



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



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

AGENDA

Committee: **DEVELOPMENT CONTROL**

Date and Time: **Tuesday 28th July 2015 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, Mrs King, Sharp, Varker, Mrs Wass, N. Watson and one vacant seat to be appointed at Council on 22 July 2015.**

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 7th July 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.	14/0602/FUL	Land North of 201-219 Kiln Road, Thundersley, Benfleet, Essex, SS7 1SJ (Cedar Hall Ward)	1
2.	15/0423/FUL	58 Central Wall Road, Canvey Island, Essex, SS8 9PQ (Canvey Island North Ward)	56

Members are advised that NO site inspections are recommended in respect of items reported on this agenda.

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

DEVELOPMENT CONTROL COMMITTEE

7th JULY 2015

PRESENT: Councillors Hart (Chairman), Smith (Vice-Chairman), Blackwell, Cross, Mrs Govier, Mrs King, Sharp, Varker, Mrs Wass and N. Watson.

Councillors Dick, Mrs Goodwin, Ladzrie, Letchford and Wood also attended.

Apologies for absence were received from Councillors Anderson, Cole and Canvey Island Town Councillors Greig and Tucker.

4. MEMBERS' INTERESTS

Councillor Hart declared an interest in Agenda Item No 5(3), as shown under Minute No. 6(c).

Councillor Mrs King declared an interest in Agenda Item No 5(1), as shown under Minute No. 6(a).

Councillor Sharp declared an interest in Agenda Item No 5(1), as shown under Minute No. 6(a).

Councillor Smith declared an interest in Agenda Item No. 5(1), as shown under Minute No. 6(a).

5. MINUTES

Councillor Varker stated that he had given apologies for the previous meeting however these had not been recorded. Subject to this amendment the Minutes of the meeting held on 2nd June 2015 were taken as read and signed as correct.

6. DEPOSITED PLANS

- (a) 15/0237/FUL – 400 RAYLEIGH ROAD, BENFLEET, ESSEX, SS7 3TA (VICTORIA WARD) – CHANGE OF USE TO PLANT HIRE SHOP (RETROSPECTIVE) – MR FRANK NEWHAM**

(Councillor Mrs King declared a non pecuniary interest in the above item as the applicant was known to her and remained in the Chamber during its consideration).

(Councillor Sharp declared a non pecuniary interest in the above item as the applicant was known to him and remained in the Chamber during its consideration).

(Councillor Smith declared a non pecuniary interest in the above item as the applicant was known to him and remained in the Chamber during its consideration).

This was a retrospective application for change of use of premises to a plant hire shop. The proposed use had been found to be acceptable in principle and would not have significant adverse impacts on the highway network or the amenity of nearby residents. Whilst concerns had been raised in respect of noise, it was felt that this could adequately be mitigated by imposing conditions in respect of operating hours. The proposal was therefore recommended for approval, subject to conditions.

The Planning Officer drew Members' attention to an error on page 1 of the report. The number of parking spaces at the site was 7 and not the 20 stated.

The application had been presented to Committee at the request of Councillor Sharp.

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

During discussion Members indicated that they were in favour of the proposal and wished to approve the application. However it was questioned whether Condition 3 in the Planning Officer's report was appropriate. It was considered that the display of plant equipment or machinery on the forecourt was acceptable for this type of business and the Committee did not feel that such a display would harm the visual amenity of the area.

Following discussion it was:-

Resolved – That Condition 3, as set out in the Planning Officer's recommendation, be removed and that the application be approved subject to the remaining conditions set out in the report.

(b) 15/0289/FUL – CASTLE POINT SERVICE STATION, SOMNES AVENUE, CANVEY ISLAND, ESSEX, SS8 9QB (WINTER GARDENS WARD) – INSTALLATION OF CLICK AND COLLECT LOCKERS – ASDA STORES LTD

This application had been withdrawn by the applicant prior to the meeting and after publication of the agenda.

(c) 15/0425/FUL – 8 BRANCH ROAD, HADLEIGH, ESSEX, SS7 2AX (ST JAMES' WARD) – FRONT GABLE EXTENSION, SIDE DORMERS WITH ROOFLIGHT AND ALTERATIONS TO PARKING LAYOUT – MR TONY SAUNDERS

(Councillor Hart declared a non-pecuniary interest in the above item as he knew the applicant and left the Chamber during its consideration. Councillor Smith took the Chair).

The application sought to form a front gable feature and provide dormers in the side roof planes of the existing two bedroomed property to provide an additional bedroom, study and two ensuites in the extended roof space. The effect of the proposal was to create a potentially four bedroomed property on the site.

However, the proposal failed to provide off-street parking commensurate with the level of accommodation proposed. If permitted it was considered that the proposed development would lead to an increase in the number of cars parked in the surrounding residential streets, to the detriment of highway safety and the free flow of traffic and would be likely to result in the creation of an unattractive and cluttered appearance to the street scene. The proposal was therefore recommended for refusal.

The application had been presented to Committee at the request of Councillor Sharp.

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

During discussion Members agreed that a second car parking space could be achieved on the site at the front of the property as demonstrated by the applicant. It was also noted that there was a garage to the rear although access to it was narrow. In light of this the Committee felt that whilst the proposal did not technically comply with the Council's parking standards the deficiency was so small that in this particular instance it was not a sufficient reason to justify refusal.

As the Committee had indicated that it wished to approve the application the Head of Regeneration and Neighbourhoods suggested conditions it might wish to impose regarding the type of materials to be used, the retention of two parking spaces as specified on the submitted drawings, the retention of a permeable surface and extension of the dropped kerb. Whilst Members were in agreement with the conditions they were concerned that if the extension to the dropped kerb was not agreed by the Highway Authority this would prevent the development from proceeding. It was suggested that Officers liaise with the Highway Authority in order to determine the acceptable width of an enlarged dropped kerb. Should no increase be acceptable to the Highway Authority the Head of Regeneration and Neighbourhoods report back to the Vice Chairman and that he be given authority to agree the conditions.

Following discussion it was:-

Resolved – That the application be approved subject to conditions, as detailed above, and that if an extension to the dropped kerb is unacceptable to the Highway Authority the conditions be agreed by the Head of Regeneration and Neighbourhoods in consultation with the Vice Chairman of the Committee.

7. QUARTERLY ENFORCEMENT UPDATE

Members were informed of all formal planning enforcement action and investigations undertaken by the Council's Planning Enforcement Officer and made the following comments:

'Bang on Tyres' Long Road, Canvey Island

Councillor Smith reported that advertisements were still being displayed at the site.

'Reditus', Keswick Road, Benfleet

Some Members raised concern about the wording in the report as it stated that any planning permission for the retention of the shed would be declined and it was felt that this decision was premature and was a matter for the Committee to determine. The Head of Regeneration and Neighbourhoods stated that it was not appropriate to comment in detail as this was an ongoing case but explained that the Council's Constitution gave him delegated powers to decline to determine planning applications in certain circumstances.

Chairman

ITEM 1

Application Number:	14/0602/FUL
Address:	Land North Of 201-219 Kiln Road Thundersley Benfleet Essex SS7 1SJ (Cedar Hall Ward)
Description of Development:	Construction of 71 No. dwellings and associated access roads, footway/cycleway, car parking, landscaping, amenity space, drainage works and groundworks
Applicant:	Redrow Homes Ltd (South East Division)
Case Officer	Mrs Sophie Adams

Summary

The application seeks to develop the site with 71 dwelling units, of which 14 are intended to be affordable, and associated infrastructure. The scheme has been designed to an acceptable standard, and the majority of nature conservation issues have been adequately addressed. The proposal would provide contributions towards surface water flooding alleviation, highway, pre-school and health care provision.

There a number of minor deficiencies within the scheme which include; the provision of only 19.7% of affordable housing, a dominance of four bedroomed detached properties, examples of dwellings with poor defensive space due to the tight layout within the development, an awkward relationship between the proposed flats and the recently completed flats within Ashcroft Place, the lack of renewable energy measures proposed, a deficient public open space and playspace provision and the limited consideration given to the protection of badgers within the site as well as some minor conflict with residential design guidance. However, in the light of the need for housing within the Borough, the desire to protect the Green Belt from development and the limited harm caused by the various identified deficiencies; it is not considered that a robust reason for refusal, capable of being sustained on appeal, may be identified.

The applicants have spent a considerable period seeking to achieve an appropriate surface water strategy for the site. The latest iteration is, at the time of writing, with the Lead Local Flood Authority (LLFA) for further consideration. Subject to no objection being received from the LLFA the surface water flooding aspects of the proposal are considered acceptable.

In principle the proposal accords with Local Plan Policy and National Guidance and is therefore recommended for **APPROVAL**.

Site Visit

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

Introduction

The application site is irregular in shape and is located to the north of Kiln Road. It has a maximum depth of approximately 380m, a maximum width of some 95m and an area of some

2.6 hectares (ha). The site lies in an area allocated for Long Term Residential purposes within the Council's Adopted Local Plan.

The site is bounded to the west by residential development currently under construction, known as Ashcroft Place. To the north the site is bounded by detached houses fronting Hackamore. The eastern boundary is shared with properties fronting Kingsmere, Queensmere and Parkfields. The southern boundary is bounded by a parcel of undeveloped land, which is provided behind the residential properties of No.205 - No.219 Kiln Road. The levels across the site range from 67m AOD (against the site's northern boundary), or 69m AOD (adjacent to the southern boundary with Kiln Road) to 63m AOD.

The site incorporates part of the curtilage of No.201 Kiln Road, providing a strip of land from Kiln Road northwards. This is part of the residential garden of the aforementioned property and part grassland. The rest of the site is predominately undeveloped, and is largely covered in trees. A ditch runs east-west through the centre of the site dividing the site into northern and southern portions. Ditches also run along the northern and eastern boundaries of the site. The site is not subject to any Tree Preservation Orders.

The site has been identified as a Local Wildlife Site (Thundersley Plotlands LoWS). Three Badger setts have been identified within the site. The physical characteristics of the site provide habitat opportunities for bats, nesting birds and reptiles.

The site also sits within a Critical Drainage Area (CAS3).

The Proposal

This is an application for full planning permission for the construction of 71 dwellings and associated access roads, footways/cycleways, car parking, landscaping, amenity space, drainage works and groundworks.

The dwellings comprise 5 No. one bedroom flats, 12 No. two bedroom flats, 9 No. three bedroom houses, 41 No. four bedroom houses and 4 No. five bedroom houses. The dwellings would be predominately open market housing. Of the accommodation provided, 3 No. one bedroom flats, 9 No. two bedroom flats and 2 No. three bedroom houses would be affordable housing. The affordable housing provision would be a mix of shared ownership and affordable rented units.

The development provides a density of some 27 dwellings per hectare.

The layout is divided into two sections, a southern section and a northern section. This division is a consequence of the existence of underground services and an easement which runs through the centre of the site. Each section would be accessed via a road from the adjoining residential development to the west. Rose Street would provide access to the northern section and Loveday Way to the southern section. Both of these roads gain access onto the classified road, Kiln Road, via Kingston Road. A footway/cycleway is proposed between No.201 and No.205 Kiln Road running northwards to the proposed dwellings. The internal highway network within the development is based on a hierarchical approach, with private drives further within the site. The road widths vary, with the main distributors being 4.8m wide with additional space

The proposed flats would be provided within a part two storey, part three storey building of between 9.6m and 13m in height. This block is situated roughly in the centre of the site, towards the western boundary. The dwellings would be two storeys with heights ranging from 8.1m to 8.7m. There are ten different house types proposed.

Materials for the dwellings are proposed to be a mix of Ibstock Takeham Red Multi Stock brickwork, Ibstock Queensbury Yellow Stock brickwork and Weber Roughcast Render in Silver Pearl. Contrasting Ibstock Parnham Red brickwork will be provided to some of the dwelling types. Plinth bricks would be smooth faced red bricks. The roofs would be finished with either Forticrete Gemini Mixed Russet or Forticrete Gemini Slate Grey roof tiles. Natural finish Waney Edge boarding or Forticrete plain vertical hanging tiles in red and mixed russet are also proposed to provide additional variation to some of the house types and detached garaging.

Boundary treatment is indicated to be a combination of 1.8m high fencing and 1.8m high Ibstock Queensbury Yellow multi facing brickwork walls.

The houses are provided with parking in a combination of forecourt spaces with detached, integral or attached garaging. Thirteen of the houses are provided with integral or attached garages, these measure internally between 2.8m and 5.3m wide, and between 5.1m and 5.3m deep. The detached garaging would be between 4.3m and 5.3m high, and measure internally between 2.9m and 3.1m wide and between 5.8m and 6.9m deep. The flats are provided with 26 surface parking spaces, each measuring 2.9m by 5.5m, and a 4.8m high carport providing three additional spaces for the flats and each measuring 2.5m wide and 5.1m deep. Marked out surface level visitor parking of six spaces are distributed around the site.

The flats would also be provided with a 3.8m high, 4m wide and 6.4m deep bike and bin store and a separate 3m high, 3.5m wide and 0.7m deep bike store. This would provide bike storage for 18 cycles.

The proposal intends to retain the badger sett in the centre of the site, provide bat and bird boxes throughout the site on retained trees, relocate reptiles to Cherry Orchard Jubilee Country Park and provide a financial contribution, to mitigate the loss of habitat through the development of the site, towards the management of Valerie Wells Wood, (formerly known as Cottage Plantation).

An area of open space is proposed in the western part of the site, adjoining the public open space provided within the adjacent Ashcroft Place development. A corridor of open space is also proposed between the northern and southern sections of housing in the area of the easement.

Supplementary Documentation

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

- o Planning Statement including Draft S.106 Heads of Terms
- o Design and Access Statement
- o Archaeological Desk Based Assessment
- o Transport Assessment
- o Framework Residential Travel Plan

- o Ecological Assessment and supplementary Briefing Note: Castle Point Letter 02.06.15
- o Tree Survey, Arboricultural Impact Assessment and Landscape Design Strategy
- o Statement of Community Involvement
- o Flood Risk Assessment and Flood Risk Addendum
- o Utilities and Servicing Assessment
- o Preliminary Risk Assessment and Site Investigation
- o Valerie Wells Wood Biodiversity Assessment
- o Biodiversity Offsetting Scheme Proposal
- o 'Smart Sponge' literature

The application was also accompanied by a viability assessment and detailed Badger assessments.

Planning History

CPT/801/89/OUT – An outline application for residential development on land north and south of The Chase was refused in 1990 on the basis of the site's Green Belt location, highway safety and loss of an area of local amenity and ecological value.

Subsequently, during the Borough Local Plan preparation process in the early 1990's, consideration was given to the identification and safeguarding of land to contribute to meeting long term housing needs. The Inspector conducting the Local Plan inquiry recommended that land south of The Chase and east of Wensley Road be allocated as land safeguarded to meet long term housing needs. The land was identified for development beyond the Plan period, i.e. after 2001, on the understanding that "the land be kept free of development which would prejudice later comprehensive treatment until such time as it may be released for housing purposes, after reviews of both the Structure and Local Plans".

The Local Plan was adopted in November 1998 and allocated the application site for Long Term Residential purposes.

CPT/708/04/OUT – Residential development and local centre, comprising 310 dwelling units and a local centre of 0.33ha.

Members were minded to approve the outline application at the Planning Committee held on 11th October 2005, subject to the following:

- o Negotiations be held with the applicants in respect of the phasing of the development and the arrangements for the delivery of a minimum of 78 affordable housing units as part of the proposal
- o That the applicants enter into Section 106 Agreements with the Authority in respect of highways and education contributions
- o Negotiations be held with the applicants in respect of any further contributions relating to leisure provision or environmental impacts as a result of the development
- o That the applicants fully resolved the outstanding implications of the proposal in the context of PPS9 relating to biodiversity.

The Committee also resolved to set up a Member group to be included in any discussions between the Officers and the applicant. At the time of the Report, the Chairman and the Vice Chairman of the Committee together with Ward members were nominated to the Group. A member of the minority party was also invited to join the Group.

In the event no meetings took place.

The resolution to approve the application subject to the resolution of the issues identified remains extant.

The site shown within the outline application has become two separate full applications, the current application and CPT/697/11/FUL.

It should be noted however, that following the development of Ashcroft Place, any consent granted pursuant to this application could not be implemented.

CPT/697/11/FUL - 150 Dwellings, new access and associated open space

This application covers the land to the west of the current application site, and included improvements to the junction with Kiln Road. Consent was granted for this development on 8th January 2013 in conjunction with a S106 Agreement in respect of the provision of affordable housing, financial contributions towards highways and healthcare provision, the elimination of ransom strips, the management and maintenance of play areas, wildlife corridors and other open areas and boundaries on the site and the mitigation measures in respect of ecology/biodiversity/nature conservation/trees. This development is now known as Ashcroft Place and is currently under construction. Many of these dwellings are now occupied.

CPT/287/13/FUL – Revised site layout of 23 dwellings on plots 66-82 and 87-92

This application covers the land to the west of the current application site, and revised the layout to the northern portion of the site under CPT/697/11/FUL. Consent was granted for this development on 31st January 2014 with an associated variation of the S106 Agreement attached to CPT/697/11/FUL to change the plot numbers and application numbers referred to in the affordable housing section of the Agreement. This development is currently being built, and adjoins plots 37, 38 and 42 of the current application.

In terms of the application site, formal pre-application advice was sought in 2014. Since its submission the applicants have met with the Council on two occasions. Throughout these discussions the principle of development was considered consistent with the allocation, and with the information submitted for the adjacent application site (CPT/697/11/FUL). During these discussions it was made clear to the applicants that parts of the layout required specific attention, that the affordable housing component would be scrutinized, that drainage issues were sensitive and that the layout should fully reflect the tree and hedgerow and biodiversity constraints.

Local Plan Allocation

Long Term Residential

Relevant Policies and Government Guidance

National Planning Policy Framework

Paragraphs: 4 (Sustainable Development)
17 (Core Planning Principles)

19	Sustainable economic growth)
47	(Five year housing supply)
49	(Sustainable development)
50	(Provision of housing)
58	(Quality of development)
70	(Loss of valued facilities)
73	(Access to open space)
100-103,	(Flood Risk)
109	(Conservation of natural environment)
118, 119	(Conservation of natural environment)
Section: 12	(Conserving the historic environment)

Castle Point Borough Council Local Plan (Adopted November 1998)

EC2 – Design
 EC3 – Residential Amenity
 EC4 – Pollution
 EC5 – Crime Prevention
 EC7 – Natural and Semi-Natural Features in Urban Areas
 EC13 – Protection of Wildlife and Their Habitats
 EC14 – Creation of New Wildlife Habitats
 EC21 – Woodland Management and Tree Preservation Orders
 EC22 – Retention of Trees, Woodland and Hedgerows
 EC23 – Tree and Shrub Planting
 EC38 – Archaeological Sites and Monuments
 H5 – Safeguarding of Land for Long-Term Housing Need
 H7 – Affordable Housing
 H9 – New Housing Densities
 H10 – Mix of Development
 H11 – Accessible and Wheelchair Housing
 H12 – Piecemeal Development
 H13 – Location of Development
 H17 – Housing Development – Design and Layout
 T2 – Intensification of Access Use
 T8 – Car Parking Standards
 T10 – Cycleways
 RE4 – Provision of Children’s Playspace and Parks
 RE14 – Planning Agreements and Recreational Development
 CF1 – Social and Physical Infrastructure and New Developments
 CF13 – Phasing of Development
 CF14 – Surface Water Disposal

Residential Design Guidance (Adopted January 2013)

RDG1 – Plot Size
 RDG2 – Space around Dwellings
 RDG3 – Building Lines
 RDG4 – Corner Plots
 RDG5 – Privacy and Living Conditions
 RDG6 – Amenity Space
 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 Storage
RDG15 – Design Codes
RDG16 – Liveable Homes

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

Developer Contributions Guidance Supplementary Planning Document (Adopted October 2008)

Additional Information

Castle Point Draft New Local Plan Whole Plan Viability Assessment Phase 1 Report (October 2013)

Thames Gateway South Essex Fundamental Review of Strategic Housing Market Assessment Review 2013 (December 2013)

Strategic Housing Land Availability Assessment Update (October 2014)

South Essex Surface Water Management Plan (2012)

Castle Point Draft New Local Plan (Not Adopted)

Castle Point Borough Local Wildlife Sites Review (November 2012)

Open Space Appraisal Update (September 2014)

Planning Minister Statement 25th March 2015

Technical housing standards – nationally described space standard (March 2015)

DEFRA Non-statutory technical standards for sustainable drainage systems (March 2015)

Consultation

Environmental Health

No objections. Complaints have been received in the past regarding the flooding of gardens in Kingsmere and Queensmere. Have concerns that the removal of further woodland will exacerbate this problem if no additional land drainage arrangements put in place.

If minded to grant this application, request you place an advisory note confirming the Council's guidelines regarding construction sites and that noisy building works are restricted to:

- o Monday to Friday – 08:00 to 18:00hrs
- o Saturday – 08:00 to 13:00hrs
- o Sundays and Bank Holidays – no works to be undertaken

Legal Services

Have reviewed the title information and can confirm the Council owns some of the properties on the eastern boundary of the site registered under title number EX480828. While encroachment is a possibility it will be unlikely given the properties owned by us are occupied by Council tenants and the area is not open land. Given the land is adjacent to housing land would advise that the housing department are consulted on this application. No objection to the application.

Recycling and Refuse – 24th November 2014

No objection subject to the following points:

The bin stores need to be made slightly larger to enable each of the bins to be removed without the need to remove any of the other bins.

The following bins required, 2 x 1100 litre refuse bins, 2 x 1280 litre bins for pink sacks, 2 x 240 litre glass bins and 2 x 240 litre food waste bins

Recycling and Refuse – 24th April 2015

Following changes to the proposal, no objection.

Planning Policy

The application is of interest from a planning policy perspective as it is a proposal for a significant number of homes (71 homes) on a site which is identified for housing in both the current 1998 Adopted Local Plan and the draft of the New Local Plan.

The National Policy Context for Housing

The housing target in the 1998 Adopted Local Plan extended to 2001 only, and is therefore out of date. The policy context for housing need is therefore provided by the National Planning Policy Framework (NPPF), which requires at paragraph 47 for local planning authorities to plan to meet their full, objectively assessed need for market and affordable housing as far as is consistent with other requirements of the NPPF.

The NPPF goes on to expect within paragraph 47 that local planning authorities will identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirement with an additional buffer of 5% to ensure choice and competition in the market for land. Where there has been persistent under-delivery of housing this buffer should be increased to 20%.

Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

Paragraph 50 of the NPPF expects that local authorities to plan for a mix of housing based on current and future trends, identifying the size, type, tenure and range of housing that is required, including the need for affordable housing.

The Need for Housing in Castle Point

The Planning Practice Guidance (PPG) sets out the methodology that should be applied when identifying the housing need within an area. A report on this matter was presented to the New Local Plan Task and Finish Group Meeting of the 8th October 2014, which indicates that the

Objectively Assessed Need in Castle Point is of the order of 320 homes per annum. In the absence of a Strategic Housing Market Assessment (SHMA) based on the PPG methodology, or an adopted plan which sets an alternative target, it is this Objectively Assessed Need which has been used to calculate the five year housing land supply.

The Strategic Housing Land Availability Assessment Update (October 2014) (SHLAA) reports the five year housing land supply position with the 1998 Adopted Local Plan as a constraint on supply. Under this scenario, the SHLAA shows that there is a potential five year supply of 862 homes – 1.6 years worth of supply.

The Principle of Housing on this 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 within the Green Belt. This is significant in Castle Point as a considerable extent of the land suggested for development within the borough is currently located within the Green Belt.

However, the application site is not located within the Green Belt. It was designated in the 1998 Adopted Local Plan as a long-term housing site, to be brought forward upon review of the plan (Policy H5). Whilst this review is not complete, land immediately adjacent to the application site (to the west) within the same designation has been approved for housing development. The principle of bringing forward housing on this long-term housing site has therefore already been established in the absence of a complete review of the plan.

The SHLAA therefore includes the application site within the five year housing supply figure quoted above (862 homes). The record of this site can be found at Row 88 of the Schedules included in Volume 2 of the SHLAA. The SHLAA identified that this site has capacity to accommodate around 50 homes having regard to environmental constraints on the site.

The Housing Mix and Tenure

Whilst the principle of housing on this site is not a matter of objection from a planning policy perspective, there are concerns with regard to the ability of this proposal to provide sustainable development which meets the needs of current and future generations in terms of size, mix and tenure, consistent with the requirements of paragraph 50 of the NPPF.

With regard to the mix, it is noted that the proposal is for predominantly 4 bed homes. The 2013 SHMA shows at page 96 the size and mix of homes likely to be required in each of the TGSE districts. For Castle Point the mix is 40% 1 and 2 beds, 46% 3 beds and 14% 4 beds plus. Whilst a housing mix which better reflected that requirement would have been desirable, it is also noted that such a mix may have been inconsistent with the character of the development in the locality having regard to the requirements of paragraph 58 of the NPPF.

With regard to affordable housing provision, the 2013 SHMA shows a need for 73% of new homes to be affordable in Castle Point. It is recognised that it is unrealistic to expect a privately delivered development to provide 73% affordable housing as it would render it unviable. However, the Castle Point Draft New Local Plan Whole Plan Viability Assessment Phase 1 Report tests the viability of different types of site within Castle Point. The table at page 41 shows that both a 50 unit scheme and a 100 unit scheme on the mainland can accommodate 35% affordable housing whilst also ensuring £2.2m per ha land value. This leaves a residual value of around £750,000 per ha for other contributions. On this basis, the proposal to provide

14 affordable housing units represents less than 20% of the units on site when a higher level of provision is considered to be achievable, particularly as no evidence has been provided to justify a low level of provision against the identified need. This is a potential ground for refusal having regard to paragraph 50 of the NPPF.

Nature Conservation Considerations

Policy H5 of the 1998 Adopted Local Plan requires the protection of valuable landscape and wildlife features when bringing forward housing development within this location. Paragraph 118 of the NPPF states that local planning authorities should aim to conserve and enhance biodiversity. It states that if significant harm resulting from development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

The application site forms part of an area designated in the 1998 Adopted Local Plan as a Site of Importance for Nature Conservation. Such sites are now known as Local Wildlife Sites. The most recent Local Wildlife Site Review was undertaken in 2012. Site CPT23 Thundersley Plotlands was considered as part of this review and considered to meet two of the selection criteria for designation as a Local Wildlife site, with two BAP Priority Habitats present. It is recognised that the site is extensive, and does not contain BAP priority habitat across its entire extent, however the mosaic of habitats is considered important for its variety, and for the assemblage of species it accommodates. It is noted that the applicants own ecology report shows that the area is covered by semi-mature woodland, and provides habitat for protected species including bats, badgers and slow worms.

The proposal makes effort to avoid harm to biodiversity on this site, and given the limited extent of open space provided within the proposal, it is unlikely that mitigation can be achieved. However, if the Council is minded to approve a development of this nature, in order to achieve consistency with the requirements of the NPPF, the harm caused to biodiversity should be fully compensated for nearby. DEFRA has developed a metric for calculating the amount of compensation that should be provided where a development causes harm to biodiversity and this should be applied to ensure that any off-site compensation is adequate and achieves a net gain in biodiversity.

Flood Risk Considerations

The 1998 Adopted Local Plan is silent on flood risk matters and therefore regard should be had to the advice in paragraphs 100 to 103 of the NPPF. The South Essex Surface Water Management Plan shows that this site is located within Critical Drainage Area CAS3. Figures C23 and C24 of this report show that land on this site is the source of a surface water flow path running towards residential properties to the east of this site. Properties within this area are already susceptible to flood risk, with several having experienced inundation of surface water during an extreme rainfall event on the 20th July 2014.

The NPPF is clear at paragraph 103 that when determining applications, local planning authorities should ensure flood risk is not increased elsewhere. Given the existing susceptibility of properties down flow of this site, it is expected that any development on this site will ensure the management of surface water on-site in order to avoid creating additional risk to these properties.

Given the lack of open space provision within the proposal, there is a concern that inadequate provision of space for water has been made within this development. The Lead Local Flood Authority should be consulted with regard to the adequacy of the surface water management proposals for this site, and that appropriate weight is attached to any matters that they raise.

Infrastructure Considerations

Section 6 of the Planning Statement which accompanies this planning application sets out the Heads of Terms for the Section 106 Agreement which would accompany this application if it were to be approved. The heading within the Heads of Terms appear appropriate, and the advice that the applicant has received from ECC regarding education is consistent with advice they have provided in relation to plan making.

I would however reiterate the concerns expressed with regard to the quantum of affordable housing provision, which should be increased to better reflect the need for such provision in Castle Point.

It is also noted that healthcare provision has not been listed. The evidence submitted to the Council in response to its recent consultation on the draft New Local Plan shows that there is an existing deficit in primary healthcare provision within Castle Point. Additional growth would therefore place pressure on what are already strained services. There is therefore a need for housing growth in the borough to be accompanied by growth in the capacity of GP services. The primary healthcare costs associated with growth (not the deficit) are calculated at £254 per dwelling. Regard should be had to this evidence and any comment from NHS England in relation to this application, and that the Heads of Terms is amended accordingly to include a contribution towards primary healthcare provision.

NHS England

The proposed development is likely to have an impact of the NHS funding programme for the delivery of primary healthcare provision within the area and specifically with the health catchment of the development. Would expect these impacts to be fully assessed and mitigated by way of developer contribution secured through a Section 106 planning obligation.

The application does not include a full Health Impact Assessment (HIA). NHS England has recently carried out a review of GP services to identify capacity issues, and the development is likely to have an impact on the services of 3 GP practices, and these do not have the capacity for additional growth as a result of the development. NHS England has prepared a HIA to provide the basis for a developer contribution towards capital funding to increase capacity within the GP catchment area.

As shown in the HIA there is a capacity deficit in the catchment practice and a developer contribution of £23,300 is required to mitigate the 'capital cost' to NHS England for the provision of additional healthcare services arising directly as a result of the development proposal. The Council does not yet operate a CIL Charging Schedule and therefore at this time all contributions should be delivered through S106. Assuming the above is considered in conjunction with the application, NHS England does not wish to raise an objection to the proposal. Satisfied that the basis and value of the contribution sought is consistent with the policy and tests for imposing planning obligations set out in the NPPF.

County Education

According to our forecasts there should be sufficient primary and secondary school provision to meet the needs of the development. With regard to sufficiency of early years and childcare provision the two providers within Cedar Hall Ward are operating at, or close to, full capacity. There will therefore be insufficient pre-school provision in the area to meet the needs of the proposed development.

In view of the above, request that any permission for this development is granted subject to a section 106 agreement to mitigate its impact on early years and childcare provision. Should the final development result in the unit mix referred to then the s106 contribution would be £66,701 index linked to April 2014 costs using PUBSEC.

If minded to turn down the application, would be grateful if the lack of early years and childcare provision in the area can be noted as an additional reason for refusal and that we are automatically consulted on any appeal or further application relating to the site.

County Social Services

No response received

County Highways – 19th December 2014

All housing developments which would create a new street will be subject to 'The Advance Payments Code', (Highways Act, 1980). The Development will be served with an appropriate Notice within 6 weeks of Building Regulations approval being granted and prior to commencement of development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification to ensure future maintenance as a public highway.

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority, subject to conditions. The Highways Authority also require a financial contribution of £75,000 for highway improvements at A13/A129/B1014 'Victoria House Roundabout' and 'Woodmans Arms' mini roundabout.

County Highways – June 2015

The contribution is to be used to mitigate the impact of the proposed development on the strategic network in the vicinity of the site at the Victoria House Roundabout and Woodmans Arms mini roundabout. The contribution will be used in conjunction with the previous Section 106 contribution associated with the Kiln Road development (CPT/697/11/FUL) and forms part of an improvement scheme to improve capacity.

The request for a contribution is agreed with the development and meets all the relevant tests.

The pooled contributions shall be programmed as part of a capacity improvement scheme. This scheme will mitigate the impact of the proposed development. The figure of £75,000 is based on a pro rata contribution for the original contribution of £150,000.

County Surface Water Engineer – 19th February 2015

Development is located within potential surface water flooding hotspot zone in the Critical Drainage Area CAS3 within the South Essex Surface Water Management Plan. Therefore the development is at high risk of surface water flooding in extreme events affecting people,

property or local infrastructure. Alongside careful consideration of sustainable drainage we would also encourage a financial contribution of approximately £14,975 (outlined in Castle Point Draft Local Plan). This would provide benefit to the surrounding community and development through alleviation works and/or drainage improvements. The scheme will reduce flooding to infrastructure that would have increased pressure from the development. The financial contribution would act as a contribution to any funding secured from the Environment Agency FDGiA, making the scheme viable.

County Surface Water Engineer – 8th June 2015

Still have concerns about the risk of off-site flooding caused by the overland flows from the site and the site is located in the potential surface water flooding hotspot zone which the highest risk areas within the Critical Drainage Area (CDA). Acknowledge the developer has moved a long way towards addressing these points and managing flows from the site, but the site is still at risk from offsite. A contribution to address some of the issues experienced would go a long way towards reassuring us that if flooding does occur its impact would be mitigated.

This contribution would contribute towards a flood alleviation scheme outlined in the South Essex Surface Water Management Plan. The capital cost of the scheme is estimated between £26,000 and £50,000. Unable to provide an exact costing as the project is at the development stage. The contribution will help to fund the build of the proposed scheme, to help alleviate the flooding from surface waters to properties and infrastructure within the CDA.

The figure of £14,975 was obtained from Castle Point's draft Local Plan which uses CIL processes to work out developer contributions. The County feels this is a fair process to determine the amount a developer should contribute to a scheme, as it reflects the size of the development. Money obtained through developer contributions will act as Castle Point Borough Council's partnership contribution to the scheme thereby prioritising the project within our capital works. The flood alleviation scheme will also improve the drainage infrastructure within the CDA as flooding will be reduced. This would open up the area to future development and benefit future residents and Castle Point Borough Council.

Lead Local Flood Authority (LLFA) – 19 November 2014

LLFA providing informal comments on SuDS schemes on sites over 1ha, which are given without prejudice to any future application under the Flood and Water Management Act. Environment Agency remains the statutory consultee on surface water.

Subject to any future Voluntary Adoption Policy and evidence that SuDS meet the relevant criteria Essex County Council (ECC) may consider adopting some SuDS features. To keep this option open, SuDS would need to comply with the following documents.

- o The CIRIA SuDS Manual (C697)
- o Defra's draft SuDS National Standards
- o ECC's emerging Sustainable Drainage Design and Adoption Guide

Having reviewed the Flood Risk Assessment (FRA), have some concerns about the surface water drainage strategy, which should be addressed before approval is granted:

- o Concerned that any development may exacerbate the existing flooding issues, as stated in the FRA. Three separate flows will be converging on a single point which is already

considered at risk of surface water flooding in events well below the 1 in 100yr+30% event, what are the flow rates expected from each of these sources? What is the maximum flow rate that the receiving drain can convey without surcharging? What other sources feed into this drain? (section 1.5 of the FRA)

- o Topographical plans should be provided, including levels of the land to the east of the site so that the impact of any surface water runoff can be assessed (section 1.6)
- o It is proposed in the FRA that residual risk from overland flows will be addressed through a network of swales around the perimeter development. It is unclear where the swales will be placed as the site layout plan does not seem to have provided allowance for this (section 1.7)
- o Permeable paving will only be located in one small section of the site, why has its use been limited to this area? (section 1.9)
- o With regard to managing surface water runoff consideration should be given to the findings within the South Essex Surface Water Management Plan, with particular reference to information regarding Critical Drainage Areas (CDAs) the site may be in. Where possible, as well as mitigation to the flood risk caused by the development, betterment to the area should also be provided. Details should be provided regarding any works of this nature. (section 3.11)
- o Mapping should be provided to show the route of the drain that will be accepting the runoff from the site. What condition is this drain in? (section 4.3)
- o What flow is being received from this ingress point? (section 4.4)
- o When was the groundwater monitored? Groundwater should be monitored in summer and winter to see if there is any variance throughout the year. For completeness, the infiltration rate should be included within the FRA. (section 4.7)
- o The site currently has flooding issues therefore existing levels should be improved upon rather than just maintained. What volume of offsite water will this ditch already convey? What will the final capacity of the ditch be? Will water from the site also be directed to this ditch? (section 5.8)
- o Environment Agency Surface Water Flood Maps show that the valley feature of the site and the watercourse running along the Eastern boundary is at risk of surface water flooding. It must be certain that any improvements made to these areas will prevent flooding on and off site, and modelling of the area will need to be done to establish this. (section 5.8 and 5.10)
- o Results from the CCTV survey of the sewer route between the site and Prittle Brook and records of sewer flooding in the area need to be included so that it can be established what works would be necessary to handle both the existing flows and any proposed flows from the new development. Plans of the route and ownership of this drain should be provided as it is not clear from the Anglian Water records how the surface water sewer running through the site connects to the surface water drainage system on Rayleigh Road (section 5.12)
- o If it is considered that remedial action is needed, a plan with Anglian Water needs to be established and agreed before this FRA can be accepted (section 5.13)
- o Living roofs may not contribute significantly but could provide a significant amount of interception storage. Essex County Council looks for interception storage to capture the first 5mm of every rainfall event (80 % success during the summer and 50% during the winter). While living roofs may not be practical on residential buildings it could be considered on ancillary buildings such as garages (section 6.3)
- o While permeable paving could be used as an element of treatment, we would have concerns about the use of lined geo-cellular storage as a way of providing the necessary

attenuation storage because of the recorded height of groundwater. If underground storage is used it is essential that the weight of any infill is greater than the uplift force of the buoyancy of the ground water (section 6.3)

- o Consideration should be given to more natural features such as swales. Swales help to improve water quality and are more easily maintainable in comparison to pipes (section 6.7)
- o Has this calculation included 10% for urban creep? (section 6.8)
- o The Essex SuDS guide asks for discharge to be restricted to the 1 in 1 year rate. If the discharge rate is restricted at the equivalent 1 in 1 year, 1 in 30 and 1 in 100 rates we would expect long term storage to cater for any additional volume of water created by the development. No additional percentage should be added to the discharge rates. While the calculation for discharge rates can be done without the inclusion of permeable land, storage volumes should be calculated for the whole site because they should take account of climate change which will affect undeveloped land as well as impermeable areas. (section 6.9)

There is no mention of what the exceedance routes are for rainfall events over 1 in 100+cc. Given the existing risk to properties down slope of the development site it is important to fully consider what will happen to surface water in an exceedance event. Details should be provided to the LLFA.

Treatment of runoff should be considered equally as important as issues concerning volume and discharge rates. There has been little indication about how the proposed drainage strategy addresses issues associated with treatment of runoff. Information should be provided to show that the necessary treatment stages will be included in the SuDS proposals.

Given the high risk of flooding in this area work to maintain the existing ditch and create the new ditch to the east of the site should take place before construction commences.

Lead Local Flood Authority (LLFA) – 8th June 2015

Having reviewed the updated information which accompanied the application, and following discussion with the consultant for this site we have updated our response. We maintain our objection on the following point:

- o Treatment of runoff should be considered equally as important as issues concerning volume and discharging rates. It has not been sufficiently demonstrated that the proposed drainage strategy addresses issues associated with treatment of runoff.

It should be noted that while it has been demonstrated that discharge rates and volumes have been proposed which should minimise the risk of increased flooding from the site, consideration should be given to the findings within the South Essex Surface Water Management Plan, with particular reference to the information regarding CDAs the site may be in. Where possible, as well as mitigation to the flood risk caused by the development, betterment to the area should also be provided.

Were the above issues to be addressed it will be necessary to condition elements of the drainage strategy including discharge rates, volume, layout, maintenance.

Environment Agency – 9th December 2014

Reviewed the information submitted and wish to raise a holding objection.

The site lies in Flood Zone 1, and as the site exceeds 1 hectare in size a Flood Risk Assessment (FRA) is required. Due to the size of the development it can generate significant volumes of surface water. The impact and risks posed by this will vary according to both the type of development and the characteristics of the development.

An FRA has been submitted in support of the application, but does not comply with the requirements set out in the Planning Practice Guidance and therefore does not provide a suitable basis for assessment to be made of the flood risks arising from the development. In particular the FRA fails to:

- o Assess the capacity of receiving watercourses and fully consider whether there are any current downstream capacity issues
- o Assess in detail whether artificial drainage systems in the proximate area causes flooding on/off site.
- o Follow the SuDS Hierarchy in line with CIRIA 675 and Part H of the Building Regulations.
- o Demonstrate a viable method of SuDS disposal from the proposed development

The objection can be overcome by submitting an FRA which covers the deficiencies highlighted above and demonstrates that the development will not increase risk elsewhere. Detailed comments on the inadequacies of the FRA provided.

Environment Agency – 1st April 2015

In their role as Lead Local Flood Authority, Essex County Council (ECC) will now be commenting on surface water proposals on sites over 1 hectare instead of the Environment Agency. With respect to this application, it has been agreed that as ourselves and ECC have outstanding objections, ECC will now take the lead advising on the proposed surface water scheme. We are fully supportive of the advice ECC gives you, as the requirements sought by them will also seek to address our objection. Therefore once these issues are sufficiently addressed by the applicant and agreed with ECC, you can consider our objection removed.

Anglian Water

Assets Affected – Ask that the following text be included within your Notice should permission be granted:

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

The development site is within the 15 metre cordon sanitaire of a sewage pumping station of this type. This is a significant asset both in itself and in terms of the sewerage infrastructure leading to it. For practical reasons therefore it cannot be easily relocated. The following condition is recommended:

The development site is within 15 metres of a sewage pumping station. Whilst Anglian Water takes all reasonably practicable steps to prevent any nuisance arising from the site, there should be no development within 15 metres from the boundary of a sewage pumping station of

this type if the development is potentially sensitive to noise or other disturbance or which might give rise to complaint from the occupiers regarding the location of the pumping station.

REASON: To avoid causing future amenity problems.

(Anglian Water has confirmed the position of the sewage pumping station, as being located to the south east of the application site.)

Wastewater Treatment - Foul drainage from this development is in the catchment of Benfleet Water Recycling Centre that will have available capacity for these flows.

Foul Sewerage Network - The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

Surface Water Disposal - The preferred method of surface water disposal would be to a sustainable drainage system (SUDS) with connection to sewer seen as the last option. The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is acceptable. Connection may be made to manhole 8051 at a maximum discharge of 21.2l/s. We will request that the agreed strategy is reflected in the planning approval. The following condition is recommended:

No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.

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

Trade Effluent - Not applicable

UK Power Networks

No response received

Essex and Suffolk Water

Existing apparatus does not appear to be affected by the proposed development. Have no objection to the development subject to compliance with Essex and Suffolk Water requirements. Consent to this development is given on the condition that new water mains are laid in the highway of the site, and a new water connection is made onto our Company network for each new dwelling for revenue purposes.

Natural England – 17th November 2014

The application is in close proximity to the Thundersley Great Common, Great Wood and Dodd's Grove, and Benfleet and Southend Marshes Sites of Scientific Interest (SSSI). The Benfleet Southend Marshes SSSI forms part of the Benfleet and Southend Marches SPA and Ramsar.

The proposal, if undertaken in strict accordance with the details submitted, is not likely to have a significant effect on the interest features for which Benfleet and Southend Marshes SPA and Ramsar has been classified. Therefore advise that your Authority is not required to undertake

an Appropriate Assessment to assess the implications of this proposal on the site's conservation objectives.

Satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest for which the Thundersley Great Common, Great Wood and Dodd's Grove, and Benfleet and Southend Marshes SSSI's have been notified. Therefore advise that these SSSI do not represent a constraint in determining this application.

Should the details of this application change, attention is drawn to Section 28(1) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.

Protected species - We have not assessed this application and associated documents for impacts on protected species.

Natural England has published Standing Advice on protected species, which includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy.

Apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence may be granted.

Local sites - If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

Biodiversity enhancements - This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the NPPF. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that '*Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity*'. Section 40(3) of the same Act also states that '*conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat*'.

Landscape enhancements - This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural

resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider new development and ensure that it makes a positive contribution in terms of design, form and location, to the character and functions of the landscape and avoids any unacceptable impacts.

Natural England – 14th April 2015

The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal. The proposed amendments to the original application relate largely to access, design and landscaping, and are unlikely to have significant different impacts on the natural environment than the original proposal. Should the application be amended in a way which significantly affects its impact on the natural environment then Natural England should be consulted again. Before sending amended consultation please assess whether the changes proposed will materially affect any of the advice we have previously offered, if they are unlikely to do so, please do not re-consult us.

Buglife

No response received

Essex Bat Group

No response received

Essex Badger Protection Group

Proposed development would have a significant and permanent impact on the badger population. There would be direct impact on their setts, also substantial loss of foraging ground and isolation of habitats.

The proposed development would result in the loss of a threatened biodiversity of grassland/woodland. This would have a permanent impact on the badgers and other wildlife. Given the irreplaceable nature of the site, it would not be possible to provide suitable mitigation, in line with the guidance from the National Planning Policy Framework, the development of this site should be refused.

Fire and Rescue Service

In general terms it would appear from the plans that access for Fire Service Appliances is satisfactory. More detailed observations on access and facilities for the Fire Service will be considered at the Building Regulation consultation stage. Architect or agent is reminded that additional water supplies for fire fighting may be necessary for this development. Strongly recommend a risk based approach to the inclusion of Automatic Water Suppression Systems, which can substantially reduce the risk to life and of property loss. Also encourage developers to use them to allow design freedoms, where it can be demonstrated that there is an equivalent level of safety and that the functional requirements of the Regulations are met.

Police Service

No response received

Rochford District Council

Can confirm that the reptile translocation has been formally agreed, and long term provision for the appropriate management of the site has been put in place.

Public Consultation

Four responses received from surrounding residents (No.12 Kingston Road, No.26 Kingston Road, No.219 Kiln Road and No.47 Kingsmere) with the following objections:

- o Concerning that Kingston Road is the only access point for the dwellings
- o Proposed footpath between No.201 and No.205 Kiln Road would affect the security and privacy and its use will create disturbance
- o Natural habitat provides a home for wildlife, and with previous disturbance from recent housing development, any environment sustaining wildlife should be preserved, and footpath would disturb this
- o Would consider proportioning my land off as part of current or future schemes and in this respect strongly object and would like consideration to be given to any revision of road layout or restrictions that would stop access that may occur as part of the application as could hinder or prove detrimental to future development opportunities in respect of my land
- o Infringement of our privacy, our rear habitable rooms will be easily viewed from the rear and side windows of the dwelling on plot 71
- o Affect our right to light, specifically to lounge, kitchen and garden
- o Sketch site plan inaccurately shows the extent of the electrical substation next to our property.
- o Original plans showed existing easements running closer to our property, assuring us that a property could not be built within too close a proximity to our boundary, would like the accurate measured plan to show the easement in the correct position
- o Currently have 6ft fence, and seems like there is no intention to minimise the impact of Plot 71 by building a dwelling a reasonable distance from boundary, nor are there any trees or landscaping planned.
- o Details claim there will be natural surveillance of the footpath, unlikely to be visible from the properties in Kingston Road resulting in the footpath being unmonitored and risk for the properties
- o Details conclude that the Kiln Road/Kingston Road T-junction will operate well, disagree and ask the collaborator to try exit Ashcroft Place during morning and evening rush hours, and peak weekend times, which is currently based on current traffic of the unfinished estate
- o Once completed the Ashcroft Place development exit will become more difficult, adding an extra 71 dwellings will make the junction dangerous and time consuming.
- o Serious concerns with surface water flooding problems
- o Not enough has been done to assess the drainage and infrastructure of the site
- o Detailed plan needs to be made as to what preventative measures and works need to be done to ensure local residents are protected from future flooding issues

Comments on Consultation Responses

- o The contributions requested can be required via a S106 agreement and will be discussed within the evaluation of the proposal

- o It is not possible to enter into correspondence with neighbours regarding the application during consideration of the proposal.
- o There is no reason to question the accuracy of the plans submitted and therefore the easement through the site, in this case.
- o Other relevant issues are discussed within the evaluation of the proposal

Evaluation of Proposal

The issues to be considered are the principle of development and prematurity, the density and mix of housing, design and layout, the provision of affordable housing, highways and car parking, drainage and flood risk, ecology, trees and other matters including accessibility and crime prevention, infrastructure, amenity, sustainability, archaeology and contamination.

(i) The Principle of Development and Prematurity

Since the adoption of the Local Plan in November 1998, the site has been allocated as land safeguarded for long term housing needs under Policy H5 of that document. For the purposes of Policy H5 "long-term" is defined as beyond 2001 with no end date envisaged. Development of the land, within the context of this policy, is directly linked within the Policy to reviews of the Local Plan and to long term housing needs beyond the plan period. This review is not complete but land immediately adjacent to the application site to the west (also covered by Policy H5), is currently being developed for housing purposes.

Paragraph 47 of the NPPF requires the Council to identify a five year housing land supply of deliverable sites. Where this cannot be demonstrated paragraph 49 states that housing applications should be considered in the context of the presumption, with the exception of sites within the Green Belt, in favour of sustainable development set out at paragraph 14 of the NPPF (including footnotes 9 and 10). This is significant in Castle Point as a considerable extent of the land potentially available for development is currently located within the Green Belt. The application site is not located within the Green Belt.

As part of the preparation of the Draft New Local Plan, the Council has undertaken work to identify the housing need within the area. The current Strategic Housing Market Assessment (SHMA) does not meet the methodology set out within the Planning Practice Guidance (PPG), and the adopted plan is out of date, and in such circumstances the Objectively Assessed Need is used to calculate the five year housing land supply. The Objectively Assessment Need in Castle Point is of the order of 320 homes per annum. Having established housing need, it is now necessary to determine available housing land supply.

In light of the Local Plan allocation of the site, the need for housing and the advice contained in the NPPF, it is considered that sufficient circumstances exist to support the principle of residential development on this site.

The Draft New Local Plan has not been adopted but includes the application site in Policy H4, for residential purposes. The Draft New Local Plan (DNLP) has yet to be agreed for submission however it is not considered that development of the site prior to adoption of the DNLP would prejudice the outcome of the plan-making process as the site is allocated for residential purposes in the Adopted Local Plan. It is not therefore considered that the application raises any issues in terms of prematurity.

A local resident has suggested that the layout of the site would prejudice the development of adjoining land.

An area of land lies between the southern edge of the proposed development and frontage development to Kiln Road; however, it is considered that this land may be effectively developed within the context created by the proposed layout. It is not therefore considered that the current proposal would prejudice the development of a wider site.

The proposal would not therefore conflict with Policy H12 of the adopted Local Plan

(ii) Density and Mix of Housing

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 buildings, and space around the building. This policy is considered broadly consistent with paragraph 58 bullet point 3 of the NPPF, which states that planning decisions should aim to ensure that developments optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses and support local facilities and transport networks.

The application site is some 2.59ha in area and would achieve a density of some 27.4 dwellings per hectare. This density is relatively low for an urban site, considering the general density recommendations across the Borough as specified in the latest SHLAA Update (October 2014). However in relation to the specific site, the Update considers that taking into account the nature conservation issues prevalent on the site, the landscape interests and the provision of suitable open space; the site (including additional land to the south of the site making a total site area of 3.18ha) could only accommodate 50 dwellings. Therefore whilst generally the density appears low it is actually higher than the SHLAA considered appropriate for this specific site.

It may also be noted that the proposed density is similar to that of the development being built to the west of the site, which provides some 28 dwellings per hectare.

Optimum density is not purely dependent on the number of dwellings that can be provided per hectare, and other factors such as nature conservation, the overall character of the site, layout, building lines, landscaping, setting and space around the building also need to be considered. Such aspects will be considered later within the report.

Policy H10 of the Adopted Local Plan is concerned with providing a mix of development. It states that in all proposals for residential development, the Council will expect the provision of an appropriate range of dwelling types in order to satisfy a variety of housing requirements. This policy is considered vague and inconsistent with the requirements of paragraph 50 of the NPPF which states that Local Planning Authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community and should identify the size, type, tenure and range of housing reflecting local demand.

The most up to date information regarding housing within the Borough, the 2013 Thames Gateway South Essex Strategic Housing Market Assessment shows at page 96 the size and mix of homes likely to be required in each of the Thames Gateway South East districts. For Castle Point the mix is 35% 1 and 2 beds, 48% 3 beds and 17% 4 beds plus.

The proposal intends to provide some 24% 1 and 2 beds, 13% 3 beds and 63% 4 beds plus, in semi-detached and detached housing and flats. The reliance on 4 beds plus within the housing mix does not reflect the up-to-date information regarding the tenure sizes required within the Borough. However, given the overall need for housing in the Borough as indicated by the Objectively Assessed Needs and the SHLAA and the presumption in favour of sustainable development within the NPPF, it is considered that a reason for refusal on the basis on the inappropriate mix of dwellings would be difficult to sustain at appeal.

(iii) Design and Layout

Policy EC2 of the Adopted Local Plan requires a high standard of design in relation to new buildings. It requires development to be of a scale, density, siting, design and 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.

The NPPF similarly seeks well designed development and it is therefore considered that Policy EC2 is consistent with the NPPF.

The proposed development is split into two sections, north and south, divided by the existing storm sewer easement and the retention of a strip of trees. The division of the development site necessitates the provision of two main routes into the site. The road layout is based on a highway hierarchy, starting with a traditional road design with pavements to either side, reducing in width to provide shared surfaces and private drives for smaller numbers of dwellings.

Within the northern section, vistas are generally neatly terminated with dwellings or landscaped features. On the southern section the vistas do not have such easily definable features, and as such fail to provide the same high quality layout. To illustrate the point, the entry to the southern section terminates with the vehicular access to Plots 64 and 65, and the southern vista terminates with the southern boundary of the site, or a 1.8m high boundary fence, although this could alter in the future as a consequence of further development.

The proposed development provides a mixture of three bedroomed semi-detached, three, four and five bedroomed detached houses and two and one bedroomed flats in a part two storey, part three storey block.

The houses are primarily two storeys, and there are ten different house types proposed. The dwellings are generally of a rectangular footprint, but there are also a number of dwellings with 'L' shaped footprints and 'C' shaped footprints. The roofs are hipped or gabled with many incorporating front projecting gable features. The Marlborough house type also includes a front dormer feature. Detail and articulation is provided to the dwellings with the provision of flat and pitched roof canopies over front doors, brick arches to windows, brick banding, brick quoins, brick plinths, bay windows and a mix of materials.

Policy H13 of the Adopted Local Plan considers the principle and location of flat development. This policy is considered consistent with the NPPF. Flat accommodation is proposed as part of the wider residential development, which is seeking to create its own character and layout. The development has no useable main road frontage onto Kiln Road, but the flats are located at one of the main access points to the development. The flats would also face other flats of similar height and scale that have been incorporated as part of a wider scheme to the west (CPT/697/11/FUL). Given these circumstances it is considered that the location of the flats do not fall foul of the aspirations of Policy H13.

In terms of design, the flats exhibit a mixture of hipped and gabled roof forms, with Juliet balconies, brick arches to windows, a mix of materials, varying roof heights, flat roof canopies over the external doorways and roof lights.

Various single storey buildings are also provided, including detached garaging, car ports and bin and/or bike stores. These have predominately gabled roofs, with the exception of the bin and bike stores which have a hipped roof. These single storey buildings are finished in a mix of external facing materials.

This variety of building form has resulted in the creation of a mixed visual character. The character of the adjoining residential development to the east, west, north and to the south differ greatly from each other, and it is not considered that the proposal would disrupt this character and mix of development. Whilst the proposal does not provide adequate vistas to all the development, it is considered that the dwellings overall provide an acceptable visual presence and character.

In terms of materials, the proposed mix of materials is considered acceptable, and subject to the use of such materials no objection is raised to the general palette of materials proposed.

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). This policy and guidance are considered to be in compliance with the National Planning Policy Framework (NPPF).

RDG1 states that within the existing built up area the plot sizes for new development should be informed by the prevailing character of plot sizes. For new large scale developments a different character, with varying plot sizes, can be created, however this must be accompanied by a robust design rationale.

The majority of the properties have plot widths between 9m and 15m. This is generally reflective of the surrounding development and is considered to satisfy the requirements of Policy H17 in respect of RDG1.

RDG2 states that in forms of development where there is no clear pattern of development the space around a dwelling should be proportionate to the size of the dwelling, and should seek to provide at least 1m between the properties and the boundary. In the case of buildings containing flats a space equivalent to 25% of the width of properties should be provided. In all appropriate cases an adequate external access should be provided to the rear of dwellings. For new large scale developments a different character, with varying degrees of space around dwellings, can be created, however this is expected to be accompanied by a robust design rationale.

The character of the surrounding area is essentially of dwellings with a minimum of 1m isolation space to either side – unless a garage is provided up to the boundary on one side.

The overall development follows these principles, but the proposal also exhibits a number of plots where two storey dwellings are located directly on one of the side boundaries. These limited isolation distances produces a visually cramped form of development and an inappropriate setting for the proposed dwellings. Examples of this can be found at Plots 03, 04, 40, 48, 53, 54, 61 and 62. Furthermore, the proximity of dwellings to boundaries also has implications for the future maintenance of properties and for the amenity of the occupiers as vehicles of the occupiers of the adjoining properties would in some cases be located immediately adjacent to the side walls of the neighbouring properties.

While all properties would benefit from an adequate external access to the rear of dwellings, this does not overcome the concerns in terms of providing adequate settings for the dwellings and the relationship between adjacent properties.

The proposal represents a new large scale development, and there are opportunities to create a different character, with varying degrees of space, around dwellings, but this needs to be accompanied by a robust design rationale. The submitted Design and Access statement states that where possible properties have been given a one metre minimum space between the building edge and its boundary to break down the expanse of built form. It further states that detached single and double garages to the side of the building help to spread out the proposed homes so not to dominate the streets.

Detailed examination of the plan confirms that where two storey housing is located on the boundary of the plots, the majority of the cases show houses adjacent to garages and associated driveways. The garages are set back from the road, and given the position of the drives results in the impression of greater space to the side of the dwelling. However there are occasions where this is not the case, such as plot 03. However in this case the dwelling is tight to the garden area of the adjacent dwelling, so again provides the illusion of a greater setting.

The flats are located within a part two storey part three storey building and would require a greater level of isolation to the two storey dwellings by reason of the larger footprint and overall mass. The flats, in part, front the northern access road into the development and will provide a space beyond 25% of the width of the flats to its eastern and western side. Consequently the flats proposed are considered to benefit with adequate space around the building to provide an adequate setting for the building as viewed from the street and adjoining open space.

Overall it is considered that the proposal satisfies the aims of Policy H17 in respect of 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. Where there is a distinct pattern of development which creates an exceptionally strong building line, development must not result in disruption to this pattern. In all cases projections into building lines which face the public realm must make a positive contribution to the streetscape.

For new large scale developments, a different character, with varying building lines can be created, however, this must be accompanied by robust design rationale.

Whilst the proposed development creates a different character, it is considered that the proposed dwellings within the development facing the access roads, which run west to east, relate directly with the adjacent development (Ashcroft Place) and should therefore reflect the building lines created by those western dwellings. Ashcroft Place is currently being built, and therefore reliance is made on the approved plans (site layout plan as part of CPT/697/11/FUL and revised site layout plan for plots 66-82 and 87-92 shown as part of CPT/287/13/FUL).

The southern access road into the application site is known as Loveday Way. The proposed development on the northern side of this access would not project in front of the adjacent development to the west, by reason of the alignment of the road, and therefore respects the building line.

The building line on the southern side of Loveday Way is defined by the side elevation of No.26 Kingston Road, a substation and the fronts of No's 21 – 27 Kingston Road. Whilst the development would project in front of the side elevation of No.26, the alignment of the road is such that no significant disruption to the building line would be experienced.

The northern access into the application site is known as Rose Street and an acceptable building line is provided, in character with the adjoining development, to both sides of the road.

The development to the northern part of the site, plots 38 and 39, are in line with the adjacent development to the west, known as No's 4 – 16 (even numbers) The Poppies, and therefore does not breach this particular building line.

Within the development there are however examples where a poor relationship is exhibited between proposed dwellings and the highway network. The preamble to RDG3 provides guidance in this regard.

Paragraph 5.5.2 of the preamble considers that the setback of dwellings from the street, both on primary and return frontages, is a key consideration in terms of defining the character of the street, determining the degree of privacy to ground floor rooms and accommodating the storage and service requirements of the properties. Paragraph 5.5.3 of the preamble considers that such spaces can provide a buffer from the activities of the neighbouring public areas such as the street or parking or servicing areas, as well as from neighbouring developments.

Within the scheme a number of dwellings have their return frontages placed in very close proximity to the carriageway. Examples portraying this can be found on plots 01 and 06. The dwellings in these instances are very close to the shared areas, providing poor defensible space between the dwellings and the adjoining shared surfaces and turning areas. This places the dwellings in close proximity to vehicular movements. However, these areas are likely to be used by the occupiers and visitors to adjacent neighbouring properties only. It is considered therefore that there would be an element of self governing, and therefore whilst not ideal, it is considered that a reason for refusal based on inadequate isolation from the public realm, would be difficult to sustain at appeal.

It should again be noted that the proposed development reflects the relationships which exist on the adjoining site.

RDG3 also states that development which would result in excessive overshadowing or dominance to any elevation of an adjoining property will be refused.

The proposed dwellings are so sited that it is unlikely to result in excessive overshadowing or dominance to any of the dwellings within the adjoining development to the north, east and west. There are elements within the proposal which have the potential to result in overshadowing or dominance between dwellings within the development, however; future occupiers of the proposed dwellings would be aware of such situations and could make a decision on purchase based on personal preference. Under the circumstances it is not considered that a reason for refusal based on overshadowing or dominance could be sustained on appeal.

No objection is therefore raised to the proposal in respect of RDG3 to Policy H17.

RDG4 states that development on corner plots should be designed to turn corners. It also states that all new or replacement dwellings on corner plots should provide active frontages to all elevations that face the public realm.

All elevations that face the public realm must be provided with articulation and fenestration at all floor levels, and should provide good levels of surveillance. Blank elevations in these locations are unlikely to be acceptable.

Corner plots should also be designed to limit the length of high level garden screening, particularly along return frontages. The guidance states that in new large scale development, in all appropriate cases opportunities should be taken to create feature dwellings on corner locations, which enhance legibility.

The Shaftesbury dwelling type is proposed to the corner plots within the development and this provides articulation and a varied palette of materials to the return frontages of the dwellings. Whilst it would be preferable for these dwellings to create more of a landmark that turn the corners, these do provide features that in some form enhance the legibility of the development.

Excluding the Shaftesbury dwellings, there are also examples of the Stratford dwelling type to corner plots, namely plots 70 and 71. The design of the side elevation providing the return frontage of these dwellings is not as well considered as the Shaftesbury, however there are sufficient features to prevent the frontage appearing bland and uninteresting.

A disadvantage of the 'Stratford' type property is that it results in the provision of 1.8m boundary walls along the return frontages, extending some 9m to 14m along the frontage. RDG10 provides additional guidance in respect of boundary treatments, and states that the means of enclosure and surface material should be informed by the prevailing character of the area and that any means of enclosure should not dominate the public realm. It also states that in all cases the means of enclosure and surface treatment must be of high quality materials, appropriate in terms of appearance and ongoing maintenance to the location.

The proposed boundary treatment to the return frontages would be constructed predominately in Ibstock Queensbury yellow multi brickwork. This material would also be used as a finishing material to the some of the proposed dwellings and hence would be appropriate in terms of appearance, and unlikely to require significant maintenance, as would be required with fencing.

Furthermore brickwork in these locations would be harder wearing, and appropriate to its position close to shared surfaces and pavements. It is noted that in the majority of these cases, this length of boundary treatment is only provided to one side of the street and hence does not given the impression of the public realm being 'hemmed in', which limits its dominance. The level of dominance is further reduced in some cases by the provision of on-site parking and landscaping (as shown on the submitted landscape drawings). It is therefore considered that the boundary treatment to the return frontages of corner plots would meet the ethos of RDG10 and RDG4.

In other respects the boundaries proposed are considered consistent with the aims of RDG10.

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 and 15m at second floor level.

The windows in the western elevation of the proposed flats would be located some 6m from the boundary it directly faces, and a minimum of 11m from the windows in the existing block of flats to the west. There is therefore the potential for a detrimental level of mutual overlooking to occur. The windows at second and first floor level would serve bedrooms, open plan kitchen/diner areas and bathrooms.

Bathrooms are areas that are unlikely to be occupied for significant periods of time, and expect a certain degree of privacy. It is therefore considered that overlooking could be reasonably prevented through the use of obscure glazing and fixing the windows shut to a height of 1.7m. The other rooms however would be occupied for significant periods of time and demand a certain level of light, ventilation and outlook to be provided. The restriction of the glazing and the openings would therefore be inappropriate. Most of these windows are oriel styled windows, with obscure glazing to part of the window, in order to limit overlooking, views instead being offered to the north and south. However the windows that serve the open kitchen/dining areas to flats 19 and 24, are not oriel styled. In this location the windows directly face an area of walling and are therefore unlikely to adversely harm the privacy of the adjacent flats.

It is noted that the flats in the Ashcroft Place development could overlook the proposed flats by reason of the close proximity between the two blocks. However, it is considered that such deficiency, arising in part from the layout of the adjoining site, is insufficient to provide a robust reason for refusal.

All except the Shaftesbury type dwellings provide a minimum of 9m between the first floor rear windows and the boundaries they directly face. The Shaftesbury provides significantly less; however this dwelling type only provides en-suite bathrooms to their rear elevations. In such circumstances it is considered appropriate to require the rear windows of the Shaftesbury dwellings to be obscure glazed and fixed shut to a height of 1.7m.

It is however considered appropriate to impose a condition on the grant of any consent preventing the formation of further windows, openings or glazed areas at first floor level in the rear elevations of these dwellings, in order to protect the privacy of adjoining residents.

All dwelling types, except the Shaftesbury, provide less than 9m between the side windows and the boundaries they directly face, and therefore have the potential to overlook detrimentally.

These windows would serve areas that are unlikely to be occupied for significant periods of time or serve bathrooms, en-suites and stairways. In such circumstances it is considered appropriate to require the side windows to these dwellings to be obscure glazed and fixed shut to a height of 1.7m.

Front windows are generally below 9m but would face the public realm and therefore no detrimental level of overlooking would occur.

Subject to conditions regarding the obscure glazing and fixing shut the windows referred to above, no objection is raised to the proposal under RDG5.

RDG6 is concerned with the provision of private amenity area and states that all individual dwellings should be provided with at least 15m² of amenity space per habitable room.

The applicant has submitted a garden compliance plan showing the dwellings with garden areas below 100m² and the dwellings with garden areas over 100m². The proposed dwellings have between 5 habitable rooms (75m² amenity space required) and 8 habitable rooms (120m² amenity space required). The majority of the dwellings have an amenity space beyond that required under RDG6. However, the dwellings on plots 28, 29, 32, 58 and 59 are below the requirements of RDG6 by up to 20m². This represents an objection to the proposal, however; the development reflects the amenity areas provided to those dwellings to the west of the site and as such an objection on this basis is unlikely to be sustained at appeal. Nevertheless, it is considered that any further reduction to the amenity space of those aforementioned deficient plots would be detrimental to the amenities of the occupiers of those dwellings. Consequently it is considered that justification exists to restrict future development for those plots by removing the permitted developments rights in respect of Classes A, B, C and E of the Town and Country (General Permitted Development) Order 2015.

Flats are required to be provided with 8m² of amenity space per habitable room either privately or communally. Where flats have fewer than three habitable rooms a minimum of 25m² should be provided.

The flats are not provided with any allocated private or communal amenity space, and are therefore reliant on other areas of open space within the development. Due to the tight nature of the development these areas are limited to a small area adjacent to the central open space provided on the adjacent site and a small area located between the building and the adjacent flats and building and the adjoining carpark. This equates to some 580m².

17 flats are provided on the site, requiring the provision of 425m² of amenity space. This can be achieved on the site.

Concern is also raised in respect of the provision of playspace. The Committee may recall that play spaces were provided on the adjoining site. No such provision is made on the application site, however it is clear that the occupiers of the proposed development will have access to the play space provided on the adjoining site and under the circumstances it is not considered that the lack of play space could provide a sustainable reason for refusal.

No objection is therefore raised under RDG6.

RDG7 states that the roof design of any development should be compatible with the dwelling, and it should be proportionate to the remainder of the dwelling and not be top heavy or appear prominent or dominant.

RDG8 requires the design of all development to result in well proportioned and balanced properties. Fenestration should be aligned both vertically and horizontally.

The proposed dwellings are considered to be well proportioned and balanced properties, and their fenestration is generally aligned vertically and horizontally. Consequently the proposal is considered to meet the expectations of RDG7 and RDG8 of the Policy H17 of the adopted Local Plan.

RDG11 of the Residential Design Guidance require the public realm contained within large scale residential development to be the subject of appropriate landscaping. Such schemes are expected to include planting plans, identification of plant species, types, sizes, numbers, densities, planting regime and aftercare.

The maintenance and management of landscaping areas is also required to be secured through the use of appropriate planning conditions or planning obligations.

A landscaping scheme has been submitted as part of the application. Trees, shrubs, hedges, herbaceous plants and grassed areas are proposed as a part of the landscaping scheme. The scheme indicates plant species, types, sizes, numbers, and densities, and a variety of species are proposed. Existing trees would also be retained along the central corridor, and the eastern boundary of the site. The additional trees would be native species or wildlife friendly ornamental trees. Climbers and self-clinging plants or twining species on wire supports would be provided to walls, fences, external stores and gable ends. Generally there is an approach to provide wildlife friendly species of planting, hedging and trees, which will need only low/easy maintenance so that planting can be allowed to develop without excessive management.

The proposed landscaping scheme would soften the boundaries and gable walls within the development, and would provide clear definition to public and private spaces. The retention of the vegetation to the central corridor is considered appropriate. Additional trees would be provided to the footpath/cycleway link with Kiln Road, and this would over time provide interest to users of this link and to the rear of some of the dwellings to Ashcroft Place. Overall it is considered that the proposed landscaping is sufficient to soften the proposed development.

The maintenance and management of the landscaping is not fully clear; however appropriate management can be secured through the use of planning conditions. Consequently no objection is raised to the proposal under RDG11.

The proposal is considered to be provided with adequate refuse and recycling facilities for the dwellings and this is supported by the comments from the Refuse and Recycling Officer. No objection is therefore raised to the proposal under RDG13.

RDG16 states that all new dwellings should be provided with appropriate internal space and circulation which reflects the character of the surrounding area, but also current best practice. All new dwellings should meet the existing and future needs of occupiers over their lifetime without the need for extensive alteration or adaption.

The Planning Practice Guidance (paragraph: 018 and reference ID: 56-018-20150327) refers to an optional "Technical housing standards - nationally described as space standard" (March 2015). This document is the result of a housing standards review undertaken by Government. Whilst these standards are a suggested minimum and should be referenced within the Local Plan, they do reflect current best practice as required by RDG16 and set a good bench mark by which proposals can be assessed.

The housing standards identify minimum gross internal floor areas and storage for dwellings. Taking a snapshot of the dwellings within the scheme many are above this minimum (e.g. Cambridge type dwelling). However some are below the requirement (e.g. Letchworth type dwelling by some 3.4m²). The standards are however optional and have not been formally adopted by this Authority. Consequently it is considered that a reason for refusal based on such marginal deficiencies would be difficult to sustain on appeal. No objection is therefore raised to the proposal under RDG16.

(iv) Affordable Housing

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

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

Since the adoption of this document, further assessments have been undertaken in respect of affordability, and the most recent, the 2013 SHMA shows a need for 73% of new homes to be affordable in Castle Point. It is recognised that it is unrealistic to expect a privately delivered development to provide 73% affordable housing as it would be likely to render it unviable. However, the Castle Point Draft New Local Plan Whole Plan Viability Assessment Phase 1 Report tests the viability of different types of site within Castle Point and identified that schemes of up to 100 units in Benfleet can accommodate 35% affordable housing without compromising viability.

The proposal seeks to provide 14 affordable housing units which represents less than 20% of the units on site. The proposal would therefore appear to be failing to provide an appropriate quantum of affordable housing on the site. This represents an objection to the proposal.

Paragraph 173 of the NPPF provides further advice in this situation and states that pursuing sustainable development requires careful attention to viability costs. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.

The applicant has submitted a Viability Assessment to justify the level of affordable housing provision made. This report indicates that the level of affordable housing is deliverable when

taking account of the normal cost of development and mitigation, and provides competitive return for the developer, albeit lower than the threshold profit level.

It is further noted that the approval of the adjacent site (CPT/697/11/FUL) included a clause within the legal agreement that the level of affordable housing provided could be reduced to 20% if the developer was not able to enter into a suitable arrangement with a registered social landlord. Following negotiation it transpired that such an agreement could not be reached and the level of affordable housing provision was reduced to 20%.

Under such circumstances it is considered that the provision of 19.7% affordable housing on the site would be consistent with the adjacent development and as such it is not considered that a reason for refusal based on inadequate affordable housing provision could be sustained on appeal. It is not considered however that any further reduction in this quantum of provision should be accepted.

(v) Highways and Car Parking

Policy T8 of the Adopted Local Plan requires the provision of appropriate levels of on-site car parking in accordance with the current car parking standards. These are set out in the Essex Planning Officers Vehicle Parking Standards 2009. Standard C3 is relevant to residential development.

Policy EC2 of the Adopted Local Plan highlights the need to ensure that all modes of movement are safe and convenient

In terms of the quantity of parking provision on the site, the standards require the provision of two on-site spaces for dwellings with 2 or more bedrooms. Each individual dwelling within the proposed scheme should therefore be provided with at least 2 car parking spaces, each measuring 2.9m by 5.5m.

Parking spaces may be in the form of garages, carports or forecourt parking. Where parking is provided within garages, these must have a minimum width of 3m and a minimum depth of 7m.

The Essex Parking standards also require the provision of 0.25 visitor parking spaces per dwelling.

All houses are provided with a minimum of two adequately sized parking spaces on hard surfaced forecourts or a combination of garaging and hard surfaced forecourts. It is noted that some garaging is deficient of the space standards. However, in these cases the dwelling has access to two hard surfaced parking spaces and the standard is therefore satisfied.

The garages all have adequately sized forecourt depths of 6m and beyond.

The occupiers of the flats would require a minimum of 29 parking spaces. This is provided within the car park via hard surfaced parking bays and carport.

Within the development there is a total of 71 dwellings, and this results in a requirement for 18 visitor parking spaces. The scheme provides six visitor parking spaces, representing a deficiency in unallocated visitor parking of 12 spaces. However this level of vehicles parked

within the highway is unlikely to cause significant hazards to highway safety or inconvenience to other road users, particularly as the deficiency relates to visitor parking only.

No objection is raised to the proposal under Policy T8 and EC2 of the Adopted Local Plan.

RDG12 states that the provision of all forms of parking must not dominate the public realm. All parking provision should be sited to avoid an adverse impact on visual or residential amenity. Access to all forms of development must be safe and convenient for all users, and the design, size, orientation and location of parking spaces should enable the spaces to be utilised conveniently and not deter vehicles from using them.

Where the provision of in-curtilage parking for individual dwellings is contained within the dwelling in the form of garages (semi-integral or integral), carports and recesses, they should be an integral part of the dwelling and must be consistent with the overall architectural approach of the dwelling.

The development provides a significant level of parking provision; however, the majority of this provision is arranged to the sides and behind dwellings/flats. Whilst some areas of the scheme do exhibit greater levels of frontage parking, these are limited in extent and landscaping will soften this dominance to such an extent that visual impact would be adequately mitigated.

All of the parking provision is considered to be safely and conveniently located.

Subject to the implementation of the landscaping scheme, no objection is raised to the proposal under RDG12.

Policy T10 states that the Council will encourage improved facilities on existing highways and will promote the provision of facilities for cycling, including the provision of bicycle parking when considering development proposals. This policy is considered consistent with the provisions of the NPPF. The parking standards state that a minimum of one secure covered cycle space should be provided per dwelling.

The proposal will create a cycle/footway link between Kiln Road and the development. Furthermore the scheme will provide significant levels of cycle storage provision. Consequently the proposal is considered to encourage the use of bicycles within the development and no objection is raised to the proposal under Policy T10 of the adopted Local Plan.

Policy T2 of the adopted Local Plan states that proposals which would result in the intensification of the use of existing accesses onto any trunk, principal or other classified road will require the submission of a traffic impact study demonstrating the ability of the highway network to accommodate the proposed development. This policy is considered broadly consistent with paragraph 32 of the NPPF.

The proposed development would be accessed from Kiln Road via Kingston Road. The proposal is therefore likely to intensify movements at this T-junction between Kiln Road and Kingston Road and this is a concern raised by local residents.

The application is supported by a Transport Assessment which considers the traffic impact of the proposal. The Assessment has demonstrated that predicted traffic flows at the T-junction

will be well within the capacity of the junction. No objection is therefore raised to the intensification of the use of the access.

This stance is supported by the Highway Authority.

It is noted that the Assessment recommends a financial contribution to provide for off-site highway improvements on the A13 and/or A129 corridors and travel packs to be issued for all households to encourage sustainable transport and travel planning measures detailed within the Travel Plan. This is also requested by the Highway Authority.

The Highway Authority requires the provision of a contribution of £3,000 for the monitoring of the Travel Plan.

Subject to the provisions requested by Highways being secured by a Section 106 Agreement, no objection is raised to the proposal on the basis of highway and transport implications.

(vi) Flood Risk and Drainage

Policy CF13 states that the Council, will in appropriate cases, require the phasing of any large scale development within the Borough, in order to ensure satisfactory infrastructure provision. The preamble to this policy specifically states that the infrastructure referred to is foul water and sewage disposal. This policy is considered consistent with the Core Planning Principles set out in paragraph 17 of the NPPF.

Anglian Water (AW) is responsible for the foul sewerage system in the area and has stated that there are assets owned by AW or those subject to an adoption agreement within the site boundary. Notes are requested to be attached to any planning permission granted regarding such assets.

The foul drainage from this development is in the catchment of the Benfleet Sewage Treatment Works which has available capacity to accommodate the proposed development. These comments therefore suggest that phasing is not required in this case and no objection is therefore raised to the proposal on the basis of CF13.

Policy CF14 states that where development would result in significant increased surface water run-off, the Council will require appropriate improvements to watercourse capacity to be undertaken before development commences. This policy is inconsistent with the NPPF as improvements to water course capacity may not always be appropriate and may increase the risk of flooding elsewhere. Therefore consideration should be had to paragraphs 100 to 104 of the NPPF which more appropriately deal with issues of surface water flood risk.

The application site falls within Flood Zone 1 but is within a critical drainage area (CAS3) as indicated within the South Essex Surface Water Management Plan (2012). This states that surface water tends to flow from west to east of the area and converges on Prittle Brook, with significant ponding of surface water in West Wood, West Wood Gardens, Prittle Close, Rayleigh Road, Queensmere and along the Chase. The areas that currently suffer from surface water flooding are located to the east of the application site. The impact of surface water flooding from the development site towards the east is therefore a key consideration in the determination of the planning application.

Paragraph 100 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Paragraphs 101, 102 and 104, provide national guidance for those circumstances where it is not possible to direct development away from areas at highest risk. The proposed development would not be within Flood Zones 2 or 3 and therefore considered to be located away from areas at highest risk, and therefore paragraphs 101, 102 and 104 do not apply.

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

In order to allow for the predicted impacts of climate change on surface water runoff the Planning Practice Guidance states that an increase of 30% to rainfall intensity should be allowed for.

In March 2015 DEFRA produced non-statutory technical standards for sustainable drainage systems. This states in paragraphs S2 and S4 that for greenfield developments, the peak runoff rate from the development to any highway drain, sewer or surface water body for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event should never exceed the peak greenfield runoff rate for the same, and that for a 6 hour rainfall event this should never exceed the greenfield runoff volume.

Paragraph 080 (Reference ID: 7-080-20150323) of the Planning Practice Guidance (PPG) states that when considering Sustainable Drainage Systems (SuDS) the aim should be to discharge surface water as high up the following hierarchy of drainage options as reasonably practicable:

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

Paragraph 082 (Reference ID: 7-082-20150323) of the PPG states where a sustainable drainage system would be inappropriate the local planning authority will seek advice from relevant flood risk management bodies, principally the LLFA.

Anglian Water has confirmed the advice within the PPG that the preferred method of surface water drainage would be to a sustainable drainage system with connection to the surface water system seen as a last resort.

The applicant has submitted a Flood Risk Assessment which includes a Surface Water Drainage Strategy. This includes:

- o Provision of an on-site sewer network to convey flows within the developed site, designed to Sewers for Adoption specifications.
- o Discharge rates limited to greenfield run-off rates
- o Buried geocellular storage within the parking area for the flats with a capacity of 260m³ to accommodate the 1:100 storm event + 30% climate change
- o Lined permeable paving
- o Controlled discharge to the Anglian Water culvert

- o Excess water runoff will be directed to the roads and enter the culvert either via the existing inlet or the proposed sewer infrastructure.
- o 'Smart Gully Adaptors' and 'Smart Packs' will be provided within the all the gullies serving the estate roads

The level of storage required to accommodate predicted surface water run off has been calculated using Windes modelling and shows a requirement for 305m³ of storage capacity to serve the northern section of the site and 275m³ of storage capacity to serve the southern section. Part of this storage would be provided within the oversized adopted sewers (170m³ for the north and 150m³ for the south); the remainder would be provided in buried geocellular storage cells.

The oversized sewers and culvert would be offered to Anglian Water along with the sewers within the site used for conveyance. The permeable paving areas and geocellular storage cells would be maintained by a management company.

It is noted that where feasible improvements are proposed to the existing watercourses to provide betterment and reduce the risk of flooding to adjacent properties. The drainage strategy however does not propose discharge into these watercourses with the exception of run-off from adjacent gardens in the development.

In respect of the proposed development, the internal finished floor levels within the dwellings are intended to be raised higher than the adjacent roads. Therefore it appears that any surface water that transgresses the exceedance routes mentioned above is unlikely to result in flooding to the proposed dwellings.

The proposed surface water drainage strategy appears to be largely reliant on directing surface water to the surface water sewers, albeit reducing the speed of the flow to the sewers with additional storage. It does not therefore appear to provide a Sustainable Drainage System high on the hierarchy.

The geotechnical investigation undertaken by the applicant shows the presence of a shallow water table on the site, together with standing surface water and ground that consists of layers of stiff clay. This combination of factors suggests that the infiltration rate into the soil would be very low and this would severely prejudice the use of soakaways and similar infiltration based drainage, the highest option in the hierarchy. However, limited evidence appears to have been submitted to justify a departure from the second highest option and other options in the hierarchy.

Furthermore the South Essex Surface Water Management Plan, in Appendix E2, indicates several opportunities for potential surface water measures that can be undertaken for CAS3. This does not seem to have formed part of the consideration of the proposed Surface Water Drainage Strategy.

The comments of the LLFA are however awaited on this matter.

The LLFA has indicated that the developer should contribute £14,975 towards a scheme to alleviate surface water flooding to properties and infrastructure within CAS3. Exact costing of the proposed scheme is not yet available as the project is at development stage.

(vii) Ecology

Nature conservation and the protection of the natural environment of the application site and wider surroundings have previously been, and continue to be, a major planning consideration in securing the proper development of this site. These issues are interrelated and as such will be discussed in detail together.

There are a number of provisions contained within the Adopted Local Plan and in the NPPF that need to be considered in the determination of the application. These are set out below.

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. The wildlife value referred to in EC7 will be considered in this section; however the other aspects will be considered later in this report.

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, particularly in respect of paragraphs 109 and 118. In respect of Policy EC13 it is considered more expedient 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”.

Paragraph 119 states that:

“The presumption in favour of sustainable development does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined.”

The proposed development is not being considered, planned or determined under the Birds or Habitats Directives.

The site is identified as part of a Local Wildlife Site (LoWS), known as CPT23 (Thundersley Plotlands) within the Castle Point Borough Local Wildlife Sites Review 2012 and therefore considered to represent a significant wildlife habitat. It is incumbent upon the Planning Authority to consider the implications of the proposed development for the ecological value of the site, both in the national and local context.

The site is in close proximity to a number of nationally designated sites.

Natural England (NE) has therefore been consulted and has advised that, if undertaken in strict accordance with the details submitted, the proposal not likely to have a significant effect on the interest features for the nearby Benfleet and Southend Marches SPA and Ramsar. In addition NE is satisfied, that if the scheme is undertaken in strict accordance with the details submitted, it will not damage or destroy the interest features for which the nearby Thundersley Great Common, Great Wood and Dodd's Grove, and Benfleet and Southend Marshes SSSI's have been notified. It does however advise the Planning Authority to consider the proposal in light of its standing advice on protected species.

Furthermore it advises that the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

The applicant has submitted an ecological survey of the site the findings of which identifies the main habitat/vegetation types as semi-mature woodland, trees, watercourses, tall ruderal, scrub, amenity grassland and hardstanding.

It also indicates that the site provides habitat for bats, badgers, birds, reptiles and invertebrates.

Within the submitted report the applicant agrees with the ecological statement produced for the adjacent site, and seems to state that the site does not appear to meet the majority of the relevant LoWS qualifying criteria and that of habitat mosaics is somewhat doubtful.

Whilst the Wildlife Assessment Review 2012 does state that the condition of part of the LoWS was poorer than in previous years, it is still considered that the loss of the site for development would result in a significant loss of local wildlife habitat.

The submitted ecology statement, whilst not in full agreement, does recommend that the loss to the LoWS be mitigated, primarily through biodiversity offsetting.

The Government Natural Environment White Paper 2011 provides a useful tool for calculating the biodiversity impact of development. Using this metric the applicant intends to offset the loss by improving the habitat at Valerie Wells Wood, (formerly Cottage Plantation), which was recently purchased by Essex Wildlife Trust (EWT), and has significant potential for habitat improvement.

The Environment Bank has estimated that such a scheme would be more than sufficient to offset the loss at Kiln Road, and with long term management would result in a net gain for biodiversity.

In order to carry out such improvement works to manage Valerie Wells Wood it is estimated that this would require a financial contribution of £265,160 + VAT would be required. The applicant has agreed to fund this through a S106 Agreement.

Regardless of any offsetting, it is clear that the site will remain a habitat for wildlife following development, and its value in this respect must be accommodated within the development and where possible enhanced.

Consideration will now be given to the provisions made for habitat retention and enhancement on the site, in the context of the key species present.

Bats

The applicant has suggested the installation of bat boxes as sufficient mitigation of the impact on bats on the site. Subject to agreement on the number, type and location of such bat boxes, this would appear to be an appropriate strategy which can be secured by condition attached to any consent granted.

Badgers

The submitted ecology statement identifies that there is widespread Badger activity across the wider area, with a main Badger sett (S1) which is centrally located within the site, recorded during the initial habitat survey in June 2013. This sett has a total of twelve entrances with five seen to be active and in use in 2013. However the report indicates that surveys in September 2014 showed no recent badger activity associated with this sett.

A single westward facing outlier Badger sett and a single eastward facing Badger sett were recorded in 2013. The entrance for these setts is on-site but the tunnel/chambers may be potentially off-site given the angle of the entrance. The ecological report suggests that whilst activity was noted here in 2013 no activity was observed during checks in 2014.

The applicants therefore conclude that Badger activity has declined on the site in recent years. Nevertheless, the applicants intend to retain and protect the main sett. During the construction phase this would appear to be exhibited through the isolation of the sett from the development with robust fencing. Such fencing would not extend to the ground, so that Badgers could still gain access to the sett.

It is intended to close the other two setts, and if ongoing monitoring show activity associated with these setts a licence from Natural England would be obtained.

Further construction phase measures include the provision of ramps to any trenches or deep pits, to allow badgers to escape should they fall into one of these cavities, the inspection of all trenches/pits each morning for trapped Badgers and all dug ground levelled and compacted where possible to prevent Badgers attempting to excavate additional setts prior to the completion of the construction of the development.

Whilst it is considered that these measures may provide a degree of protection for the badgers, it is not considered that the proposal layout offers certainty in respect of such protection. In particular it is noted that the main sett is located within the centre of the site. A hard surfaced area and one of the dwellings falls within 10m of the entrances to this sett. It is therefore difficult to establish how the sett could be protected from cordoning and buffering from the development when these sections of the development are constructed.

This point was raised with the applicant who provided additional information in this regard ('Briefing Note: Castle Point Letter 02.06.15'). This however simply reiterated that the main sett would be safeguarded using sturdy fencing and that in all likelihood a Natural England licence will be obtained to facilitate disturbance of the Badgers using this sett.

This is an unsatisfactory situation and the applicants have again been approached to give further consideration to the matter. In particular it has been requested that a private drive be deleted from the layout in order to afford the Badgers greater security. Whilst this would not entirely meet the Council's aspirations for the protection of Badgers on this site, it would go some way towards securing the future of Badgers at this location. A revised plan is awaited. In the absence of such a plan however; further comment on the protection of the badgers cannot be made at this time.

Birds

The ecology statement found a number of nesting birds and opportunities for nesting within the application site. None of the birds found were Schedule 1 or Red List bird species

All species of birds receive general protection during nesting; therefore any further clearance required as part of the development would be subject to timing constraints. The applicant intends to do this outside the nesting season; however if removal needs to be undertaken during nesting season it is intended that an experienced ecologist confirm the absence of nesting birds prior to any removal of vegetation. To mitigate the loss of nesting habitats within the site it is intended to install nesting boxes within the development and provide areas of new landscaping. Such actions can be secured through the imposition of a condition on the grant of any consent.

Reptiles

The ecology surveys showed that the site supports suitable opportunities for reptiles, particularly in the areas of amenity grassland to the west and tall ruderal where there is an absence of any formal management regime. A survey undertaken during September and October of last year revealed the presence of Common Lizards and Slow Worms, although recorded numbers indicate a low population. The applicant intends to translocate these reptiles prior to the commencement of development to avoid killing and injuring these reptiles.

It may be recalled that the reptiles that originally resided on the adjacent site, were translocated to a receptor site at Cherry Orchard Jubilee Country Park in Rochford. Rochford Council has confirmed that if low populations are recorded, relocation of the reptiles within the application site would be accommodated within Cherry Orchard Jubilee Country Park.

A secondary statement from the applicant's ecologist provides further detail on this translocation. It states that the population of reptiles on site are considered to be a remnant of the same population as that previously translocated from the adjacent site, and that the proposal would transfer the reptiles to the same part of Cherry Orchard Jubilee Park used by the adjacent site. It further considers that translocation will likely occur during the summer of 2015 using standard methodology i.e. deployment of artificial refuges followed by a period of capture. The trapping period is intended to depend largely on the numbers obtained but would not be less than 30 suitable days with checks for reptiles at least twice daily. This regime will continue until five clear days of no capture. From this point a destructive search would be undertaken under the supervision of an ecologist.

Whilst the process of translocation is has been clarified by the applicant, details of the future monitoring of the reptile population have not been provided. Such details are considered necessary to ensure the vitality and longevity of the reptiles following translocation. It is noted that Rochford District Council has confirmed that the reptile translocation has been formally agreed, and have stated that the long term provision for the appropriate management of the site has been put in place. However this provides limited comfort and it is therefore considered that further information needs to be provided on the long term monitoring of the reptiles. The submission of this information can be secured via conditions attached to the grant of any consent.

Subject to the demonstration of the safe and secure translocation of reptiles from the site, in accordance with the methodology suggested and the submission of further information regarding the future of the reptiles, it is considered that the proposal would satisfactorily mitigate the impact of development on the reptiles currently present on site.

Invertebrates

No evidence of rare or notable invertebrate species was noted during the course of surveys completed by the applicants. Although the application site is expected to support a range of common invertebrates, these are not considered to be of significant entomological interest. However it is recommended that native species of planting is provided as part of the landscaping scheme, and any wood resulting from site clearance be left as discrete wood piles to offer a dead wood resource for saproxylic species.

In conclusion, on matters of nature conservation and biodiversity, the applicant intends to provide a range of mitigation measures to mitigate the loss of the habitat within the site and the impact on wildlife within the site. Subject to these being implemented and additional information provided, as referred to above, no objection is raised to the proposal under Policies EC7 and EC14 of the adopted Local Plan, and paragraphs 109, 118 and 119 of the NPPF.

(viii) Trees

Policy EC21 of the Adopted Local Plan is concerned with woodland management and Tree Preservation Orders and states that the Council will encourage the maintenance of existing woodlands through appropriate management

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.

Policy EC23 states that encouragement will be given to the planting of native trees and shrubs in appropriate cases, in order to improve the physical environment.

These policies are considered consistent with the provisions of the NPPF.

The application site is not subject to a Tree Preservation Order; however a large part of the site is covered in Oak/Ash/Hornbeam woodland. An arboricultural report was therefore submitted which identifies that a large portion of trees will be removed in order to facilitate development. Those trees retained would be focused around the boundaries areas of the site and the central easement area. The report also identifies that the proposed landscaping strategy will include new tree planting to mitigate the loss of trees, and that the clearance of some of the existing trees will enable the remaining trees to flourish and develop.

The proposal would result in a significant loss of trees which would result in the loss of the character of the site and the area and this is regrettable. However, the principle of the development of this site for residential purposes has been already accepted and the loss of woodland/trees is necessary to achieve residential development on this site. Furthermore a number of trees are to be retained and appropriate protection would be provided to these trees during the construction. In addition native trees and shrubs will be provided after construction in order to mitigate the loss of trees and improve the natural and residential environment.

It should be recalled that the loss of woodland habitat would be mitigated by works at Valerie Wells Woods.

Therefore whilst the loss of trees/woodland on site is regrettable, it is not considered that a refusal on this basis could be successfully sustained on appeal, given the identified need for housing and the specific identification of this site as a site suitable to contribute towards meeting that need.

No objection is therefore raised to the proposal under Policy EC21, EC22 and EC23 of the adopted Local Plan or national guidance as contained within the NPPF.

(ix) Other Matters

a. Accessibility and Crime Prevention

Policy H11 of the Adopted Local Plan is concerned with accessible and wheelchair housing. It states that the Council will encourage all dwellings to be designed so that they are accessible for visitors in wheelchairs and capable of adaptation for occupation by most people with disabilities. In large residential developments, the Council will seek to negotiate a proportion of dwellings specifically designed to be capable, without further structural alterations, of being occupied by independent wheelchair users.

The submitted Design and Access Statement states that the layout of the scheme has been designed to meet the needs of all types of people regardless of age, disability, ethnicity or social group. It further states that the proposed dwellings have been designed to ensure level access to the principal entrance of the dwelling and ground floor WC. All areas of the houses have also been designed to be within the specified minimum distance from a fire rescue vehicle. Furthermore it is stated that all dwellings would meet the guidelines set out in Part M of the Building Regulations and the document 'Designing for Accessibility'. No objection is therefore raised to the proposal on the basis of exclusive design.

Policy EC5 of the Adopted Local Plan relates to crime prevention. It states that the Council will expect new development schemes to have regard to the desirability of minimising the risk of crime and maximising security by virtue of their design, layout and landscaping.

The 'Safer Places - The Planning System and Crime Prevention' guidance document recommends that seven attributes of sustainable communities are particularly relevant to 'crime prevention'. These include:

- o Access and Movement
- o Structure
- o Surveillance
- o Ownership
- o Physical Protection
- o Activity
- o Management and Maintenance

The submitted Design and Access Statement states that the proposal responds to Secured by Design Criteria as follows:

:

- All spaces will be well defined as either private or public space
- All areas of the development will be overlooked by dwellings, thus providing natural surveillance
- Footpaths and accesses will be well located with secondary escape routes limited
- Areas of open space will be generally overlooked and will be planted with species to provide protection of dwellings curtilage where necessary
- Parking will be predominately on plots where there is good surveillance
- Various pedestrian routes will be created and maintained within the proposals to give permeability to the site layout, which will encourage pedestrian movement around the site and natural 'community surveillance'

The proposed layout is considered capable of meeting the seven attributes. No objection is therefore raised to the proposal on this basis.

b. Infrastructure

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

The County Education Service, Highway Authority and the NHS have all requested contributions in relation to the proposed development. Such contributions have been demonstrated as necessary to make the development acceptable, are directly related to the development and fairly and reasonably related in scale and kind to the development and can be secured through a Section 106 Legal Agreement attached to any consent granted.

Policy RE4 of the Adopted Local Plan is concerned with the provision of children's playspace and parks. It states that the Council will seek to provide and facilitate the provision of additional children's playspace and parks in areas of identified need. Where possible and appropriate, such provision shall be made in association with new development. This is considered consistent with paragraph 70 of the NPPF.

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. The wildlife value of the site has been considered previously in the report.

Policy RE14 of the adopted Local Plan states that in appropriate cases, the Council will expect developers to enter into planning agreements to secure the provision of open space or other recreational facilities such provision to be fairly and reasonably related to the development, in scale and kind. This is considered consistent with the Core Principles set out in the NPPF.

Table G.13 of the Adopted Developers Contributions SPD details information with regard to the provision of space for young people and children. The document further states that there is poor provision for this group and recommends that the Council seek new provision where possible and appropriate. Where new development increases local need developers will be required to contribute towards the long term costs of maintaining such facilities.

Using the Methodology within the Adopted Developers Contribution SPD a contribution of £151,472.11 (£2,133.41 x 71 dwellings) is required. The applicant has made it clear that they do not intend to make such contribution.

The applicant states that the layout plan shows an area of open space that can be used as play space in the western part of the site, and that this area of land will form part of a larger area of open space straddling the application site and the adjacent site, Ashcroft Place, and this is in accordance with the Masterplan submitted under CPT/697/11/FUL.

The applicant also states that the Council's Open Space Appraisal Update (September 2012) states that the existing deficiencies in play spaces can be addressed by introducing new play areas within existing open spaces. The applicant therefore asserts that the appraisal does not conclude play space should be provided on new developments.

The Open Space Appraisal Update shows that within the area of the application site (Thundersley) there are several deficiencies in reference to open space. In relation to young people and children the site is not within adequate distance of an area included within the Appraisal, and it is therefore recommended that an additional play space is provided in Benfleet/Central Thundersley Area.

It is noted that the adjacent site will provide play space, and that this was not included within the Open Space Appraisal Update, and that this would be within walking distance of the development. Under such circumstances, as previously opined, it is not considered that a reason for refusal based on the applicant's refusal to contribute to play spaces in the area could be sustained on appeal.

It is considered however that the spaces made available for recreational purposes within the scheme should be subject to an appropriate management regime, details of which should be submitted to and approved by the Planning Authority.

c. Amenity

Policy EC3 of the Adopted Local Plan is concerned with residential amenity. It 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.

It is not considered that the proposed development would result in such significant detriment to the surrounding residential amenities on the basis of traffic, noise, fumes or other forms of disturbance that a reason for refusal on this basis could be successfully sustained at appeal.

d. Sustainability

RDG9 of the Supplementary Planning Document states that the design of all development should incorporate measures for achieving high levels of energy and water efficiency. Development is expected to demonstrate how its design, siting and layout has maximised the opportunities for solar gain, daylight penetration, and the re-use/recycling of water, and where appropriate, how its construction has followed nationally agreed principles for sustainable dwellings.

The design and siting of energy and water efficiency measures and renewable energy systems must not result in prominent, dominant, alien or incongruous features which detract from the visual appearance of the dwelling or the public realm.

Within the preamble it states that advice and guidance can be found from a number of sources, including Code for Sustainable Homes, which sets out standards for design and construction of sustainable homes and minimum standards for energy and water efficiency.

The Design and Access Statement states that where possible the dwellings have been orientated to maximise natural light entering the building, so to reduce the need for artificial sources in daylight hours, and that all dwellings will have energy and water efficiency measures.

The energy efficient measures proposed would include insulating to exceed Building Regulation standards, energy efficient light fittings, external lighting to be fitted with daylight sensors and low wattage lights and consideration of provision of energy display devices. The water efficiency measures would include the provision of low flush toilets, water meters, water butts and energy efficient appliances.

In respect of the construction, the Statement states that timber and water products will be sourced from sustainably managed forests certified by Forest Stewardship Council, building materials will be sourced locally where possible, locally available demolition materials used for fill and hardcore and crushed concrete aggregate used in foundations, paths and site roads.

There are no renewable energy measures proposed within the scheme.

Management of the waste in the design of the buildings is proposed to be delivered by the adoption of standardised building components and modular construction methods where possible. This would avoid wastage during the construction process. Off-cuts and unavoidable waste material will be segregated for recycling or safe landfill disposal as appropriate. A Site Waste Management Plan has not however been submitted and it is therefore difficult to ensure that the waste generated by the site will be minimised. However the submission of such a plan can be required by condition attached to the grant of any consent.

e. Archaeology

Policy EC38 states that where important archaeological sites and monuments and their settings are affected, preservation in situ will be sought. If there is evidence that archaeological remains exist, the extent and importance of which is unknown the Council will require developers to arrange for an archaeological field assessment to be carried out before determination of a planning application. Where preservation is not possible or feasible then the Council will not allow development to take place until satisfactory provision has been made for investigation and recording prior to commencement of development. This policy is considered consistent with section 12 of the NPPF.

An Archaeological Desk Based Assessment has been undertaken and indicates that the site has moderate potential for Prehistoric and Roman periods, and a low potential for the Anglo Saxon and early medieval periods. During the late medieval period, it states that the site lay within a Deer Park; evidence for the Park Pale may be represented on the extreme south of the site. Post Medieval period, the site lay in woodland and then agricultural use until the twentieth century. Evidence of woodland boundaries may be represented on the extreme south of the site.

Overall the report considers that the proposed development is unlikely to have either a significant or widespread archaeological impact but locally important archaeological remains could be encountered. Therefore the report suggests that if the Local Planning Authority considers that further archaeological mitigation measures are required, this could be achieved

by an appropriately worded archaeological planning condition attached to the grant of any consent.

Due to the potential for remains to be discovered it is considered that a condition requiring further information and field study would be necessary. Subject to such condition no objection is raised to the proposal under Policy EC38 of the adopted Local Plan and national guidance as contained within the NPPF.

f. Contamination

Paragraph 109 of the NPPF states that new development should not be put at unacceptable risk from, or be adversely affected by soil, air, water, noise pollution or land instability.

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

With regard to the potential for water pollution it should be noted that the applicant intends to provide 'Smart Gully Adaptors' and 'Smart Packs' within the all the gullies serving the estate roads. This system would remove pollutants from the surface water that would transgress along the highway gullies. Whilst this would provide assurance that the development would not have a significant impact on the release of pollutants to water, it does not provide advice on who will maintain this system. However this could be secured after the grant of planning permission.

The Preliminary Risk Assessment and Site Investigation Report concludes that there is no evidence of contamination on site, and therefore with the exception of incorporating a suitable depth of topsoil through gardens and areas of soft landscaping, no mitigation measures are considered necessary on site. Given the existing state of the site and the historic use of the site (shown in the Archaeological Desk Based Assessment) there is not basis on which to doubt this conclusion.

Furthermore the Reports' assessment of ground gas generation has indicated that no gas protection measures are required on site, but additional monitoring will be required to fully establish the worst case conditions and confirm this assessment. It is considered that a condition could be imposed on any consent granted requiring details of the finding of this additional monitoring to be submitted and approved prior to the commencement of development on the site, to ensure the risk of ground gas is minimised.

The Report states that due to the present of significantly desiccated ground across the majority of the site piled foundations will be required, and that the detailed design would require the drilling of a number of deep boreholes. This may establish contaminants currently not found from the existing boreholes and it is therefore suggested that a condition be placed on any consent granted requiring details of the findings of these further borehole testing to be submitted, together with an appropriate mitigation strategy, as necessary.

Subject to such conditions it is not considered that the development would be put at an unacceptable risk from pollutants, and therefore no objection is raised on this basis.

Conclusion

The application seeks to develop the site for residential purposes, providing 71 dwelling units, of which 14 are intended to be affordable. The scheme has been designed to an acceptable standard, and the majority of nature conservation issues have been adequately addressed. The proposal would provide contributions towards surface water flooding alleviation, highway, pre-school and health care provision, but will not contribute towards playspace or open space provision.

There are a number of minor deficiencies within the scheme which include; the provision of only 19.7% of affordable housing, a dominance of four bedroom sized properties, examples of dwellings with poor defensive space due to the tight layout within the development, an awkward relationship between the proposed flats and flats within the Ashcroft Place, no renewable energy measures and a deficient public open space providing for the main badger sett, the foraging of badgers, the amenity space for the occupiers of the flats and the dwellings with deficient garden areas. However none are considered, either individually or cumulatively, to represent a robust and sustainable objection to the scheme.

Further comments are awaited from the Lead Local Flood Authority in respect of surface water flooding. Therefore subject to no objection from the Lead Local Flood Authority, the surface water flooding aspects are considered resolved.

Similarly further information is awaited from the applicants in respect of the mitigation of the impact of development on the badgers. Until this information is received concern remains in respect of the sufficiency of the mitigation strategy in this respect.

In principle the proposal is in accordance with Local Policy and National Guidance and subject to the above caveats, 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 that subject to the satisfactory resolution of surface water drainage and ecology issues, the application be **APPROVED** subject to the applicants entering into a Section 106 Legal Agreement to secure the following:

- o The provision of 14 affordable housing units on site
- o A financial contribution of £75,000 for highway improvements at A13/A129/B1014 'Victoria House Roundabout' and 'Woodmans arms' mini roundabout.
- o The submission and implementation of a residential travel plan, including provision of £3,000 towards the cost of monitoring
- o The provision of a residential travel information pack to each dwelling
- o A financial contribution of £66,701 for pre-school provision
- o A financial contribution of £23,300 for health care provision
- o A mitigation/management plan for those areas beyond the confines of residential curtilages, in order to ensure the appropriate mitigation of the impact on the development on badgers and the management of the open spaces
- o A financial contribution of £265,160+VAT for the management and monitoring of Valerie Wells Wood
- o A financial contribution of £14,975 for surface water flooding mitigation

And the following conditions:

My Recommendation is Approval 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 provision of an appropriate level of affordable dwelling units on the site, financial contributions towards highways provision, travel plan monitoring, healthcare provision, surface water flooding provision, pre-school provision, the management and maintenance of the open areas within the site, implementation and monitoring of travel plan, implementation of residential travel packs and off-site management and monitoring of Valerie Wells Wood.

2 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.

3 The development hereby approved shall be built wholly in accordance with the approved materials as shown on approved drawing 7996/09 Revision A received on 10th March 2015.

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

4 The development hereby approved shall be built wholly in accordance with the approved boundary treatments shown on the approved drawing 7996/10 Revision A received on 10th March 2015.

REASON: In the interest of visual and residential amenity.

5 Prior to the first occupation of the development hereby approved refuse storage facilities shall be provided in accordance with the approved details as shown on approved drawings 7996/124 Revision A, 7996/07 Revision B and 7996/09 Revision A received on 10th March 2015 and permanently retained for such use thereafter.

REASON: In order to ensure the provision of adequate on-site waste storage facilities.

6 Prior to the first occupation of the development hereby approved cycle storage facilities shall be provided in accordance with the approved details as shown on approved drawings 7996/124 Revision A and 7996/09 Revision A received on 10th March 2015 and permanently retained for such use thereafter.

REASON: In order to ensure the provision of adequate on-site cycle storage facilities.

7 Prior to the commencement of the development hereby permitted a construction method statement shall be submitted and approved by the Local Planning Authority. Such statement

shall include the clearance of the site and the key ecological issues in accordance with good practice.

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.

8 The development hereby permitted shall be carried out in accordance with the approved Construction Method Statement.

REASON: In order to protect the wildlife present on the site.

9 The translocation of reptiles from the application site to the Cherry Orchard Jubilee Country Park habitat shall be undertaken prior to the commencement of the development in accordance with the Ecology Solutions Briefing Note: Castle Point Letter 02.06.2015 and the Ecology Solutions Ecological Statement dated October 2014 (Ref: 5965.EcoAs.vf).

REASON: In order to ensure the adequate translocation of reptiles from the application site to Cherry Orchard Jubilee Country Park and this needs to be undertaken prior to the commencement of the development to protect the injury and killing of the protected reptiles.

10 Prior to the translocation of the reptiles from the application site to Cherry Orchard Jubilee Country Park details of the management and monitoring of the translocated reptiles shall be submitted and approved by the Local Planning Authority.

REASON: This information is required prior to the translocation of the reptiles to ensure the longevity and vitality of the protected reptiles from the application site.

11 The approved reptile management and monitoring plan shall be implemented in its totality.

REASON: To ensure the longevity and vitality of the protected reptiles from the application site.

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

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

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

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

14 The windows shown marked as obscure glazed on the approved drawing 7996/121 Revision A shall be obscure glazed to at least Level 3 on the Pilkington Scale and non-opening to a height of 1.7m above the finished floor level of the room in which the windows are installed and permanently retained as such thereafter.

REASON: In order to protect the privacy of the occupiers of the adjoining properties.

15 The windows created above ground floor level in a wall or roof slope of the side elevation of all dwellings, except the Shaftesbury type dwellings, shall be obscure glazed to at least Level 3 on the Pilkington Scale and non-opening to a height of 1.7m above the finished floor level of the room in which the windows is installed and permanently retained as such thereafter.

REASON: In order to protect the privacy of the occupiers of the adjoining properties.

16 The windows created above ground floor level in a wall or roof slope of the rear elevation of the Shaftesbury type dwelling shall be obscure glazed to at least Level 3 on the Pilkington Scale and non-opening to a height of 1.7m above the finished floor level of the room in which the windows is installed and permanently retained as such thereafter.

REASON: In order to protect the privacy of the occupiers of the adjoining properties.

17 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, no development of the type specified in Classes A, B, C and E of Part 1 of the Second Schedule to that Order (or the equivalent provisions of any statutory instrument revoking, amending or re-enacting that Order) shall be carried out without the formal consent of the Local Planning Authority to the dwellings within plots 28, 29, 32, 58 and 59.

REASON: In order to ensure an adequate level of residential amenity for occupiers of the site and adjacent properties.

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

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

19 The development hereby approved shall be constructed in accordance with the approved Surface Water Drainage Strategy indicated within the approved drawing R421-002 Rev E received 17th June 2015, the Ardent Consulting Engineers Flood Risk Assessment dated October 2014 (report ref: R421-04) and Ardent Consulting Engineers Flood Risk Assessment Addendum received on 10th March 2015 (ref: 421-05).

REASON: To ensure the development minimises the potential for surface water flooding beyond the development and onto the highway in the interests of highway safety and adjacent properties.

20 Prior to the occupation of the development hereby permitted the vehicle parking spaces, turning areas, car ports and garages laid out on the approved parking strategy drawing 7996/05

Revision A received on 10th March 2015 shall be hard surfaced, sealed and marked out in parking bays.

REASON: To ensure the provision of adequate parking facilities to meet the needs of the development.

21 The garages serving the dwellings to plots 58, 59, 69 and 71, the hard surfaced parking spaces and the carport shown on the approved drawing 7996/05 Revision A received on 10th March 2015 shall be used for the parking of vehicles only and for no other purposes whatsoever.

REASON: To ensure the retention of adequate parking facilities to meet the needs of the development.

22 No doors, gates, or other means of enclosure shall be installed to the carport shown on approved drawing 7996/05 Revision A received on 10th March 2015 without the prior consent in writing of the Local Planning Authority.

REASON: In order to ensure the retention of appropriate forecourt and carport provision in the interests of retaining adequate parking facilities for the occupiers of the approved flats.

23 Prior to the commencement of the development hereby permitted a construction traffic management plan shall be submitted and approved by the Local Planning Authority. Such plan shall include the parking of vehicles of site operatives and visitors, an area for the loading/unloading/reception and storage of building materials and plant, manoeuvring of all vehicles, including construction traffic and wheel and under body washing facilities.

REASON: This is required prior to the commencement of the development to the proposal does result in an obstruction of the highway by reason of parking vehicles/storage of materials and the displacement of loose materials and spoil are not brought onto the highway.

24 The development hereby permitted shall be carried out in accordance with the approved Construction Traffic Management Plan.

REASON: In the interests of highway safety.

25 Within the confines of the site, there shall be no obstruction to visibility, above a height of 0.6m within the area of the 1.5m x 1.5m sight splay to be provided at the junction of any vehicular access and the adjoining highway. Such sight splays to be provided prior to the first occupation of the development hereby approved.

REASON: To obtain maximum visibility in the interests of highway and pedestrian safety.

26 All garage doors shall be permanently set a minimum distance of 6m from the highway boundary.

REASON: To ensure that the vehicle to be garaged may be left standing clear of the highway whilst the garage door is opened and closed, in the interests of highway safety.

27 If, during the development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy dealing how this unsuspected contamination shall be dealt with.

REASON: To ensure that the proposed development is not adversely affected by unforeseen contaminants within the site.

28 No development or preliminary groundworks of any kind shall take place until an archaeology field assessment has been submitted and approved by the Local Planning Authority. Such assessment shall include recommendations for the mitigation measures required as a result of any archaeological remains found as part of the assessment.

REASON: This information is required to be submitted prior to the commencement of the development in order to protect any potential archaeological importance for the site.

29 The mitigation measures identified as part of the approved archaeology field assessment shall be implemented in their entirety.

REASON: In the interests of protecting any potential archaeological importance for the site.

30 Prior to the commencement of the development (including any site clearance works) all retained trees and shrubs (including hedges) as identified shown on approved drawings MCA2914/03A and MCA2914/04A received on 10th March 2015 and within the MCA Landscape Architects Tree Survey, Arboricultural Impact Assessment and Landscape Design Strategy received on 3rd November 2014 must be protected by fencing in accordance with the provisions of BS5837:2012. No materials are to be stored or temporary buildings erected inside this fence. No changes in ground levels may be made within the crown spread of any tree or within 1m of any hedge or shrub within the identified areas. Such protection measures shall be retained for the duration of the construction of the development.

REASON: In the interest of the future health and amenity value of the trees/shrubs/hedges.

31 Prior to the first occupation of the development hereby permitted details of the bat and 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 roosting of bats and nesting of birds to compensate the loss of habitat within the site.

32 The details of the bat and bird boxes approved under condition 31 shall be implemented within the development hereby permitted. The boxes shall be installed in the first available season, as specified within the approved details, after the final construction of the development hereby permitted, and retained as such thereafter.

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

33 No further windows, openings or glazed areas shall be created at first floor level in the rear elevation of the Shaftesbury type house, without the formal consent of the Local Planning Authority.

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

Informatives

1 Please note that a site notice was displayed in a publicly visible location at the site. Castle Point Borough Council would appreciate your co-operation in taking the site notice down and disposing of it properly, in the interest of the environment.

2 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.

3 In undertaking the works hereby approved you are advised to satisfy yourself of your obligations to occupiers of adjoining properties in accordance with the Party Wall etc. Act 1996, details of which can be inspected at these offices or you may obtain details free of charge from the Planning Portal website (www.planningportal.gov.uk) under Building Regulations.

4 The applicants attention is drawn to the comments received from the Highway Authority which state that:

All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.

All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.

With reference to the above condition the applicants attention should be drawn to the recent alterations to householder "permitted development" in so far as there is now the need to provide a permeable solution (SUDS) for the hard standing to reduce the cumulative impact of surface water run-off and overloading of sewers. The national advice available may be confusing taking into account the Highway Authority approach to the above conditions and early contact should be made with the Highway Authority to agree an appropriate solution for this site.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to: SMO3 - Essex Highways, Childerditch Highways Depot, Hall Drive, Brentwood. CM13 3HD.

5 Anglian Water has requested that the following text be included within the decision notice.

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

ITEM 2

Application Number:	15/0423/FUL
Address:	58 Central Wall Road Canvey Island Essex SS8 9PQ (Canvey Island North Ward)
Description of Development:	Demolition of existing dwelling and construction of 2 No 3 bed semi-detached houses
Applicant:	Mr Loraine Geach
Case Officer	Mrs Ishita Sheth

Summary

The application seeks consent to demolish the existing chalet on site and provide a pair of semi-detached three bedroomed houses.

The proposal is presented to the Committee at the request of Cllr G. Watson.

The dwellings are of acceptable design in their context and meet requirements of the Residential Design Guidance. The proposal would have no adverse impact on the character or appearance of the area.

The proposal is therefore recommended for APPROVAL.

Site Visit

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

Introduction

The site is located on the eastern side of Central Wall Road, some 207m north of its junction with Elder Tree Road. It is a regular shaped site with a frontage to Central Wall Road of some 13.5m and a maximum depth of some 35m. An access road to the rear of the site, served from Mornington Road serves the site and some five other plots fronting Central Wall Road.

A detached chalet currently occupies the site which has vehicular access from the rear.

A detached house is located to the south (No. 52) and a detached bungalow is located to the north, No. 60).

The streetscene in the vicinity of the application site is a mix of detached bungalows, chalets and houses and semi-detached chalets in the context of which the current dwelling provides a prominent feature due to its forward location.

The Proposal

Demolition of the existing property and construction of a pair of three bedroomed, semi-detached houses. Each dwelling would have a width of some 5.7m, a depth of some 9.4m and a maximum height of some 8.4m.

The dwellings are to be pitched roofed with gabled features and finished in red brickwork, 'beige' coloured weatherboard, and 'smooth grey' coloured interlocking slate tiled roofs.

Each dwelling would have a lounge, W.C. and kitchen at ground floor level and two bedrooms, an en-suite and a bathroom at first floor level. A third bedroom and an en-suite are to be provided within the roof space at second floor level.

Off-street parking for two cars is proposed for each dwelling at the rear of the site, served from the access off Mornington Road.

Supplementary Documentation

A Badger Survey, Flood Risk Statement and Materials Specification were submitted in support of the application and are available to view on the Council's website.

Planning History

14/0197/FUL – Demolition of existing dwelling and erection of 2 No. 3 bedroom semi-detached houses. Refused on 27th November 2014 for the following reasons:

- 1 The proposal, by reason of its height, mass and forward location on the site, would create an obtrusive and unattractively prominent feature in the street scene, to the detriment of the character and appearance of this part of Central Wall Road, contrary to Policy EC2 of the adopted Local Plan and Government guidance as contained in the National Planning Policy Framework.
- 2 The proposed development, by reason of its forward location, height and relationship with the adjoining dwellings, would result in undue dominance and overshadowing of the adjoining properties, to the detriment of the amenity of the occupiers thereof, contrary to Policy EC2 of the adopted Local Plan, RDG3 of the adopted Residential Design Guidance, and Government advice as contained in the National Planning Policy Framework.
- 3 The proposed parking arrangement, by reason of the proximity of parking space No. 4 to the southern boundary of the site, would fail to provide safe and convenient parking for the occupiers of the proposed development, and would be likely to result in a need for excessive manoeuvring within the site and adjoining access road, to the detriment of the future occupiers of the site and the occupiers of the adjoining properties and to the danger and inconvenience of other road and access users, contrary to Policy EC2 and EC3 of the adopted Local Plan and Government guidance as contained in the National Planning Policy Framework.

Local Plan Allocation

Residential

Relevant Policies and Government Guidance

National

National Planning Policy Framework

Local Plan

EC2 Design
H17 Housing development design and layout
T8 Car parking standards
EC3 Residential amenity
EC13 Protection of wildlife and habitats

Residential Design Guidance

RDG1 Plot size
RDG2 Space around dwellings
RDG3 Building lines
RDG5 Privacy and living conditions
RDG6 Amenity space
RDG12 Parking and access

Essex Car Parking Provision – C3

Consultation

Highway Authority – Site includes Highway land. This must be removed from the application site.

(Revised plans have been received excluding highway land).

In all other respects the impact of the proposal is acceptable to the Highway Authority, subject to conditions.

Canvey Island Town Council – No response received

Environment Agency

No objection subject to the following conditions:

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Statement, completed by ABD Design & Build Ltd, dated May 2014, and referenced ABD/1148/FRS, following mitigation measures detailed within the Flood Risk Statement:

1. Finished ground floor levels are set no lower than 2.13mAOD above Ordnance Datum (AOD)
2. Finished first floor levels are set no lower than 4.815mAOD above Ordnance Datum (AOD)

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

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

Public Consultation

Neighbour responses – None received

Comments on Consultation Responses

- o Conditions recommended by the Environment Agency can be attached to any consent granted.

Evaluation of Proposal

Policy EC2 details that a high standard of design is expected in relation to new buildings and extensions and alterations to existing buildings. In particular regard is to be had to the scale, density, siting, design, layout and external materials of any development, which shall be appropriate to its setting and which should not harm the character of its surroundings.

The proposed dwellings are of a pitched roofed design with gabled features. The character and style of dwellings in Central Wall Road is quite varied and it is not considered that it would be harmed by the provision of this style of dwelling.

Although the property to the north is a bungalow, there are two storey properties located to the south and west and some semi-detached properties within the street. In this context it is not considered that the provision of dwellings having the character of two storey properties would be inconsistent with the character and appearance of the area.

The proposed materials to be used on the external surfaces of the dwellings are also acceptable taking into consideration the varied finishes of dwellings within the streetscene.

No objection is therefore raised to the proposed development under Policy EC2 of the Council's adopted Local Plan.

Policy H17 states that in assessing the design aspects of the proposals for housing, the Local Planning Authority will have regard to its adopted Residential Design Guidance (RDG). This policy and guidance 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 depth of the proposed plots would mirror the depth of the adjoining plots and as such would be consistent with the character of the area. No objection can therefore be raised on the basis of plot depth.

The proposed dwellings would each have frontages measuring approximately 6.8m in width. Within this part of Central Wall Road, the frontage of properties varies with semi detached properties tending to be on sites with frontages of 7m - 10m and detached properties having frontages of some 13.6m - 19m. In this context the proposed dwellings would appear slightly constrained, however the variance in plot width is not considered so divergent as to be particularly obvious on site and as such it is not considered that the proposal would present an unduly cramped or constrained form of development, sufficient to cause harm to the character and appearance of the area and sufficient to provide a robust reason for refusal. No objection is therefore raised to the proposal on the basis of plot width.

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 two storey aspects of the proposed dwellings follow the established building line along this part of Central Wall Road; the single storey aspect to the front would project some 1m forward of the building line.

It is not considered that a single storey 1m projection forward of the building line would result in such detriment to the setting of the dwelling or would result in such disruption to the building line that a refusal on this basis could be successfully sustained on appeal.

RDG3 also states that proposals which would result in excessive overshadowing or overdominance to any elevation of an adjoining property will be refused.

The proposed dwellings would not project beyond the rear walls of the existing dwellings to the north and south.

It is considered however that any further extension of the properties could adversely impact on the amenity of the occupiers of these properties and/or 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 of Schedule 2, to the Town and Country (General Permitted Development) Order 2015.

Subject to such a condition no objection is raised to the proposal under RDG3.

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, 15m at second floor level and 18m at third floor level or above.

First floor windows are proposed in the front, rear and side elevations of the proposed dwellings and roof lights are proposed in the rear elevation at second floor level.

The windows in the front elevation would overlook the highway and are unlikely to give rise to any loss of privacy or amenity to adjoining residents. No objection is therefore raised in respect

of these windows. The windows and roof lights in the rear elevation achieve a minimum distance of some 20m to the rear boundary which would be in compliance with the Policy.

However, the proposed windows in the side elevations fail to provide the requisite distance to the side boundaries. This offers some potential for overlooking the adjoining neighbours. It is the practice of this Authority to consider whether it is acceptable to impose a condition on the grant of any consent requiring such windows to be obscure glazed and fixed shut to a height of 1.7m from finished floor level, to ensure the provision of satisfactory privacy within and adjacent to dwellings, provided there is no objection in principle. In this case the windows in the side elevations would serve staircase/landing areas. It is considered that these windows may reasonably be obscure glazed and fixed to a height of 1.7m from finished floor level without compromising living conditions within the dwelling. Subject to such a condition, no objection is raised to the proposal under RDG5 of the Residential Design Guidance.

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

The proposal seeks to provide 5 habitable rooms for each dwelling and would require the provision of 75m² of amenity area. This is achieved for each dwelling. 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 vehicle parking standards as set out by the Essex County Council.

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

Policy EC3 is concerned with residential amenities and states that development which would have a significant adverse effect upon these amenities by reason of traffic, noise, fumes or other forms of disturbance will be refused

Policy EC2 requires all modes of movement to be safe and convenient.

The proposed development seeks the provision of dwellings with 3 bedrooms. Two car parking spaces would therefore be required for each dwelling.

The application proposes the provision of two car parking spaces of adequate size for each of the proposed dwellings to the rear, having access off the access drive. The proposal therefore provides the requisite number of car parking. In determining the previous application, concerns were raised in respect of the location and access arrangements of the car parking spaces. Concerns were also raised in respect of the car parking space located in close proximity to the southern boundary of the site.

The proposal has now altered the car parking arrangement to enable the more convenient manoeuvring of vehicles. Whilst this still necessitates movement at the rear of the site, this may currently occur. It is not considered that any additional movements created by the intensification of development on this site would result in such difficulty for drivers that a refusal on this basis could be sustained on appeal.

Although concerns are still raised in respect of the intensification of the narrow private access, taking into consideration that the proposal would result in an increase in only two car parking spaces, it is not considered that a refusal on this basis could be successfully sustained on appeal. No objection is therefore raised under policies T8, EC2 or EC3 of the adopted Local Plan.

Paragraph 103 of the NPPF states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere. To this end the Planning Authority requires all areas of hardstanding to be designed in a manner to limit surface water runoff.

It is proposed to use 'Brett Alpha Flow' permeable paving in 'Brindle' colour to hard surface the area proposed for car parking purposes. Two separate details of the sub-base have been provided but no details in respect of soil permeability have been submitted. Under the circumstances, it is not possible to determine that a permeable surface, adequate to deal with surface water runoff, would be provided. However, a condition can be imposed on the grant of any consent requiring all hardsurfacing works to be SUDS compliant. Subject to such a condition, no objection is raised to the proposed hardsurfacing works.

Turning to matters of flood risk, under the provisions of Government guidance as contained in the NPPF, all proposals for new dwellings in areas at risk of flooding are required to be accompanied by a site-specific Flood Risk Assessment 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 is required to pass the sequential and exception tests as set out in the Planning Practice Guidance and the NPPF, in order to determine whether sites of lower flood risk probability exist which may be more suitable for the type of development proposed.

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

With regard to the sequential test, the proposal seeks to provide dwellings within the settlement of Canvey Island. For residential 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.

Having passed the sequential test, the proposal must then pass the exception test. In order to meet the requirements of the exception test as described in paragraph 102 of the NPPF the proposal must demonstrate that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

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

The second criterion requires that the applicant demonstrate that the development is safe and where possible will reduce flood risk overall. The applicant has provided a FRA which states that should the defences breach during a 1 in 200 year storm event the depth of flood water on site could reach up to 0.5m (2.63m AODN) with the site being inundated in less than 1 hour of the breach. In a 1:1000 year event water levels on the site will reach 1m (3.13m AODN).

The EA states that the proposal places living accommodation at first floor level at a minimum of 4.815m AODN, which will be above the depth of floodwater at ground floor level in any flood event and can therefore provide an area of refuge for the occupiers of the dwelling. The EA has recommended conditions be attached to any consent granted in respect of the finished ground and first floor levels in order to minimise flood risk. Such a condition can be attached to any consent granted.

The EA has also advised that the submission of information and calculations to establish that the proposed dwelling will be able to withstand hydrostatic and hydrodynamic pressures is required. This can be required by condition.

Subject to the above mentioned conditions it is considered that the proposal would be sufficiently safe to satisfy the Exceptions Test.

It is noted that the application includes the submission of a Flood Response Plan and flood resilience and resistant measures. These are considered to be adequate and acceptable. No objection is therefore raised to the proposal on flood risk grounds subject to the conditions discussed above.

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

A Badger Survey has identified that there is no badger activity within the vicinity of the application site.

Similarly there is no evidence to suggest the presence of bats on the site.

It is therefore not considered that the proposal will result in any significant adverse impact on wildlife. No objection is therefore raised to the proposal under Policy EC13.

Conclusion

The application seeks to demolish the existing chalet on site and erect a pair of three bedroomed semi-detached houses.

The dwellings are of acceptable design and meet the requirements of the adopted Residential Design Guidance. Within the context of the adjoining dwellings it is not considered that the proposal would have an adverse impact on the character or appearance of the area.

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

My Recommendation is Approval with the following conditions

1 The development hereby permitted shall be begun on or before the expiration of 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 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no development of the type specified in Class A of Part 1 of the Second Schedule to that Order (or the equivalent provisions of any statutory instrument revoking, amending or re-enacting that Order) shall be carried out without the formal consent of the Local Planning Authority.

REASON: In order to ensure an adequate level of residential amenity for occupiers of the site and adjacent properties.

4 Where parking spaces are provided on the site these facilities shall be retained solely for that use and for no other purpose whatsoever without the formal consent of the Local Planning Authority.

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

5 The window(s) created above ground floor level in a wall or roof slope forming northern and southern/flank elevation shall be obscure glazed to at least Level 3 on the Pilkington Scale and non-opening to a height of 1.7m above the finished floor level of the room in which the window(s) is installed and permanently retained as such thereafter.

REASON: In order to protect the privacy of the occupiers of the adjoining properties.

6 Finished ground floor levels shall be set no lower than 2.13mAOD and Finished first floor levels are to be set no lower than 4.815mAOD.

The proposed mitigation measures shall be fully implemented prior to occupation of the dwellings and thereafter permanently retained.

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

7 Prior to the commencement of development, a scheme, prepared by a qualified structural engineer and demonstrating the ability of the proposed structure(s) to withstand the hydrostatic and hydrodynamic pressures likely to be acting on the buildings in a 1 in 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 building to withstand the effects of flooding in the interests of the safety of the future occupiers of the site.

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

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

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

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

10 The approved dwelling 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 In undertaking the works hereby approved you are advised to satisfy yourself of your obligations to occupiers of adjoining properties in accordance with the Party Wall etc. Act 1996, details of which can be inspected at these offices or you may obtain details free of charge from the Planning Portal website (www.planningportal.gov.uk) under Building Regulations.

2 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.

