is considered sufficient to mitigate any impact experienced in terms of overshadowing or domination. No objection is therefore raised to the proposal on the basis of this element of RDG3.

RDG4 requires development on corner plots to be designed to turn corners and not provide blank elevations or high boundary screening to return frontages. The proposal would provide buildings at distances of some 4.5m to 10m from the Catherine Road boundary. In the context of this relatively narrow, unmade road this is considered to provide an acceptable setting for the proposed buildings. The side and rear elevations of those blocks overlooking Catherine Road would be perforated and provide a reasonable elevation to the return frontage. No objection is therefore raised to the proposal on the basis of RDG4.

Guidance at RDG5 within the Council's Residential Design Guidance SPD requires a distance of 9m to be provided between first floor windows and the boundaries of the site, increasing to 15m at second floor level. This would not be achieved for the second floor roof light windows in the rear elevations of blocks 4 and 5 which would be set some 14m to 14.4m from the rear boundary. No sectional details have been submitted to show how far above internal floor level these windows would be set, so these windows therefore have the potential to cause overlooking to the rear of the site.

Such overlooking might normally be eliminated through the use of obscure glazed and fixed windows. However, such devices would not be suitable for a bedroom; they would lead to unsatisfactory living conditions within the room. Under the circumstances, however, the deficiency against Council guidelines is only marginal and unlikely to lead to significant detriment to the amenity of Forest House residents. No objection is therefore raised to this aspect of the proposal.

Guidance at RDG6 requires the provision of appropriate amounts of outdoor amenity space. For flats, 8m² of amenity space for each habitable room should be provided, with a minimum of 25m² per flat.

The amenity space required for this proposal is:

		<u>Required</u>	<u>Actual</u>
Block 1:	11 apartments @ 25m ²	275m ²	200m ²
Block 2:	9 apartments @ 25m ²	225m ²	340m ²
Block 3:	5 apartments @ 25m ²	125m ²	163m ²

Block 4/5: 12 apartments @ 25m² 300m² 652m²

In gross terms the scheme therefore requires 925m² of amenity space and provides 1355m². *Prima facie* therefore the proposal performs well in terms of the amount of outdoor amenity space available to occupiers. However, the Council's guidance is quite clear that areas between the building and the highway will not be considered usable amenity space.

The amenity area for block 3 is located adjacent to Catherine Road which the design guidance seeks to avoid. However, Catherine Road is an unmade road which does not attract a significant volume of traffic and under these circumstances some form of landscaped boundary would provide adequate screening to the area and it would be suitable for use as an amenity space.

The amenity area for block 1 is located between the building and London Road. Whilst this arrangement would normally be considered unacceptable it is considered that this area could provide an appropriate private amenity area, if adequately screened. Subject to appropriate screening, no objection is therefore raised to the proposal on the basis of inadequate amenity area.

It should be noted that in the scheme for 8 houses approved on this site, private amenity areas were sited between the dwellings and the adjacent highways.

No objection is therefore raised to this aspect of the proposal.

RDG9 deals with energy efficiency in new developments and states that development should demonstrate how it has considered solar gain, re-use/recycling of water etc. No information has been provided on such matters; however driving improved energy and water efficiency through the planning system is contrary to the Government's ambition to reduce net regulation on house builders, and so is no longer considered a reasonable matter which can be pursued by condition or obligation .

RDG10 deals with enclosure and boundary treatments and states that means of enclosure should not dominate the public realm. RDG11 requires residential buildings to be treated with suitable landscaping.

Policy EC22 states that in schemes for new development, existing trees, hedgerows and woods shall be retained wherever possible and loss of existing tree cover and hedgerows shall be kept to a minimum.

The proposed frontages to London Road and Catherine Road are to be formed by hedging and tree planting with individual residential boundaries having additional timber screening.

Limited details of the trees, hedging and fencing have been provided; however, such details can be required by condition attached to any grant of consent. Subject to such a condition no objection is raised to the proposal on the basis of landscaping or boundary definition.

Guidance at RDG13 requires the provision of segregated refuse and recycling storage for developments. The plans show a roofed refuse bin enclosure for each building. This is considered acceptable in principle. The comments of the refuse and recycling service are that these appear to be of adequate size. The comment relating to the roadways within the development being able to support a 32 tonne vehicle is also noted. Were permission granted, a condition requiring the developer to demonstrate that the roadways would be of adequate construction would be attached to the grant of any consent.

Policy T8 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:

13 x 1 bed apartments	13 spaces
24 x 2 bed apartments	48 spaces
Visitors $0.25 \times 37 = 9.25 =$	<u>10 spaces</u>
	71 spaces

The proposed development would provide a car parking space for each apartment with four visitor parking spaces, making a total of 41 spaces. Although below the requirement of the parking standards, and the subject of concern as expressed by local residents, this provision is consistent with the approach adopted by the Council in respect of all sites in sustainable locations and is the level of car parking that was agreed at the time of the previous application for the flats to the west. Under the circumstances it is not considered that a reason for refusal on the basis of inadequate parking could be sustained. No objection is therefore raised to the proposal on the basis of car parking provision.

The currently adopted parking standards require bay sizes of 2.9m by 5.5m. The spaces provided have dimensions of around 2.8m in width and 5.3m to 5.4m in depth. This is below the preferred bay size however the level of deficiency is marginal and unlikely to compromise parking provision on the site. No objection is therefore raised to the proposal on this basis.

The required cycle parking is one space per dwelling plus one space per eight dwellings for visitors. 37 residents' cycle spaces are needed, with 5 visitor spaces, making a total of 42 cycle spaces.

The proposed cycle stores provide one cycle storage space per flat and there is open air cycle parking for 6 visitors' cycles. This provision complies with the parking standards.

Density

Local Plan Policy H9 seeks to ensure the optimum housing density is achieved on any site.

The NPPF does not set a national minimum density requirement. It encourages development to respond to local character and states that LPAs should not be unduly prescriptive in formulating policies on matters such as density.

There is currently no policy basis for a minimum density of development to be achieved on the site.

It is recognised that land for development is a scarce resource in Castle Point therefore the maximum density of development that can be achieved without adverse effects on the area should be secured where possible in order to ensure that the most efficient use of land is made.

Dwellings to the west, within the recently completed flats achieve a density of some 62 dwellings per hectare.

Dwellings to the east achieve a density of some 9 dwellings per hectare.

The application site has an area of some 0.42ha. The previously approved scheme achieved a density of some 18 dwellings per hectare. The current proposal seeks to achieve some 88 dwellings per hectare.

In this context the development of the site at the density proposed is inconsistent with the Council's original aspirations for this site as a transitional site between higher and lower density developments. However, as already mentioned in this report, it is considered that in the face of Government's drive to deliver an increased supply of new housing, and the need to make most effective use of housing land, such an objection would be unlikely to be supported on appeal.

Impact on neighbours

Several residents have commented that the proposed development would result in undue noise and disturbance arising from traffic movements to and from the site.

It should be noted that access to the site would be located some 25m from the London Road, in the same location as approved in the previous scheme.

London Road is a heavily trafficked route and has relatively high ambient noise levels. Whilst it is acknowledged that the use of the proposed access by vehicles serving the proposed development would be greater than might be experienced if the extant scheme for eight dwellings were implemented, it is not considered that the level of noise generated by traffic attending the site would be so high as to have a significant adverse impact on the health or amenity of adjoining residents such that a reason for refusal on this basis could be sustained on appeal. No objection is therefore raised to the proposal on this basis.

Impact on ecology

The Council's Local Plan Policy EC13 states that the Council will refuse development which is prejudicial to the interests of all wildlife and the retention and management of important habitats. This is inconsistent with Paragraph 118 of the NPPF which states that if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated or, as a last resort, compensated for, then planning permission should be refused. This hierarchical approach advocated by the NPPF is the most up-to-date and relevant guidance and has primacy over the local plan policy when considering the impact of development on the ecological value of a site.

At the time of determining the previous application CPT/25/13/FUL it was noted that trees within the garden of 408 London Road provided a habitat for breeding birds and that the installation of bird boxes as part of the development would mitigate the potential loss of nest site, conditions were therefore imposed on that permission requiring the installation of nest boxes and appropriate timing of the removal of trees or shrubs, in order to avoid the bird breeding season (March to September).

In addition, it was noted that the site may be frequented by bats due to its proximity to potential roosts in Coombe Wood and King John's Wood. To this end, a condition was imposed requiring bat boxes to be provided and maintained as potential enhancement to the habitat of bats would be in the spirit of the NPPF.

Subject to conditions again requiring the provision and maintenance of bird and bat boxes, it is not considered that there would be an adverse effect on the ecology of the area from the proposal. This matter previously formed part of the Section 106 Agreement for the approved development; however it is considered that a planning condition would adequately serve the

purpose. It is therefore not necessary for this matter to be included in any Section 106 Agreement.

Other matters

Highways

The previously approved development included provision within the Section 106 Agreement for the making up of Catherine Road to provide satisfactory vehicular access to the detached houses. Given that this proposal, if accepted, would provide 37 dwelling units and therefore a greater number of vehicle movements over Catherine Road, it is all the more important that Catherine Road should be upgraded to accommodate that level of traffic, to the extent that it serves the proposed development. Such improvements should form part of the Section 106 Agreement for the development.

It was also a requirement that the developer provide a residential travel information pack to new occupiers (including free travel scratch-card tickets). Given that the quantum of development on the site would be increased by this proposal, it is reasonable that this scheme should be subject to a similar requirement. A condition would be sufficient to secure this requirement.

Affordable Housing

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

The proposed development is five blocks of flats. Discussions have taken place with the developer of this land and the outcome of these discussions is that if the developer is successful in obtaining planning permission for this development, the block of flats closest to London Road would be provided as affordable housing. Such provision would be 11 affordable housing units which is considered acceptable in the context of the development proposed. Such provision would be secured in a S106 Agreement.

Conclusion

The proposed development represents a more intensive form of development on the site than the previously approved scheme, which is inconsistent with the Council's original aspirations that this site should form a transitional site between high density residential development and the lower density development located within the Green Belt to the east. However, given the need to make the most effective use of land previously agreed for housing redevelopment, it is not considered that a reason for refusal on this basis would be supported on appeal.

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.

Subject to the applicant entering into an Agreement under Section 106 of the Town and Country Planning Act to secure the following:

- the upgrading of Catherine Road to an adoptable highway standard insofar as it serves the proposed development
- proposed scheme for Block 1 to be Affordable Housing in perpetuity, and its transfer to a Registered Provider on its completion

- appropriate amendments to the Section 106 Agreement dated 21st February 2014 to reflect this new scheme

the proposals are recommended for **APPROVAL** subject to conditions:

My Recommendation is, subject to the applicant entering into an Agreement under Section 106 of the Town and Country Planning Act to secure the matters referred to above, then the Head of Regeneration & Neighbourhoods is authorised to Approve with the following conditions

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

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

2. Prior to the commencement of construction of the development hereby approved, details or samples of all materials to be used on the external surfaces shall be submitted to, and formally approved by the local planning authority.

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

3. The development shall be built wholly in accordance with the approved materials.

REASON: In the interest of visual amenity.

4. Prior to the erection of any new or replacement boundary treatment (excluding hedges or other planting), details of that boundary treatment shall be submitted to and approved in writing by the local planning authority, with reference to an accurately scaled site layout plan.

REASON: In the interest of visual amenity.

5. Prior to first occupation of the development hereby approved a landscaping scheme shall be submitted to and approved in writing by the local planning authority. Such a scheme shall clearly indicate which existing trees are to be retained on the site and any new tree planting, together with 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: In the interest of visual amenity and because the details submitted were insufficient for consideration of this aspect of the proposal.

6. Prior to occupation of the development hereby approved all landscaping and tree planting works shall be carried out in accordance with the approved landscaping scheme. Thereafter, any tree or shrub contained within the approved landscaping scheme dying or being damaged, removed or becoming seriously diseased within 5 years of the completion of the development shall be replaced in accordance with the approved landscaping scheme, or with such other species as may be agreed in writing with the local planning authority.

REASON: In the interest of visual amenity and to ensure the survival of the landscaping scheme in the medium term.

7. The approved refuse storage areas shall be constructed and made available for use prior to first occupation of the development and thereafter retained unless otherwise agreed in writing with the local planning authority.

REASON: To make and retain satisfactory provision for the storage of domestic waste in the interest of the amenity of occupiers of the development.

8. Prior to the laying of any internal roads within the site, demonstration that the roads can support a 32 tonne refuse collection vehicle shall be submitted to the local planning authority.

REASON: To ensure that refuse can be collected from the approved storage areas.

9. Prior to first occupation of the development, details of a scheme for the provision of bird and bat boxes within the site, prepared by a suitably qualified ecologist, shall be submitted to and approved in writing by the local planning authority.

REASON: In the interest of preserving and enhancing the ecological value of the site.

10. The bird and bat boxes shall be installed in such locations as may be approved prior to first occupation of the development.

REASON: In the interest of preserving and enhancing the ecological value of the site.

11. No trees shall be removed from the site during the bird breeding season (March to September inclusive).

REASON: To prevent disturbance to breeding birds in the interest of preserving the ecology of the area.

12. The approved car parking layout shall be provided, hard surfaced and drained in accordance with SuDS principles prior to first occupation of the development. Thereafter, the car parking areas shall be retained for the parking of vehicles of occupiers of and callers to the apartments and not used for any other purpose.

REASON: In the interest of sustainable drainage and to ensure the provision and retention of adequate off-street parking facilities.

13. The approved cycle parking and storage facilities shall be provided and made available for use prior to first occupation of the development. Thereafter, these areas shall be retained for the purpose of cycle parking or storage and not used for any other purpose.

REASON: To make and retain satisfactory provision for cycle storage, in order that occupiers of or visitors to the site are not deterred from travelling by bicycle due to the absence of somewhere suitable to leave it.

14. Prior to the first occupation of each apartment, the Developer shall be responsible for the provision of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six (6) All Essex Scratchcard tickets, to the occupier(s) of that apartment.

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with Policy EC2 of the adopted Local Plan.

15. Confirmation of issue of the Residential Travel Information Packs to the occupier(s) of each apartment shall be submitted to and approved in writing by the local planning authority within three months of the last pack being issued. Such details shall include the date of occupation of each apartment, together with the date the pack was provided to the occupier(s).

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with Policy EC2 of the adopted Local Plan.

16. Prior to first occupation of the development, the existing vehicular access to the A13 shall be closed and the footway reinstated.

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

17. This permission should be read in conjunction with Section 106 Legal Agreement dated contemporaneously with this permission.

REASON: In order to ensure:

- the upgrading of Catherine Road to an adoptable highway standard insofar as it serves the proposed development
- proposed scheme for Block 1 to be Affordable Housing in perpetuity, and its transfer to a Registered Provider on its completion
- appropriate amendments to the Section 106 Agreement dated 21st February 2014 to reflect this new scheme

Informatives

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

ITEM 4

Application Number:	15/0730/FULCLO
Address:	Crucible House Endway Hadleigh Benfleet Essex (St. James')
Description of Development:	Erection of three storey rear extension and second floor extension over existing building
Applicant:	Esslab
Case Officer	Mr Keith Zammit
Due Date	08.01.2016
Extended Date	

Summary

The application seeks permission to extend the existing commercial building into the adjoining car park.

Whilst there are some deficiencies in respect of the proposal as discussed in this report, in all the circumstances it is considered unlikely that reasons for refusal on this basis would be supported on appeal. The application is therefore recommended for **APPROVAL**.

The application is presented to the Committee as the Council has a legal interest in the land required to extend the building.

Site Visit

It is not considered that Members need to visit the site in order to determine the application.

Introduction

The application relates to the building known as Crucible House, a two storey flat roofed building, located on the western side of Endway, a narrow one way street with traffic flow in a southerly direction from High Street to Castle Lane.

The building adjoins Endway House to the south which is a two storey pitched roofed building. A Council car park is located to the west and the McDonalds single storey building and associated car parking and drive-thru are located to the north. To the east, on the opposite side of Endway, is a block of flats known as 'Steeple Gate' which is a four storey building.

The Proposal

Permission is sought for the erection of a second floor extension over the existing two storey building, together with a three storey rear extension into the car park, to provide improved office, storage and canteen facilities. It is understood that the proposals will allow the existing business to remain in Hadleigh and expand to reflect increased work.

The rear extension depth would be 10m, 6.7m wide and some 9.3m high.

Supplementary Documentation

There is none accompanying the application.

Planning History

This proposal has been the subject of pre application meetings.

Relevant Government Guidance and Local Plan Policies

National Planning Policy Framework

Paragraphs 18 to 23, 39, 56 to 58.

Adopted Local Plan

The land is allocated for shopping and car park use on the Proposals Map accompanying the Local Plan. The site is within the identified Town Centre, but is not identified as a primary shopping frontage.

The following policies are applicable;

S4 – Non-retail development

EC2 – Design

EC3 – Residential amenity

T8 – Parking standards

Consultation

Legal Services

No objection.

The land would need to be sold, leased or licensed to the applicant.

Public Consultation

Three objection letters received (two from the same writer) making the following points:

- additional overlooking of existing apartments
- loss of sunlight to existing apartments
- the provision of balconies suggests possible residential use

Comments on Consultation Responses

- The application is not for residential use of the extended accommodation; however a condition is recommended to be imposed to prevent future change of use under permitted development rights.
- The potential future sale or lease of the Council-owned land is not a matter for consideration from a Development Control perspective.

Evaluation of Proposal

The main issues with this application are the principle of extensions to this commercial building, the design, impact on surrounding properties and parking implications.

Principle

The application site and land to the rear on which it is proposed to construct the proposed rear extension, is allocated for shopping and car park purposes on the adopted Local Plan Proposals Map. The Council's Local Plan Policy S4 states that uses falling within Classes A2, A3, B1, D1 and D2 will be permitted within town centres, outside of primary shopping frontages, subject to any other relevant policies in the plan. This is consistent with paragraph 23 of the NPPF.

Crucible House is used for Class B1 purposes and the proposed extension will enhance and facilitate this use. The proposed extension is therefore consistent with the principles enshrined in Policy S4.

The application would necessitate the extension of the building over part of a public car park. This would result in the permanent loss of the land for car parking purposes. However, as this land carries a dual allocation of shopping and car parking, it is not considered that a sustainable objection can be raised to the principle of the proposed the change of use of this land.

No objection is therefore raised to the proposal in principle.

Design

Policy EC2 of the Local Plan seeks a high standard of design in all alterations to existing buildings. This is consistent with paragraphs 56 to 58 of the NPPF.

The adjacent apartment building is four storeys in height. In the context of this, it is not considered that there can be an objection in principle to the provision of a three storey building on this site.

The proposal would involve the provision of a part curved, part flat roof which is of a more modern appearance than the current flat roofed structure. This is considered to reflect the nature of the business within and also displays resonance with the apartments nearby.

Viewed from the car park, the building as extended would extend beyond the rear of the adjoining property, Endway House, quite significantly and would appear as a relatively prominent feature in the townscape, breaking away from the general run of buildings along the western side of Endway, made up of Endway House, Crucible House and McDonalds. This would be a visually striking feature, viewed from the public realm of the public car park and also from Homestead Gardens. However, taking into account the Government guidance in the NPPF that the planning system should do everything it can to support sustainable economic growth; it is considered that a design objection to the proposal would be unlikely to enjoy support at appeal.

No objection is therefore raised to the proposal in terms of its layout and design.

Impact on surrounding properties

Policy EC3 of the Local Plan states that the Council will resist proposals that would have a significant adverse effect on the residential amenity of the surrounding area by reason of traffic, noise, fumes or other forms of disturbance.

Although the site is within Hadleigh Town Centre it is located in a mixed residential and commercial area. The closest residential properties to the development are within Steeple Gate, on the opposite side of Endway. The proposed second floor extension to the building would have some impact on natural light to these flats; however, the proposed works are quite limited in width and it is not considered that the impact on natural light received within the flats would be so injurious as to have a significant detrimental impact on the health and amenity of those occupiers.

The new second floor office accommodation would open out onto a balcony facing Endway which would extend to within 11m of the side elevation of Steeple Gate.

Balconies are not usually associated with office uses. Such a feature could be said to unnecessarily increase overlooking of nearby residential properties. However, in this particular

instance, the west facing elevation of Steeple Gate has balconies facing in the direction of the proposed development, so any overlooking might be said to be mutual.

Furthermore, Council guidelines relating to overlooking are not normally applied across roads. The carriageway of Endway is located between the apartments and the proposed development.

It must also be remembered that town centre locations tend to have higher density development than surrounding suburban areas, and occupiers choosing to move into town centre apartments must be aware that standards of amenity and privacy enjoyed in suburban areas may not always be achievable. In all the circumstances, it is not considered that an objection to the proposal on the basis of its impact on adjacent residents would be supported on appeal.

To the west, the closest dwelling is 6 Homestead Gardens, which is located some 13m from the proposed development. At this distance it is considered that the proposed building would be set sufficiently well away from that dwelling that there would not be a significant impact on it through dominance or overshadowing.

The new second floor construction would feature windows and a balcony to the rear elevation which would be located a minimum of some 10.5m from the boundary with the adjacent residential property. Usually, at second floor level, within residential areas, a distance of 15m would be sought for this type of physical relationship. A lesser provision would normally be said to cause unacceptable overlooking of adjacent residents. In this situation however, as has been discussed in respect of the adjacent residential flats, town centre locations by their nature tend to be more densely developed than residential areas and although the properties in Homestead Gardens have a residential allocation in the local plan, they are on the fringe of a town centre and some degree of intrusion from commercial uses cannot be avoided. Under these circumstances, it is not considered that an objection to the proposal on the basis of overlooking could be robustly defended at appeal.

The buildings to the north and south of this site are commercial so are not considered to be so sensitive to overlooking and dominance impacts from the proposed construction.

It is possible that additional traffic may be attracted to the area as a result of the enlargement of the existing commercial building. In the context of the surrounding area with its existing public car park and McDonald's restaurant and 'drive thru', which already generate a relatively high level of vehicular activity, it is not considered that the impact of additional traffic from the commercial extensions would be so significant as to have a detrimental impact on the amenity of adjoining residents.

Parking implications

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

The currently adopted standards require the provision of a maximum of 1 car parking space per 30m² for this type of use. This proposal would increase the floor area of the premises by 221m² which generates a requirement for a maximum of eight additional parking spaces. No additional on-site parking is proposed (or possible) as part of this application. Furthermore, the proposed development would result in the loss of four spaces from the existing public car park. The proposed development therefore results in a potential for greater occupancy of the building, whilst at the same time decreasing the number of off-street parking spaces in the area to serve it.

However, it must be borne in mind that the application site is located within a town centre with opportunities to access the site by public transport. It is therefore considered to be in a sustainable location where parking standards may be applied flexibly. Under these circumstances, it is not considered that an objection on parking grounds would be supported on appeal.

Cycle parking should be provided at a rate of 1 space per 100m² for staff and 1 space per 200m² for visitors. Three staff and two visitor cycle parking spaces are therefore required. The provision of cycle parking at this site is not practically possible due to its constrained nature. This is regrettable as the provision of cycle parking could go some way to offsetting the lack of car parking, by making cycle journeys to the site more attractive. However, it is not considered that this deficiency in the scheme would be of sufficient weight to justify refusal of consent.

There is no objection to the proposal on the basis of car and cycle parking provision.

Conclusion

Although the proposal is considered to demonstrate some shortcomings in respect of its design and siting, impact on surrounding properties and the impact on car parking provision, in this particular location and in the light of Government advice on the encouragement of sustainable economic development and the need to enhance and maintain local employment opportunities, it is not considered that a reason for refusal based on the identified minor deficiencies would be sustained on appeal.

The application is therefore recommended for **APPROVAL** subject to conditions.

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

My **RECOMMENDATION** is: **APPROVAL**, subject to the following conditions:

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

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

2. The development hereby approved shall be built wholly in accordance with the approved materials.

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

3. The extended accommodation hereby approved shall not be used for a purpose falling within Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended), or the equivalent provisions of any statutory instrument revoking, amending or re-enacting that Order, without the formal consent of the local planning authority.

REASON: The separation distances provided between this development and existing residential properties fall short of that normally required for residential development. Although this has been deemed acceptable for office accommodation, there is potential for the building to be occupied for longer periods of time were it used for residential purposes, leading to increased overlooking and loss of privacy to adjacent residents.

Informative

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

ITEM 5

Application Number:	15/0772/FUL
Address:	Thames Court Western Esplanade Canvey Island Essex SS8 0AY (Canvey Island South)
Description of Development:	Additional 3rd floor containing 2 No. 1 bedroom flats
Applicant:	Ryga Properties
Case Officer	Mr Keith Zammit
Due Date	29.12.2015
Extended Date	

Summary

The application seeks permission for the provision of two additional flats over the existing three storey building. Whilst there are no objections in principle to additional flats, the proposal is considered to be of unsatisfactory design and is therefore recommended for **REFUSAL**.

The application is presented to the Committee at the request of Councillor Campagna, in order for the Committee to consider the need for additional dwellings in the borough, as well as the effect of the development on the surrounding area.

Site Visit

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

Introduction

The application building is a three storey, flat roofed, block of nine flats located on the eastern corner of the junction of Western Esplanade and Beachway, which has bollards preventing the passage of through traffic approximately 40m north of Western Esplanade. It has car parking and garaging to the rear, accessed from Beachway. To the east of the site is a three storey pitched roofed block of flats at Kent View Court. To the west, across Beachway, is a part single/part two storey block of flats with a pitched roof. To the north are the rear aspects of bungalows on Beachway.

The Proposal

Planning permission exists for the formation of two additional one bedroomed flats over the existing building (CPT/671/12/FUL approved 29/07/2013). Permission is now sought for a revised application for the provision of a part pitched, part flat roof to the existing flat roofed building within which would be provided two one-bedroomed flats, served in part by the provision of dormers.

The maximum overall height of the building as enlarged would be 11.8m (previously refused at 12.7m and approved at 12m).

Materials are stated on the application form as to match the existing building; however this is confusing as the building does not currently have a pitched roof.

Supplementary Documentation

The application is accompanied by a Flood Risk Statement which is available to view on the Council's website.

Planning History

CPT/404/12/FUL - Roof extension to provide one self contained one bedroomed flat. Approved 24.10.2012.

CPT/671/12/FUL - Roof extension to provide two self contained one bedroomed flats. Approved 29.07.2013

CPT/114/14/FUL - One bedroomed flat over part of the existing building. Refused on design grounds. 22.04.2014

14/0748/FUL - Roof extension to provide two self contained one bedroomed flats. Refused due to excessive height. 06.03.2015.

Relevant Government Guidance and Local Plan Policies

The site is allocated for residential purposes on the Proposals Map accompanying the Local Plan. The following policies and guidance are of relevance:

National Planning Policy Framework

Paragraphs 39, 56-58

Current Local Plan

EC2 - Design

T8 - Parking

Residential Design Guidance

RDG3 – Building lines

RDG5 – Privacy and living conditions

RDG6 – Amenity space

RDG7 – Roof development

RDG12 – Parking and access

RDG13 – Refuse and recycling storage

Consultation

Legal

No objection

Refuse and recycling

No comments received

Canvey Town Council

No comments received

Public Consultation

No response to neighbour notification

Evaluation of Proposal

Given that planning permission exists for the provision of a roof extension to form two additional flats at this site, there can be no objection to the principle of such a form of development on this site. The main issue here is whether the revised design would have an adverse impact on the visual amenity of the area.

The approved scheme had a maximum height of some 12m with a lower section of 11.7m. The current scheme would have a maximum height of some 11.8m. The proposed scheme therefore compares favourably with the permitted scheme in terms of its height.

In terms of its design, however, the current scheme is less acceptable. In order to provide a lower overall height, a redesign of the roof has been undertaken, involving a re-positioning of dormer window features relative to the roof verges, and a flat roof element has also been introduced. This is evident on the side and rear elevations. Such a roof form and design is at variance with its surroundings and contrary to the Council's Local Plan Policy EC2 on design, guidance at RDG7 and Government guidance within the National Planning Policy Framework, particularly paragraph 58, which states that developments should respond to local character and reflect the identity of local surroundings and materials, as well as being visually attractive as a result of good architecture.

An objection is raised accordingly.

Other matters

The applicant has submitted a Flood Response Plan with the application (as part of the Flood Risk Statement). The proposed flats are at third floor level and not liable to be flooded by sea water should the sea defences around the Island be breached or overtopped. However, it is still desirable for occupiers of the flats to be aware of how to react to a flood warning or flood water appearing around the building.

The Flood Response Plan that has been submitted appears to be for a two storey dwellinghouse. It is not therefore suitable for the proposed flats. Were permission granted, a condition should be imposed to require submission and approval of a new Flood Response Plan.

The proposal provides two additional parking spaces to the side of the property, which reflects parking provision made for the existing flats. No objection is therefore raised to the proposal on the basis of inadequate parking.

The proposal does not provide any amenity area for the proposed flats which would ordinarily attract a recommendation of refusal. However, it should be noted that the existing site has no amenity space provision, but is located opposite a large area of accessible Public Open Space. As such it is not considered that a reason for refusal based on inadequate amenity area provision could be sustained on appeal.

There are no other matters arising as a result of the changes to the plans.

Conclusion

The proposed additional flats are considered to produce a roof design that is uncharacteristic of the area and would be detrimental to the visual amenity and character of the area and are therefore recommended for **REFUSAL**.

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 Refusal for the following reason

1. The proposal would result in the provision of a roof design that would be uncharacteristic of the area and detrimental to the visual amenity of the area, contrary to Policy EC2 of the Castle Point Borough Local Plan, RDG7 of the Council's Residential Design Guidance and Government guidance as expressed in the National Planning Policy Framework.

Informative

1. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal.

ITEM 6

Application Number:	15/0910/FUL
Address:	Nashlea Farm, Poors Lane, Benfleet, Essex SS7 2XF (Victoria)
Description of Development:	Demolition of existing buildings and construction of 6No. detached houses and associated facilities
Applicant:	EA And BA Wisbey
Case Officer	Mrs Ishita Sheth
Due date	08.01.2016
Extended Date	

Summary

The application seeks permission for the residential redevelopment of a site located within the Green Belt.

The proposed redevelopment of the site has a materially greater impact on the openness of the Green Belt than existing development, and would consequently constitute an inappropriate form of development.

It is not considered that any very special circumstances necessary to justify inappropriate development in the Green Belt can be identified in this case.

Approval of the proposal would be contrary to the guidance contained in the NPPF and Policy GB3 of the Adopted Local Plan.

The agent has stated that the current proposal seeks to reduce the footprint of the dwellings from the previously refused proposal (14/0737/FUL). The footprint of the dwellings at - Plots 1 and 6 have been reduced from 206.06m² to 192m², Plots 2 and 5 have been reduced from 196.5m² to 185.6m², Plots 3 and 4 have been reduced from 162.6m² to 155.1m². These marginal changes have been achieved by reducing the size of the proposed garages. It is not considered that such a minimal reduction in the footprint of the dwellings results in significant reduction in the size and mass of the dwellings. It is not therefore considered that the revised proposal overcomes the earlier reason for refusal.

It is therefore considered that the proposal still results in significant harm to the openness of the Green Belt.

The proposal is therefore recommended for **REFUSAL**.

Councillors Riley and Sharp have requested that the application be presented to the Committee in order for the Committee to consider the need for more dwellings and the effect of the development on the Green Belt.

Site Visit

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

Introduction

This application relates to a site located on the east side of Poors Lane, some 160m south west of its junction with Bramble Crescent. It has an area of just under 1 hectare.

The site is currently occupied by a hard surfaced yard area with a collection of single storey workshop style buildings and a large modern barn. These buildings form the basis for a potato packing and distribution business. No agricultural activity is undertaken on the site and indeed one of the units is occupied by a car repair facility. The Planning Authority does not hold any records in respect of this use on the site.

Car parking and loading/unloading takes place on the hard surfaced areas.

A large paddock is situated to the south of the yard area. This is also within the control of the applicant. To the south-west of the site is a two storey detached dwelling house.

The site is surrounded by significant tree cover to the north, by dwellings in large plots to the east, by tree cover to the south east and south (part of the Hadleigh Great Wood Site of Special Scientific Interest), and by a substantial dwelling to the west also facing Poors Lane.

The Proposal

The proposal seeks to demolish the existing commercial/agricultural buildings and redevelop the site with six large detached houses. Plots 1, 3, 4, 6 are each proposed to have a detached garages and Plots 2 and 5 are proposed to have integral garages.

A 5.8m wide shared surface is proposed along the northern boundary of the application site which would provide vehicular access to the dwellings, which are of traditional design. The dwellings have varied footprints. Plots 1 and 6 are two storey in height whilst plots 2, 3, 4 and 5 are two storey with rooms in the roof. The dwellings range in height from 8.4m to 9.8m.

Materials for the dwellings are proposed to be facing brickwork; render, weatherboard cladding and fibre cement slate roof tiles.

A separate access is proposed to be retained to the field to the south.

Supplementary Documentation

The application is supported by the following documents which are viewable on the Council's website:

- o Planning Statement
- o Schedule of Materials

Planning History

15/0737/FUL – Demolition of existing buildings and construction of 6 No. Detached dwellings and associated facilities. Refused on 4th March 2015 for the following reasons:

1. The site is allocated as Green Belt in the adopted Local Plan. National Planning Policy as set out in the National Planning Policy Framework states that development of the type proposed is not appropriate within the Green Belt and will only be permitted if very special circumstances exist which outweigh the harm to the Green Belt. It is not considered that any

very special circumstances have been demonstrated to justify the proposed development, the approval of which would be detrimental to the openness, character and strategic function of this part of the Green Belt, contrary to National Planning Policy as set out in the National Planning Policy Framework.

2. The proposed development by reason of its tight layout would not be in keeping with the rural character of the area which comprises of scattered development. It is considered that this would result in significant detriment to the character and appearance of the area contrary to Policies EC2 and H9 of the Council's Adopted Local Plan.

CPT/760/00/FUL – Demolish existing and fire damaged building and construct pitched roofed building for use as potato store. Approved on 9th January 2001.

CPT/391/74 - Erection of potato store. Approved on 15th October 1974.

Local Plan Allocation

Green Belt

Relevant Government Guidance and Local Plan Policies

The following policies and guidance are applicable.

National Planning Policy Framework (NPPF)

Paragraphs: 79, 80, 89

National Planning Practice Guidance

Para 034 – Unmet Housing Needs and Green Belt

Castle Point Borough Council Adopted Local Plan 1998

GB3 - Redevelopment or Replacement of Industrial Development

EC2 – Design

EC3 – Residential Amenity

H9 – New Housing Densities

H10 – Mix of Development

H17 – Housing Development – Design & Layout

T8 – Car Parking Standards

Residential Design Guidance

RDG1 – Plot size

RDG2 – Space around dwellings

RDG3 – Building Lines

RDG5 – Privacy and living conditions

RDG6 – Amenity space

RDG7 – Roof Development

RDG12 – Parking and Access

RDG13 – Refuse and Recycling Storage

Essex Planning Officers Association Vehicle Parking Standards – C3 (September 2009)

Consultation

Essex County Council – Highways

No objection subject to conditions.

Refuse and Recycling Officer

No objections.

Environmental Health Officer

No comments received

Anglian Water

No comments received

Essex and Suffolk Water

No comments received

Public Consultation

No comments received

Comments on Consultation Responses

None

Evaluation of Proposal

The main planning issues raised by this proposal are:

- o The principle of residential development on this Green Belt site
- o The existence of 'Very Special Circumstances'
- o The principle of redevelopment of existing commercial buildings
- o Layout, design, appearance and amenity considerations

The principle of residential development on this Green Belt site

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

National policy as expressed in the National Planning Policy Framework (NPPF) and local policy as described in the Adopted Local Plan, clearly indicates that the construction of dwellinghouses is inappropriate in the Green Belt.

The NPPF goes on to explain that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances.

There are however exceptions to this general approach as set out in paragraph 89 of the NPPF, covering for example the construction of new buildings for agriculture, forestry or for appropriate facilities for outdoor sport and recreation.

A further exception is described in bullet point 6 of paragraph 89 as follows:

'Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use, (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.'

The test therefore to be applied in this case is whether the proposed development could be considered to comply with this exception and if not whether very special circumstances could be said to apply which might otherwise justify inappropriate development.

The exception described in bullet point 6 makes clear that the partial or complete redevelopment of previously developed sites may only be considered acceptable if there is no greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

In this case a large storage barn and a collection of smaller buildings in a relatively compact yard area would be replaced with a housing estate comprising six large detached dwellings, four of which would have detached double garages.

The housing estate would be suburban in scale and nature with a standard shared surface access road. Each dwelling house would be provided with a front and rear garden area.

The significant size of the dwellings and their plots, and their dispersal across the site, will inevitably have a greater impact on the openness of the Green Belt in this location and would have a significant urbanising effect on land, only part of which is currently developed.

When further account is taken of other urbanising features likely to occur on the plots, such as the erection of outbuildings, fencing and other domestic paraphernalia, the effect of the development on the openness on the Green Belt is likely to be pronounced and unacceptable.

The existence of 'Very Special Circumstances'

Having found that the development is contrary to policy, the second test to apply is whether there are any very special circumstances applicable to the case which could justify an exception to policy.

This Authority defines very special circumstances as those which are individual or unique to the particular site, or at the very least incapable of frequent repetition.

The applicant has advised that redevelopment of the site will enable the existing business to relocate. This is necessary, if the business is to expand, as currently the width of local access roads, which are difficult for larger commercial delivery vehicles to negotiate, is posing an increasing limitation on the continuation of the business on this site. The applicant confirms that the scale of development proposed is necessary to give effect to the relocation proposal.

Whilst the aspirations of the applicant are noted, the desire to realise a commercial asset in order to facilitate the relocation of a business to a site more suited to its needs is not considered to represent a circumstance which is unique to the site or incapable of frequent repetition. It does not therefore represent a very special circumstance sufficient to justify inappropriate development in the Green Belt.

The applicant further states that replacement of the commercial use with residential development will significantly reduce overall impact on adjoining residents, both visually and

environmentally as a consequence of the removal of heavy goods vehicles accessing the site via Poors Lane, and the benefit to be derived from utilising a brownfield site. Each point has some intrinsic merit but individually and cumulatively is of insufficient weight to set aside national Green Belt policy.

The applicant has suggested that the existing visual screening of the site, coupled with the proposed gardens replacing the existing hard surfaced areas, would help improve the openness of the Green Belt. Consequently the applicant is of the view that the scheme would not have any negative visual impact on the area or the openness of the Green Belt.

The applicant has also advised that following the revision to the footprint of the development, the proposal would cover less of the site than the existing development and as such would have no greater impact on the openness of the Green Belt. This statement fails to grasp the fact that impact on the openness of the Green Belt must be considered in three dimensional terms. Impact on the openness of the Green Belt is not simply a matter of how much of the surface of the site is covered, but how the mass, scale and disposition of the proposed development impacts on the Green Belt. In this case, whilst it is acknowledged that there are a number of buildings on the site, these are largely confined to the western part of the site and have a maximum height of some 7m. The proposed development would extend across the entire northern edge of the site and would have a maximum height of some 9.5m. The combination of increased mass, scale and disposition have a significant adverse impact on the openness of the Green Belt and the applicant's assertion that no harm to the openness of the Green Belt would arise as a consequence of the proposed development cannot be supported.

The primary objective of the Green Belt is that it be maintained free from development in order to perform its strategic function. In order to achieve the objectives of the Green Belt the land must retain its openness. The applicant's assertion that a change from commercial to residential use will maintain the openness of the Green Belt is also considered to be fundamentally flawed in that the redevelopment of the site will result in a greater level of development, across a larger proportion of the site. As a matter of fact the proposal will therefore result in a diminution of the openness of the Green Belt at this location. It is not considered that the existing screening and the provision of residential gardens would mitigate this impact.

Furthermore, it should be noted that there are many sites within the Borough where commercial uses exist within the Green Belt. It is considered that the proposed replacement of small scale buildings, albeit of a commercial nature, with large two/three storey dwellings, would result in a detrimental cumulative impact on the openness of the wider Green Belt. The aspiration to redevelop a commercial site is not therefore a unique or necessarily limited situation and consequently not a very special circumstance sufficient to outweigh harm to the Green Belt.

The statement supporting the application suggests that there would be a benefit to be derived from utilising a brownfield site as a windfall opportunity having regard to the current housing shortfalls in the Borough. However the National Planning Practice Guidance at paragraph 034 states;

'Unmet housing need (including for traveller sites) is unlikely to outweigh the harm to the Green Belt and other harm to constitute the "very special circumstances" justifying inappropriate development on a site within the Green Belt'.

It should in addition be remembered that the proposed development seeks to provide only 6 dwellings. This does not represent a strategically important contribution to housing supply, sufficient to warrant inappropriate development in the Green Belt.

It is not therefore considered that the identified deficiency in housing land supply or the provisions of the NPPF in this respect create the very special circumstances needed to justify inappropriate development on this site.

Overall, it is not considered that any of the conditions identified by the applicant represent the very special circumstances required to justify inappropriate development in the Green Belt.

The proposal should therefore attract a recommendation of refusal.

The principle of redevelopment of existing industrial/agricultural buildings

Policy GB3 of the Adopted Local Plan indicates that the redevelopment of agricultural buildings for residential purposes will not be permitted. The reasoning behind the policy follows the analysis provided above - in that such development is likely to lead to an intensification of built development and urban sprawl in the Green Belt.

While it might be argued that the tone of Policy GB3 is inconsistent with bullet point 6 of paragraph 89 of the NPPF, it is highly relevant where a proposed development is likely to have a greater impact on the openness of the Green Belt as is the case with this proposal.

It is also considered highly relevant that the applicant has confirmed that the site and the buildings thereon do not form part of an agricultural operation. It is simply an industrial use.

Design, layout, appearance and amenity considerations

Policy EC2 of the Adopted Local Plan relates to design and requires a high standard of design in relation to new buildings. It requires development to be of a scale, density, siting, design, layout and of external materials which are appropriate to its setting and which do not harm the character of its surroundings. It further requires the appearance and treatment of spaces around buildings to be enhanced by appropriate hard and soft landscaping.

Policy H17 states that in assessing the design aspects of proposals for housing, the Local Planning Authority will have regard to its adopted design guidelines, the Residential Design Guidance (RDG). These policies are considered to be in compliance with the National Planning Policy Framework (NPPF).

The proposed development is of a relatively good design in itself and visually of a good standard. Facing brickwork, weatherboarding, render and roof slates would have an acceptable visual appearance.

No objection is raised in pure design terms to the proposal under Policy EC2.

Government Guidance makes clear that density is a relevant consideration in the determination of applications. Policy H9 of the Adopted Local Plan is concerned with housing densities. It states that the optimum density for any site will be the number of dwellings capable of being accommodated whilst ensuring that the development will not be harmful to the character of the site and its surroundings including any natural features and attributes, and that the layout is both functional and attractive with adequate building lines, landscaping, setting for the building, and space around the building.

The proposed scheme is a comprehensive development which is seeking to create its own character and layout and overall meets the requirements laid out in 'Residential Design Guidance' in respect of building lines, setting and relationships of the dwellings, amenity area, landscaping, garage sizes and space around the buildings. In respect of privacy and

overlooking, the windows proposed in the flank elevations of the proposed dwellings can be suitably conditioned to be obscure glazed and fixed shut without adversely impacting on the internal living conditions of the dwelling.

The application site is some 0.99 ha; the development provides a density of some 6 dwellings per hectare. In the context of the surrounding area, which is rural in nature with scattered development, it is considered that this density would be inappropriate and inconsistent with the character of the area. An objection is therefore raised to the proposal on this basis.

Policy H10 sets out that the Council will expect an appropriate range of dwelling types in order to satisfy a variety of housing requirements. This proposal contains only four and five bedroomed houses; however within a relatively small development such as is proposed, and within the context it is intended to provide, it is not considered that the provision of a variety of housing types and sizes would be considered appropriate. No objection is therefore raised to the proposal on this basis.

Other matters

Ecology:

Policy EC22 states that in schemes for new development, 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. All trees and shrubs to be retained after development shall be suitably protected throughout the duration of construction.

The site has a significant number of trees along the northern boundary. The submitted site layout plan indicates that none of these trees are to be removed.

Subject to a condition requiring the retention of these trees and their protection during construction, no objection is raised to the proposal under Policy EC22.

Contamination:

The existing commercial nature of the site may have contamination implications. No information has been provided in respect of potential contamination however, such information can be required to be submitted by imposing a condition on any consent granted.

Refuse and Recycling:

RDG13 relates to the provision of refuse and recycling storage facilities.

The submitted plans do not indicate where the refuse and recycling storage facilities are to be located. No comments have been received from the Refuse and Recycling Officer. However, taking into consideration that a shared surface road would serve the proposed dwellings and there can be potential issues for refuse vehicles to access this private road within the site; details of a suitable and appropriate refuse and recycling facility for the development will be required. This can however be required by condition.

Subject to such a condition, no objection is raised in respect of refuse and recycling facilities.

Drainage:

In respect of drainage, there is no mains drainage in the vicinity of the site; therefore sealed cesspool arrangements are proposed. Under the circumstances, where the development is proposing to make its own drainage provision, it is not considered that any drainage improvements can be required of the developer.

Conclusion

The proposed redevelopment has a materially greater impact on the openness of the Green Belt than existing development and would consequently constitute an inappropriate form of development, which if allowed would be likely to have an adverse impact on the openness of the Green Belt contrary to Policy GB3 of the Adopted Local Plan and national policy as set out in NPPF. No special circumstances have been advanced which carry sufficient weight to overcome the policy objection.

The proposal therefore attracts a recommendation of **REFUSAL**.

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 Refusal for the following reasons:

1. The site is allocated for Green Belt purposes in the adopted Local Plan. National Planning Policy as set out in the National Planning Policy Framework states that development of the type proposed is not appropriate within the Green Belt and will only be permitted if very special circumstances exist which outweigh the harm to the Green Belt. It is not considered that any very special circumstances have been demonstrated to justify the proposed development, the approval of which would be detrimental to the openness, character and strategic function of this part of the Green Belt, contrary to National Planning Policy as set out in the National Planning Policy Framework.
2. The proposed development by reason of its tight layout would not be in keeping with the rural character of the area which comprises of scattered development. It is considered that this would result in significant detriment to the character and appearance of the area contrary to Policies EC2 and H9 of the Council's Adopted Local Plan.

Informative

1. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal.

ITEM 7

Application Number:	15/0961/FUL
Address:	Land Adjacent To 1 Norwood Drive Benfleet Essex SS7 1LJ (Boyce)
Description of Development:	Demolition of detached garage and construction of 1 No. detached house (revision to 15/0647/FUL)
Applicant:	Parquez Development Limited
Case Officer	Mrs Ishita Sheth
Due Date	15.01.2016
Extended Date	

Summary

Planning permission is sought for the demolition of an existing detached garage and the construction of a three bedroomed detached chalet.

It is considered that the proposed development, by reason of its position on site, substantially in advance of the established building line to Essex Way, coupled with its mass and scale, would appear as an incongruent and overly prominent feature in the street scene, out of character with, and detrimental to, the pattern of development in the area.

The proposal is therefore recommended for **REFUSAL**.

The application is presented to the Committee at the request of Councillor Sharp, in order for the Committee to assess the impact of this development on the surrounding area.

Site Visit

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

Introduction

This application relates to a site located on the western side of Norwood Drive, at the junction with Essex Way. The site contains a detached garage and is enclosed by a 1.8m close boarded fence. The southern boundary of the site is defined by Leylandii trees.

The site is irregular in shape with a frontage of some 9.8m and a maximum depth of some 30.5m.

The character of the area in the vicinity of the application site is a mixture of detached and semi-detached bungalows, many of which have been altered to provide rooms in the roof.

Residential properties are located immediately to the north, east and west of the site, with further residential development to the south on the southern side of Essex Way.

The Proposal

Permission is sought for the erection of one detached three bedroomed chalet. The building would have a width of some 6.9m, a depth of some 11.8m and a maximum height from ground level of some 6.3m.

The dwelling is pitched roofed with two cat-slide dormers to the southern roof plane.

The dwelling would have a bedroom, bathroom, living/kitchen/dining area and utility room at ground floor level and two bedrooms and an en-suite at first floor level.

Supplementary Documentation

None

Planning History

CPT/13540/82/OUT - Detached Chalet and Garage. Refused 08.12.82

CPT/1448/82/OUT - Detached Bungalow and Garage. Refused 27.01.83

CPT/158/83 - Pitched roofed double garage. Refused 10.03.83

CPT/783/92 - Pitched roofed double garage. Refused 31.10.92

CPT/294/92/OUT - Detached Bungalow Refused 25.05.92. Appeal dismissed 11.08.1992

CPT/743/00/FUL - Garage. Approved 17.01.01

CPT/62/01/OUT - Bungalow. Refused 14.03.01. Appeal dismissed 08.11.01

CPT/387/02/FUL - Double Garage. Approved 22.07.02

15/0647/FUL - Demolition of detached garage and construction of one detached house. Refused on 12.10.2015 for the following reasons:

1. The proposed development, by reason of its position on site, substantially in advance of the established building line to Essex Way, would appear as an incongruent and overly prominent feature in the street scene, out of character with, and detrimental to, the pattern of development in the area, contrary to Policy EC2 and RDG3 of the adopted Local Plan and Government guidance as expressed in the National Planning Policy Framework.

Local Plan Allocation

Residential

Relevant Policies and Government Guidance

National Planning Policy Framework

Paragraphs 17,39, 53 and 60

Local Plan

H1 Residential Development

EC2 Design

H17 Housing standards

T8 Car parking - Essex Car Parking Provision – C3 uses

Residential Design Guidance

RDG1 Plot size

RDG2	Space around the building
RDG3	Building lines
RDG4	Corner plots
RDG5	Privacy and living conditions
RDG6	Amenity Space
RDG12	Parking and access

Consultation

Highway Authority

No objection subject to conditions.

Public Consultation

Neighbour Responses

Objections have been received from the following addresses:

Essex Way: 141, 154

Norwood Drive: 1, 3

which make the following comments:

- Proposal is the same as the previously refused one
- Proposal should be refused for the same reasons as with all the previous applications
- Does not respect established building line
- Flooding occurs in this location
- Potential for accidents given proximity to junction
- Proposal will obstruct light to the adjoining property
- Applicant has stated that this development is not within 20m of a watercourse which is incorrect
- Screening to bottom of development bears no resemblance to drawing 630.06

Comments on Consultation Responses

There is no right to light under planning legislation and loss of light cannot therefore represent a robust objection to the proposal.

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

Evaluation of Proposal

Policy H1 states that land allocated for residential purposes should be retained for such purposes. The land is allocated for residential purposes in the adopted Local Plan and the use of the site for residential purposes is therefore acceptable. No objection is therefore raised to the principle of residential development on this site.

Policy EC2 of the adopted Local Plan states that a high standard of design will be expected of all new buildings. Policy H17 states that in assessing the design aspects of proposals for housing, the Local Planning Authority will have regard to its adopted design guidelines (RDG). These policies are considered to be in compliance with the National Planning Policy Framework (NPPF).

RDG1 requires plot sizes for new development to be informed by the prevailing character of plot sizes.

The proposed dwelling has a plot width of some 10m which is broadly consistent with the plot widths for detached dwellings in the area. No objection is therefore raised to the proposal on this basis.

The depth of the proposed plot would reflect the depth of the adjoining plot. No objection is therefore raised on the basis of plot depth.

RDG8 requires the design of all development to result in well proportioned and balanced properties. Fenestration should be aligned both vertically and horizontally, particularly when integrating new development with existing dwellings. The materials used for detailing should integrate with or complement primarily the dwelling, but also those present in the surrounding street.

The proposed dwelling is of a simple, modern design. The area in the vicinity of the application dwelling contains a wide variety of dwelling types and styles, mainly of traditional character. The proposed dwelling would not be entirely consistent with the traditional character of the area; however, paragraph 60 of the NPPF states that planning decisions should not attempt to impose architectural styles or particular tastes and should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.

The design of the proposed dwelling is not of significant architectural merit. However the character and style of dwellings in Norwood Drive and Essex Way are quite varied and it is not considered that there is a strong overall character to the street that would be harmed by the provision of this style of dwelling.

Although there are bungalows immediately to the north and west of the site there are two storey properties located within the street. In this context it is not considered that a two storey detached dwelling would appear unduly prominent, dominant or out of character within the street scene.

The fenestration of the proposed dwelling is not particularly well aligned and there would appear to be undue reliance placed on high level windows in the northern elevation which are likely to provide only limited light to the living area, due to the orientation of the property and its proximity to the boundary and adjoining property. However these features do not unduly detract from the character and appearance of the property or the living conditions of future residents to such an extent that an objection on this basis is considered capable of being sustained on appeal.

Details of the external materials are limited to 'rendered walls' and grey natural slate. Render is present in the street scene and it is not considered that its use in this proposal would result in the introduction of an alien or incongruous material. No details of colour or finish are provided; however such details can be required to be submitted by the imposition a condition on the grant of any consent. Subject to such a condition no objection is raised to the proposed development under Policy EC2 of the Council's adopted Local Plan and RDG8 of the Residential Design Guidance.

RDG2 states that the space around all new development should be informed by the prevailing character of space around dwellings. The development should seek to provide at least 1m between the property and the boundaries.

The proposed dwelling would be located 1m from the northern boundary of the site and as such achieves an appropriate level of isolation at this location. To this extent no objection is raised to the proposal under RDG2.

RDG3 states that within the existing built up area all new development should be informed by the prevailing building lines to the public realm it faces; however, it must not repeat poor forms of development.

The proposed dwelling is set on a line generally consistent with the primary front elevation of the dwellings immediately to the north of the site. It is not therefore considered that the proposed dwelling would result in any detriment to the established building line to Norwood Drive.

However, the proposed dwelling would be seen in the context of the return building line to Essex Way. It is proposed to locate the new dwelling some 2.2m – 3.2m from the highway boundary with Essex Way. To the west of Norwood Drive, Essex Way has a relative strong and consistent building line, with the dwellings to the west being set back some 8m from the highway boundary and those to the east being at least 5m from the highway boundary. As a consequence of this substantial set back from the highway, the proposed dwelling would appear substantially in advance of those dwellings and would appear as a discordant and unduly prominent and dominant feature in the street scene.

It should be noted that in 1992 and in 2001, appeals in respect of proposals to provide a dwelling on this site were dismissed. In both cases the Inspectors considered that the proposed developments, which were for smaller forms of development but which shared a similar layout to that currently proposed, would project substantially in advance of the established building line to Essex Way and would be detrimental to the character and appearance of the area. In both cases the appeals were dismissed.

It is not considered that the current proposal overcomes that objection, or that the planning circumstances insofar as they affect this site, have materially altered since the determination of those appeals. The proposal remains an obtrusive and discordant feature in the street scene and an objection is raised accordingly.

The applicant has sought to justify the location of the proposed dwelling by drawing attention to the fact that the existing garage on the site already extends in advance of the established building line.

It is acknowledged that the detached double garage is located currently some 2.5m to 3m from the southern boundary/return frontage to Essex Way. However, this structure is single storey in nature and has limited mass and scale. As a consequence it does not appear dominant or obtrusive within the street scene. It is therefore not considered that the existence of a detached garage creates a precedent for the provision of a larger and more obtrusive form of development on this site. The previously identified objection therefore remains.

RDG3 also states that proposals which would result in excessive overshadowing or over-dominance will be refused.

The proposed dwelling would be located to the south of the immediately adjoining property but would not project beyond the rear wall of the existing dwelling. Whilst the adjoining resident has objected to the proposal on the basis of loss of light, it is not considered that this represents a robust objection to the proposal and no objection is therefore raised to the proposal on that basis.

All other dwellings are considered to be located too far from the proposed dwelling to be adversely affected in this respect.

It is considered however that any further extension of the property could adversely impact on the amenity of the adjoining residents and as such it is considered appropriate to impose a condition on the grant of any consent restricting permitted development rights under Class A of Part 1. Subject to such a condition no objection is raised to the proposal under RDG3.

RDG4 requires dwellings on corner plots to be designed to turn corners. The current proposal does not do this, presenting a rather bland and unbalanced ground floor elevation to the Essex Way frontage. However, this site is currently enclosed by a 1.8m high close boarded fence and the boundary is marked by large Leylandii trees. In the context of the current street scene it is not considered that the inarticulate nature of the side elevation of the proposed dwelling would have an adverse impact on the character and appearance of the area and no objection is therefore raised to the proposal on that basis.

RDG5 states that for all development above ground floor level a distance of 9m shall be provided between windows, edges of balconies or raised amenity space and the boundary it directly faces at first floor level.

First floor windows are proposed in eastern, southern and western elevations of the proposed dwelling. The windows in the eastern and southern elevations would overlook the highway and are unlikely to result in any loss of privacy to adjoining properties.

The windows in the western (rear) elevation achieve a distance of some 11m to the rear boundary, which is compliance to the policy.

Rooflights are proposed in the northern roof plane; however, these would be located more than 1.7m from the finished floor level of the room they serve and are therefore considered unlikely to result in undue overlooking or loss of privacy for adjoining residents.

The provision of dormers or further rooflights in the northern roof plane could adversely affect the privacy and amenity of adjoining residents. It is therefore considered appropriate to impose a condition on any consent granted restricting permitted development rights under Classes B and C of Part 1. Subject to such conditions, no objection is raised to the proposal under RDG5 of the Residential Design Guidance.

RDG6 is concerned with the provision of private amenity and requires all residential development involving individual dwellings to be provided with at least 15m² of amenity space per habitable room.

The proposal seeks to provide 4 habitable rooms and would require the provision of 60m² of amenity area. The proposed development seeks to provide a garden area in excess of the requirement. No objection is therefore raised under RDG6.

Policy T8 requires adopted parking standards to be taken into account. In this case, the current standards are the adopted Essex parking standards.

RDG12 states that the size and layout of all forms of parking should reflect current adopted vehicle parking standards.

Policy EC2 seeks to ensure that all modes of movement are made safe and convenient.

The proposed dwelling is provided with 3 bedrooms. Two car parking spaces are therefore required to serve the proposed dwelling.

The application proposes the provision of two car parking spaces perpendicular to the highway at the front of the site, served by Norwood Drive. The parking spaces are of the requisite size and whilst it is regrettable that the majority of the front garden to the property will be dedicated to vehicle parking, this is not an uncommon phenomenon and would not provide a robust reason for refusal.

It is noted that many local residents have expressed concern in respect of the proximity of the parking spaces and access to a junction. In the absence of any objection to the proposed arrangement by the Highway Authority it is not considered that an objection to the proposal on this basis could be sustained on appeal. No objection has been raised by the Highway Authority and therefore no objection is raised to the proposal on this basis by the Planning Authority under Policies T8 and EC2 of the Council's Adopted Local Plan and RDG12 of the Residential Design Guidance.

Conclusion

The proposed dwelling, by reason of its location on the site, would result in the provision of a two storey dwelling substantially in advance of the established building line to Essex Way. This siting, coupled with the mass and scale of the dwelling, would result in a form of development which would appear as an incongruent and overly prominent feature in the street scene, out of character with, and detrimental to, the pattern of development in the area.

The application is therefore recommended for **REFUSAL**.

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 Refusal for the following reasons:

1. The proposed development, by reason of its position on site, substantially in advance of the established building line to Essex Way, would appear as an incongruent and overly prominent feature in the street scene, out of character with, and detrimental to, the pattern of development in the area, contrary to Policy EC2 and RDG3 of the adopted Local Plan and Government guidance as expressed in the National Planning Policy Framework.

Informatives

1. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal.

ITEM 8

Application Number:	15/0703/VAR
Address:	396-408 London Road Benfleet Essex SS7 1AX (Boyce)
Description of Development:	Deed of Variation of planning permission CPT/25/13/FUL
Applicant:	Phase 2 Planning And Development Limited
Case Officer	Ms Kim Fisher
Expiry Date:	25.11.2015
Extended Date:	29.02.2016

Summary

The proposal seeks to vary an existing Section 106 Agreement to allow separate land owners to pursue their own independent development proposals. The variation would in effect separate the obligations in the Agreement between the different owners on a pro rata basis. The planning objectives underpinning the Agreement would continue to be secure if the variation were to be agreed; if further proposals for redevelopment were to be approved, then a varied agreement can also reflect this. The application is therefore recommended for **APPROVAL**.

Site Visit

It is not considered necessary for Members to visit the site as a result of this application.

Introduction

This site is located on the southern side of London Road Benfleet, on the section known as Bread & Cheese Hill. The site is occupied by car sales business at 396, a new development of flats known as Manna Heights at 398 to 406, and the site of a former bungalow at 408, at the corner of Catherine Road.

Planning permission was granted in February 2014 for 51 dwellings on the site, comprising a bungalow, 8 houses and two blocks of 24 and 18 flats. The permission was also linked to a Section 106 Agreement which secured the provision of affordable housing, highways and bus travel infrastructure improvements.

The Proposal

It was originally intended to carry out and complete the development in four phases;

- | | |
|--------------------------------------|----------------------|
| 1. Bungalow at rear of 398 to 406 | completed |
| 2. Block A of 24 flats at 398 to 406 | completed |
| 3. 8 houses at 408 | demolition completed |
| 4. Block B of 18 flats at 396 | not yet started |

The Section 106 Agreement was drafted to reflect this phasing and also to allow for 9 affordable flats (in the form of shared equity units) to be provided within the two blocks. 6 flats out of 24 were to be provided in Phase 2, and 3 flats out of 18 in Phase 4, or alternatively all 9 were to be provided in Phase 4. Highways improvements were also similarly phased.

The Section 106 Agreement was drafted with the involvement of multiple parties as land owners. It is now the intention of the owners to “de-couple” differing land ownerships from the

terms of this Section 106 Agreement so that individual proposals can be considered on individual sites.

Independent applications have now come forward on both 396 London Road (24 flats) and 408 London Road (37 flats). These are reported elsewhere on this agenda.

Supplementary Documentation

There is no supplementary information accompanying this application

Planning History

The most relevant planning history is as shown below;

CPT/25/13/FUL – Demolition of buildings and construction of 9 detached dwellings and 42 flats in two blocks of up to three storeys at 396/408 London Road – GRANTED 21.02.2014

Local Plan Allocation

Green Belt

Relevant Policies and Government Guidance

National Planning Policy Framework

Paragraphs 203 to 205 – planning obligations

Current Local Plan

H7 Affordable Housing

Consultation

None conducted

Public Consultation

No neighbour consultation carried out

Comments on Consultation Responses

None

Evaluation of Proposal

1. The approved scheme

As described above, the planning permission being implemented provides affordable housing as 9 flats out of a total of 51 dwellings, a proportion of 17.6%, but potentially split over two phases and two different ownerships. Similarly highway works (bus stop upgrades, infrastructure such as shelters and kerbs, and improvements to Catherine Road) are split over different ownerships but relate to particular phases over which some parties have no control.

2. The current proposals before the Council

The intention is to allow the existing Section 106 agreement to be varied to allow individual land owners to be responsible for the obligations in so far as it affects their land.

The owner of land at 398 to 408 London Road would be exclusively responsible for the provision of 6 affordable flats across the site and the works to Catherine Road.

The owners of 396 London Road London Road would be exclusively responsible for the provision of 3 affordable flats across the site.

The improvements to bus infrastructure would be split on a pro rata basis, as would the improvements to Rhoda Road.

The variation should also allow for the prospect that if further planning permissions are granted for either site (see elsewhere on the agenda), then the Section 106 Agreement should be further revised to reflect changed planning circumstances.

Conclusion

There is no planning objection to the variation to the existing Section 106 Agreement in the terms sought, since the overall planning objectives set out in the original Section 106 Agreement will remain in place.

However should further planning permissions be granted for either site then subsequent revisions to the Agreement can be undertaken to reflect the change in planning circumstances.

The application is therefore recommended for **APPROVAL**.

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.

ITEM 9

Application Number:	15/0949/ECC
Address:	Land Adj To Glenwood Special School Rushbottom Lane Thundersley Benfleet Essex (St George's)
Description of Development:	Demolition of the former Montgomerie Infants School building and the construction of a new Special Needs School with associated car and cycling parking, landscaping and infrastructure.
Applicant:	Essex County Council
Case Officer	Ms Kim Fisher
Due Date	10.12.2015
Extended Date	15.01.2016

Summary

The proposal seeks to provide a new Special Educational Needs School with associated infrastructure and facilities on land on the west side of Rushbottom Lane.

In terms of the principle of such development, the site is allocated for Green Belt and School purposes in the adopted Local Plan. This factor, coupled with Government advice in respect of the provision of a wide range of high quality educational opportunities and the identified need for a Special Educational Needs School in the area, which together with the limited impact of the proposal on the openness and strategic function of the Green Belt at this location are considered to represent the very special circumstances required to outweigh the harm to the Green Belt.

Subject to a condition seeking to secure the amenity of adjoining residents, **NO OBJECTION** is raised to the proposal.

Site Visit

It is not considered necessary for Members to visit the site prior to consideration of this proposal.

Introduction

This report seeks the views of this Authority on an application submitted to Essex County Council for determination, in respect of the demolition of the former single storey Montgomerie School on land on the west side of Rushbottom Lane and the erection of a two storey Special Educational Needs School.

The site is approximately 3.6 hectares in area and currently vacant having, until the summer of 2015, been used by the Montgomerie School.

The site is accessed off Rushbottom Lane. The existing Montgomerie Primary School is located to the east of the application site and will remain in school use by the Montgomerie School.

The Glenwood School site is currently characterised by single storey structures constructed in excess of thirty years ago and a number of temporary classrooms installed on site to meet the educational capacity requirements of the school. These buildings do not meet the Building

Bulletin Standards and no longer provide the high quality educational facility now required by children with Special Educational Needs.

The Proposal

The application seeks to demolish the existing Montgomerie School buildings and the provision of a new school building, for pupils with Special Educational Needs (SEN) with car and cycle parking, pedestrian walkways, multi-use games area, football pitches, hard and soft landscaping and associated works. The new school would be located partly on the footprint of the Montgomerie school building.

The new school will provide for 210 pupils; an increase in capacity of 95 students and an increase in staff from 76 full time equivalent positions to 136 equivalent full time positions. The application is in response to an increased demand and pressure for SEN school spaces within Castle Point and the need to address deficiencies with the existing school site in educational terms.

The new School will provide:

- o 27 classrooms with associated cloakrooms, group spaces and storage space.
- o A new school hall with changing facilities.
- o Pupil and staff toilet facilities.
- o A hydrotherapy facility including swimming pool and therapy space for student and community use.
- o A Multi-Use Games Area and other school play areas.
- o Kitchen and dining room, cleaning and maintenance facilities.
- o Meeting rooms and social space.
- o Two sports pitches; one adult full sized and one junior.
- o Car parking.
- o Landscaping and sustainable urban drainage systems.

The proposed building would be two storeys in height and flat roofed with timber and render cladding. In form the building would be spread over three distinct wings in an 'E' shape configuration. Internally the layout provides a 'services' corridor providing access to the wings and accommodation for the support services associated with the school such as offices, the school hall, kitchens and storage space. The wings would provide the majority of the teaching accommodation.

The building will sit on a north/south axis, facing onto the grounds of the school which will provide soft, hard, interactive and learning focused play space and a new Multi-Use Games Area (MUGA) for the use of the school and local community. A full sized football pitch and an under 9/10 football pitch will also be maintained as part of the proposal, with the ability for two further under 9/10s pitches to be laid out on the full size pitch when it is not in use.

The associated infrastructure associated with the proposal includes provision for 101 car parking spaces, including 8 disabled bays, 16 cycle parking spaces and landscape planting. The parking is located to the north of the school building and also includes provision for 19 mini-bus parking spaces, which will double up as school visitor parking in hours of the day when they are not in use by buses.

The new SEN school campus will utilise the existing access for the Montgomerie School onto Rushbottom Lane.

The building has been designed to focus pupil arrivals and departures at the north eastern corner of the site adjacent to the car park and drop off points, with visitor and service access provided to the eastern side.

The aim is to ensure that the new school buildings are completed and occupied by September 2017.

Supplementary Documentation

The application is accompanied by a variety of documents including a Planning Statement, Design and Access Statement and Transport Statement, all of which can be viewed on the Essex County Council website.

Planning History

The site has an extensive history as an educational establishment, none of which is specifically relevant to the current proposal.

The County Council has provided a useful summary of the development process for the provision of a new purpose built special educational needs school. This identifies that the process began a decade ago, as part of the Government's Building Schools for the Future (BSF) programme with a new Glenwood School intended to be a part of Wave 4 of the Programme. However, whilst new replacement secondary schools were provided at Cornelius Vermuyden School (within Green Belt) and new Castle View School on Canvey Island under the BSF programme, the replacement of Glenwood School was deferred as it became evident that the school's existing site was not adequate to meet future needs. As part of Wave 5 of the BSF Programme the replacement Glenwood School was proposed to be part of the nearby redevelopment of the Deanes Secondary School, Thundersley. In May 2010 outline planning permission (reference CC/CPT/17/10) was achieved on this Green Belt site on the basis of the very special circumstances justifying the provision of the SEN School within Green Belt as part of the Deanes School redevelopment.

In June 2010 the County Council was informed that the BSF programme had been suspended by the Government and the funding for this project had been lost. The County Council was however committed to providing a new Glenwood School and in 2012 the co-location project was included in the Council's capital programme from 2013 onwards. However, during 2013 there was a consultation on the future of the Deanes School and it was decided not to progress with the redevelopment of the Deanes School due to predicted overcapacity in local mainstream secondary school places. It was not feasible to provide the new Glenwood School on the Deanes School site in isolation and so a further search was carried out to identify a site to accommodate the new Glenwood School. The only suitable or available site identified was the current application site following the consolidation of the Montgomerie Primary School within its existing School site during 2015. The new Glenwood School building would replace the former Montgomerie Infants School building.

Local Plan Allocation

The application site is identified for school use and Green Belt as set out on the adopted Local Plan Proposals Map.

Relevant Policies and Government Guidance

National Planning Policy Framework

Section 4 Promoting Sustainable Transport

Section 7	Requiring Good Design
Section 8	Promoting Healthy Communities
Section 9	Protecting Green Belt Land
Section 10	Meeting the challenge of climate change, flooding and coastal change
Section 11	Conserving and enhancing the natural environment

Adopted Local Plan

EC2:	Design
EC3:	Residential amenity
EC13:	Protection of wildlife and their habitats
EC14:	Creation of wildlife and habitats
EC22:	Retention of trees, woodland & hedgerows
EC23:	Tree and shrub planting
CF2:	Education facilities
CF9:	Access & non-domestic development
CF14:	Surface water disposal
T2:	Intensification of access use
T8:	Car parking standards

In addition to the adopted Local Plan, this Authority has adopted Residential Design Guidance. This does not directly relate to the proposal for the Glenwood School, given that it is not for a residential use; however RDG5 identifies acceptable standards for the protection of amenity and privacy in proximity to development and this has been used to influence the scale, design and location of the school building in order to respect neighbouring amenity.

Consultation

All consultation on the proposal has been undertaken by Essex County Council. None is required to be undertaken by the Local Authority.

Public Consultation

All consultation on the proposal has been undertaken by Essex County Council. None is required to be undertaken by the Local Authority.

Evaluation of Proposal

The key planning issues to be considered in the determination of the application are:

- o The principle of the development.
- o The specific location and design of the proposed School.
- o Amenity of adjoining residential properties.
- o Highway impact.
- o Car and cycle parking.
- o Other detailed considerations relating to ecology, landscaping and sustainability.

The Principle of Development

The application site is located on land allocated for Green Belt and School purposes.

Paragraph 79 of the NPPF states that the Government attaches great importance to the Green Belt. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Educational development does not fall within the limited category of appropriate development in the Green Belt. In principle therefore such development would be inappropriate.

Paragraph 88 of the NPPF states that when considering any application local authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very Special Circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm are clearly outweighed by other considerations.

The Identification of Very Special Circumstances

In terms of the identification of Very Special Circumstances, the applicant has identified that the proposed school building is located partly on the footprint of the Montgomerie School. It acknowledges that the proposed building would have additional mass and a larger footprint than the building to be demolished and therefore a greater impact on the openness of the Green Belt. The applicant also identifies that the site is dual designated for school purposes and the new building would be compatible with this use. This is a material consideration when considering the acceptability of the proposed development in this Green Belt location.

Paragraph 72 of the NPPF outlines the importance that the Government places upon providing sufficient capacity to meet educational needs.

The provision of a new school has the potential to provide a wide range of educational benefits to students that are fully supported by paragraph 72 of the NPPF. It is considered such support represents a Very Special Circumstance.

In addition it should be recognised that the application site is allocated for School purposes within the adopted Local Plan Proposals Map (1998). The continued use of this site for education purposes is considered to be compliant with this allocation and Policy CF2 (Education Facilities) of the adopted Local Plan which states that the Council will encourage the enhancement and improvement of educational facilities in the Borough.

The proposal will significantly increase the level of car parking on site, which will reduce the level of congestion outside the school on Rushbottom Lane and the surrounding area. This is a significant cause of concern to local residents and the provision of greater parking would not only alleviate parking stress in the area during peak hours of use, but would also align with paragraph 30 of the NPPF which states that encouragement should be given to solutions which reduce congestion. This improvement is also considered to represent a very special circumstance which would support a departure from the Development Plan.

From the above it can be seen that a number of circumstances may be considered to combine to justify the proposed development. The NPPF however requires that consideration be given as to whether such circumstances out-weigh the harm to the Green Belt caused by the development. Such an assessment should relate to the five tests of the Green Belt as set out within paragraph 80 of the NPPF.

The harm to the Green Belt

The five functions of the Green Belt are as follows:

- to check the unrestricted sprawl of large built-up areas;

- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The applicant considers that the proposal will not contribute to unrestricted sprawl in Benfleet as the site benefits from being well enclosed, by the A130 to the west, residential development to the south and buildings associated with the former Glenwood School to the north.

However the view is taken that the proposal would contribute to urban sprawl by introducing buildings and urban structures such as car parks into areas which are currently undeveloped Green Belt. Therefore the proposal will have an adverse impact on the openness of the Green Belt; however such impact is considered to be limited and outweighed by the need for additional special educational need facilities.

The proposed development extends beyond the envelope of the existing development on the site and as such contributes to the diminution of space between settlements. The proposal therefore contributes to the merging of settlements.

Furthermore the proposal, by reason of the extent of the built and urban form beyond that currently existing on the site, encroaches into the countryside.

However, it is not considered that the extent and form of diminution and encroachment is so harmful to the strategic function of the Green Belt at this location that a reason for refusal on this basis is capable of being sustained on appeal, given the identified need for SEN provision.

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

The application site is situated within a predominantly post-war area development, which does not have any merit in historical terms. The site is situated approximately 3km from the South Benfleet Conservation Area, which is situated to the south of the site. It is not considered that the release of this land from the Green Belt will have any impact on the setting and character of historic towns.

The fifth function of the Green Belt is to assist in urban regeneration by encouraging the recycling of derelict and other urban land.

Whilst it is recognised that the site has been used by the Montgomerie School and its predecessors for a period of approximately 50 years, it is not considered that the site may be described as derelict or other urban land. This strategic objective is not therefore considered relevant in the determination of this matter.

In terms of the principle of the proposed development, the site carries a dual allocation for Green Belt and School purposes. There was a clear understanding at the time the adopted Local Plan was drafted that the improvement of school facilities was an objective that this Council wished to support and that whilst many schools within the Borough were retained within the Green Belt, the sensitive use of these sites to enhance educational opportunities would be considered favourably, in principle.

Whilst the current proposal would have an adverse impact on the openness of the Green Belt at this location, and would result in a diminution in the space between settlements and encroach into the countryside, the dual allocation of the site, the Government's encouragement of the improvement of educational facilities and opportunities, as recognised in Policy CF2 of the

adopted Local Plan, and the identified need for SEN facilities, coupled with the absence of an alternative appropriate site and the familiarity of the site to existing SEN students, which is very important to the well being of SEN Students, when combined, are considered to create the Very Special Circumstances necessary to outweigh the harm to the Green Belt.

No objection is therefore raised to the proposal on the basis of Green Belt policy.

The specific location of the proposed School

The location of the building on the site was chosen in order to minimise as far as possible, the impact of the building on the openness of the Green Belt and to avoid a sewer main running across the site, to the west of the proposed building.

As part of the formation of proposals for the school an Arboricultural Impact Assessment was undertaken in order to review the location and quality of trees on site. This work has also been used to inform the location of the new school building, which has been placed to reduce the implications of development upon the existing tree coverage on site.

The new school building will require the removal of sixteen trees, the majority of which are of low value. However, other trees, identified as important to the setting of the building and amenity of the site are to be protected throughout and beyond the construction process.

The A130 was a consideration in terms of acoustic generation and its proximity to the site has influenced the placement of the new School Building, which has been situated as far as reasonably possibly from the roadway to minimise its noise impact. In the proposed location noise will not adversely impact on the use of the school.

In terms of the constraints of the site, the location of the proposed school building is considered acceptable. No objection is therefore raised to the proposal on this basis.

The design of the proposed School

The proposed school has a width of some 93m and a maximum depth of 58m and is provided with an 'E' shaped footprint, providing a service corridor to the east and projecting wings of classrooms to the west, overlooking courtyard play spaces.

In order to achieve an appropriate level of accommodation on the site to meet identified SEN requirements, without compromising the sewer which crosses the site in a north/south alignment, or extending further into the Green Belt, a two storey, flat roofed building is proposed with car parking provided to the north of the site and playspace and pitches provided to the west.

The flat roof design of the school building is considered to be appropriate and reflects that of a number of existing primary school buildings in the area, including the Montgomerie School adjacent.

The use of a flat roof also limits the height of the building which has implications for the amenity of adjoining residents which will be discussed later in this report.

The building is of relatively simple design, which is conducive to the educational needs of SEN students and will be finished in render and timber cladding.

The design of the proposed school building is considered acceptable. No objection is therefore raised to the proposal on this basis.

Neighbouring Residential Amenity

Policy EC3 of the Castle Point 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.

With regard to amenity in terms of privacy and overbearing impact, the Local Plan has no specific policy provision relevant to school development, although the NPPF provides general guidance on the need to protect the amenity of existing residents (paragraph 17).

This Authority has adopted a Residential Design Guide as a Supplementary Planning Document. Although this relates solely to residential properties, it does contain guidelines that seek to protect neighbouring residential amenity and its application in this case would therefore appear to be appropriate.

In this regard, the key consideration is the impact that the school building will have upon residential properties to the south of the school. RDG5 of the Residential Design Guidance relates to Privacy & Living Conditions. This states that for all development above ground level a distance of 9 metres shall be provided between windows and the boundary it directly faces at first floor level.

The proposed school is situated some 19 metres from the boundary of the nearest residential property to the south of the site, which is well in excess of the minimum standard. Back to back distances between the school and the neighbouring properties are in excess of 40m, to ensure no negative impact on neighbouring residential amenity. In addition additional landscape planting is proposed along the southern boundary, to supplement the existing vegetation already in place, to provide further screening to the neighbouring properties.

Given the level of isolation achieved between proposed and existing development and the proposals for additional screening, it is not considered that there will be a significant negative impact upon neighbouring residents in terms of loss of privacy or overlooking.

With regard to the potential for overshadowing and dominance, it should be noted that the proposed building has a maximum height of some 9.75m. Given the distance achieved between the building and the site boundary and the relative orientation of the proposed and existing development it is not considered that the proposal would lead to undue overshadowing or dominance.

No objection is therefore raised to the proposal on the basis of overlooking, dominance or overshadowing.

It is noted that it is proposed to provide a turning/service area in the south east corner of the site. Use of this area has the potential to result in noise and disturbance to adjacent residents. However, use of this area is likely to be limited and intermittent and it is considered that any adverse impact could be adequately mitigated by screening and management. Such devices can be secured through the imposition of a condition on the grant of any consent.

Highway Impact

The NPPF places a strong emphasis on the need to promote sustainable modes of transport. Paragraph 32 of the NPPF states that opportunities for sustainable modes of transport to the site should be promoted and that safe and suitable access to the site should be achieved for all people. In accordance with this requirement and in line with policy T2 of the Castle Point Local

Plan, the County Council has submitted a detailed Transport Assessment to measure the impact of the proposed development as well as the suitability of the proposed access works to accommodate development.

The Transport Assessment confirms that the proposed access to the site from Rushbottom Lane, which is already used by Montgomerie School, provides appropriate access to the proposed development and offers significant opportunity to improve highway conditions in the locality.

At the present time 88% of all pupils travel to and from the school by county provided minibuses; this translates to approximately 100 pupils arriving in 20 – 25 vehicles. Staff arrivals at the school typically take place prior to the students at 8:15 – 9:00, 60% of staff currently arrive by car.

The proposal seeks to increase the number of students from 115 to 210. This equates to an additional 84 pupils arriving at the school in approximately 20 County Council operated minibuses. In addition, a further 9 pupils will arrive by private car.

The submitted Transport Assessment identifies a 15% increase in staff numbers as a result of the proposal, with full and part time staff increasing from 117 to 136. Given the current staff modal split, approximately 12 additional staff related vehicular trips could be associated with the development.

The total trips that could be associated with the proposal will therefore be approximately 172 trips in the AM peak and 172 trips in the PM peak.

An assessment of junctions in proximity to the school was undertaken at peak times in order to quantify the likely impacts associated with an increase in capacity at the school. The capacity assessments confirmed that the increase in pupils and staff can be accommodated by the adjoining highway network. It is therefore considered that the proposal for the Glenwood School accords with the principles of paragraph 32 of the NPPF and adopted policy T2.

No objection is therefore raised to the proposal on the basis of impact on the highway.

Car Parking

The adopted Essex Parking Standards (2009) set out a maximum level of car parking on site for primary and secondary schools, but clearly states that Special Schools are varied in their requirements and should be evaluated on their own merits.

The current level of parking provision at Glenwood School is 14 car parking spaces comprising 10 formal spaces with informal space for a further four vehicles.

The proposal includes provision for 101 dedicated car parking spaces with 19 minibus spaces and the opportunity for the dual use of the mini- bus parking spaces by visitors, when not in use.

This is a significant increase in on-site parking provision and exceeds the recommended maximum standards. The adopted standards are clear that flexibility should be provided for SEN proposals and no objection is raised to the quantum of parking provision proposed.

A corollary of this flexible approach to parking provision is that the congestion currently experienced on Rushbottom Lane and surrounding roads, around Glenwood and Montgomerie School would be substantially relieved as mini bus drivers, teachers, parents and carers of

students will be able to access the site for parking purposes rather than relying on on-street parking as is currently the case.

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

Cycle Parking

The Essex Parking Standards (2009) define the quantity of cycle parking required to support the proposal. However, this standard is inappropriate given the unique usage requirements of Glenwood as a Special Educational Needs school which means that almost all pupils attend the school either by supported minibus transit or by being dropped off by parents in cars. However, in order to encourage sustainable patterns of movement to the school, 16 cycle parking places will be provided as part of the proposals.

Such provision is considered acceptable.

Other detailed considerations

Provision and retention of Sports Pitches

When responding to planning applications Sport England refers to The Sport England Planning Policy Statement, a Sporting Future for the Playing Fields of England. Whilst this document does not formally form part of the Development Plan at either national or local level, it is used as guidance by Sport England.

Policy P1 states that Sport England will oppose the granting of planning permission for any development, which would lead to the loss of, or would prejudice the use of, a playing field, unless in the judgement of Sport England, specific circumstances apply which would allow a departure from policy.

One of the exceptions (Policy E4) is where the playing field or playing fields, which would be lost as a result of the proposed development, would be replaced by a playing field or playing fields of an equivalent or better quality and of equivalent or greater quantity, in a suitable location and subject to equivalent or better management arrangements.

This policy document clearly needs to be considered in conjunction with wider adopted Development Plan considerations at both local and national level.

Sport England was a key statutory consultee in the pre-application design process. The development site until recently maintained sporting provision in support of three local sports teams; Kingsdown Rangers men's football team, Supreme Soccer and Supreme Youth. These teams re-located off site in the summer of 2015 and will remain offsite until the completion of the construction stage. It is anticipated however that they will return to the site.

The proposal will result in a reduction in the open land available, however, the land lost does not provide formal sport pitches and the proposal is therefore unlikely to adversely impact on formal sport play space on the site.

Furthermore, the County Council has indicated an intention to maximise the opportunity for community use and to this end has committed to enter into a Community Use Agreement, to secure the long term community use of the site. This will include use of both external and internal areas of the site, including the MUGA, School Hall, and Hydro-therapy Pool, with associated changing rooms.

All of these facilities have been designed to maximise the benefit to school users, accounting for the SEN status of the school. The MUGA has been designed to allow for basketball and general sports and recreational training and play and is suitable for wheelchair (and other ball) use, which is a key requirement of the school. The Hydrotherapy pool is also a key requirement of the school.

The proposals will ensure that all three football clubs (Kingsdown Rangers, Supreme Soccer and Supreme Youth) can remain on site in perpetuity. The school has indicated a willingness to enter into a community use agreement in order to secure the long term community use of the pitches and facilities. This is in the process of being prepared and will follow the submission of the planning application.

The proposals are considered to fully satisfy the requirements of Policy E4, in that although there will be a loss of land, which could be used for playing pitches, this is mitigated by the new school hall, hydrotherapy room and MUGA.

In addition, the applicant has committed to making every effort to ensure that all existing football teams remain unaffected as a result of the proposals.

Under the circumstances it is not considered that an objection can be raised to the proposal on the basis of adverse impact on playing pitch provision.

Indeed it is considered that the enhanced facilities for community use represents a significant local benefit which should be supported.

Landscaping and Arboriculture

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

Policy EC23 states that encouragement will be given to the planting of native trees and shrubs in appropriate places.

An Arboricultural Impact Assessment has been undertaken to establish the condition of tree coverage on the site.

This confirmed that none of the 30 individual trees and 7 groups of trees within or adjacent to the application site were the subject of a Tree Protection Order.

The report identifies that eleven individual trees and three tree groups are classified as category C; low quality and value, seventeen individual trees and four tree groups are classified as category B; moderate quality and value, and two individual trees are classified as Category A; high quality and value. The survey adds that the trees on site contribute to the local amenity landscape and that it is important that the position of the new school and any site access routes enable the retention and protection of as many of the existing trees as possible.

The Arboricultural Impact Assessment has been used to inform the layout and as previously stated the proposal to provide a new school building will result in the removal of sixteen trees; however, this will be fully mitigated against by provision for substantial tree planting, as shown on the submitted planting plan. (Reference 529-P-122, prepared by Allen Scott). One of the trees to be removed is critical to facilitate the retention of the 9v9 pitch required to satisfy Sport England. None of the trees to be removed are category A trees. Overall it is considered that the proposed landscape planting fully accords with adopted planning policies EC22 and EC23 of the Local Plan.

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

Ecology

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

An Ecological Assessment has been submitted in support of the application. This identifies there are no national wildlife designated sites that would constrain the development of the site. The closest site is the Benfleet and Southend Marshes which are situated over 3km from the proposal site and separated by urban development and major roadways. The proposed development is not considered likely to have an adverse impact on these areas.

There are eight local sites (non-statutory designated sites) within a 2km radius of the site, seven of these sites have no habitat connectivity with the proposed development site and are separated by major roads or extensive urban development and so will not be affected by the development.

One Local Wildlife Site, Rushbottom Lane Flood Pound (CPT3), borders the northern boundary of the proposed development site. The Ecological Appraisal considers that given that there is a physical barrier maintained between the development site and the local wildlife site there should be no adverse impact on the wildlife site arising from the proposed development.

No objection is therefore raised to the proposal on the basis of adverse impact on adjoining sites of nature conservation value.

The application site itself is considered to be of low ecological value. Two thirds of the site supports amenity grassland and playing fields, with the proposed development located on that part of the site dominated by the existing school building and associated hard standing. The site is not considered to provide habitat suitable for bats or badgers, although some potential for breeding birds and reptiles is present on the site. In this regard, timed vegetation removal outside the bird and reptile breeding season is recommended in order to avoid species loss.

Subject to appropriate conditions to secure the timely removal of vegetation and appropriate mitigation for impact on birds and reptiles, no objection is raised to the proposal under Policy EC13.

Flood Risk and Drainage Matters

The application is accompanied by a detailed full Flood Risk Assessment report which identifies that the site is situated within Flood Zone 1 and has a 'less' to 'intermediate' susceptibility to surface water flooding for a 1 in 200 year return period storm event.

A detailed drainage plan has also been prepared which includes provision for an attenuation basin in the north-west corner of the site and demonstrates that the proposals can be delivered without impacting upon flood risk off site.

No objection is raised to the proposal on the basis of flood risk.

Geo-Environmental Desk Study

A detailed phase 2 Geoenvironmental Desk Study for the site (Contaminated Land Assessment) supports the application. This confirms that no contamination exists on the site.

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

Construction Management Plan

A Construction Management Plan and Site Logistics Plan has been submitted which provides full details of how construction arrangement will work to minimise disturbance to nearby receptors and ensure managed impacts on the highway.

The submission is considered to be satisfactory and no objection is raised to the proposal on this basis.

Conclusion

The proposal seeks to provide a new SEN School, with car and cycle parking provision, internal and external sports and recreation facilities, which will be available for community use, and associated infrastructure, at land to the west of Rushbottom Lane, Benfleet.

The key considerations are the acceptability of the principle of such development in the Green Belt, the specific location and design of the proposed School, the impact on the amenity of adjoining residential properties, the impact on the highway and Car and Cycle parking.

In terms of the principle of such development, whilst the site is allocated for Green Belt purposes in the adopted Local Plan, the site carries the dual allocation for School purposes. This factor, coupled with Government advice in respect of the provision of a wide range of high quality educational opportunities and the identified need for a Special Needs School in the area, which together with the limited impact of the proposal on the openness and strategic function of the Green Belt at this location are considered to represent the very special circumstances required to outweigh the harm to the Green Belt.

No objection is therefore raised to the proposal on the basis of Green Belt policy.

In terms of more detailed matters the proposed development is considered to be of an appropriate design and location and unlikely to have a significant adverse impact on the amenity of adjoining residents in terms of overshadowing, dominance or overlooking.

Furthermore, the provision of a significantly increased parking provision and access to a variety of recreational and sports facilities would have significant benefits for the local community.

RECOMMENDATION

That **NO OBJECTION** be raised to the proposal, subject to appropriate conditions imposed on the grant of any consent to secure appropriate ecological mitigation, landscaping and screening, community use agreement and use of the turning/service are in the south east corner of the site.