



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



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

AGENDA

Committee: DEVELOPMENT CONTROL

Date and Time: Tuesday 3rd December 2019 at 7.30 p.m.

Venue: Council Chamber

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

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

Substitutes: Councillors Palmer, Skipp, Mrs Thornton and Tucker

Canvey Island Town Councillors: Greig and Mrs Sach

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

Enquiries: Miss Cheryl Salmon, ext. 2454

PART I (Business to be taken in public)

1. Apologies

2. Members' Interests

3. Minutes

A copy of the Minutes of the meeting held on 5th November 2019 is attached.

4. Public Speakers

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

5. Deposited Plans

The report is attached.

	Application No	Address	Page No
1.	19/0626/FUL	71 Watlington Road Benfleet Essex SS7 5DT (St. Mary's Ward)	1
2.	19/0602/FUL	Site Adjacent To 71 Stadium Way Thundersley Benfleet Essex SS7 3TS (Victoria Ward)	29
3.	19/0632/FULCLC	Land Adj to and South of Thorney Bay Car Park Western Esplanade Canvey Island Essex (Canvey Island South Ward)	35

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



When you have finished with
this agenda please recycle it.



DEVELOPMENT CONTROL COMMITTEE

TUESDAY 5TH NOVEMBER 2019

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

Substitute Members Present: Councillor Tucker* for Councillor Blackwell.

Also Present: Councillors Palmer, Skipp, Smith and Mrs Thornton.

An apology for absence was received from Councillor Blackwell.

13. MEMBERS' INTERESTS

There were none.

14. MINUTES

The Minutes of the meeting held on 3rd September 2019 were taken as read and signed as correct.

15. DEPOSITED PLANS

- (a) **19/0618/FUL - LAND ADJACENT TO 24 LANDSBURG ROAD CANVEY ISLAND ESSEX SS8 8HN (CANVEY ISLAND NORTH WARD) - CONSTRUCTION OF 3 BEDROOMED DWELLING WITH DETACHED GARAGE AND NEW PUBLIC FOOTPATH - D.R. BULLOCK BUILDERS LTD**

The application sought permission for a new dwelling on land which was formerly a road and had been closed to vehicular traffic. The highway authority had not provided the planning authority with the precise date the vehicular driving rights were removed but this took place some significant amount of time ago (decades rather than years). The Planning Officer considered that the application was compliant with local and national policies and guidance and therefore recommended it for approval.

The application was presented to the Committee at the request of Councillor Hart on the grounds of overdevelopment, overlooking and the loss of public amenity space.

Mrs Dunford, a local resident, spoke in objection to the application.

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

During debate some Members concurred with the Planning Officer's view and whilst they expressed reluctance to give approval to the application because they felt that the site should remain as greensward could see no valid planning reason for refusal.

Other Members felt that the application was contrary to government guidance as contained in the NPPF because the application represented over development of the site, was out of character with the street scene, would overshadow neighbours and was over dominant. It was also considered that the development would result in the loss of community open space and would provide an environment that failed to promote public safety and security contrary to the NPPF.

Following the debate it was:

Resolved – That the application be refused because it is out of character with the street scene, overshadowing, over dominant, represents over development and it is contrary to paragraphs, 8, 92(a), 95, 99, 100 and 101 of the NPPF.

Councillors Dick and Sharp requested that their vote be recorded against the above decision.

2. **19/0617/FUL – LAND ADJACENT TO 24 HEILSBURG ROAD, CANVEY ISLAND, ESSEX, SS8 8HH (CANVEY ISLAND NORTH WARD) – CONSTRUCTION OF 3 BEDROOMED DWELLING WITH DETACHED GARAGE AND NEW PUBLIC FOOTPATH – D.R. BULLOCK BUILDERS LTD**

The application sought permission for a new dwelling on a greensward located between existing dwellings, which was a former road and now closed to vehicular traffic. The proposal complied with all relevant local policies and residential design guidance and no adverse impacts of the development that would significantly and demonstrably outweigh the benefits that had been identified when assessed against the policies in the Framework taken as a whole. The proposal was therefore recommended for approval.

The application was presented to the Committee along with three other applications on other sections of greensward at the request of Councillor Hart.

Mrs Dunford, a local resident, spoke in objection to the application.

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

As with the previous application, some Members concurred with the Planning Officer's view that the proposal should be approved whilst other Members felt

that it was contrary to government guidance as contained in the NPPF because the application represented over development of the site, was out of character with the street scene, would overshadow neighbours and was over dominant. It was also considered that the development would result in the loss of community open space and would provide an environment that failed to promote public safety and security contrary to the NPPF.

Following debate it was:

Resolved – That the application be refused because it is out of character with the street scene, overshadowing, over dominant, represents over development and it is contrary to paragraphs, 8, 92(a), 95, 99, 100 and 101 of the NPPF.

Councillors Dick and Sharp requested that their vote be recorded against the above decision.

3 19/0616/FUL – LAND ADJACENT TO 30 TEWKES ROAD, CANVEY ISLAND, ESSEX, SS8 8HF (CANVEY ISLAND NORTH WARD) – CONSTRUCTION OF A 3 BEDROOM CHALET WITH ASSOCIATED FACILITIES AND NEW PUBLIC FOOTPATH – D R BULLOCK BUILDERS LTD.

The application sought permission for a new dwelling on a greensward located between existing dwellings, which was a former road and now closed to vehicular traffic. The proposal complied with all relevant local policies and residential design guidance and no adverse impacts of the development that would significantly and demonstrably outweigh the benefits had been identified when assessed against the policies in the Framework taken as a whole. The proposal was therefore recommended for approval.

The application was presented to the Committee along with three other applications on other sections of greensward at the request of Councillor Hart.

Mrs Briscoe, a local resident, spoke in objection to the application.

As with the previous applications, some Members concurred with the Planning Officer's view that the proposal should be approved whilst other Members felt that it was contrary to government guidance as contained in the NPPF because the application represented over development of the site, was out of character with the street scene, would overshadow neighbours and was over dominant. It was also considered that the development would result in the loss of community open space and would provide an environment that failed to promote public safety and security contrary to the NPPF.

Following debate it was:

Resolved – That the application be refused because it is out of character with the street scene, overshadowing, over dominant, represents over development and it is contrary to paragraphs, 8, 92(a), 95, 99, 100 and 101 of the NPPF.

Councillors Dick and Sharp requested that their vote be recorded against the above decision.

4. 19/0615/FUL – LAND ADJACENT TO 37 TEWKES ROAD, CANVEY ISLAND, ESSEX, SS8 8HF (CANVEY ISLAND NORTH WARD) - CONSTRUCTION OF A 3 BEDROOM HOUSE WITH ASSOCIATED FACILITIES AND NEW PUBLIC FOOTPATH– D R BULLOCK BUILDERS LTD.

The application sought permission for a new dwelling on a greensward located between existing dwellings, which was a former road and now closed to vehicular traffic. The proposal would result in material harm to the living conditions of the occupiers of No. 37 Tewkes Road, with regard to privacy and outlook, and this would significantly and demonstrably outweigh any benefits. The proposal was therefore recommended for refusal.

This application was presented to the Committee along with three other applications on other sections of greensward at the request of Councillor Hart.

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

During discussion Members stated that they agreed with the Planning Officer's view that the proposed development would result in material harm to the living conditions of the occupiers of No. 37 Tewkes Road and as with the previous applications, Members also felt that it was contrary to government guidance as contained in the NPPF because the application represented over development of the site, was out of character with the street scene, would overshadow neighbours and was over dominant. It was also considered that the development would result in the loss of community open space and would provide an environment that failed to promote public safety and security contrary to the NPPF.

Following debate it was:

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

- 1 The proposal, by reason of the location of the footpath adjacent to the southern boundary of the application site, would allow future users of the footpath an opportunity to look directly, and from a short distance, into the habitable room of No 37 Tewkes Road served by the side window facing the application site and result in a significant and harmful loss of privacy for the occupiers of this property contrary to government guidance contained in the National Planning Policy Framework
2. That it is out of character with the street scene, overshadowing, over dominant, represents over development and it is contrary to paragraphs, 8, 92(a), 95, 99, 100 and 101 of the NPPF.

5. **19/0571/FULCLC – FLAT 27 WESTWOOD COURT, BERESFORD CLOSE, HADLEIGH, BENFLEET (VICTORIA WARD) – CONVERSION OF A 3 BEDROOM WARDEN FLAT INTO 2 NO. SINGLE-BEDROOM FLATS – CASTLE POINT BOROUGH COUNCIL**

The application sought permission for conversion of the former warden's flat at this sheltered housing complex to two one-bedroomed flats for older people. The proposal was consistent with the adopted policies and guidance of the Council and was therefore recommended for approval.

The case was presented to the Committee as the Council was the applicant and the owner of the property.

Following consideration of the item it was:

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

6. **19/0686/FUL – 19-27 KENTS HILL ROAD, BENFLEET, ESSEX, SS7 5PN (ST MARY'S WARD) – DEMOLITION OF ALL EXISTING BUILDINGS AND HARDSTANDING, CONSTRUCTION OF TWO BUILDINGS COMPRISING OF 23 NO. APARTMENT UNITS, IMPROVED ACCESS FROM KENTS HILL ROAD, ASSOCIATED OFF-STREET CAR PARKING, LANDSCAPING AND OTHER ASSOCIATED DEVELOPMENT (REVISED APPLICATION) – RENOWN DEVELOPMENTS LTD**

The proposal represented the redevelopment of an urban brownfield site, allocated for shopping purposes in the adopted Local Plan, with 23 one and two bedroomed flats arranged across two three storey blocks. The site was located on the west side of Kents Hill Road, close to the Junction with Benfleet High Road. Redevelopment of land for residential purposes was consistent with the provisions of the NPPF and in principle was considered acceptable on this site.

Whilst the scheme exhibited some minor deficiencies when assessed against the adopted policies and guidance of the Planning Authority, none, were considered so significant as to provide a robust reason for refusal.

Consequently, the recommendation was one of approval, subject to the applicant entering into a S106 agreement to secure the provision of affordable housing and a contribution towards recreational disturbance mitigation and the conditions set out at the end of the Planning Officer's report.

Following consideration of the item it was:

Resolved – That the application be approved subject to the applicant entering into a S106 Agreement to secure the provision of appropriate contributions towards the provision of off-site affordable housing and the mitigation of recreational disturbance in designated sites and the conditions as set out in the Planning Officer's report.

7. **19/0549/FUL – CHASE NURSERIES, THE CHASE, THUNDERSLEY, BENFLEET, ESSEX (CEDAR HALL ROAD) – DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF NINETEEN HOUSES WITH ACCESS, LANDSCAPING AND ANCILLARY WORKS – SJT DEVELOPMENT LTD**

The application site was located on the northern side of The Chase, opposite the junction with Wensley Road and was allocated for Green Belt purposes in the adopted Local Plan.

Within the context provided by the NPPF residential development of the site had been identified as inappropriate development, which by definition was harmful to the Green Belt and should therefore attract a recommendation of refusal. Inappropriate development in the Green Belt could however, be exceptionally justified by the existence of very special circumstances.

A number of factors had been identified which the applicant believed justified the proposed development. It was the view of Officers that the existence of an extant consent for the development of the site with 11 dwellings represented a material consideration of substantial weight which when added to the more moderate weight attracted by the need for housing and Government advice in respect of increased densities, outweighed the harm to the Green Belt occasioned by this more intensive form of development. Consequently it was recommended that the application be approved subject to the applicant entering into a S106 Agreement as set out in the Planning Officer's report.

Ms Power, a representative of the applicant, spoke in support of the application.

A Member raised concern that the contribution for affordable housing had not yet been agreed with the applicant. It was explained that it was not unusual to leave these discussions until after a decision on the proposal had been made.

During discussion Members expressed their support for the proposal.

Following discussion, the Planning Officer reported that the application was identified as one which should be referred to the Secretary of State in order that he might consider whether this was an application he wished to call in for his own determination and requested that the final determination be delegated following consultation with the Chairman and Vice Chairman.

Following consideration of the item it was:

Resolved – That the Committee is minded to approve the application subject to the applicant entering into a S106 Agreement to secure the following:

- (a) The provision of affordable housing
- (b) The appropriate management of the open space
- (c) The appropriate provision and maintenance of bird and bat boxes,

- (d) The appropriate upkeep of the requisite upgraded highway
- (e) The provision of a contribution towards the mitigation of recreational disturbance on the European Designated sites and
- (f) The provision of a contribution towards the enhancement of health services

and the conditions as set out in the Planning Officer's report and that the matter be referred to the Secretary of State in order that he might consider whether this was an application he wished to call in for his own determination, if not final determination is to be delegated to the Head of Place & Policy in consultation with the Chairman and Vice Chairman of the Committee.

8. **19/0492/FUL – BRIAR COTTAGE, LEIGE AVENUE, CANVEY ISLAND, ESSEX, SS8 9PL (CANVEY ISLAND WINTER GARDENS WARD) – DEMOLITION OF EXISTING COTTAGE AND ERECTION OF 10 NO SELF CONTAINED FLATS OVER 2 BLOCKS AND CAR PARKING AND ASSOCIATED FACILITIES – HOMESTEAD PLC**

The proposal sought outline consent for the provision of 8 two bedroomed maisonettes, 1 two bedroomed flat and 1 one bedroomed flat, arranged between two blocks over three-floors with associated refuse and cycle storage facilities and parking, on land at the southern end of Leige Avenue and west of the junction of Somnes Avenue and Meppel Avenue.

The proposal was consistent with the provisions of the Local Plan and Government advice in respect of increased densities of development in areas of identified housing need, as such the proposal was acceptable in principle.

The proposed development satisfied all relevant requirements of the Local Plan and adopted Residential; Design Guidance and subject to appropriate conditions and the applicant being willing to enter into a S106 Agreement to secure the provision of an appropriate contribution towards affordable housing and the provision of an appropriate contribution towards recreational disturbance mitigation,

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

During discussion some Members raised concerns that the development would be subject to overlooking from neighbouring properties, inadequate street lighting in the area and insufficient parking provision on and around the site and felt that the development would have a detrimental impact on the surrounding infrastructure. The Planning Officer explained that due to the distance of the neighbouring properties from the development a reason for refusal based on overlooking could not be sustained. Street lighting was not a matter for the local authority. In previous applications for this site the Planning Inspector had

concluded that one for one parking was adequate and therefore a reason for refusal on this basis could not be sustained.

Other Members felt that the development was appropriate on the site and raised no objections to it. It was considered that the scheme would benefit from the provision of electric vehicle charging points on the site. The Planning Officer stated that, in accordance with the NPPF, local planning authorities should ensure that developments were designed to accommodate electric vehicle charging points and it was suggested that an informative be added to any consent requesting that the developer consider the incorporation of this facility on site.

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

Chairman

ITEM 1

Application Number:	19/0626/FUL
Address:	71 Watlington Road Benfleet Essex SS7 5DT (St. Mary's Ward)
Description of Development:	Siting of 4 mobile homes and 4 day rooms with landscaping to north and west boundaries
Applicant:	Mr J O'Connor
Case Officer:	Ms Kim Fisher
Expiry Date:	04.12.2019

Summary

The application seeks consent for the siting of four mobile homes and 4 day rooms on land at the southern end of Watlington Road.

The proposal represents a residential use on brownfield land allocated for residential purposes.

No objection can be raised to the principle of such use.

The use of the site as a residential Gypsy/Travellers site would meet an identified housing need.

Whilst the location of the site adjacent to a sewage pumping station and railway is perhaps not ideal for creating family homes, this consideration has not dissuaded the development of adjoining sites for residential purposes in equal proximity or prevented the grant of consent for dwellings on this site as recently as 2017.

The scheme exhibits some deficiencies in terms of the provisions of the adopted Residential Design Guidance, most notably the potential for overlooking of adjoining development to the east, however it must be acknowledged that this guidance was not prepared with the intention of controlling development on mobile homes sites and it is therefore necessary to apply the guidance pragmatically.

Whilst deviances from the guidance can be identified, it is considered that conditions may be imposed on the grant of any consent to protect the privacy and amenity of adjoining residents and ensure the appropriate development of the site.

The site can make adequate provision for onsite parking to meet the residential needs of the site, however the restricted nature of the site is considered to preclude its use as a mixed residential/business site and it is considered that a condition should be imposed limiting the use to residential purposes only.

Further conditions in respect of flood risk, provision of appropriate refuse storage facilities and limiting the number of mobile home units to 4 are also considered appropriate given the limited size of the site, the potential for surface water flooding and the propensity for any intensification of use to lead to greater impact on adjoining residents.

The proposal provides four additional residential units and, in accordance with the advice of Natural England, will attract a requirement for a contribution towards the mitigation of recreational disturbance on international designated sites

Subject to the applicant entering into an appropriate S106 agreement to secure recreational disturbance mitigation and the conditions set out at the end of this report. My recommendation is **APPROVAL.**

The application has been called in by Cllr Sheldon.

Site Visit

It is recommended that Members visit the site prior to determination of the application.

Introduction

The application site is located at the extreme southern end of Watlington Road, immediately to the east of the existing sewage pumping station and north of the railway line.

To the north the site abuts the South Downs Allotment site whilst to the east the site abuts the rear boundaries of dwellings on Philmead and Woodham Roads.

Public footpath 16 defines the southern boundary of the site, beyond which is the elevated Shoburyness to Fenchurch Street railway line.

The site is irregularly shaped and has a maximum width of some 42m and a maximum depth of some 41.75m. This site encompasses some 995m² and is served by a private access road served by Watlington Road.

It should be noted that a local resident has stated that the application as submitted identifies a larger area of land than is available. This matter has been investigated by reference to Land Registry documentation and previous applications and it has been confirmed that the site as shown within the submitted drawings is accurate.

The Proposal

The proposal seeks consent for the change of use of the land for the stationing of four mobile homes and the construction of four day rooms.

The mobile homes are identified on the submitted plan as being approximately 11m wide and 3.5m deep, whilst the day rooms are indicated to be pitched roof structures having dimensions of 3m x 5m and a maximum height of some 3m.

The structures are to be sited around the periphery of the site and particularly on the eastern, western and northern boundaries.

The proposal also includes the provision of four bays for the parking of touring caravans provided on the northern and southern boundaries and the provision of eight car parking spaces.

Landscaping is proposed to the northern and western boundaries of the site.

Supplementary Documentation

The application is accompanied by a covering letter and a Flood Risk Assessment.

Relevant Planning History

BEN/167/53/OUT

Outline consent for the use of the land for residential purposes. Refused 15th June 1953

BEN/519/64

The erection at dwellinghouse for sewage works manager. Approved 14th October 1964.

14/0145/FUL

Demolition of existing building and construction of 6 x 2 bedroomed flats.
Refused 15th August 2014.

15/0339/FUL

Demolition of existing bungalow and construction of three houses.
Refused 7th September 2015.

Appeal subsequently allowed, 19th April 2016.

Consent expired 19th April 2019.

16/0765/FUL

Demolition of existing bungalow and construction of three houses.
Approved 15th December 2016.

Consent expires 15th December 2019. (No record of commencement).

17/0519/FUL

The erection of two detached houses with garages.
Approved 14th September 2017.

Consent expires 14th September 2020. (No record of commencement).

Local Plan Allocation

The site is allocated for residential purposes in the Adopted Local Plan (1998) .

This allocation is retained in the emerging Local Plan (2019).

Relevant Policies and Government Guidance

Government's Planning Policy for Traveller Sites (PPTS) (2015).

National Planning Policy Framework.(2019)

Introduction and achieving sustainable development

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

Decision making

Paragraphs 47, 49, 50, 54,

Delivering a sufficient supply of homes

Paragraphs 61,

Promoting healthy and safe communities

Paragraphs 91, 92, 96, 98,

Promoting sustainable transport

Paragraphs 105, 106, 110

Making effective use of land

Paragraphs 117, 118, 123,

Achieving well designed places

Paragraphs 124, 127, 130

Meeting the challenge of climate change, flooding and coastal change

Paragraphs 150, 158-160, 163,

Conserving and enhancing the natural environment

Paragraphs 170, 175, 178, 180, 182.

Adopted Local Plan

Whilst the proposal includes the provision of residential development as a corollary of the proposed change of use, that to be provided is of a very specific type in respect of which no specific policies exist within the adopted Local Plan.

Nevertheless, it is considered that the principles underlying the usually applied residential development policies and guidance can offer some assistance in the consideration of the proposal and the achievement of a satisfactory form of development.

Relevant policies include:

EC3	Residential Amenity
EC13	Protection of wildlife and their habitats
EC14	Creation of new wildlife habitats.
EC22	Retention of trees, woodlands and hedgerows
T8	Car parking
CF1	Social and physical infrastructure and new developments
CF14	Surface water disposal

Residential Design Guidance

RDG5	Privacy & Living Conditions
RDG6	Amenity Space
RDG9	Energy & Water Efficiency & Renewable Energy
RDG10	Enclosure & Boundary Treatment
RDG11	Landscaping
RDG12	Parking & Access
RDG13	Refuse & Recycling Storage

Other Relevant Documents

- Essex Planning Officers Association Vehicle Parking Standards – C3 (August 2009)
- Developer Contributions Guidance SPD – Adopted 1st October 2008
- Safer Places: The Planning System and Crime Prevention 2004
- Essex Design Guide Gypsy, Traveller and Show People Guidance.

Consultation

Environment Agency

No comment

Anglian Water

The dwellings should not be located within 15 metres of sewage pumping station to avoid nuisance from noise, odour nuisance and general disturbance.

NHS England

No response

Highway Authority (ECC)

No objection subject to conditions

Lead Local Flood Authority (ECC)

Not a major application No significant risk to flood risk.

Conditions suggested.

Further consideration by the planning authority is required of the following matters:

- Sequential Test in relation to fluvial flood risk;
- Safety of people (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements);
- Safety of the building;
- Flood recovery measures (including flood proofing and other building level resistance and resilience measures);
- Sustainability of the development.

Infrastructure Officer (ECC)

No response

Essex Police

No response

Essex Fire and Rescue Service

No response

CPBC Planning Policy

No response

CPBC Legal Services

No comment

CPBC Environmental Health Officer

No objection. Site may require site licence.

Cadent Gas Plant Protection

Apparatus is located in the vicinity of the site which may be affected by the activities specified.

Public Consultation

In excess of 250 objections to the proposal have been received. These raise the following planning concerns:

- Access is past the pumping station which requires 24/7 access.
- Movement of caravans will cause congestion
- Out of character with area.
- Increased traffic and on-street parking
- Unsightly view
- Noise and disturbance
- Proposal would not help meeting local housing needs
- Creates precedent
- Would spoil beautiful rural area
- Concerned about dumping of rubbish
- Access road is private/unadopted and in poor condition.
- The site is too close to railway line and proximity to railway line could pose a danger to health
- Site floods regularly with sewage.
- Will make area unsuitable for walkers and riders
- Would prejudice use of a local hall, motorcycle track and allotments
- No need for additional gypsy/traveller sites in the area.
- Proposal will have a negative impact on the community
- Surrounding area is Green Belt
- Concerns about security of adjoining sites
- Concerns about use intensification if approved
- Overlooking and loss of privacy
- Inadequate infrastructure to support further development
- 6' fence required around site to protect allotments
- Proposal represents overdevelopment of the site
- Site has inadequate drainage
- The site has inadequate access
- Proposal would prejudice use of public right of way
- The site is not as large as indicated on submitted plans
- Site should be developed with permanent dwellings
- Adverse impact on ecology
- Emergency service access limited
- Local roads cannot cope
- loss of residential site
- Will encroach on conservation area
- No provision for refuse storage/collection
- Site has consent for residential development
- Local properties are subject to restrictive covenants in respect of the provision of caravans in front gardens.

Comments on Consultation Responses

A significant proportion of the comments received sought to object to the proposal on the basis of the potential impact on property values. This does not constitute a material planning consideration and no response to this particular objection will be given in this report.

Comment has been received that the stationing of caravans within the South Down Estate is contrary to restrictive covenants imposed on the dwellings.

It should be noted that the presence, administration and enforcement of restrictive covenants is not a material planning consideration.

Disruption to, or loss of, a view is not a material planning consideration.

Whilst it is acknowledged that the site has consent for traditional 'bricks and mortar' dwellings, this cannot prejudice consideration of the site for alternative forms of residential development. Both forms provide residential accommodation. The proposal does not therefore result in a loss of housing opportunity and does result in the provision of permanent dwellings for which a need has been identified.

Furthermore, whilst it is acknowledged that the land to the south of the railway line is allocated for Green Belt purposes, the application site is allocated for residential purposes and its development would have no impact on the strategic function of the Green Belt in this area.

The site is not located within a Conservation Area and would have no direct impact on any designated conservation area.

The site is located between residential development which forms part of the wider settlement of Benfleet, an elevated railway line, an allotment site and a sewage pumping station. It is not considered that the site may be identified as part of a 'beautiful rural area', although it is acknowledged that land to the south of the railway line is attractive in appearance. The application site is effectively screened from this wider landscape by the railway embankment.

The location of the site adjacent to a facility which requires access, '24/7', was not considered an impediment to the development of the site with 'traditional' dwellings and the use of the site as a permanent traveller site should similarly attract no objection on this basis.

With regard to the issue of precedent, whilst the comment is noted, each case must be considered on its own merits.

Evaluation of Proposal

The issues to be considered in the determination of this application are:

- Policy Position
- The principle of provision
- Material considerations including:
 - Relevant policy position
 - Sustainability,
 - Access, highways and parking,
 - Flood Risk
 - Ecology and Trees
 - Access to education, health, welfare and employment infrastructure
 - Protection of local amenity and environment
 - Overlooking and loss of privacy
 - Refuse and recycling and
 - The potential for intensification.

Policy position

The NPPF makes it clear that local planning authorities should consider the Government's Planning Policy for Traveller Sites (PPTS), in conjunction with the NPPF, when preparing plans or making decisions on Traveller Sites in their area. The PPTS makes clear that the Government's overarching objective is to ensure fair and equal treatment for Gypsies and Travellers, in a way that facilitates their traditional and nomadic way of life while respecting the interests of the settled community. To deliver this it sets out how the planning system defines Gypsies, Travellers and Travelling Showpeople and what matters should be considered in determining planning applications for Gypsy and Traveller sites.

The PPTS reiterates the point that planning law requires applications for planning permission to be determined in accordance with the provisions of the development plan unless material considerations indicate otherwise.

It also states that the application must be assessed and determined in accordance with the presumption in favour of sustainable development and the specific policies in the NPPF and the PPTS and that local planning authorities should consider the following issues amongst other relevant matters when considering an application for traveller sites:

- a) The existing level of local provision and need for sites
- b) The availability (or lack of) alternative accommodation for the applicants and
- c) Other personal circumstances of the applicant.

The PPTS makes it clear that the local authority must determine applications for sites from any travellers and not just those with local connections.

For the purposes of planning policy, Gypsies and Travellers are defined in the PPTS as being:

'Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling show people or circus people travelling together as such.'

a) The existing level of local provision and need for sites

The level and need for Gypsy, Traveller and Travelling Showpeople accommodation is identified in the 2018 Castle Point Borough Gypsy and Traveller Local Needs Accommodation Assessment (CPLNAA). This was prepared in accordance with the provisions of the Planning Policy for Traveller Sites and the Housing and Planning Act 2016 and forecasts the needs for Gypsies, Travellers and Travelling Showpeople in the Borough to 2034.

Due to the different requirements of the PPTS and the Housing and Planning Act 2016, the CPLNAA identifies two groups of Gypsies, Travellers and Travelling Show people:

- (i) Those who do not meet the planning definition.
This group no longer exercises a nomadic lifestyle and consequently the PPTS does not apply (ethnic Gypsies, Travellers and Travelling Showpeople). However, the LPA is still required to plan for the specific cultural needs for living accommodation of this group, in accordance with the Equality Act 2010, the Children's and Families Act 2014 and the Human Rights Act 1998

And

- (ii) Those who do meet the planning definition:

Being those Gypsies, Travellers and Travelling Showpeople who continue to travel and for whom the policy requirements of the PPTS apply (nomadic Gypsies, Travellers and Travelling Showpeople).

The CPLNAA identifies 7 pitches/plots within the Borough which were fully occupied at the time of the survey in 2016 /17.

Since that date consent has been granted for a further three pitches at Janda Field. These are also believed to be fully occupied. No capacity within existing sites has been identified.

The CPLNAA did not identify any households which met the planning definition, therefore no additional pitches are identified as being required for this group throughout the plan period.

However, the detailed survey of the resident Gypsy and Traveller population of the Borough identified a need for up to 1 additional pitch for Gypsy and Traveller households that may meet the planning definition and 5 additional pitches for Gypsy and Traveller households who do not meet the planning definition but nevertheless, have a right to live in culturally appropriate accommodation.

This demand is generated by the currently resident traveller population as a consequence of population growth and the need to address issues of concealed households and overcrowding.

Part of this need has been met by the expansion of provision at 'Janda Field' however further need exists which this proposal would contribute towards meeting.

b) The availability (or lack of) alternative accommodation for the applicant

The applicant's agent has confirmed that the proposed development does not seek to meet the needs of the applicant but rather to meet the needs of the wider Gypsies/Traveller population within the Borough which is experiencing difficulty finding local accommodation.

The CPLNAA clearly indicates that there is no capacity within existing sites to accommodate further travellers.

It also indicates that no new sites have been identified for Travellers.

It would therefore appear that there is no identified capacity available within the Borough, although a need for additional pitches has been identified. The proposed development would provide capacity to contribute towards meeting that need.

c) Other personal circumstances of the applicant.

The application is not submitted to meet the needs of the applicant but rather the needs of other Gypsies and Travellers who have been identified as experiencing difficulty in obtaining suitable accommodation within the Borough. As such it is not currently possible to identify any specific personal circumstances.

However the proposal does not seek to provide a site in the Green Belt, (where the majority of sites are usually proposed) where very special circumstances, including personal circumstances, may carry weight. This application seeks to provide residential development on a residentially allocated site. In any other form of residential development on such a site, the personal circumstances of the applicant would not be relevant.

The specific personal circumstances of the applicant are not therefore considered relevant in the determination of this application.

The applicant has however confirmed that all persons occupying the site will meet the planning definition for Gypsies/Travellers as set out in the PPTS.

The applicant has further advised that future occupiers are likely to be young couples with one or two young children. Temporary non-nomadic occupation usually occurs in such groups to facilitate the education of children.

The adopted Local Plan has no policy provision for the consideration of proposals of the provision of Gypsy and Traveller sites

Due to the acute housing constraints in the Borough, and the relatively limited scale of need identified by the independent objective research, no specific sites have been identified within the emerging Local Plan to meet the needs of Gypsy and Traveller households. As a consequence Gypsies and Travellers within, or seeking to resort to, the Borough will need to identify their own sites and submit planning applications. Such self-provision is supported by the Government.

To respond to such applications, the LPA is currently developing a local criteria-based policy within the context of the emerging Local Plan (2019).

At the present time however this policy can carry no weight in the determination of the current application given the early stage of its preparation.

Determination of the application will therefore be reliant on the advice provided by Government.

The principle of provision

In principle, it is clear that the Local Authority is under a duty to consider the housing needs of the Gypsy and Traveller Community and to facilitate the provision of ethnically and culturally appropriate accommodation.

The current application seeks to provide such ethnically and culturally appropriate accommodation.

Such provision by individuals is actively encouraged by Government.

The site is allocated for residential purposes in the adopted Local Plan and the use of the site as a traveller site is a residential use.

The proposal would therefore accord with the principle provisions of the adopted Local Plan.

Planning Law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The PPTS states that in the consideration of applications for traveller sites, local planning authorities should attach weight to the following matters:

- a) effective use of previously developed (brownfield), untidy or derelict land;
- b) sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness;
- c) promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children and

- d) not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community.

In addition consideration must be given to the opportunities for travellers to access education, health, welfare and employment infrastructure and the protection of local amenity and the environment.

Local Authorities must also give proper consideration to the effect of the local environmental quality (such as noise and air quality) on the health and well-being, of any travellers that may locate there, or on others, as a result of new development, flood risk and sustainability,

Consideration will also need to be given to access, site layout, ecology, highways and car/cycle parking, ecology and trees.

These considerations will be addressed within the body of this report.

a) The effective use of previously developed (brownfield), untidy or derelict land

The site is the former site of the sewage pumping station manager's dwelling. This dwelling has been removed from the site which is currently vacant and in an overgrown condition.

The site has previously been the subject of three successful proposals for residential development, two of which remain extant. Despite such consents however the site has remained undeveloped.

The site is considered to represent brown field land and may currently be described as untidy or derelict.

One local resident has objected to the proposal on the basis that it does not meet local housing need.

The housing needs of travellers forms part of the objectively assessed housing needs of the Borough and a deficiency in provision has been identified. The current proposal would assist in meeting that need and as such is considered an effective use of previously developed untidy and/or derelict brownfield site.

An objection to the proposal on the basis that it does not contribute towards meeting local housing need would not be supported on appeal.

b) Layout and soft landscaping

The proposed development site, by virtue of its relationship with the adjoining railway line, an allotment site and sewage pumping station, is largely visually isolated from, and enclosed by, the wider developed area. In this instance the opportunities to undertake landscaping in such a way as to increase the openness of the site and thus foster greater integration with the settled community as recommended in Government guidance, is limited. Whilst the opportunity to open up the site to the southern side does in theory exist, it should be noted that this boundary immediately abuts a public footpath and that failure to adequately enclose this boundary could result in security issues for future occupants of the site.

The visually isolated nature of the site also limits the effectiveness of any scheme to positively enhance the wider environment through landscaping, although it is noted that planting of an unspecified nature is to be provided along the northern and western boundaries, which would no doubt screen the site from views both into and out, thus securing the privacy of future and

adjoining residents and potentially enhancing the biodiversity and landscape value of the site, albeit to a limited degree.

The provision of an appropriate landscaping scheme can be secured by a condition attached to the grant of any consent. The limited capability of the site to positively enhance the wider local environment through landscaping is not considered to represent a robust objection to the proposal.

Comment has been received from local residents that the proposal represents overdevelopment of the site.

The Planning Authority currently has no planning policies in respect of the layout /density of mobile homes sites. However it may be noted that the proposed mobile homes are laid out in a similar fashion to that exhibited on other mobile home sites in the Borough which comply with the caravan site licencing regime. As such it is not considered that an objection to the proposal on the basis of overdevelopment of the site could be supported.

c) promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children

As indicated above the site offers limited opportunity for landscaping and the small size of the site, coupled with a number of units proposed, limits the opportunities available for the provision of play areas for children.

Essex County Council in its Gypsy, Traveller and Showpeople Design Guidance identifies that communal areas for children should be included where possible. Where suitable provision is not available, facilities should be available within walking distance on a safe walkable route or by using public transport.

The submitted drawing does not indicate the specific provision of any communal children's play space within the site however, it must be noted that the site is within safe walking distance of significant areas of open space at Saint Marys playing fields and as such it is not considered that an objection to the proposal on the basis of inadequate provision of play space would be supported on appeal.

Comment has been received from local residents expressing concern in respect of the health impacts of living in close proximity to a sewage pumping station and a railway line.

It should be noted that Anglian Water has advised that any dwelling sited within 15m of the boundary of the pumping station is likely to experience nuisance from noise, odour and general disturbance associated with the operation of the site.

Anglia Water recommends that a cordon 15 m wide be maintained between any dwelling and the boundary of the pumping station site, in order to diminish such nuisance to acceptable level.

Whilst the concerns of Anglian Water are noted, the provision of a 15m cordon appears excessive and unreasonable for the following reasons:

- (i) The pumping station is located some 20 m from the boundary of the site, the land within the Anglian Water site is considered to provide an adequate buffer
- (ii) Existing dwellings to the west of the pumping station are located only some 8m from the boundary of the site and some 11m from the pumping station.

- (iii) No such stipulation was imposed on the previous consent for the residential development the site, the proposed dwellings being sited only some 4m from the boundary and some 24m from the pumping station.

The current proposal seeks to provide a mobile home at some 1.5m from the boundary and 21.5m from the pumping station. Whilst closer than the previously approved development, the proposed mobile home will still be provided with a significantly greater buffer than other residential development in the area.

Under the circumstances it is not considered that an objection to the proposal based on the operational preferences of the adjoining land owner would provide a robust reason for refusal. No objection is therefore raised the proposal on this basis.

Local residents have suggested that this site has been known to flood with sewage. The Council has no record of such events and no response on this matter has been received from Anglian Water. No robust objection may therefore be raised to the proposal on this basis.

Comment has also been made in respect of the potential health impacts of the proximity of the site to the railway line.

The elevated nature of the railway line reduces the potential for direct trespass at this point and thus limits the potential for direct adverse impact on future residents.

In terms of noise impact it must be noted that the railway line is in close proximity to a number of dwellings along its length and proximity to the railway line was not considered an impediment to the granting of consent for two detached houses on the site.

While it is acknowledged that the mobile homes will have a lower level of acoustic insulation than brick-built dwellings, given the limited periods and relatively low levels of noise experienced from passing trains, it is not considered that an objection the proposal on the basis of potential adverse impact on health arising from proximity to the railway line would be supported on appeal.

Concern has been raised by local residents that the site would be difficult to access by emergency vehicles.

The site is served by a 5m wide access road which is wider than the unadopted section of Watlington Road which is only some 4.2m wide.

It should also be noted that a substantial turning area exists immediately to the north of the railway arch.

It is not considered that emergency vehicles would experience difficulty accessing the site and no objection is raised the proposal on this basis.

Essex Fire and Rescue and NHS England have been consulted on the proposal. However, to date no response has been received. It may therefore be assumed that these organisations have no objection to the proposed development.

- d) not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community.

It is perhaps an unfortunate feature of the site that it represents a back land location, the boundaries of which are defined by adjoining uses which offer limited opportunity for the provision of open boundaries. Given the circumstances of the site it is not considered that the proposal sets

out to deliberately isolate itself from the rest of the community or that a robust reason for refusal on this basis would be supported on appeal.

As a corollary to this however, it is not considered that a condition requiring the provision of high fences on all boundaries of the site, as has been requested by local residents in the interests of security and amenity, would be appropriate or one which would be likely to be supported by the Inspectorate if challenged on appeal.

Sustainability

The NPPF states at paragraph 7 that the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

The proposed development satisfies the social objective by improving the diversity of homes available to meet the needs of all groups within the community and by making provision for a group for which a need has been identified.

It meets the environmental objective by making effective use of Brownfield land and providing an opportunity to enhance biodiversity.

In economic terms the scheme has the potential to increase spend in local shops and services and thus assist in the creation of a competitive economy.

The proposal further satisfies sustainability objectives by virtue of its proximity to local facilities such as schools, shops and health care providers.

Within the context provided by the NPPF the proposed is considered to represent sustainable development.

Paragraph 10 of the NPPF confirms that there is a presumption in favour of such development.

Access, Highways and Parking.

Essex County Council as highway authority has been consulted on the proposal but has raised no objection on the basis of the capacity of the access or adjoining highway network to accommodate the proposed development.

In terms of parking, each unit is provided with two car parking spaces which is consistent with the adopted parking standard for residential development, however, the spaces do not achieve bays 5.5 metres long and 2.9 m wide. This represents, prima facie, an objection to the proposal, however capacity exists within the site to secure the appropriate provision and retention of parking and a condition to achieve this can be appended to any grant of consent.

It should be noted however that such parking provision will only meet the domestic requirements of the site. Insufficient space exists within the site to adequately accommodate parking and manoeuvring of business and commercial vehicles. This lack of capacity supports the restriction of the use of the site to residential purposes only. A condition to this effect can be appended to the grant of any consent.

With regard to the provision of cycle parking, the proposal attracts requirement for the provision of five cycle spaces. These can be accommodated within the site. A condition to secure this provision can be appended to the grant of any consent.

It has been commented that the highway serving the site is private and adopted street which is in poor condition.

It should be noted that the maintenance of private and unadopted streets is a civil matter for the frontagers in which the local planning authority has no remit.

Comment has also been received that access to the adjoining hall, motorcycle track and allotments would be adversely affected by the proposed development, that the proposal would prejudice the use of the adjoining public footpath and that it would make the area unsuitable for walkers and riders.

The proposed development does not impede the adjoining public footpath, the limits of which are clearly defined by existing concrete posts. In physical terms the proposal would not prejudice use of the footpath.

The proposed development is located some 35m from the unadopted section of Watlington Road and the existing access to the Hall and Motorcycle track via the railway underpass. It is not clear therefore how, in physical terms, the reasonable occupation of the site might impede the passage of foot and vehicular traffic to these venues.

Any obstruction of the highway which prevents the passage by pedestrians, riders or vehicles would be a police matter.

Flood Risk

The site is identified within the Environment Agency Flood Risk maps as falling within Flood Zone 2 and being at high risk of surface water flooding.

As a permanent residential caravan / mobile home site the proposal represents a 'highly vulnerable use' as defined within Table 2 of the Technical Guidance to the NPPF (2012), and as such the proposal should be supported by a site specific flood risk assessment.

The applicant has submitted a rudimentary FRA which focusses on the site having access to a main sewer and the fact that the mobile homes will be located on hard standings which would be

constructed of a porous material that would permit percolation. The applicant further identifies that water butts can be installed to take water runoff from the roofs of the proposed mobile homes if required and that the development would not result in any contamination of the water supply.

As a consequence the applicant is of the view that no further drainage systems are required to serve the site although it is acknowledged that should additional provision be required, this can be achieved by the imposition and subsequent compliance with a condition imposed the grant of any consent.

The applicant acknowledges that the site lies within Flood Zone 2 (FZ2) and that on this basis a Flood Risk Assessment is required, but comments that the previous proposal for dwellings on the site was not the subject of such an assessment.

The implication appears to be that the applicant does not feel he is being treated in a manner equal to that of the previous applicants. In the interests of clarity and equality, this particular point will be addressed first.

In 2015 an application for the development of the site with three dwellings was refused consent, partly on the grounds that the applicant had not undertaken an appropriate sequential test as part of the FRA and had not therefore sought to demonstrate that alternative sites, outside of Flood Zone 2, had been considered, in accordance with the Guidance.

Furthermore it was considered that inadequate information had been submitted to demonstrate that the level of flood risk to the application proposal had been sufficiently considered, this view being formed on the basis of the lack of Ordnance Datum and estimated flood levels. Accordingly the proposal was considered to be contrary to the Environment Agency's standing advice and National Guidance as contained within the National Planning Policy Framework.

The Inspector in considering this objection on appeal drew attention to the fact that within the appellant's statement there was appended correspondence between the FRA consultants and the Environment Agency that confirmed that the Flood Map defining FZ 2 had not taken into account existing flood defences and that the more detailed Strategic Flood Risk Assessment indicated a low risk of flooding in this location, equivalent to FZ 1. Therefore, it was the Inspector's view that as Flood Zone 1 was recognised as being land at the lowest risk of flooding, there would not be the grounds to object to the proposal in respect of the lack of estimated flood levels required under the EA standing advice or Guidance.

In considering the subsequent applications, Officers took the view that based on the correspondence previously identified, and the comments of the Inspector, the site could be regarded as being within a zone equivalent to Flood Zone 1 and as a consequence a FRA would not be required for the proposed dwellings.

It was however identified that the site was at risk from surface water flooding and the applicant's attention was drawn to the prudence of providing appropriate mitigative measures within the scheme.

Turning now to the current proposal.

The Environment Agency maintains that within the EA Flood Plans the site lies within Flood Zone 2.

However, based on the above, it is considered reasonable to consider the site as being within an area equivalent to Flood Zone 1.

Development within Flood Zone 1 would not normally require the submission of a FRA as it is identified as the area with the lowest probability of flooding.

However, Government Guidance in respect of flood risk assessments states that an assessment is required on sites of less than 1 ha in Flood Zone 1 where the proposal includes a change of use in development type to a more vulnerable class where they could be affected by sources of flooding other than rivers and the sea.

The site is currently allocated for residential development which is identified as a 'more vulnerable' form of development within the EA Flood risk vulnerability classification (Table 2).

The same Table identifies Caravans, mobile homes and park homes intended for permanent residential use as a 'highly vulnerable' form of development.

Uses within the 'Highly vulnerable' Class are at greater vulnerability than uses within the 'More vulnerable' Class in the flood risk vulnerability hierarchy.

The EA Flood Maps identify that the application site is at high risk of surface water flooding.

Thus the proposal represents the provision of a use falling within a more vulnerable class in an area with a high risk of surface water flooding.

Consequently a FRA is required.

A FRA was not required in respect of the earlier residential development as there was no change of use involved and consequently the vulnerability classification of the site did not change.

This application has been dealt with in accordance with Government guidance, in the same way as the previous applications. Any difference in outcome or requirements is as a consequence of the proposed change of use of the land and is not related to the cultural relevance of the proposal as appears to be implied.

Turning now to the submitted FRA.

As previously stated, the applicant has submitted a rudimentary FRA which focusses on the site having access to a main sewer into which the surface water will be diverted and the fact that the mobile homes will be located on hard standings which would be constructed of a porous material that would permit percolation. The applicant further identifies that water butts can be installed to take water runoff from the roofs of the proposed mobile homes and that the development would not result in any contamination to the water supply.

The purpose of a FRA is to determine the level of risk present on a site and how that risk might be mitigated. Part of this assessment should include consideration of whether there are other sites at less risk of flooding which could be utilised in preference. If alternative sites are not available the FRA should identify those factors which would justify development on a policy sub optimal site.

The submitted FRA does not include reference to these matters and it could therefore be concluded that the submission is inadequate.

However it is considered that sufficient information is currently available for the authority to consider the location of the site within the context of a sequential test.

The sequential test seeks to identify the reasons why a particular site was chosen for the proposed development and whether any other alternative sites at a lesser risk of flooding are available.

The applicant has stated that the proposal is intended to meet the general need for more pitches within the Borough.

For the proposal to meet such a need it is considered appropriate that the site be located within the Borough.

In terms of the identification of the specific proposal site, it must be recognised that the availability of sites within the areas of the Borough allocated for development purposes is extremely limited with few presenting the opportunity to integrate into an area without a significant impact on character and appearance. As stated above, the site, by virtue of its back land location can achieve this, which weighs in favour of the proposal.

Proximity to services and facilities further identifies this as a suitable site for the proposed development whilst the identification of the site as being on land equivalent to Flood Zone 1 strongly suggests that in fluvial terms sites of lesser flood risk are not available.

Whilst it is recognised that the site is identified as being at high risk of surface water flooding, it is considered that this risk may be suitably mitigated by the introduction of an appropriate surface water drainage scheme .

Under these circumstances, the proposal is considered to pass the sequential test.

As the site is at risk from surface water flooding, it is considered that the exception test should be applied.

Paragraph 160 of the NPPF states that the application of the exception test should be informed by a strategic or site specific flood risk assessment, depending on whether it is being applied during plan production or at the application stage. For the exception test to be passed it should be demonstrated that:

a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and

b) 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.

Whilst the submitted FRA does not specifically address these points it is clear from the work undertaken in the preparation of the Local Plan that a need for Gypsy and Traveller accommodation exists within the Borough and that failure to provide appropriate levels of such accommodation can lead to overcrowding and poor living conditions within existing sites and potentially the creation of sites on inappropriate land. The current proposal will assist in addressing these issues and as such is considered to have sustainability benefits for both the settled and Gypsy and Traveller Communities which outweighs the flood risk.

Part (a) of the Exception Test is therefore considered satisfied.

The LLFA has confirmed that by virtue of its scale, the proposed development does not pose a significant risk to flood risk, i.e. the proposal will not exacerbate the level of risk on the site and suggests that the level of flood risk could be reduced, not only on the site but off-site as a consequence of reducing the potential for surface water runoff, through the implementation of an appropriate surface water drainage scheme.

The introduction of an appropriate surface water drainage scheme and the introduction of flood resilience measures would also assist in ensuring that the site would be safe for its lifetime.

Subject to conditions securing the provision of an appropriate surface water drainage scheme and the provision of resilience measures, the proposal is considered to pass the Exceptions Test.

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

It is considered however, that in order to ensure the safety of future occupiers in a flood event a Flood Response Plan should be prepared and implemented.

A condition securing this can be attached to the grant of any consent.

Ecology and Trees

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

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

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

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

The site does not contain and is not located within, nor immediately adjacent to, a site of recognised ecological value and is considered to have very low landscape value. None of the trees present on the site are considered suitable for preservation.

Given the condition of the site, the limited vegetation present and the poor quality of that which is available, it is not considered that redevelopment of the site for use as a mobile home site would have a significant adverse impact on wildlife in the vicinity.

The proposal does however provide the potential to increase the ecological value of the site. A condition will therefore be attached to the grant of any consent requiring the submission, approval and implementation of a robust landscaping scheme, heavily biased towards indigenous, wildlife friendly species.

Not only should this provide for a net gain in biodiversity, but it will also soften the proposed development and assist in integrating it into the landscape.

In strategic terms, the site is within the zone of influence of one or more of the European designated sites scoped on the Essex Coast Recreation disturbance Avoidance and Mitigation Strategy (RAMS).

As such Natural England has identified that the Planning Authority must consider proposals for residential development under the provisions of the Habitats Regulations.

Based on the development type and proximity to European designated sites, a judgement must be made as to whether the development constitutes a 'likely significant effect (LSE)' to a European site in terms of increased recreational disturbance.

The site lies within the Zone of Influence of the Essex Coast RAMS and seeks to provide 4 net new dwellings.

As such it may be concluded that the proposal is within the scope of the Essex Coast RAMS as it falls within the zone of influence for likely impacts and is a relevant residential development type as identified by Natural England. It is anticipated that such development in this area is likely to have a significant effect upon the interest features of the designated site through increased recreational pressure, when considered either alone or in combination. As such the proposal requires appropriate assessment.

Advice provided by Natural England identifies that where a proposal seeks to provide less than 100 dwellings and the proposal is not within or directly adjacent to one of the identified designates sites, mitigation of the impact of the proposal can be secured through the provision of a financial contribution secured in line with the Essex Coast RAMS.

Such funding will be secured within a S106 Agreement and provided prior to commencement of development in order that appropriate mitigation may be place prior to occupation of the dwellings.

Provided such mitigation is secured it may be concluded that the proposed development will not have an adverse effect on the integrity of the European Site from recreational disturbance when considered 'in combination' with other development.

Access to education, health, welfare and employment infrastructure

Permanent residential sites of the type proposed are usually sought in order to facilitate access to education, health or welfare facilities. As a site intended to meet the needs of young families it is considered that these factors would have influenced the identification of the application site as suitable for the use proposed.

The site is within reasonable distance of both primary and secondary schools, doctor and dental surgeries, community facilities, shops and entertainment venues within South Benfleet.

It is also in close proximity to rail and bus routes, both of which can facilitate access to employment opportunities.

The occupiers of the site would clearly be no further from such facilities than residents in the immediately adjoining area, or indeed residents that may have occupied the approved dwellings for this site had such permission been exercised.

Under the circumstances it is not considered that an objection may be raised to the proposal on the basis of isolation from necessary infrastructure to support the needs of occupiers.

A number of local residents have objected to the proposal on the basis of inadequate availability of infrastructure, which is assumed to mean access to doctors, dentists, schools etc. All relevant service providers have been consulted however none have objected to the proposal on the basis of service capacity. No objection may therefore be raised the proposal on this basis.

The protection of local amenity and the environment

Local residents have suggested that local amenity will be adversely affected as the proposed development is out of character with the area and likely to result in:

- Noise and disturbance

- increased traffic, undue congestion and offsite parking leading to inconvenience for local residents
- Overlooking and loss of privacy
- A deterioration on the quality of the environment as a consequence of the inadequate provision of appropriate refuse and recycling storage on site

Each comment will be examined in turn:

Character of the area.

A number of local residents have objected to the proposal on the basis that the provision of caravans or mobile homes within an area overwhelmingly characterised by single storey bungalows represents an unwelcome and unattractive departure from the character of the area.

As previously stated, it should be noted that the application site occupies a back land location which is visually isolated from the adjoining residential development. Views of, and into, the site would not be readily available from nearby public vantage points, other than the adjoining footpath and the railway line, where the site will be seen primarily in the context provided by the sewage pumping station and adjoining allotment site.

The proposed development will not be viewed in the context of the adjoining street scenes and as a consequence it is not considered that an objection raised to the proposal on the basis of adverse impact on the character of the surrounding area, would be supported on appeal.

Noise and disturbance

Objections have been received with regard to the potential for this site to generate undue noise and disturbance either as a consequence of occupation of the site itself or the associated movement of vehicles through the adjoining estate.

As with all residential development, occupation has the potential to generate some noise and disturbance.

It should be noted that planning permission has been granted for 2 five bedroomed houses on this site with the capability of accommodating up to 18 persons and 8 vehicles.

The current proposal seeks to provide four mobile homes, to be occupied by young couples with one or two children, thus this scheme might generate up to 16 persons and 8 vehicles.

In terms of activity it is considered that little difference would be experienced between the proposed development and that which might have occurred had the dwellings been constructed. It is not considered therefore that an objection to the proposal based on potential noise arising from residential occupation could be sustained on appeal.

Concern is raised however in respect of the potential for the site to be used in part for business purposes. The operation of businesses on the site could lead to increased noise and disturbance which could adversely impact on the amenity of adjoining occupiers, as well as those resident on the site. This potential can however be removed by ensuring that the grant of any consent is subject to a condition which restricted the use of the site to residential use only, with no business activity.

It is considered unlikely that any noise generated by the occupation the site would adversely impact on the use or operation of the railway line, sewage pumping station or allotments.

Consideration of the impact of the existing noise environment on the proposed residents must however be taken into consideration.

The site has been visited a number of occasions in recent months and at each visit consideration was given to the audible noise levels on the site. The site presented itself as quiet, although it is acknowledged that its location adjacent to a sewage pumping station which local residents confirm is frequently attended by large vehicles, and to which access is required 24 hours a day, may influence ambient noise levels periodically. Furthermore the site is adjacent to an elevated railway line, the operation of which again generates periodic, short bouts of higher levels of noise.

As such it is considered that the site and surrounding area may be subjected to periodically higher levels of noise and disturbance than are generally experienced on the site.

Whilst such noise impact would have been experienced by occupiers of 'bricks and mortar' dwellings on the site, the Council's Environmental Health Officer (EHO) initially raised concerns that the more limited acoustic insulation qualities of mobile homes would result in the site performing poorly in terms of providing an appropriate residential environment for Gypsies and Travellers. However following further consideration the EHO has raised no objection to the proposal.

With regard to noise associated with traffic attending the site, several residents have expressed concern that the passage of large vehicles to or from the site and particularly those vehicles associated with the establishment of caravans or mobile homes on the site would have a significant deleterious impact on amenity and would lead to congestion in the local roads and increased on street parking.

As already stated, local residents have indicated that large vehicles use this part of Watlington Road in association with the operation of the sewage pumping station. The passage of large vehicles over this part of Watlington Road would not therefore appear to be an unusual experience.

Whilst large vehicles depositing caravans/mobile homes on the site may result in some temporary disruption, this is likely to be limited to the period necessary to site the mobile homes, after which it is considered likely that the delivery vehicles would return to their point of origin. In this regard the activity surrounding the development of the site is considered to be no more significant than that which might be associated with the delivery of materials to a site being redeveloped with a bricks and mortar development. It is considered unlikely that an objection to the proposal on the basis of noise and disturbance generated through the construction phase would provide a robust reason for refusal.

Concern has also been raised that the passage of increased numbers of vehicles and caravans along Watlington and the adjoining roads would add to inconvenience, noise and disturbance.

It should be noted that the vehicular movements associated with the development of the site with 2 five bedroomed houses capable of accommodating up to 18 adults, with the potential for a significant number of vehicles, did not present itself as a reason for refusal in the determination of earlier applications on this site.

The current proposal has similar potential and should be considered accordingly.

Furthermore it should be noted that the site provides two car parking spaces for each mobile home which is consistent with the adopted parking standard. The scheme therefore has no greater propensity to result in on-street parking than the redevelopment of site with 2 five bedroomed dwellings.

Finally it should be noted that many local residents within the surrounding estate have touring caravans which are no doubt used periodically. The applicants use of touring caravans would be

used in a similar fashion. The presence of such touring caravans cannot provide a reason for refusal.

Occupation of the site is likely to necessitate the use of external lights in order to facilitate safe access across the site in the hours of darkness.

Poorly located lighting can have a significant adverse impact on the amenity of adjoining residents. It is considered therefore that a condition should be imposed on the grant of any consent securing the submission and approval of an appropriate lighting strategy.

Overlooking and loss of privacy

It is noted that the caravans on the eastern side of the site are located some 1 to 1.8 m from the boundary. Any windows provided at this distance from the boundary have significant potential to give rise to overlooking and loss of privacy .

The mobile homes and day rooms are single storey in height however, no details have been provided in respect of finished floor levels and consequently it is not currently possible to determine the potential for overlooking and loss of privacy.

Mindful of the need to avoid enclosing all aspects of the site with high fences, as required by Government Guidance, and cognisant of the need to protect the privacy of adjoining residents, it is considered that a condition should be imposed on the grant of any consent requiring any windows, doors or other glazed or opening areas, on the eastern elevations of the proposed mobile homes and day rooms on the eastern side of the site, to be obscure glazed and fixed to 1.7 metres from internal finished floor levels.

Refuse and recycling

Objections have been received to the proposal on the basis that the quality of the local environmental will deteriorate as a consequence of the lack of appropriate refuse and recycling facilities within the site.

A condition to secure the provision of appropriate facilities can be imposed on the grant of any consent.

The potential for intensification

A number of local residents have expressed concern that once permission is granted for the stationing of four mobile homes on the site, additional vans will be moved on to the site, creating an overcrowded site, which would further impact on the character and amenity of the area.

The application seeks consent for the siting of 4 mobile homes and 4 day rooms and a condition restricting the extent of development to four mobile homes and four day rooms can be imposed on the grant of any consent.

In the future should the applicant wish to increase the number of mobile homes and day rooms on the site, he will be required to make an application for the variation of the condition, at which time the Planning Authority will be able to consider the relative merits or harm of allowing further mobile homes/caravans and day rooms on the site.

The potential for the applicant to do this does not represent an objection to the current proposal.

Conclusion

The application seeks consent for the siting of four mobile homes and 4 day rooms on land at the southern end of Watlington Road.

The proposal represents a residential use on brownfield land allocated for residential purposes.

The use of the site as a residential Gypsy/Travellers site would meet an identified housing need.

No objection can be raised to the principle of such use.

Whilst the location of the site adjacent to a sewage pumping station and railway is perhaps not ideal for creating family homes, this consideration has not dissuaded the development of adjoining sites for residential purposes in equal proximity or prevented the grant of consent for dwellings on this site as recently as 2017.

The scheme exhibits some deficiencies in terms of the provisions of the adopted Residential Design Guidance, most notably the potential for overlooking of adjoining development to the east, however it must be acknowledged that this guidance was not prepared with the intention of controlling development on mobile homes sites and it is therefore necessary to apply the guidance pragmatically.

Whilst deviances from the guidance can be identified, it is considered that conditions may be imposed on the grant of any consent to protect the privacy and amenity of adjoining residents and ensure the appropriate development of the site.

The site can make adequate provision for onsite parking to meet the residential needs of the site, however the restricted nature of the site is considered to preclude its use as a mixed residential/business site and it is considered that a condition should be imposed limiting the use to residential purposes only.

Further conditions in respect of flood risk, provision of appropriate refuse storage facilities and limiting the number of mobile home units to 4 are also considered appropriate given the limited size of the site, the potential for surface water flooding and potential risk to occupiers and the propensity for any intensification of use to lead to greater impact on adjoining residents.

The proposal provides four additional residential units and, in accordance with the advice of Natural England, will attract a requirement for a contribution towards the mitigation of recreational disturbance on international designated sites

I have taken all other matters raised by interested parties into consideration, however none outweigh my recommendation.

Subject to the applicant entering into an appropriate S106 agreement to secure recreational disturbance mitigation and the conditions set out at the end of this report.

My Recommendation is Approval with the following conditions:

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

REASON: In order to secure the provision of an appropriate contribution towards the mitigation of recreational disturbance on the European Designated sites.

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

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

3. The site shall not be occupied by any persons other than Gypsies and Travellers as defined in Annex 1: Glossary of Planning Policy for Traveller Sites (or its equivalent in replacement national policy).

REASON; In order to ensure that the site is retained to meet the identified needs of Gypsies and Travellers.

4. No more than 4 mobile homes as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended and 4 touring caravans, shall be stationed on the site at any time.

REASON: In view of the limited size of the site and the need to ensure the provision of appropriate living conditions for existing and future residents.

5. The mobile homes, day room and associated parking spaces shall be sited in accordance with plan no. J003026/ DD 03 C hereby approved.

REASON: In order to ensure an appropriate form of development on the site.

6. The site shall be used for residential purposes only. No business use shall take place on the site without the prior consent of the Local Planning Authority.

REASON: In view of the limited size of the site and the need to ensure the provision of appropriate living conditions for existing and future residents.

7. Prior to the commencement of the development details of the surface water drainage scheme to serve the development shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development. The scheme shall ensure that for a minimum:

- Run-off from the site is limited to greenfield rates for a storm event that has a 100% chance of occurring each year (1 in 1 year event).
- The development should be able to manage water on site for 1 in 100 year events plus 40% climate change allowance.

Prior to first occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed in writing, by the local planning authority.

REASON: In order to ensure the appropriate treatment of surface water on the site, in the interests of the amenity of future residents.

8. Before the development is brought into first use, a scheme of landscaping, biased towards the provision native and wildlife friendly species, shall be submitted to and approved in writing by the local planning authority. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

REASON: In the interests of enhancing the biodiversity of the site, enhancing the appearance of the site and protecting the privacy of adjoining residents.

9. Prior to first occupation of the site, details of appropriate refuse and recycling storage facilities shall be submitted to and approved by the Local Planning Authority.

REASON: In order to ensure the provision of appropriate refuse and recycling storage facilities to serve the needs of the site.

10. All parking spaces, with the exception of tandem spaces, shall have a minimum width of 2.9m and a minimum depth of 5.5m. The proposed tandem spaces provided to the east of the mobile home located adjacent to the western boundary of the site shall have widths of 2.9m and depths of 6m.

REASON: In order to accommodate those vehicles regularly attending the site in a safe and convenient manner, in accordance with the provisions of the adopted parking standards.

11. Prior to first occupation of the development hereby approved, the approved parking spaces shall be provided and made available for use.

REASON: To ensure adequate off-street parking provision.

12. 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.

13. Prior to first occupation of the development hereby approved, details of an appropriate bicycle store to be provided for each mobile home, shall be submitted to and approved by the Local Planning Authority.

Such approved facilities shall thereafter be provided prior to first occupation of the site and thereafter permanently retained as such.

REASON: To ensure adequate bicycle storage facilities, in accordance with the adopted parking standards.

14. Any window(s), door(s) or other glazed area provided in the eastern elevations of the mobile homes and day rooms located on the eastern side of the site 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), door(s) or other glazed area is installed and permanently retained as such thereafter.

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

15. Prior to first occupation of the site, a Flood Response Plan shall be submitted to, and formally approved by, the Local Planning Authority.

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

16. Upon occupation of the site, the approved Flood Response Plan shall be enacted and thereafter maintained at all times that the site 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 site in the event of a flood.

17. Prior to first occupation of the site, details of the location, direction and luminance of any external lights provided to illuminate the site during the hours of darkness shall be submitted to and approved by the Local Planning Authority.

Any such approved scheme shall thereafter be implemented and permanently maintained.

REASON: In order to ensure an appropriate form of development, in the interests of the amenity of adjoining residents.

18. The public's rights and ease of passage over footpath number 16 in Benfleet shall be maintained free and unobstructed at all times.

REASON: To ensure the continued safe passage of the public on the definitive right of way and accessibility.

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

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

20. All loading / unloading / reception and storage of building materials and the manoeuvring of all vehicles, including construction traffic shall be undertaken within the application site, clear of the public highway

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

Informatives

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

Works to the highway

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

Flood Resilience

The site is at risk from surface water flooding. Whilst the introduction of an appropriate surface water drainage scheme would mitigate the impact, there is potentially the opportunity to minimise damage to the property should it ever be flooded by incorporating flood resistance and resilience measures into the scheme. This may be of particular relevance to the proposed day rooms. For further information, search online for the publication "Improving the Flood Performance of New Buildings - Flood Resilient Construction" by the Department for Communities and Local Government (May 2007).

Water Supply

Mains water supply suitable for drinking must be provided for each pitch on the site, enough to meet the reasonable demands of residents. Water supplies must comply with current legislation, regulations and British Standards. Water pressure must be enough to enable the use of fire hydrants by the emergency services which should be at a convenient place. Provision of an outside tap on each pitch is required.

Electricity Supply

Mains electricity to each pitch is required, sufficient to meet the requirements of the residents. Separate meterage for each pitch to be provided. Electricity meters to be provided in amenity buildings. Connections must consider caravan hook ups as well as electricity provision for amenity buildings.

Gas Supply

Gas installations, supplies and storage must meet statutory requirements, relevant standards and codes of practice. Storage facilities compliant with health and safety regulations for Liquid Propane Gas cylinders. Developers and managers of sites are advised to seek advice from their local environmental health services regarding storage of gas cylinders. Mains gas supply is recommended for amenity buildings on pitches and, if supplied, must be compliant with current gas installation regulations.

Connection Points

Considerations should be made in providing an additional electricity and water point for each individual pitch. This is to allow for additional trailers through family expansion or to cater for visitors.

ITEM 2

Application Number:	19/0602/FUL
Address:	Site Adjacent To 71 Stadium Way Thundersley Benfleet Essex SS7 3TS (Victoria Ward)
Description of Development:	Proposed erection of new warehouse adjacent to 71 Stadium Way
Applicant:	G. B and M Halibard
Case Officer	Mr Stephen Garner
Expiry Date:	10.12.2019

Summary

The proposal is for the erection of a warehouse unit adjacent to existing warehouse units on land allocated for employment purposes in the adopted Local Plan. The proposal is considered to accord with the relevant national and local policies and the proposal is therefore recommended for APPROVAL.

The application is presented to the Committee at the request of Councillor Varker on the basis that the development would create further on-road parking in an already congested and busy road within the industrial estate.

Site Visit

It is recommended that Members visit the site prior to determination of the application.

Introduction

The application relates to a hard-surfaced area of land to the north of an existing industrial building. It is enclosed by palisade fencing from the other employment units around it and from Claydons Lane to its north.

Opposite the site there is an area of fenced off land used for the open storage of containers, cases, kegs, cylinders and pallets which was granted a lawful use certificate in 1995. This site has recently been granted planning permission for a warehouse development similar in form to the current proposal.

The Proposal

Permission is sought for a warehouse adjoining the existing industrial unit to its south measuring 8.7m wide by approximately 27.6m deep having a floor area of 231m² with a shallow pitched roof some 5.9m in height. The lower walls would finish externally in face brickwork with metal cladding around the upper part. The building would have a metal clad pitched roof.

Four staff parking spaces together with one an additional overflow/visitor space are proposed to the front of the development.

Supplementary Documentation

This application is supported by a:

- o Design and Access Statement
- o Parking Situation Cover Letter
- o Parking Situation Photographic Evidence

Additional lease documents for the site have also be obtained by officers from the owner/management company of the site.

Planning History

- o CPT/1291/79 – Erection of six warehouse units. Of relevance to this application is condition 6, which states:

Parking provision shall be laid out and subsequently maintained as shown on the submitted plans before the buildings hereby permitted are first occupied.

Reason: In the interests of highway safety.

- o 17/0795/FUL – Construction of warehouse adjacent to 71 Stadium Way. Refused 4th December 2017 for the following reason:

The proposal would displace car parking into surrounding streets, causing further parking congestion, to the impediment of large vehicles and to the detriment of pedestrian safety, contrary to Policy EC2 of the Castle Point Local Plan and government guidance as set out in the National Planning Policy Framework.

- o Following determination of this application a palisade fence and gate was erected enclosing the site preventing anyone from utilising it for parking.
- o 18/0488/FUL – Construction of warehouse. Refused 23rd July 2018 for the following reason:

The proposal would result in a permanent loss of parking spaces for the adjacent warehouse units thereby displacing vehicles serving these developments into surrounding streets, causing parking congestion, to the impediment of large vehicles and to the detriment of pedestrian safety, contrary to Policy EC2 of the Castle Point Local Plan and government guidance as set out in the National Planning Policy Framework.

- o 18/0136/ENF – Breach of condition pursuant to planning application CPT/1291/79. Closed 20th May 2019. Before taking any action the Council's Legal Services were consulted for an opinion on the lawfulness of the wording of condition 6, which formed the basis of the original refusals of permission.

Local Plan Allocation

The applicant site is allocated for Employment Purposes in the Local Plan.

Relevant Policies and Government Guidance

National Planning Policy Framework (February 2019)

Local Plan (Adopted 1998)

EC2	Design
ED3	Protection of Employment Areas
ED6	Parking and Servicing
T8	Parking Provision

Essex County Parking Standards September 2009 (Adopted June 2010)

Consultation

No statutory consultation responses have been received.

Public Consultation

Two objection comments have been received from businesses at the Rayleigh Weir estate in response to the public consultation process.

The first objects to the proposal on the following grounds:

- o The roads are already congested
- o The development will cause a hazard to the public on Claydons Lane with more lorries

The second has employed Strutt & Parker to object on their behalf and also argue that the Council should be taking enforcement action. The following points have been raised:

- o The proposed development is essentially the same as has been previously refused on two occasions
- o North Wiltshire DC v Secretary of State for the Environment (1993) states the need for consistency in the planning process, as such this proposal should be refused unless there are material considerations that warrant such an approach
- o There will be a displacement of parking elsewhere on the industrial site
- o There will be increased traffic and congestion on site
- o The fencing off of the site displaces parking elsewhere
- o Previous officers' reports acknowledge the use of the site for parking and the site is not unauthorised as is stated in the Design and Access Statement
- o Even if Condition 6 of CPT/1291/79 is not enforceable there is still not a material change which warrants the council making a different decision
- o The objector contends they are entitled to park on the site and that it is a matter of a tenancy agreement that prevents them parking there which is not a planning matter
- o If planning permission is refused there is a reasonable prospect that the site will resume use as a car park
- o The erection of the fence is clearly a breach of condition

Comments on Consultation Responses

All material concerns raised during the consultation period will be discussed during this report.

Evaluation of Proposal

The provision of a Class B8 warehouse on this site is appropriate for an industrial estate and consistent with the use of the land allocated in the council's adopted Local Plan, so there is no objection in principle to this form of development in this location. The main issues are the design of the proposal and its parking implications.

Design

Policy EC2 of the council's adopted Local Plan seeks a high standard of design in all developments. In particular, regard is to be given to the scale, density, siting, design, layout and external materials of any development, which shall be appropriate to its setting and which should not harm the character of its surroundings. This is consistent with paragraphs 126 and 127 of the NPPF.

In terms of scale and external appearance the proposed building would be similar to the surrounding industrial units. It would be located 3m from the highway at the closest point, which is much nearer than the neighbouring industrial units currently. However, there are examples of

buildings located a similar distance from the highway nearby, Thames House at 2.5m for example, so it is not considered that this proposal would be unduly prominent and look out of place. Permission was also granted in 2017 for a warehouse adjacent to no.69 Stadium Way with a similar setting and external appearance. No objection is therefore raised to the proposal on design grounds.

Parking

Policy T8 of the Local Plan requires the provision of car parking in accordance with council's adopted standards. The current adopted standards are the 2009 County Parking Standards which require a maximum of one space per 150m² for warehouse uses. Parking spaces are required to have dimensions of 2.9m by 5.5m.

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

The proposed development would require two spaces under the adopted standards. Four spaces with an additional parking space are to be provided which exceeds the requirements of policy T8. The dimensions of the car parking bays meet the parking standards.

The key issue is whether the provision of this warehouse would deprive others of parking facilities to which they are entitled, displacing existing car parking onto surrounding streets, adding to parking congestion in what are already heavily parking roads to the detriment of other highway users.

Both previous applications on this site have been refused for the loss of parking and impact it would have on the surrounding area. However, these refusals were based on the assumption that there was an active condition requiring the application site to be retained to meet the needs of the nearby warehouse units.

Prior to the submission of this application the council's legal services were consulted on the robustness of condition 6 of the original consent for the six warehouses within the applicant's control edged in blue on the submitted location plan.

The planning department was been advised that the wording of this of this condition is somewhat ambiguous and may not stand up to enforcement action. While the soundness of a condition is a matter for the courts to interpret any condition must be capable of some sort of certain or intelligible meaning.

Planning practice guidance advises that planning conditions imposed on permissions must meet the following tests:

1. Necessary
2. Relevant to planning
3. Relevant to the development to be permitted
4. Enforceable
5. Precise
6. Reasonable in all other respects

At face value the wording of condition 6 only requires the parking to be laid out and maintained prior to occupation of the buildings and not to be retained thereafter. There is little doubt that it was the intention of the authors of this condition for the car parking provision within the site to have been available for users and visitors to the development irrelevant of where they were visiting or working. However, the condition does not clearly state this.

Furthermore, the local authority has no evidence to show that the parking was laid out prior to occupation. Even if they were laid out in accordance with the approved details it is clear that they have not been maintained as such for many years. Therefore, even if the wording of condition 6 were considered satisfactory the failure to mark out the parking spaces prior to occupation of the development or maintain them thereafter has resulted in a breach of planning control taking place in excess of 10 years, the period set out under section 171B(3) of the Town and Country Planning Act 1990 after which no enforcement action can be taken.

A situation has therefore been arrived at whereby the owner of the site can fence the area off this area of land as there is no requirement for it to be used for parking. This has created a material change in circumstances despite relevant policy documents remaining unchanged since the determination of the previous applications.

In the light of the above officers are of the opinion there is no longer a sustainable parking reason for refusing permission of the proposal and that the provision of a warehouse development which provides sufficient parking to meet its own needs would be preferable to a vacant underutilised piece of land. Such an approach is consistent with paragraph 118d) of the NPPF. Members should note that new developments cannot be expected to resolve existing deficiencies in a surrounding area.

Strutt & Parker have stated that if planning permission is refused there is a reasonable prospect that the site will resume use as a car park. Officers consider that this prospect is unlikely as it has already been stated by the applicant that the fence was erected in order to prevent the unauthorised parking of vehicles in the area by nearby occupiers. Officers have already stated why enforcement action to remove the fence cannot be taken and therefore the site owner is at liberty to allow the fence to remain.

No evidence has been provided either by the applicant or the objectors that there have been negotiations regarding the use of this land if permission is refused. All that has been provided are details of the lease agreement with the surrounding businesses. These show that no businesses have permission from the land owner to park in the area of the application and that the business adjacent to the site at No.71 Stadium Way only has permission to utilise 3 parking spaces to the front of the building.

Whilst Strutt & Parker are correct that the tenancy parking arrangements are an element separate to planning, the details of the tenancy agreement provide further confirmation of the lawful position of the parking situation of the industrial units and are a material consideration in determining this application.

It should also be noted that from evidence submitted, and the observations of officers, much of the parking stress outside the application site in Claydons Lane is being caused by businesses unrelated to the warehouse development granted permission on this land. The site cannot be accessed from Claydons Lane by vehicular traffic, there is only a pedestrian gate. Vehicular access is from Stadium Way. Accordingly, little weight is given to objections which focus on increased congestion and a hazard to the public on Claydons Lane from this development.

Conclusion

The development is essentially the same as the two previously refused applications but the lack of an enforceable planning condition requiring the retention of parking on this land and the fencing off of the site to prevent informal parking from taking place are material considerations that have resulted in officers reconsidering the merits of this application.

The design of the proposed warehouse within an area allocated for employment purposes would be consistent with local and national policy.

The proposed development provides more parking provision than the council's adopted parking standards require and cannot be expected to provide for existing deficiencies elsewhere.

The proposal would make a small contribution to employment opportunities within the borough and in accordance with paragraph 80 of the NPPF significant weight should be placed on the need to support economic growth.

The proposal would also make effective use of this now under-utilised piece of land in accordance with chapter 11 of the NPPF.

Consequently, the proposal is considered to be in accordance with national and local policy and is recommended for APPROVAL.

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

My Recommendation is Approval with the following conditions

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

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

- 2 The materials used in any exterior work shall be of similar appearance to the materials used in the construction of the exterior surfaces of the existing adjacent industrial unit at 71 Stadium Way.

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

- 3 The parking spaces shown on drawing F824/11 Rev C dated 04.05.2018 shall be marked out and made available for use by occupiers of the building prior to the first beneficial occupation of the development hereby approved. Thereafter these facilities shall be kept available for the parking of vehicles by occupiers of the building.

REASON: To ensure the retention of adequate on site car parking facilities to meet the Council's adopted standards for the amount of floorspace provided on the site.

Informatives

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

ITEM 3

Application Number:	19/0632/FULCLC
Address:	Land Adj to and South of Thorney Bay Car Park Western Esplanade Canvey Island Essex (Canvey Island South Ward)
Description of Development:	New two-storey pavilion with roof terrace and associated expansion to existing car park
Applicant:	Castle Point Borough Council
Case Officer	Mr Keith Zammit
Expiry Date:	06.12.2019

Summary

The application seeks permission for a new pavilion designed to reflect the art deco style of the Labworth building which will provide outstanding views of the Thames Estuary. The addition of car parking and public toilets will help with visitor capacity to the Thorney Bay seafront and improved pathways and a Changing Places toilet will support disability access.

No conflicts with local and national policy have been identified and the proposal is therefore recommended for APPROVAL.

The application is presented to the committee because the council is the applicant and owner of the land.

Site Visit

It is not considered necessary for members to visit the site proper to determination of the application.

Introduction

The application relates to an area of land to the west of Thorney Bay Road and Western Esplanade which is currently grassed and designated as public open space. To the north of the site is a children's play area and to the north east a public car park associated with the use of the site as public open space. To the south is Thorney Bay beach. The site is accessed by pedestrian links to the east and south, and by car via Thorney Bay Road and Western Esplanade.

The Proposal

Planning permission is sought for a new pavilion and an expansion to the existing car park associated with the public open space designation of this land to create an additional 21 spaces.

The pavilion has an irregular shape with an overall width of approximately 16m and depth of some 12m. The building is set on sloping ground but would have a maximum height of some 7.5m measured against finished ground floor level. It would project a maximum of 4.4m above the height of the sea wall. The building is to be finished in exposed white concrete with aluminium windows and external doors powder coated in black. Handrails and balustrades are to be powder coated stainless steel.

The ground floor would accommodate public toilets (including accessible for the disabled and changing places for the severely disabled) and space for storage and plant. The 'first' floor would contain retail unit and an additional WC. A viewing platform is provided to the roof level, which has an external platform lift to provide step-free access.

It is proposed to open the public toilets from 6am to 6pm and for the retail use to open from 6am to 9pm.

In terms of the additional car parking, this would be a hard-surfaced extension to the existing car park, providing 20 additional standard spaces and one disabled space.

A refuse bin area for the establishment would be provided adjacent to the car park within a secure timber slatted cladding fixed to a steel frame powder coated in dark grey.

Surface water run-off from both the pavilion and car park is to be directed into the public sewer network. In an extreme rainfall event, the surface water drainage system has been designed to allow water to back up into the proposed swale/retention pond, which is to be located to the southwest of the car park extension.

The construction of the pavilion forms the first part of a phased strategy by the Canvey Island Coastal Community Team (CCT) to regenerate Canvey Island Seafront and to put in place appropriate infrastructure that will support a visitor experience commensurate with a 21st Century seafront destination.

Detailed plans for the project scheme have been developed in consultation with the CCT and its members who have representation from a wide range of local businesses, community organisations and local residents, the latter being represented via local borough and town councillors.

Supplementary Documentation

The application is accompanied by a flood risk assessment, planning statement and preliminary ecological assessment, which are available to view on the council's website.

Planning History

None

Relevant Government Guidance and Local Plan Policies

National Planning Policy Framework (2019):

Paragraphs 91-92 (Promoting healthy and safe communities), 127 (Achieving well-designed places), 180 (Noise)

Local Plan (1998):

EC2 – Design

EC3 – Residential amenity

EC5 – Crime Prevention

EC7 – Natural and semi-natural features in urban areas

CF9 – Access and Non-Domestic Development

Consultation

Legal Services – No comment to make

Canvey Town Council - No objection to the proposed development, however request that consideration be given to using anti-graffiti paint and CCTV around the new development.

Environmental Health – The use of the first-floor space is yet to be confirmed but is likely to be a food business/activity but without cooking. As such, the building would need to comply with the structural elements of the food safety legislation (including sinks, wash hand basins etc. requiring

drainage and water supply) and the detail is not sufficient to assess whether this would be the case. Areas of concern from the detail which is present are that there does not appear to be any ventilation to the area labelled as a store, or the kitchen area if not open plan and although there is now a lobby to the WC there is no indication of ventilation to the WC or lobby.

Environment Agency – No objection providing the local planning authority has taken into account the flood risk considerations which are its responsibility.

Refuse and recycling – The bin area needs to be made large enough to accommodate 2No. 1100-litre bins

Public Consultation

The following objection comments have been made:

- o The proposed building would be out of character in an open location
- o Increased traffic flow along Western Esplanade leading to accidents, traffic calming measures should be implemented
- o Proposal will add to the problem of litter in the area
- o The building will be an attraction for antisocial behaviour/meeting point for drug deals
- o There is no need for yet another outlet where light refreshments are available

Comments on Consultation Responses

1. The Environmental Health comments are noted. However, these are matters that can be dealt with at a later date prior to occupation of the building.
2. Any other planning issues raised are discussed in the evaluation of the proposal.

Evaluation of Proposal

The main issues with this application are the principle of constructing a building in this location, design, flood risk and drainage considerations, and its impact on surrounding residents together with any parking implications.

Principle

The proposed building would be located within an area allocated as public open space in the local plan where provision of a building would initially seem to conflict with the premise of keeping the land open.

However, the intention is to provide a building for the benefit of the public, as the café, toilets and viewing platform would provide recreational facilities that would enhance the enjoyment of the area. Furthermore, the building would be on a sloping piece of ground that is not really suitable for recreational use and the proposal would not affect the use of the wider area for general public recreation. The proposal would therefore not conflict with the designation of the land as public open space and is considered to be consistent with open space and recreational guidance contained in the National Planning Policy Framework ('the Framework').

The provision of a changing places toilet would also contribute to the aims of the framework set out at paragraphs 91 and 92 of promoting healthy and safe communities as currently the only one on Canvey Island is at Waterside Farm Leisure Centre.

Design

Policy EC2 of the Local Plan seeks a high standard of design in all new buildings. This is consistent with the government's advice at paragraph 127 of the National Planning Policy Framework ('the Framework').

Policy EC7 is concerned with natural feature, semi-natural features and open spaces in urban areas and seeks to retain and enhance them wherever possible. This is consistent with paragraph 97 of the Framework.

The proposed building has been designed to play homage to the 1930's art deco Labworth building on the seafront. It is not an attempt to replicate it but rather for the sculptural "shell-like" form to echo the design and coalesce with the coastal setting.

Neighbours have commented that the proposal would be out of character with the area and its open surroundings. However, the intention is for the building to be a focal point in the local area, and this cannot happen if a bland design were proposed.

The expansion of the car park would not result in the loss of any trees and the visual impact of cars using it would be transitory. Therefore, this element of the proposal is not considered to adversely affect the visual amenity, openness or ambience of the area.

The proposal would be fully consistent with the objectives of Policy CF9 which expects all appropriate development to be designed to be accessible for people with disabilities.

There no objection to the proposal on design grounds and it is not considered that the proposal would adversely affect the visual appearance of the open space or recreational use of the land.

Flood risk

Paragraph 155 of the Framework states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

Paragraph 158 states that the aim of the sequential test is to steer new development to the areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. Paragraph 159 states that if it is not possible for development to be located in zones with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in national practice guidance.

The proposal is for a building to form part of the regeneration initiative for Canvey seafront. Therefore, it would need to be located on the seafront to fulfil its purpose and no sequentially preferable site are available, given that the whole seafront area is within Flood Zone 3A. The proposal therefore passes the sequential test.

The proposal is a 'less vulnerable' use in terms of flood risk and the exception test is not required for such uses in Flood Zone 3A. There is therefore no objection to the proposal on flood risk grounds.

The applicant has provided a flood response plan (entitled 'flood emergency procedure') at Appendix K of the flood risk assessment. This states at 1.6 that the building manager and retail

establishment proprietor will be registered to receive the Environment Agency's flood warnings and, in the event that a flood warning is issued, the retail proprietor of the establishment will not open the retail outlet or, if already open, will close it.

This is considered to be an appropriate response and would ensure that the public were not in attendance at the site in circumstances where a breach of sea defences might be likely to occur. Subject to a condition that this procedure is enacted and adhered to, there is no objection to the proposal on flood risk grounds.

Drainage

The Framework states on several occasions including at paragraph 163 that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. This includes ensuring that surface water is dealt with appropriately and does not increase the risk of surface water flooding for nearby sites.

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

1. into the ground (infiltration)
2. to a surface water body
3. to a surface water sewer, highway drain or another drainage system
4. to a combined sewer

Canvey Island has particular circumstances due to its flat topography, whereby all rain water that falls on the island is drained by gravity through a network of pipes and other watercourses to a number of pumping stations around the perimeter of the island where it has to be pumped over the sea wall.

The ground conditions on Canvey Island are London Clay which offers poor permeability for rain water and combined with a high-water table this severely reduces the effectiveness of items such as soakaways or other infiltration methods. For this reason, infiltration is not considered a suitable method for disposal of surface water.

There is, however, a body of surface water (Thorneycreek Fleet) nearby to which it is proposed to discharge the runoff from the pavilion and car park extension. The proposed discharge rate is 0.4l/s with excess water being held in a new swale (retention pond) during extreme rainfall events.

The proposed discharge of surface water run-off is in accordance with practice guidance and no objection is raised to this aspect of the proposal.

Impact on surrounding residents

Policy EC3 of the local plan seeks to prevent proposals that would have an adverse effect on the residential amenity of the surrounding area by reason of traffic, noise, fumes or other forms of disturbance. This is broadly in accordance with the advice at paragraph 180 of the Framework, which is that planning policies and decisions should mitigate and reduce to a minimum the potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life.

Policy EC5 is concerned about crime prevention and expects 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.

Comments have been made by neighbours that the proposed building will add to existing antisocial behaviour problems in the area. There is nothing in the design of the proposal that raises concern in this matter although it is acknowledged that the oversailing of the first floor of the pavilion together with its isolation from residential dwellings might offer young people a suitable space to congregate at night which could provide an opportunity for antisocial behaviour.

The Head of Licensing and Safer Communities has advised that her team is not currently dealing with any complaints of antisocial behaviour in this location. Furthermore, as part of a scheme for the future funding of CCTV within the Borough a request for the inclusion of cameras for the pavilion has been made. It is also proposed that anti-graffiti paint will be used on the exterior of the building.

Refusing the application on the basis that it could lead to or worsen an existing antisocial behaviour problem would not be a sustainable reason for refusal.

The expansion of the car park could lead to increased vehicular activity in front of the houses along this part of the street but providing increased parking would prevent vehicles seeking parking spaces in surrounding streets, which have parking restrictions for part of the year but may suffer from inappropriate parking at other times. Providing sufficient car parking therefore represents a positive rather than negative benefit of the scheme. There have been no representations received from neighbours objecting to the increased car parking provision.

There is therefore no objection to the proposal on the basis of its impact on neighbours.

Parking implications

Policy T8 of the local plan seeks the provision of parking in accordance with adopted standards. The currently adopted standards are the 2009 County Parking Standards which require the provision of a maximum of one space per 20m² for a retail use and a maximum of one space per 5m² for a café.

The proposed end user is stated to be likely to be a food business. The floor area of the use is 80m² therefore a maximum of 16 car parking spaces ought to be provided. Twenty-one additional car parking spaces are proposed which might seem excessive in light of the parking standards. However, the Framework cautions against the use of maximum parking standards other than in circumstances where they are necessary for managing the local road network or for optimising the density of development in sustainable locations. Neither of these applies to the application site, therefore restricting the provision of car parking through the use of maximum parking standards would not be appropriate. Accordingly, the expansion of the car park by 21 spaces would provide a good amount parking that would ensure that anyone wishing to attend the site or the wider seafront has a greater chance of being able to park their car in an appropriate location.

Following the submission of amended plans the car parking space dimensions meet the preferred bay dimensions in the adopted parking standards of 2.9m by 5.5m.

Other matters

A preliminary ecology appraisal has been undertaken to assess if the development would be likely to result in any adverse impacts to the habitat or ecology of the area. No harm has been identified and the proposed works are unlikely to impact upon the coastal grassland and sand environment to the south, identified as PLoWS 1 in the Castle Point Borough Local Wildlife Site Review 2012, where a number of coastal invertebrates have been recorded.

Conclusion

The proposed pavilion and associated car park extension would provide an enhancement of the visitor experience at Canvey seafront and there are no planning objections or conflict with national or local policy. The proposal is therefore recommended for approval.

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

My Recommendation is Approval with the following conditions:

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

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

- 2 The development shall be constructed in accordance with the approved materials.

REASON: To ensure that the design quality is not diluted following the granting of planning permission through the use of inferior materials, which is of particular importance given that the building is intended to become a landmark.

- 3 The 'Flood Emergency Procedure' at Appendix K of the Flood Risk Assessment and Drainage Strategy prepared by Ingleton Wood shall be enacted upon occupation of the building and thereafter maintained at all times that the building is occupied.

REASON: To minimise the risk from flooding to employees and members of the public.

- 4 The development shall be drained in accordance with the approved surface water drainage arrangements.

REASON: To ensure that the risk of surface water flooding to the surrounding area is not increased.

- 5 The approved refuse storage area shall be provided and made available for use prior to occupation of the building and therefore kept available for its approved purpose.

REASON: To ensure that suitable facilities exist for the storage of waste and to prevent the storage of waste in inappropriate locations, in the interest of visual amenity.

Informative

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