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AGENDA

Committee: DEVELOPMENT MANAGEMENT

Date and Time: Tuesday 6 April 2021 at 6.00 p.m.

Venue: Teams Meeting

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

Membership: Councillors Cutler (Chairman), Acott, Anderson, Fuller, Hart, Johnson, Mrs Thornton, Taylor, Walter and Mrs Wass.

Substitutes: Councillors Ms Drogman, Palmer, Skipp and Tucker

Canvey Island Town Councillors: Greig and Mrs Sach

**Officers attending: Mr Matthew Besant – Planning Services Manager
Mrs Kim Fisher-Bright - Strategic Developments Officer
Mr Keith Zammit – Planning Officer
Mr Jason Bishop – Solicitor to the Council**

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 3 March 2020 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.	21/0059/FUL	Land between 44 and 54 Winterswyk Avenue, Canvey Island, Essex, SS8 8PA (Canvey Island East Ward)	1
2.	20/0647/FUL	663 High Road, Benfleet, Essex, SS7 5SF (Appleton Ward)	19
3.	20/0753/FUL	458 London Road, Benfleet, Essex, SS7 1AW (Boyce Ward)	50

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DEVELOPMENT CONTROL COMMITTEE

TUESDAY 3rd MARCH 2020

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

Substitute Members Present: None.

Canvey Island Town Council Representatives Councillors Greig and Mrs Sach were also in attendance.

Also Present: Councillors Palmer, Skipp, Thornton and Wood.

There were no apologies for absence.

25. MEMBERS' INTERESTS

With regard to Agenda Item No. 5(c), the land the subject of the planning application being considered fell under the ownership of the son of the Leader of the Council, Councillor Norman Smith. Councillor Smith was known to all members of the Development Control Committee and this knowledge was recorded as a Disclosable Non Pecuniary Interest for all Members present.

No other disclosures of interest were made.

26. MINUTES

The Minutes of the meeting held on 4 February 2020 were taken as read and signed as correct.

27. DEPOSITED PLANS

- (a) 19/0697/FUL - 341-347 LONDON ROAD HADLEIGH BENFLEET ESSEX SS7 2BT (ST. JAMES' WARD) - DEMOLITION OF TWO RETAIL SHOWROOMS AND ERECTION OF ONE BLOCK COMPRISING OF 34NO. FLATS WITH ACCESS, PARKING TO THE REAR AND LANDSCAPING - BELLS RESIDENTIAL LIMITED**

The proposal represented the residential redevelopment of a brownfield site within the urban area. It was consistent with the provisions of the National Planning Policy Framework and, subject to conditions, was considered satisfactory in terms of all relevant design guidance and planning policy.

The proposal attracted a requirement for the provision of contributions to affordable housing, recreational disturbance avoidance and improvements to GP capacity. These contributions could be secured by agreement. Subject to the applicant being willing to enter into such an agreement, the proposal was recommended for approval.

The Committee's attention was drawn to an amendment to condition 26 to ensure that any lighting provided was installed prior to first occupation.

Mr Pomery, a representative of the applicant, spoke in support.

During debate some Members raised concerns about the deficiency in parking provision on site and that the proposed building was too high and overdominant to properties at the rear of the site. A Member also felt that the application represented overdevelopment of the site, would result in a lack of amenity space, the entry road to the site was too narrow meaning there was no room to accommodate bins and that a contribution toward affordable housing should be added. A Member also noted the comments from the NHS regarding the adverse impact on GP surgeries and questioned whether this would be a reason for refusal.

The Planning Officer explained that it had generally been the practice of the Authority to apply a standard of one parking space per residential unit to similar applications and unless it could be demonstrated that the planning circumstances on this site were significantly different from those applications it would be difficult to sustain this as a reason for refusal. There was acceptable open space near to the development therefore it was not considered that an objection to the proposal based on inadequate amenity space could be sustained. Properties to the rear of the site were over 20 metres away so the development would not be considered overdominant. Access to the site was 4 metres wide and adequate and there was a bin storage area on the site which was easily accessible by refuse vehicles. There was no planning policy which provided that a building could not be higher than its neighbours, indeed Government guidance encouraged the use of higher buildings due to the shortage of housing land. The impact on GP surgeries could be mitigated by a financial contribution therefore this would not provide a reason for refusal.

During discussion some Members queried why the provision of affordable housing was off-site as it was considered that this could be accommodated on-site and raised concern that no financial contribution had been offered by the applicant. The Planning Officer advised that Registered Social Landlords would not take on responsibility for part blocks of affordable housing because this caused difficulties with the management of the site. A viability assessment had now been submitted by the applicant and discussions were ongoing regarding the appropriate level of contribution.

In response to concerns regarding consultation with the fire service on the proposal it was confirmed that this was not a planning matter and was covered under building regulations.

Following debate it was:-

Resolved – That the application be approved subject to the applicant being willing to enter into a S106 agreement to achieve the provision of financial contributions towards the improvement of local health facilities, the mitigation of recreational disturbance and the provision of off-site affordable housing and the conditions as set out in the Planning Officer's report, subject to the amendment of condition 26 to ensure that any lighting provided is installed prior to first occupation.

(b) 20/0016/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 (REVISED APPLICATION) - 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 narrow width of the plot and top heavy design of the dwelling was uncharacteristic of the area and the erection of a high fence to prevent overlooking from the footpath into No. 37 Tewkes Road would result in an unacceptable loss of outlook for the occupiers of the dwelling. The proposal therefore failed to provide the high quality development the National Planning Policy Framework (NPPF) sought to achieve and would outweigh any benefit derived from the addition of a new dwelling. The proposal was therefore recommended for refusal.

The application was presented to the Committee at the request of Councillor Hart over concerns that the proposal would: be overdevelopment, lack suitable amenity space, result in overlooking and affect public safety.

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 discussion Members concurred with the Planning Officer's recommendation that the application should be refused for the reasons set out in the report.

Cllrs Hart and Anderson put forward additional reasons for refusal which were not put formally to the meeting as amendments to the recommendation.

Following the debate it was:

Resolved – Unanimously that the application be refused for the following reasons:

- 1 The proposal, due to its narrow plot width and design, would result in a dwelling of cramped and top heavy appearance which would be out of character with the surrounding pattern of development, unsympathetic to its surroundings and fail to add to the overall quality of the area, to the detriment of the character and appearance of the area contrary to RDG1 of the council's Residential Design Guidance and Government guidance as set out in paragraph 127 of the National Planning Policy Framework.
- 2 The proposed footpath fencing, by reason of its proximity to the habitable room served by a window on the flank wall of No.37 Tewkes Road, would unacceptably reduce and dominate the outlook of occupiers of that room to the detriment of the amenity of those occupiers contrary to RDG3 of the council's Residential Design Guidance and government guidance at paragraph 127f) of the National Planning Policy Framework which states that developments should create places that promote health and well-being with a high standard of amenity for existing and future users.

(Following the vote Councillor Hart queried whether his additional reasons for refusal had been added. The Chairman explained that they had not because no motion had been put to amend the recommendation. Furthermore it was unreasonable to expect the Committee to agree additional reasons without a detailed explanation of their meaning so it could assess whether they were justifiable in the circumstances. The Chairman suggested Councillor Hart submit the additional reasons in writing to the Planning Officer so that he could determine if they were applicable. In future any proposed amendments to the recommendation should be submitted to the Planning Officer in writing prior to the meeting to enable the officer to give detailed advice to the Committee on the appropriateness of those amendments and therefore enable the Committee to make an informed decision on them.)

(c) 19/0861/FUL - 243 VICARAGE HILL BENFLEET ESSEX SS7 1PQ (BOYCE WARD) - DEMOLITION OF DWELLING, GARAGE AND OUTBUILDING AND REPLACEMENT OF EXISTING DWELLING ON LAND TO REAR – MR SMITH

The proposal was for the replacement of a detached dwelling with a larger replacement detached five-bedroom house within an area of land allocated as Green Belt in the adopted Local Plan. The proposal did not fall within any of the exceptions set out under paragraph 145 of the National Planning Policy Framework (NPPF) and would be contrary to Policy GB4 of the adopted Local Plan. It therefore constituted inappropriate development. No very special circumstances had been identified to indicate that permission might exceptionally be approved, and the proposal was therefore recommended for refusal.

The application was presented to the Committee because the applicant was the son of Councillor Smith.

During debate some Members disagreed with the Planning Officer's recommendation for refusal as they believed that the application fell within the exceptions under paragraph 145(d) and 145(g) of the NPPF, that the development was not materially larger than the one it would replace and that it would not have a greater impact on the openness of the Green Belt than the existing development. Other Members concurred with the Planning Officer's view that the proposed development was materially larger than the existing one and would constitute inappropriate development which would have a detrimental impact on the openness for the Green Belt.

Following the debate it was:

Resolved – That the application be refused for the following reason as recommended in the Planning Officer's report:

The proposed development is located within the Green Belt as delineated within the Council's adopted Local Plan where inappropriate development is not permitted except in very special circumstances. The proposed dwelling is materially larger than the one it replaces and does not fall within any of the exceptions listed under paragraph 145 of the National Planning Policy Framework. The proposal therefore constitutes inappropriate development which by definition as well as the harm arising from its re-siting in a more sensitive and strategically important part of the Green Belt would have a detrimental impact on openness. The applicant has failed to demonstrate any very special circumstances to justify why the proposal might exceptionally be permitted and approval of the proposal would therefore be contrary to Policy GB4 of the adopted Local Plan and Government guidance as set out in the NPPF.

Chairman

ITEM 1

Application Number:	21/0059/FUL
Address:	Land Between 44 And 54 Winterswyk Avenue Canvey Island Essex SS8 8PA (Canvey Island East Ward)
Description of Development:	Development of part of vacant site with 8 detached dwellings with off-street car-parking and 8 new cross-overs
Applicant:	Branch Company Ltd
Case Officer:	Ms Kim Fisher
Expiry:	07.05.2021

The proposal seeks consent for the provision of 8 detached four bedroomed houses fronting Winterswyk Avenue, on land forming the northern half of the former site of the Jellicoe Public House.

The proposal is considered satisfactory in the context of the provisions of the NPPF, adopted Local Plan and Residential Design Guidance and is therefore recommended for conditional approval.

The proposal attracts a requirement for a contribution towards the mitigation of recreational disturbance on the European designated site (Southend and Benfleet Marshes Site of Special Scientific Interest), Special Protection Area and Ramsar site). This requirement can be secured through a S106 agreement.

Site Visit

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

Introduction

The site is located on the southern side of Winterswyk Avenue, some 30m west of the junction with Corsel Road. The site is currently vacant and forms part of a site that previously hosted a three-storey former Public House with associated managers flat, car park, garden and yard.

A foul drainage pumping station is located to the south east of the site. A drainage pipe serving the pumping station is located within a 3.8m wide 'no-build' zone adjacent to the eastern boundary of the site.

The site is generally regular in shape with a frontage of some 77.5m to Winterswyk Avenue and a depth of some 23m, increasing to 29.5m at the eastern edge.

Immediately to the west of the site are semi-detached houses fronting Winterswyk Avenue, whilst to the east, the site abuts a detached house on Winterswyk Avenue and a former dwelling which now provides residential and office accommodation fronting Point Road.

To the west, on High Street is a Local Shopping Parade which includes the Canvey-on-Sea Post Office.

To the south east, is the Leigh Beck Infant and Nursery Academy and the Castle Point Transport Museum.

To the south, the site abuts a vacant area of land beyond which is a mix of single storey and two storey commercial and residential development.

To the north is a mix of single and 2 storey dwellings.

The Proposal

The proposal seeks consent for the erection of 7 detached four bedroomed houses with integral garages and one detached four bedroomed house with two parking spaces.

Supplementary Documentation

The applicant has submitted the following supplementary documentation:

Flood Risk Assessment
Sequential Test Report
Statement of Flood Resilient Design and Construction
Flood Response Plan
Drainage – Test Pit Information

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

Planning History

A resolution to grant consent for the development of the wider Jellicoe Public House site with 40 flats was made under reference 18/0391/FUL in December 2018. The grant of consent was subject to the applicant entering into a S106 Agreement to provide financial contributions towards the provision of off-site affordable housing and the mitigation of recreational disturbance within designated areas.

Unfortunately agreement on the level of affordable housing contribution could not be reached and the proposal has therefore stalled.

This application has not however been withdrawn or declared finally disposed of by the Planning Authority and therefore remains pending determination.

Should issues of viability be resolved this application may still be favourably determined.

No other relevant planning history exists.

Local Plan Allocation

The site is allocated for shopping purposes on the adopted Local Plan, but is not within a primary shopping frontage or Local Shopping Parade.

Relevant Policies and Government Guidance

National Planning Policy Framework (NPPF 2018)

Introduction:

Paragraphs 2, 3, 6

Achieving sustainable development:

Paragraphs 7, 8, 10, 11, 12

Decision Making:
Paragraphs 38, 47, 54, 55, 56

Delivering a sufficient supply of new homes:
Paragraph 61, 62,

Promoting sustainable transport:
Paragraphs 105, 106, 108, 109, 110, 111

Making effective use of land:
Paragraphs 117, 118, 121, 122, 123

Achieving well-designed places:
Paragraphs 124, 127, 130

Meeting the challenges of climate change, flooding and coastal change:
Paragraphs 150, 153, 155, 158, 159, 160, 161, 163

Ecology:
Paragraphs 170, 175, 177, 178, 180, 181

Castle Point Borough Council Local Plan

EC2	Design
EC3	Residential Amenity
EC4	Pollution
H7	Affordable Housing
H9	New Housing Densities
H10	Mix of Development
H17	Housing Development – Design and Layout
T8	Car Parking Standards
CF14	Surface Water Disposal

Residential Design Guidance

RDG1	Plot size
RDG2	Space around Dwellings
RDG3	Building Lines
RDG5	Privacy and Living Conditions
RDG6	Amenity Space
RDG8	Detailing
RDG9	Energy and Water Efficiency and Renewable Energy.
RDG10	Enclosure and Boundary Treatment
RDG12	Parking and Access
RDG13	Refuse and Recycling Storage

Additional Guidance/Policy

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

Addendum to the 2016 Strategic Housing Market Assessment (2017)

Strategic Housing Land Availability Assessment Update (31st March 2017)

Planning Minister Statement (25th March 2015)

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

Technical Housing Standards - nationally described space standard (March 2015)

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

Consultation

Environmental Health Officer

No relevant comment. Informatives suggested.

Street Scene/Recycling Officer

No objection

Canvey Island Town Council

No objection to current proposal.

Environment Agency

No objection, providing flood risk considerations have been taken into account.

Anglian Water

AW note that the development site is within 15 metres of a sewage pumping station and consider that dwellings within 15 metres of the pumping station would be at risk of nuisance in the form of noise, odour or the general disruption from maintenance work caused by the normal operation of the pumping station. It recommends that a 15m cordon sanitaire be provided around the pumping station site.

The sewerage system has available capacity to accommodate the proposed development.

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option.

Response to Consultation

In dealing with the previous proposal for flats on this site AW subsequently qualified the statement in respect of the provision of a cordon sanitaire indicating that whilst it would recommend a distance of 15m from the pumping station, given the historical site layout a lesser cordon could be considered acceptable. The decision on whether a distance of 10m would be acceptable would be at the discretion of the Local Planning Authority and providing access was maintained to the pumping station, AW had no further comment.

The previous proposal for the redevelopment of the site with 40 flats sought to provide development less than 10m from the pumping station and this was considered acceptable, given that other residential development is within closer proximity. The current proposal seeks to achieve at least 12m between the proposed dwellings and the pumping station. Given the history of the site and the location of adjoining development it is not considered that an objection to the proposal based on the relationship between the pumping station and the dwellings would be supported on appeal. No objection is therefore raised to the proposal on that basis.

Public Consultation

Letters were sent to local residents and in addition Site Notices were posted on the site and a Press Notice placed in a Local Newspaper.

Letters of objection have been received from local residents which make the following comments:

- Conversion of garages should be restricted to alleviate parking concerns in area.
- Construction vehicles to access the site from High Street.

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

Evaluation of Proposal

The issues to be considered are the principle of residential development on this site, the density and mix of the proposed housing, design and layout, , highways and car parking, drainage and flood risk, and other matters including the provision of affordable housing, amenity, ecology and contamination.

The Principle of Development

There are two issues of principle which need to be considered, the first is whether, as a matter principle the redevelopment of the site for residential purposes is appropriate and the second is whether the provision of houses on the site is appropriate.

The site represents previously developed land in an area allocated primarily for shopping purposes in the adopted Local Plan. The development of the site for residential purposes would be contrary to the Local Plan allocation and prima facie therefore it would appear appropriate that redevelopment for residential purposes should attract a recommendation of refusal. However, paragraph 117 of the NPPF states that local planning authorities should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. As much use as possible should be made of previously developed or brownfield sites.

Paragraph 118 states that substantial weight should be given to the value of using suitable brownfield land within settlements for homes and other identified needs.

The Written Ministerial Statement (WMS), 'Planning for Growth', dated 2 March 2011, gives significant weight to the provision of housing in sustainable locations and states:

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

The key sustainable development principle of the NPPF is that the planning system should contribute towards meeting the needs of the present without compromising the ability of future generations to meet their needs.

To achieve this the NPPF identifies three objectives for the planning system:

- 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.

These objectives are to be delivered through the preparation and implementation of plans and the application of the policies in the National Planning Policy Framework; they are not criteria against which every decision can or should be judged. The NPPF confirms that planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, or, for applications involving the provision of housing, where the local planning authority cannot demonstrate a five year supply of deliverable housing sites, granting permission unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

It has been widely recorded that this Authority cannot currently demonstrate a five year supply of deliverable housing sites and as such a presumption in favour of the development of the site for residential purposes exists, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

In principle, the redevelopment of the site for residential purposes would have the beneficial impact of assisting in meeting local housing needs.

Furthermore the most up to date local evidence of need in respect of the mix of development on sites is the 2017 Addendum to the 2016 Strategic Housing Market Assessment (SHMA May 2016). This identified that for the Castle Point area, in the period 2014 – 2037, 32% of new dwellings should be 1 and 2 bedroomed properties and 68% of new dwellings should be 3 and 4+ bedroomed properties.

The proposed development provides four bedroomed dwellings and does not therefore achieve the full diversity of unit type sought by the Planning Authority. Nevertheless it is recognised that the scheme would provide dwellings for which there is an identified need. This weighs in favour of the proposal.

The fact that a resolution to grant consent for the redevelopment of this site as part of a larger site, for residential purposes adds , further weight to the favourable consideration of the application, as does the fact that the site is allocated for residential; purposes in the submitted Local Plan.

In principle therefore there can be no sustainable objection to the redevelopment of the site for residential purposes.

Concern has previously been raised that redevelopment of the larger site for residential purposes could have an adverse impact on the vitality and viability of the adjacent shopping area. Primarily such concerns were linked to the informal use by customers of the adjoining shops of the Public House car park.

In considering the previous application it was determined that the site had previously provided no retail function and was not considered to contribute significantly to the retail activity of the adjoining shopping area.

It was further acknowledged that it was not the responsibility of the site owner to facilitate parking for other businesses in the area.

Given the somewhat isolated nature of the site from the Town Centre or any significant shopping area, it was not considered that the site provided a particularly attractive retail site and on balance it is not considered that the redevelopment of the northern part of the site as now proposed would have a significant adverse impact on the retail vitality or viability of the adjoining Local Shopping Parade. Indeed redevelopment of the site for residential purposes may have a beneficial impact on local shops and services by providing greater opportunity for increased footfall, thus facilitating economic sustainability.

In considering whether the provision of 8 houses is appropriate on the site, it must be acknowledged that the submitted Local Plan identifies that the site, as part of a larger area, may be capable of providing 40 dwellings in the period to 2033. In the context of this policy provision the current proposal would appear to represent under development of the site, inconsistent with the Government objective of securing the best and most efficient use of land within the urban area.

However, it must be remembered that the proposal only seeks to develop part of the site and that the submitted Local Plan does not provide the current planning policy for the Borough.

Furthermore, the identified figure of 40 is based on the provision of one and two bedroomed flats on the larger site. Whilst a resolution to grant consent for such development exists, the applicant has advised that such a scheme is not viable and has not completed the S106 Agreement.

The Planning Authority cannot compel the completion of the S106 Agreement and cannot therefore state with certainty that the provision of 40 units on the larger site will be achieved.

It must therefore consider and determine the application on its own merits, within the context of current policy provision.

In the light of all the circumstances it is no sustainable objection to the principle of the provision of 8 dwellings on this site can be identified.

In terms of the principle of the provision of houses on the site, it should be noted that the surrounding area is characterised by a mix of single and two storey residential development. In this context it is considered that the provision of detached two storey houses would, in principle, be acceptable.

Whether the detail of the proposed scheme is similarly considered acceptable will be determined when the proposal is assessed against the Council's Residential Design Guidance (RDG), which will be discussed later in the report.

Density and Mix of Housing

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

Paragraph 118 of the revised NPPF strongly encourages increased density of development on appropriate sites in order to mitigate extant housing need. In particular it encourages the provision of taller buildings where this would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well-designed (including complying with any local design policies and standards), and can maintain safe access and egress for occupiers.

Paragraph 123 of the NPPF reinforces this stance by stating that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. Local Authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in the Framework. In this context, when considering applications for housing, the NPPF requires that authorities take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).

As stated above, the current proposal must be considered on its own merits and in isolation of any potential alternative forms of development which might be achieved on a larger site.

As currently proposed the development achieves a similar density of development to that achieved in the surrounding area and acceptable levels of internal and external space. The development would integrate successfully with the character and appearance of the surrounding area. Under the circumstances it is not considered that an objection based on the density of the development could be sustained on appeal.

Policy H10 of the adopted Local Plan states that in all residential developments the Council will seek an appropriate range of dwelling types. This is a vague policy which is inconsistent with the requirements of paragraph 61 of the NPPF which requires local planning authorities to plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community.

The most up to date local evidence of need in respect of the mix of development on sites is the 2017 Addendum to the 2016 Strategic Housing Market Assessment (SHMA May 2016). This identified that for the Castle Point area, in the period 2014 – 2037, 32% of new dwellings should be 1 and 2 bedroomed properties and 68% of new dwellings should be 3 and 4+ bedroomed properties.

The proposed development consists of four bedroomed units, the provision of which will meet an identified need.

Under the circumstances whilst it is acknowledged that the scheme does not provide a diversity of housing types, the proposal is considered to satisfy the requirements of Policy H10 of the adopted Local Plan and the provisions of the NPPF.

Design and Layout

Policy EC2 of the current Local Plan requires a high standard of design in all new buildings. This is consistent with paragraph 127 and 130 of the NPPF.

EC2 specifically states that the scale, density, siting, design, layout and external materials of any development, which shall be appropriate to its setting and should not harm the character of its surroundings; that the appearance and treatment of spaces around buildings shall be enhanced by appropriate hard and soft landscaping and that all modes of movement are to be safe and convenient.

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

RDG1 seeks to ensure that the layout and scale of new development is informed by the prevailing character of plot sizes.

Each of the proposed plots has a width of some 9.5m – 10.5m. This compares favourably with the character and scale of adjoining plots which range in width from 8m – 13m.

In terms of the plot depth, with the exception of the eastern-most plot which is deeper, the plots are generally consistent with the depth of adjoining plots.

The proposal is therefore considered to satisfy the requirements of RDG1.

RDG2 requires space around new development to be informed by the prevailing character of space around dwellings.

Development in the surrounding area is generally characterised by dwellings which are set at least 1m from the side boundaries of the plot. Where this distance is less it is usually to accommodate a garage or similar structure.

The proposed development replicates this layout, with the dwellings set 1m from the western boundary of each plot and the garage extending up to the eastern boundary. The exception to this layout is on plot 8 where the presence of a 'no-build zone' around a major drainage pipe ensures that this dwelling is located some 3.8m from the eastern boundary.

The spatial arrangement of the dwellings is consistent with the character and appearance of the adjoining development and no objection is therefore raised to the proposal on this basis.

Guidance at RDG3 requires proposals to respect established building lines.

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

The building line to Winterswyk Avenue is consistent and the proposed dwellings would not extend beyond the front elevations of the adjoining dwellings. This element of the guidance is therefore satisfied.

The proposed dwelling on Plot 1 would extend some 3m beyond the rear wall of the adjoining dwelling. As a consequence the proposed layout has the potential to result in overshadowing of the dwelling to the west during the early part of the day. However, any such overshadowing is likely to be limited in duration, given that both plots face south at the rear.

The proposed dwelling on Plot 8 would extend some 4.2m beyond the rear elevation of the existing dwelling to the east. It therefore has the potential to result in overshadowing of that property during the latter part of the day. However, given the significant degree of isolation achieved between the proposed dwelling and that to the east, any such overshadowing is considered likely to be limited.

Under the circumstances, it is not considered that an objection to the proposal on the basis of overshadowing of adjoining properties would be supported on appeal.

RDG5 provides guidance on privacy and living conditions; and states that for all development above ground floor level a distance of 9m shall be provided between any first-floor openings and the boundary they directly face. It also considers that all new dwellings should be provided with windows to ensure adequate natural light and ventilation to the rooms they serve.

Windows in the northern elevations would be located less than the requisite distance from the northern boundary of the site. However, as these windows would overlook the highway and would be in excess of 15m from the boundaries of the dwellings on the northern side of Winterswyk Avenue, it is not considered that residents to the north of the proposal would experience undue overlooking or loss of privacy.

Windows in the southern elevations would be located a minimum of 9.2m from the rear boundaries of the proposed dwellings. This satisfies the requirements of RDG5.

Side windows are provided in the western elevation of each dwelling at first floor level. These windows serve ensembles and may be obscure glazed and fixed shut to 1.7m above finished floor levels in order to protect the privacy and amenity of future and adjoining residents. This can be secured by condition.

Subject to such a condition, no objection is raised to the proposal on the basis of possible overlooking and loss of privacy arising from the provision of windows.

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

Each dwelling provides 6 rooms and requires the provision of 90m² of amenity space.

This is achieved in each case.

No objection is therefore raised to the proposal on the basis of RDG6.

RDG8 requires that all development is designed to provide well-proportioned and balanced properties which complement the surrounding area.

The proposed development presents reasonably articulated and balanced elevations to the road frontage. The design borrows elements from adjoining buildings presenting both hipped and gabled roofs and the use of brick and render, which are common themes in the adjoining development.

The buildings are to be finished in red and yellow brick with white and cream render. The roof is to be of Marley Eternite slate and the windows and doors are to be white UPVC. Doors are to be grey or black in white frames.

Hard surfaced areas are to be grey.

The overall effect will be of traditional style buildings which would have a positive impact on the character and appearance of the area.

No objection is now raised to the proposal under RDG8.

RDG9 is concerned with energy and water efficiency and renewable energy. No details of any energy and water efficiency measures have been submitted, however the building demonstrates the potential for passive solar gain by virtue of its orientation and setting and details of further measures can be secured by the imposition of conditions on the grant of any consent. No objection is raised to the proposal under RDG9.

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

Side and rear boundaries are to be defined by 1.8m high close boarded fences with concrete posts and gravel boards. Such treatment is consistent with other enclosures in the area. No objection is raised to the proposal on the basis of RDG10.

RDG12 is concerned with the provision of appropriate access and parking arrangements.

In terms of parking, Policy T8 of the adopted Local Plan requires the provision of car parking in accordance with adopted standards. This is consistent with paragraph 105 of the NPPF which requires local planning authorities to set such standards reflecting local circumstances.

The currently adopted standards are the 2009 County Parking Standards which require the provision of two spaces for properties with two or more bedrooms.

The dwellings on Plots 1 – 7 are each provided with a single garage 2.9m wide and 7m deep. Whilst slightly below the required width of 3m internally, the proposed garages are considered of adequate size to secure the storage of a vehicle and other items such as bicycles or white goods and are considered acceptable.

In addition each of these dwellings is provided with a forecourt in front of the garage of at least 6m in depth which can accommodate a further vehicle. Each of these dwellings can therefore achieve 2 on-site parking spaces.

The dwelling on Plot 8 has no garage but is provided with two parking spaces.

All of the dwellings therefore satisfy the parking requirements.

Local residents have however expressed concern that conversion of the garages to living accommodation in the future may result in an increase in on-street parking, to the detriment of traffic flows and the safety and convenience of other road users. In order to eliminate this concern a condition removing permitted development rights in respect of the conversion of the garages to living accommodation can be attached to the grant of any consent.

RDG13 is concerned with the provision of appropriate refuse and recycling facilities. The proposed development will form part of the normal domestic refuse collection round. No specific or formal refuse collection facilities are therefore required.

Flood Risk and Drainage

Canvey Island lies within an area identified as falling within Flood Zone 3a. Within such areas there is an identifiable risk of flooding. For Canvey this risk takes the form of both fluvial and pluvial inundation.

Under the provisions of the NPPF, all proposals for new dwellings in areas at risk of flooding are required to be accompanied by a site-specific Flood Risk Assessment (FRA) in order to demonstrate that the occupiers of the proposed development would not be placed at unacceptable risk in the event of a flood.

The proposal is required to pass the sequential and exception tests as set out in the NPPF and the Planning Practice Guidance (PPG), in order to determine whether sites of lower flood risk probability exist which may be more suitable for the type of development proposed.

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

With regard to the sequential test, the proposal seeks to provide dwellings on Canvey Island. For residential development to serve the community of Canvey Island it is considered that it would need to be located within, or immediately adjacent to, that settlement.

Since the settlement of Canvey Island is located entirely within Flood Zone 3 it is not considered that there are reasonably available alternative sites within the area with a lower probability of flooding that could accommodate the proposed development. Under the circumstances it is considered that the proposal passes the sequential test.

Having passed the sequential test, the proposal must then pass the exception test. In order to meet the requirements of the exception test as described in paragraph 159 of the NPPF the proposal must demonstrate that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

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

The second criterion requires that the applicant demonstrate that the development is safe and where possible will reduce flood risk overall. The applicant has provided a FRA which states that should the defences breach during a 1 in 200 year plus climate change event the depth of water on site could reach a maximum depth of 1.44m. This will clearly result in the ground level accommodation being inundated. However the first floor level is above the anticipated water depth and as a consequence is capable of providing safe refuge in a flood event. This feature, coupled with the incorporation of resilient design measures and a flood response plan is considered an appropriate response to flood risk on the site.

No assessment of the Hydrostatic and Hydrodynamic stability of the buildings under flood conditions has been provided to date, however such matters can be secured by a condition attached to the grant of any consent.

Subject to such conditions and the measures identified, it is considered that the proposed development is capable of being made safe for its lifetime. No objection is therefore raised to the proposal on the basis of residual flood risk

In terms of surface water (pluvial) flooding, the Surface Water Management Plan has identified Canvey Island as a critical drainage area in respect of surface water flooding; (although the site is not statutorily defined as being within a critical drainage area by the Environment Agency). The application site is within an area which is identified by the EA as being at low risk of surface water flooding.

Development of the site may however cause greater risk of surface water runoff onto other sites and must therefore be considered.

It must be recalled that the site previously hosted, in part a large building and associated hard surfaced area. Site coverage under the current proposal is considered larger than was previously the case and consequently development of the site in the manner proposed is likely to have implications for surface water drainage.

The soil typology of the site is comprised of clay silt tidal flats overlaying London Clay. Assessments undertaken by the developer have demonstrated that this combines to provide an impermeable substructure which is unlikely to successfully accommodate a sustainable drainage scheme reliant on infiltration and permeability.

There is no surface water body on or in the vicinity of the site that could receive surface runoff, so the next most suitable option is to discharge to the surface water sewer.

No details of such a system have been submitted with the application however, it is considered that an appropriate surface water drainage system in accordance with best practice (i.e. attenuated storage with hydro-brake) could be achieved on the site.

Details and installation/maintenance of such a scheme can be secured through the imposition of conditions on the grant of any consent.

Other Matters

Provision of Affordable Housing.

The proposal seeks to achieve 8 residential units on the site. Such provision is below the threshold for the attraction of any contribution towards the provision of affordable housing as set out in paragraph 63 of the NPPF.

No contribution towards the provision of affordable housing is therefore sought.

Amenity of existing residents

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

Loss of amenity in terms of potential overlooking and overshadowing have been considered above and will not be repeated here.

It is inevitable that the development of the application site will generate noise and disturbance during the constructional phase. Such noise is transitory and rarely provides a robust reason for refusal of an application for development of the type proposed. However, development of large sites can extend over significant periods and it is therefore incumbent upon the Planning Authority and the applicant to ensure that the levels of noise and disturbance generated during the constructional period is kept as low as practically possible, in the interests of the amenity of local residents and the wider environment.

This can be secured through the preparation, approval and implementation of a Construction Environment Management Plan.

Such Plan may be secured via a condition attached to the grant of any consent.

Local residents have referred to the fact that Winterswyk Avenue is a relatively narrow road, frequently congested by on-street parking. It has been suggested that all construction traffic accessing the site, do so from the High Street.

This has been discussed with the applicant who has agreed to the imposition of a condition on the grant of any consent to secure this outcome.

Amenity for proposed residents

In addition to any noise that future residents may experience as a consequence of their normal occupation of the site, an issue which may have an impact on amenity is the noise, disturbance and potentially odour arising from the maintenance and management of the foul water pumping station located to the south east of the site.

Anglian Water (AW) has suggested that the proposed development should be isolated from the pumping station by between 10m and 15m and this has been achieved within the proposed layout.

It is the view of the Planning Officer that whilst such isolation may provide some minimal protection from noise and disturbance, the presence of the pumping station will be apparent to prospective purchasers and that a personal decision may be made on whether the accommodation is acceptable. As such it is not considered that the proximity of the pumping station to the proposed development represents an impediment to the development of the site and no objection is therefore raised to the proposal on this basis.

Ecology

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

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 paragraph 175 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 has no ecological designation but is within the zone of influence associated with the Ramsar site (Benfleet and Southend Marshes. As a consequence it is considered that the site could have the potential for ecological interest.

In September 2011 Natural England advised that 11 districts/boroughs Councils across Greater Essex should jointly prepare an Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS). The strategy would set a strategic approach to identifying the scale of recreational disturbance to Special Protection Areas, Special Areas of Conservation and Ramsar sites along the Essex Coast and propose measures to mitigate impacts. Work amongst the 11 authorities has now progressed to the stage where it has been identified that as a consequence of past and future planning growth any proposal for new residential development within Castle Point will be likely to generate recreational activity within designated areas and as such every net dwelling provided will be expected to contribute financially to the mitigation of that demand.

The proposal seeks to provide 8 dwellings and as such a contribution towards RAMS is required.

This has been agreed in principle with the applicant and can be secured through the imposition of a S106 obligation.

Contamination

Policy EC4 of the adopted Local Plan seeks to ensure that development which would have a significant adverse impact on health, the natural environment or general amenity by reason of noise, dust, vibration, light or heat will be refused.

The site has previously been categorised as low risk in terms of contamination. No objection is therefore raised to the proposal on the basis of potential adverse impact on the health of contractors or future occupants.

Conclusion

The site represents a brownfield site in an urban area, the redevelopment of which for residential purposes would be entirely consistent with the provisions of the NPPF.

The proposal would meet an identified housing need and subject to appropriate conditions is considered satisfactory.

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

My Recommendation is Approval subject to S106 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 ensure the provision of an appropriate financial contribution towards the mitigation of recreational disturbance within designated areas (RAMS).

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

The Statement shall provide for:

- i The appropriate routing of lorries and contractors vehicles visiting the site. All such access to be taken from the High Street
- ii The parking of vehicles of site operatives and visitors
- iii The identification of areas for the loading and unloading of plant and materials
- iv The storage of plant and materials used in constructing the development
- v. The provision of wheel and underbody washing facilities.

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

- 4 Prior to the commencement of development details of a suitable sustainable surface water drainage scheme shall be submitted to and approved by the Local Planning Authority.

The provisions of such scheme as is approved shall thereafter be fully implemented prior to first occupation of the development hereby approved.

REASON: To ensure the provision of an appropriate surface water drainage scheme on the site.

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

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

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

- 6 Prior to the construction of the development above foundation level, a scheme, prepared by a qualified structural engineer and demonstrating the ability of the proposed structure(s) to withstand the hydrostatic and hydrodynamic pressures likely to be acting on the buildings in a 1 in 200 year and 1 in 1000 year flood event shall be submitted to the Local Planning Authority.

For the purposes of this condition 'construction of development' does not include the demolition of existing structures on site required to be demolished to facilitate the approved development.

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

- 7 Prior to the commencement of works above foundation level, details of all energy and water efficiency measures and renewable energy mechanisms to be installed on and within the building shall be submitted to and approved by the Local Planning Authority.

REASON: In accordance with the provisions of RDG9 of the adopted Local Plan and the National Planning Policy Framework.

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

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

- 9 The proposed development shall be constructed and completed in accordance with the provisions of the submitted flood resilient design and construction report dated Jan 2021 (Job Reference: BDA-1665).

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

- 10 Prior to the commencement of works above foundation level, details of all energy and water efficiency measures and renewable energy mechanisms to be installed on and within the building shall be submitted to and approved by the Local Planning Authority.

REASON: In accordance with the provisions of the National Planning Policy Framework

- 11 Prior to the first occupation of the development hereby approved, a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the proposed vehicular accesses. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.

REASON: To provide adequate inter-visibility between the users of the access and pedestrians in the adjoining public highway in the interest of highway safety.

- 12 The proposed development shall not be occupied until such time as the vehicle parking areas indicated on the approved plans have been made available for use.

Such hardsurfaced areas shall thereafter be retained for the parking of vehicles associated with the occupation of the dwelling and for no other purpose without the prior formal consent of the Local Planning Authority.

REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy T8 of the Adopted Local Plan.

- 13 The submitted schedule of materials, including those used in the enclosure of the site, is considered acceptable. The development hereby approved shall be built wholly in

accordance with the approved materials, from which there shall be no departure without the formal consent of the Local Planning Authority.

REASON: In the interests of securing an appropriate form of development on the site, sympathetic to the character and appearance of the surrounding development

- 14 The proposed windows in the western elevations at first floor level shall be obscure glazed and fixed to a height of 1.7m above the finished floor level of the area they serve and thereafter permanently maintained as such.

REASON: In order to protect the privacy and amenity of adjoining and future occupiers

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

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

- 16 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 in accordance with Policy EC2 of the Adopted Local Plan.

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

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

- 18 The proposed garages to Plots 1 - 7 shall be permanently retained for the parking of vehicles associated with the occupation of the dwellings and shall not be converted to living accommodation without the prior formal consent of the Local Planning Authority.

REASON: In order to ensure the retention of adequate on-site parking provision to serve the needs of the development.

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

ITEM 2

Application Number:	20/0647/FUL
Address:	663 High Road Benfleet Essex SS7 5SF (Appleton Ward)
Description of Development:	Demolition of existing buildings and construction of No.3 mixed use buildings including No.35 dwellings, commercial space, office space and associated access arrangements
Applicant:	Furniture Kingdom
Case Officer	Ms Kim Fisher
Expiry Date:	29.01.2021

Summary

The proposal seeks consent for the provision of a mixed commercial and residential use on land on the western side of High Road and south of London Road at Tarpots.

The application site represents a sustainable location, the development of which with a mixed commercial/residential scheme would, in principle, be consistent with the provisions of the NPPF and the emerging Local Plan.

The submitted scheme exhibits a number of elements, such as the need to obscure glaze some windows to primary living accommodation, which arise from the specific conditions found on this edge of centre site and result in a particular form of development which may not be acceptable in any other context, but is considered acceptable in this case because of the specific location of the site and the capacity of the scheme to accommodate the specific characteristics of the site whilst still achieving appropriate living conditions for both future and existing residents.

Whilst some concern exists in respect of the proposed arrangements for the collection of waste from the site, the absence of an arrangement with the Local Authority is not considered to constitute a robust reason for refusal. The applicant is advised however that should he be unable to secure an appropriate waste collection contractor, the role could not be filled by the Local Authority with the current layout.

The proposal attracts a requirement for a contribution towards the provision of affordable housing and the mitigation of recreational disturbance on designated sites. These provisions can be secured through a S106 Agreement.

My recommendation is therefore conditional APPROVAL, subject to a S106 Agreement to secure the provision of an appropriate contribution towards the provision of affordable housing and the mitigation of recreational disturbance in designated sites (RAMS).

Site Visit

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

Introduction

The site is located on the western side of High Road, with a return frontage to the London Road, and lies behind the primarily commercial development principally comprising Riley's, the Raj Poot

restaurant, Specialist House and Shafers Arcade and the Tesco Express at the junction of High Road and London Road.

The site currently hosts a part two storey, flat roofed commercial building, formerly used for the retail of furniture and an associated detached single storey store building together with access and parking.

The site has an irregular shape with a maximum depth of some 131m and a width of some 91m at the southern end of the site, reducing some 19.6m at the London Road frontage.

It is currently served by two access points from the High Road, both of which are currently used to serve the application site and the adjoining commercial properties to the east.

The southern access point is immediately adjacent to the Holy Family Church. Historically it has been stated that both the applicant's access and the church access have been used jointly to facilitate ingress and egress from both sites.

The site further benefits from a dropped kerb crossing from the London Road, although use of this facility is limited by the current configuration of buildings on the site.

Immediately to the west of the site is a two-storey residential sheltered scheme at Swan Court and detached dwellings fronting Homefields Avenue, whilst to the south are the buildings and grounds associated with the Church of the Holy Family.

To the north, on the other side of the London Road is a mix of commercial and residential development, including three storey flats with accommodation in the roof.

The Proposal

It is proposed to construct a three storey building providing 7 two bedroomed flats and 1 one bedroomed flat above a new commercial unit provided on the London Road frontage, to the rear of which would be a three storey building providing a further 21 two bedroomed flats and 6 one bedroomed flats .

Parking for these flats would be provided in a mix of undercroft and surface parking provision.

In addition it is proposed to replace an existing single storey storage building with a three-storey building providing a 'garage' at ground floor level and two floors of office space above.

As submitted the scheme shows the provision of 41 car parking spaces within the surface and undercroft areas.

A further 5 spaces are identified within the proposed office building.

Facilities for the storage of 41 bicycles is provided.

No specific provision appears to be made for servicing either the commercial or residential elements of the scheme.

Primary vehicular access to the proposed development will be obtained from the southern access point onto the High Road.

It would appear that this access will also serve existing commercial uses on the east side of High Road.

Use of this access will also be maintained by the adjoining Church.

Supplementary Documentation

- Construction Environment Management Plan
- Environmental Noise Assessment
- Flood Risk assessment
- Phase 1 Contaminated Land Assessment
- Planning Statement
- Site Waste Management Plan
- Transport Statement
- SUDS Proforma
- Air Quality assessment
- Financial Viability Assessment

Relevant Planning History

Pre application advice in respect of the development of the site for residential purposes was provided in 2018 and in 2020. Earlier planning history is related to the use of the building for retail purposes and is not relevant to consideration of the current proposal.

Local Plan Allocation

The site is allocated for shopping purposes on the adopted Local Plan.

Relevant Policies and Government Guidance

The following guidance and policy are of relevance in the consideration of the development of this site:

National Planning Policy Framework (NPPF)

Introduction:

Paragraphs 2, 3, 6

Achieving sustainable development:

Paragraphs 7, 8, 9, 10, 11, 12

Decision Making:

Paragraphs 38, 39, 47, 48, 54, 55, 56

Delivering a sufficient supply of new homes:

Paragraph 62,

Building a strong, competitive economy:

80, 82.

Ensuring the vitality of Town Centres

85,

Promoting sustainable transport:

Paragraphs 104, 105, 106, 108, 109, 110, 111

Making effective use of land:

Paragraphs 117, 118, 121, 122, 123

Achieving well-designed places:

Paragraphs 124, 127, 130

Meeting the challenges of climate change, flooding and coastal change:

Paragraphs 150, 153, 155, 158, 159, 160, 161, 163, 165

Conserving and Enhancing the Natural Environment

Paragraphs 170, 175, 177, 178, 179, 180, 181, 182

Castle Point Borough Council Local Plan (Adopted November 1998)

EC2 Design
EC3 Residential Amenity
EC4 Pollution
EC5 Crime Prevention
H7 Affordable Housing
H9 New Housing Densities
H10 Mix of Development
H11 Accessible and Wheelchair Housing
H13 Location of Development
H17 Housing Development – Design and Layout
T8 Car Parking Standards
CF14 Surface Water Disposal

Paragraph 5.13

Residential Design Guidance (Adopted January 2013)

RDG2 Space around Dwellings
RDG3 Building Lines
RDG5 Privacy and Living Conditions
RDG6 Amenity Space
RDG8 Detailing
RDG9 Energy and Water Efficiency
RDG10 Enclosure and Boundary Treatment
RDG12 Parking and Access
RDG13 Refuse and Recycling Storage
RDG16 Liveable Homes

Other Guidance/Policy

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

Developer Contributions Guidance Supplementary Planning Document (Adopted October 2008)

Strategic Housing Market Assessment (May 2016 Addendum 2017)

Strategic Housing Land Availability Assessment Update (March 2017)

Technical Housing Standards – national described space standard (DCLG March 2015)

The New Local Plan

In October 2020, the Council submitted to the Planning Inspectorate its new Local Plan (2018-2033) for examination. The Plan sets out the Council's aims and objectives for the Borough over the 15 year period, and includes policies to support these ambitions. As the Plan has now been submitted the Council is beginning to give some weight to the policies contained within the Plan when determining planning applications. Different degrees of weight are being given to policies within the Plan depending on the level of objection received during the Regulation 19 consultation.

Policies which will be given consideration, as appropriate, in this report are:

SD1 Making Effective Use of Land
SD2 Development Contributions
HO1 Housing Strategy
HO3 Housing Mix
HO4 Securing More Affordable Housing
EC1 Economic Strategy
TC1 Town Centre Strategy
HS1 Strategy for Healthy Communities
TP1 Transport Strategy
TP6 Safe and Sustainable Access
TP7 Parking Provision
TP8 Access for Servicing
DS1 General Design Principles
DS2 Landscaping
DS4 The Appearance of Town Centre Business Premises
CC1 Responding to Climate Change
CC3 Non-Tidal Risk Management
CC4 Sustainable Buildings
NE5 Ecologically Sensitive and Designated Sites
NE6 Protecting and Enhancing the Landscape and Landscape Features
NE7 Pollution Control
NE8 Development on Contaminated Land
NE10 Ensuring Capacity at Water Recycling Centres

Consultation

Environment Agency

No response

Police Liaison Officer

Objects to the proposal on the basis that insufficient information has been submitted to confirm the creation of a safe environment. Would like to see this developer seek to achieve a Secured by Design award in respect of this development. Invites developer to contact appropriate officer to discuss further.

Essex Highways

No response

Lead Local Flood Authority

No objection subject to conditions.

CPBC Environmental Health

Raises concerns in respect of :

- Contaminated land
- Impact of noise of operation of adjoining plant on future residents
- Provision of appropriate light and ventilation to rooms
- Appropriate enclosure of the proposed decked amenity area.

CPBC Legal services

No objection

CPBC Street Scene

Objects to proposal

Public Consultation

One letter of objection has been received which raises concern over the use of the proposed amenity deck. Noise, overlooking and the potential for littering are identified, but the objector concedes that the provision of an appropriate screen would mitigate the impact.

Comments on Consultation Responses

A condition requiring appropriate screening can be attached to the grant of any consent.

All other issues will be considered in the evaluation of the proposal.

Evaluation of Proposal

The issues to be considered are the principle of a mixed commercial/residential flatted development on this site, the density and mix of proposed housing, design and layout, parking, drainage and flood risk, ecology and trees, amenity, contamination and pollution, social infrastructure and the provision of affordable housing.

The Principle of a mixed Commercial/Residential Development

The site is allocated primarily for shopping purposes in the adopted Local Plan. The proposal seeks to provide an element of commercial and retail activity but also to introduce a significant element of residential development on the site which would, prima facie, appear inconsistent with the Local Plan allocation.

However, the NPPF at paragraph 121 requires local planning authorities to support proposals to use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the viability and vitality of Town Centres, and would be compatible with other policies in the Framework.

The emerging Local Plan actively encourages development that will support the vitality and viability of existing Town centres.

It may be noted that Policy HO1 of the submitted Local Plan similarly supports the effective use of land for residential purposes within Town Centre locations.

It is a matter of general knowledge that Castle Point has a high demand for housing but a limited supply of housing land. Under these circumstances it is appropriate for the Authority to support proposals for the redevelopment of non-residential sites for residential purposes where the benefits of such provision clearly outweighs harm.

In this case, in order to secure such support, it must be demonstrated that residential redevelopment would not have an adverse impact on the viability or vitality of the Town Centre.

The former use of the site was as a retail warehouse for the sale of furniture. The purchase of furniture (comparison shopping) is a relatively low frequency activity and is more often met in larger centres such as Basildon or Lakeside (South Essex Retail Study 2017) where comparison between goods can be made quickly and with greater convenience.

Whilst the floorspace dedicated to comparison shopping within the existing unit is large, anecdotal evidence and discussions with the applicant's representatives suggests that the unit made only a limited contribution to the viability and vitality of the Town Centre.

As a retail unit however, consideration must be given to the opportunity for the building to be re-used for an alternative commercial use.

Following the coming into force of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, it is considered that the building may be used for any purpose now falling within Class E of the Order. Consequently the building could be used for any of the following purposes:

- (a) for the display or retail sale of goods, other than hot food, principally to visiting members of the public,
- (b) for the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises,
- (c) for the provision of the following kinds of services principally to visiting members of the public—
 - (i) financial services,
 - (ii) professional services (other than health or medical services), or
 - (iii) any other services which it is appropriate to provide in a commercial, business or service locality,
- (d) for indoor sport, recreation or fitness, not involving motorised vehicles or firearms, principally to visiting members of the public,
- (e) for the provision of medical or health services, principally to visiting members of the public, except the use of premises attached to the residence of the consultant or practitioner,
- (f) as a creche, day nursery or day centre, not including a residential use, principally to visiting members of the public,
- (g) for—
 - (i) an office to carry out any operational or administrative functions,
 - (ii) the research and development of products or processes, or
 - (iii) any industrial process, being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

The applicant has given consideration to the re-use of the building under the new permitted development rights but considers that redevelopment of the site will achieve a better form of development with greater opportunity to optimise the use of the land, consistent with Government policy.

These are valid considerations which weigh in favour of the redevelopment of the site.

In addition to consideration of the best use of the land, consideration must also be given to the likely impact of the proposed development on the vitality and viability of the Town Centre.

The current proposal seeks to provide a smaller commercial unit on the London Road frontage and an office Block off the High Road. It is considered that the commercial unit at the front of the site would assist in mitigating the impact of the loss of the former retail unit by providing new opportunities for both comparative and convenience shopping together with opportunity for the operation of any activity permitted under Class E of the Order as set out above.

The provision of an office block to the rear of the site would assist in the diversification of employment opportunities and would provide an opportunity for the generation of footfall within those retail and other units present within the adjoining town centre.

Furthermore, it is considered that the introduction of residential development would have a significant positive impact on the vitality and viability of the existing Town Centre.

The ONS 'Family spending in the UK: April 2018 to March 2019' report (19 March 2020) provides a detailed breakdown of average household spending. It reports that the average household spends £61 a week on food and non-alcoholic drinks, £40 a week on catering services and £45 week on recreation and culture. Extrapolating these figures across 35 dwellings results in annual food and non-alcoholic drink purchases of some £111,000, annual catering purchases of £72,000 and annual recreation and culture purchases of £81,000. This equates to an annual opportunity for local expenditure equating to some £260,000.

Whilst it is reasonable to assume that not all of this expenditure would take place within the Tarpots Town Centre, given the very local opportunities available for grocery and recreation and catering purchasing, it is likely that a substantial proportion of this spend would occur locally.

It is considered unlikely that any alternative use of the existing building could generate this level of associated expenditure.

On balance therefore, it is not considered that the vitality and viability of the Town Centre would be adversely affected by the redevelopment of the site with a mixed development and no objection is therefore raised to the proposal on this basis.

The Principle of a mixed commercial and flatted development on the site

The site is currently allocated for shopping purposes and supports a retail use. Under the circumstances no objection is raised to the principle of retail and commercial activity on the site.

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

The policy specifically states that within areas allocated for residential purposes, proposals for flats should be located on main roads.

The first issue of course is that the site is not allocated for residential purposes and prima facie therefore this policy would not appear appropriate. However, in the light of the widely recognised need of this authority for housing and the Government's conditional support for the principle of the redevelopment of underused land for residential purposes, particularly in areas designated for employment or retail purposes, as set out in the NPPF, it is considered appropriate to consider any proposal for the provision of flats on this site within the context of Policy H13.

Policy H13 continues to identify the specific criteria which will be applied to proposals for the provision of flats and requires that flatted developments shall be located on or near a main road.

The site is located on the High Road and London Road which are main roads and both frontages demonstrate the provision of flats in close proximity to the site. In policy and circumstantial terms, the site is considered appropriate for the location of flats.

Consequently there is no objection to principle of the provision of flats on this site, in respect of this element of Policy H13.

It may be noted that the provision of flats on this site would be consistent with the provisions of the submitted Local Plan.

Whether the scale and form of the development proposed is equally acceptable will be determined in an assessment of the proposal against all other relevant policies of the NPPF, adopted Local Plan and associated guidance.

Density and Mix of Housing

The NPPF now requires Local Planning Authorities to make efficient use of land, in appropriate circumstances and consistent with the character of the area, in order to contribute towards satisfying the need for housing.

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

Whilst broadly consistent with the NPPF, Policy H9 is however, somewhat vague and a better test of whether the density of the development is appropriate is assessment of the proposal against the Council's Residential Design Guidance, which will be undertaken later in this report.

Policy H10 of the adopted Local Plan states that in all residential developments the Council will seek an appropriate range of dwelling types. This also a vague policy which is inconsistent with the requirements of paragraph 122 of the NPPF which requires local planning authorities to identify the need for different types of housing to meet current and future demographic trends, market trends and the needs of different groups in the community.

The most up to date local evidence of need in respect of the mix of development on sites is the 2017 Addendum to the 2016 Strategic Housing Market Assessment (SHMA May 2016). This identified that for the Castle Point area, in the period 2014 – 2037, 32% of new dwellings should be 1 and 2 bedroomed properties and 68% of new dwellings should be 3 and 4+ bedroomed properties.

The residential element of the scheme will consist of a mixture of one and two bedroomed units, the provision of which will meet an identified need.

The mix of development is therefore considered appropriate under Policy H10.

The submitted Local Plan requires sites of between 0.5ha and 4ha to comprise at least 35% 1 or 2 bedroomed properties. Whilst the scheme involves only 0.46ha of land and is therefore not strictly caught by this requirement, it should be noted that the current scheme provides 100% one

and two bedroomed properties and is therefore consistent with the spirit of Policy HO3 of the New Local Plan.

Design and Layout of the residential elements of the scheme

Policy EC2 of the current Local Plan requires a high standard of design in all new buildings. This is consistent with paragraphs 124 and 127–128 and 130 of the NPPF.

EC2 specifically states that the scale, density, siting, design, layout and external materials of any development, shall be appropriate to its setting and should not harm the character of its surroundings; that the appearance and treatment of spaces around buildings should be enhanced by appropriate hard and soft landscaping and all modes of movement are safe and convenient.

Policy EC5 identifies that the Council expects all development schemes to have regard to the desirability of minimising the risk of crime and maximising security by virtue of design, layout and landscaping.

(It should be noted that the local Police Architectural Liaison Officer is keen to ensure all new residential development achieves 'Secure by Design Certification. Further advice on the achievement of SBD can be obtained by downloading the appropriate 'Secured by Design' Design Guides available at:

<http://www.securedbydesign.com/industry-advice-and-guides/>).

Submitted Local Plan Policy DS1 seeks to ensure that the quality and attractiveness of the urban area is improved by development and requires a comprehensive approach to the improvement of the public realm. Development will need to demonstrate how it will contribute to the quality of the public realm.

It is proposed to provide three storey buildings on the site.

It should be noted that the site is on the edge of the Town Centre and in close proximity to residential development. That immediately to the east of the site is two storey in height and it may be considered that when viewed from the east the proposed development, by reason of its height and form would represent a obtrusive and overdominant feature in the street scene.

However, the proposed development will be of comparable height and no deeper than the building it seeks to replace. Further it must be noted that flatted development immediately to the north of the site is visually three storeys in height as are further flatted schemes to the west. Within the context of the edge of the Town Centre it is not considered that a three storey building would appear unduly obtrusive or prominent.

Furthermore, the view is taken that this is a highly sustainable location and conscious of the need to make the most effective use of land in accordance with the provisions of the NPPF and the Borough's identified need for housing, subject to the achievement of all appropriate spatial requirements, no objection is raised to the provision of three storey development on this site.

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

In terms of the layout, the proposal comprising the residential element of the scheme provides two linked blocks which extend along the depth of the site. This is a consequence of the configuration of the site which is relatively narrow and deep and results in a layout which is suggestive in part, of a backland scheme. Development in depth is not unusual in the context of the surrounding

development, indeed Swan Court immediately to the west is a form of backland development, and subject to appropriate safeguards, given the need to make efficient use of land, it is not considered that development in depth as proposed, is unacceptable in principle.

In terms of how the layout responds to the adopted residential design guidance, the following comments are made:

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

The proposed flats on the London Road frontage have a width of some 16.9m. Isolation space equivalent to 4.225m is therefore required.

The London Road block achieves a minimum isolation of approximately 1.5m between the building and the eastern boundary and approximately 1.2m between the building and the western boundary. The requisite isolation is not therefore achieved.

However, given that the facts that:

- (i) this is an edge of town centre site within which site coverage tends to be greater,
- (ii) that the building is to be located immediately adjacent to an access road which will diminish the impact of site coverage and
- (iii) that the proposed building is located largely within the footprint of the existing building on the site and does not therefore result in a significant diminution of space around the building at its most sensitive location, adjacent to residential development,

it is not considered that the deficiency in isolation identified would represent a robust objection to this element of the proposal.

The remainder of the residential development, whilst not associated with a road frontage is considered to achieve adequate isolation from plot boundaries to achieve an acceptable setting for the building.

The proposed office building does not contain any residential development and is not therefore subject to the provisions of the Residential Design Guidance. Comment on the setting of this building will be made separately, later in this report.

Guidance at RDG3 requires proposals to respect established building lines. The submitted layout indicates that the proposed building on the London Road frontage would be located approximately 4m – 4.3m from the highway boundary. Articulation to the front elevation increases the isolation to some 7m – 8m close to the eastern and western boundaries.

This reflects the setting of the single storey building located to the east and the dwellings to the west and is considered appropriate in the context.

The proposed residential building to the rear of the site has no direct relationship with adjoining development in terms of street scape. No requirement in terms of building lines is therefore imposed on this element of the scheme.

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

In terms of dominance, the proposed flats, as shown at the front of the site, would extend some 4m beyond the front elevation of the dwelling to the east fronting London Road and the blocks would extend the full depth of Swan Court. The proposal therefore has the potential to overshadow and dominate the adjoining development.

However, the impact of this building must be considered in the context provided by the existing building on the site which currently represents a dominant and unattractive feature which also extends the full length of Swan Court.

The existing building is some two and a half storeys high and the proposed flats would therefore be taller than the existing building and the adjoining dwellings. However, the current scheme breaks the mass of the built form by including the first floor amenity terrace and consequently it is considered that a greater feeling of openness would be achieved, supplemented by the opportunity for an improved boundary treatment which could benefit the adjoining residents.

In comparison with the existing situation it is not considered that the proposal would have an adverse impact on the amenity of adjoining residents on the basis of dominance and no objection is raised to the scheme on that basis.

In terms of overshadowing, it should be noted that the proposed development would be located to the east of the adjoining residential development. It would therefore result in some overshadowing during the early part of the day. This however would be comparable to the overshadowing currently experienced by adjoining residents, but overall, the porosity of the development is considered likely to result in improved levels of daylight generally.

To the east of the site are commercial properties and the associated car park. These units are considered unlikely to be adversely affected by the development in terms of overshadowing or dominance.

RDG5 provides guidance on privacy and living conditions; and states that for all development above ground floor level a distance of 9m shall be provided between any first floor opening and the boundary it directly faces. For development at second floor level a distance of 15m shall be provided in order to secure the privacy and amenity of adjoining residents. It also considers that all new dwellings should be provided with windows to ensure adequate natural light and ventilation to the rooms they serve.

The proposed flats on the London Road frontage have windows in the northern elevation that are less than the requisite distance from the site boundary; however, these windows will overlook the highway and as such it is not considered likely that they would result in any loss of privacy or residential amenity.

Windows in the southern elevation of the London Road Block would be located some 19.7m from windows in the northern wall of the rear residential Block. Whilst the distance between opposing windows adequately meets the spatial standard for opposing first floor windows (18m total) second floor windows would need to be 30m apart to satisfy the requirement. This is clearly not achieved and *prima facie*, represents an objection to the proposal.

However it is considered that the presence of the amenity deck has the effect of converting the first floor windows into an equivalent ground floor window (particularly as they will be screened to the east and west) and that the second floor windows may therefore be viewed in the same context as a first floor window on a more traditionally developed site. When this circumstance is

considered, the opposing windows may be viewed to satisfy the requirements of RDG5 in terms of direct overlooking.

Furthermore, the policy determined lack of isolation does not harm the amenity of any adjoining resident and it is considered that any future occupier of these flats would be able to determine whether adequate levels of privacy would be available.

Under the circumstances no objection is raised in respect of the relationship of windows described above.

Windows in the western elevations of the residential Blocks are located between 1.2m and 14m from the western boundary.

RDG5 requires first floor windows to be located 9m from the boundary and second floor windows to be located 15m from the boundary. It is clear that many of the proposed windows do not satisfy these requirements and as such, prima facie, the provisions of RDG5 represent a substantial objection to the proposal.

However, detailed consideration of the windows indicates that in respect of those units where the requisite distances are not met, at plots 14, 16, 18, 20, 22, 24, 28, 30, 32 and 34, the windows are secondary windows to living areas served by primary windows in other elevations, whilst in the case of the units at plots 13, 26 and 27 the windows serve hallways or provide secondary light to living areas. Given these factors it is considered that these windows maybe obscure glazed and fixed to 1.7m in order to protect the privacy of adjoining residents whilst providing opportunities for the ingress of natural light and ventilation. Obscure glazing these windows in this fashion would negate the policy objection to the proposal.

It is noted that the applicant has identified a preference for the provision of windows capable of restricted opening below 1.7m from finished floor levels. This mechanism would be less effective in protecting the privacy of adjoining residents and is not therefore considered acceptable.

A condition securing the planning authority's preferred method of glazing will be attached to the grant of any consent.

It should be noted that the Council's Environmental Health Officer has expressed some concern in respect of the use of obscure glazing to living areas.

Para 123 of the NPPF states that when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).

As for the most part, the windows under consideration are secondary windows with natural light and the opportunity for natural ventilation also being available through the provision of windows and doors on the northern and southern elevations it is not considered that this concern represents a robust objection to the proposal.

Under the circumstances, no objection is raised to the conditional use of obscure glazed and fixed windows in the western elevation.

Within plots 10, 14, 24, 28, 30 and 32 bedroom windows are placed at less than the requisite distance from the boundaries. Again this appears to represent an objection to the proposal, however in each case, the windows overlook a private balcony which is to be screened to 1.8m high along the western edge in order to protect the privacy of adjoining residents.

Whilst this arrangement would fail to achieve an attractive outlook for the occupiers of these rooms, the use of appropriate materials in the screens will allow light to pass into these rooms and views of the sky will be achieved. Whilst not ideal, given the Government's encouragement of the provision of housing in sustainable locations and the flexibility which is to be applied to the achievement of good natural light levels, it is not considered that a robust objection to the proposal could be raised on the basis of the potential impact of the arrangement on future occupiers residential amenity.

Under the specific circumstances of this proposal therefore, the proposed arrangement is considered acceptable.

Windows in the eastern elevation of the building are located between 1m and 12m from the boundary of the site and again some fail to fully meet the requirements of RDG5. These windows however overlook commercial units and consequently the potential for loss of residential amenity and privacy is diminished. A more limited requirement for obscure glazing and fixing of windows, in the form specified above, may be exercised on this elevation, where appropriate.

Windows located in the southern elevation of the rear block would be located between 15m and 19.5m of the southern boundary of the site which aligns closely with the flank elevation of the adjoining house associated with the Holy Family Church and an associated garage. The house has what appears to be the main entrance and two windows in this elevation and the potential for overlooking and loss of privacy therefore exists. However, the policy requirement is met within the boundaries of the site. The current applicant cannot be made responsible for any deficiencies identified on adjoining sites. Under the circumstances, no objection is therefore raised to the proposal on this basis.

It should be noted that each flat is provided with a private balcony or terrace. In order to protect the privacy and amenity of adjoining residents screening to a height of 1.8m on the western edges of those balconies/terraces on the western side of the building must be provided and can be secured by condition.

RDG6 is concerned with the provision of amenity space and requires the provision of 8m² of amenity space per habitable room for flats. Where flats contain 3 or less habitable rooms a minimum of 25m² of amenity space should be provided for each flat. Such provision can be either private or communal and can include balconies provided they have a minimum depth of 1.5m and a useable floor area of 5m².

The proposed development would attract a requirement for 850m² of amenity space.

The submitted layout indicates the provision of no useable amenity space at ground floor level, but does seek to provide an amenity area at first floor level in the form of a decked area over the carpark.

Whilst this is an unusual approach to the provision of amenity space, it is not without precedent in the Borough and if appropriately designed and managed can provide an appropriate area for informal recreation associated with the occupation of the flats.

The proposed communal amenity area is located towards the northern end of the site, immediately behind the flats fronting London Road. It would have an area of some 152m². As such the proposal exhibits a significant deficiency in amenity space provision.

It is recognised that the scheme provides each flat with a private balcony or terrace of at least 4.3m² thus some further 190m² of amenity space is available. However, even with this provision, the scheme remains substantially deficient.

The applicant has identified that the Tarpots Recreation Ground is located within ten minutes walking distance of the site to the north and that the Arthur Stevens open space lies a similar walking distance to the south.

Whilst neither is ideal to meet the everyday needs of residents, it must be acknowledged that the site is located on the edge of a town centre where a higher density of development is prevalent and where other flatted development is also provided within limited on-site amenity space and therefore relies on off-site provision.

Given that the scheme does achieve an element of personal private space for occupiers as well as a larger communal space and is within reasonable proximity of larger areas of open space in the locality, it is not considered that an objection to the proposal on the basis of inadequate on-site amenity space provision, would be supported on appeal.

No objection is therefore raised to the proposal on this basis.

RDG8 requires that all development is designed to provide well-proportioned and balanced properties which complement the surrounding area.

The proposed development is primarily flat roofed in form, with mono-pitch roofs provided at key points within the structure.

The result is a modern and minimalist façade which displays aligned fenestration and an effective use of land.

No objection is raised to the proposal on the basis of RDG8.

RDG9 is concerned with energy and water efficiency and renewable energy.

The submitted Design and Access Statement identifies the installation of appropriate measures to secure appropriate levels of water consumption and indicates that further energy efficiency measures will be submitted prior to the commencement of development.

Key components of any such scheme of measures will include:

- Maximising the controlled use of passive solar energy
- Maximising the use of passive ventilation
- Using energy-efficient window glazing and frames
- Increasing air tightness in the building envelope
- Appropriate use of thermal mass and insulation
- Installing energy-efficient lighting and appliances.

All of these measures are considered valuable in the achievement of high levels of energy sustainability. Details of the specific measures to be installed can be required by condition.

RDG10 is concerned with the appropriate treatment of enclosure and boundary treatments. No details have been submitted however, the applicant is advised that any screening to be provided to the raised decking area must be designed and installed in accordance with the recommendations made in the submitted Environmental Noise Assessment by Lovens Acoustics (September 2020), which requires the amenity area to be defined by solid barriers along the eastern and western edges to a height of at least 1.8m. Such barriers should consist of a solid

unbroken material, but could be relatively lightweight in construction. Obscured glass or Perspex sheeting at least 6mm thick may be suitable, or interlocking timber panels at least 20mm thick. There should be no gaps under or between the panels to ensure the optimum attenuation.

A condition requiring such enclosure can be attached to the grant of any consent.

RDG11 is concerned with landscaping. All schemes for flats are required to be provided with an appropriate landscaping scheme containing both hard and soft landscape features. No landscaping scheme has been submitted with the current proposal; however a condition requiring the submission of an appropriate planting scheme can be attached the grant of any consent.

The applicant is advised that the Authority will expect any submitted planting scheme to enhance the biodiversity of the site.

RDG13 is concerned with the provision of appropriate refuse and recycling facilities.

The proposal shows the provision of three bins stores, one located adjacent to the entrance to the undercroft car park, one located to the rear of the commercial unit (which has its own separate bin store within the envelope of the building) and one within the southern undercroft parking area.

It should be noted that no information has been provided in respect of the capacity of the access of the site to accommodate the weight and turning movements of a refuse vehicle and the Council's Refuse and Recycling Officer had previously expressed concern at the level of storage provision made on site. However, the submitted transport assessment states that refuse collection will be undertaken by a private contractor. As such the proposal will not be serviced by the Council and adherence to Council requirements will not be required.

The applicant should note however, that due to the current layout of the site, it is considered unlikely, in the event that a private contractor cannot be identified, that the Council would be able to satisfy the refuse collection needs of the site in the future.

Paragraphs 59 – 61 of the NPPF seek the delivery of a wide choice of high quality homes to meet the needs of different groups in the community including families with children older people, people with disabilities, and service families.

This requirement is reflected in RDG16 which requires all new dwellings to provide appropriate internal space and circulation space and meet the existing and future needs of occupiers over their lifetime without the need for extensive alteration or adaption.

It further states that internal space and circulation space should reflect current best practice.

Current Best Practice is provided by the Nationally Described Space Standards which establish appropriate internal space provision. Details of compliance with this Standard can be found in Appendix 1 attached to this report

Design and Layout of the Commercial elements of the scheme

The proposal includes the provision of two commercial units. One proposed commercial unit is located at northern end of the site and forms the ground floor element of the Block fronting the London Road whilst the other forms a stand-alone building located at the southern end of the site.

The northern unit forms an integral part of the northern Block and extends the full width of the building providing a glazed frontage to the London Road.

This element of the scheme is considered well designed and will add an element of interest and provide a new focal point for commercial activity in this area.

No objection is raised to the general design of this commercial unit.

The NPPF is clear that safe and suitable access to a development site should be achieved for all people.

Policy S5 of the adopted Local Plan requires servicing provision for commercial development to be provided on site.

Policy TP8 of the emerging Local Plan requires all developments to be designed to ensure that they are capable of being accessed in a safe and convenient manner by delivery vehicles.

Given the relationship between the surface car park serving units on the site and the commercial unit at the front of the site it is considered unlikely that customers would routinely make use of such facility. However, as it is considered likely that customers to this unit are likely to visit as part of a wider shopping experience and are therefore likely to attend on foot, the remoteness of customer parking is not considered critical, although concern is raised that some customers may attempt to park in front of the site.

The site currently benefits from a dropped kerb crossing on its eastern side, served from the London Road. The proposed configuration of the building would allow for vehicles to pull up onto the frontage, however, such manoeuvres would be undertaken in very close proximity to a major junction, and immediately adjacent to a zebra crossing and the access to Swan Court and a bus stop.

Concern is raised that servicing and parking at this location could result in the disruption of traffic flows and danger and inconvenience to other road users and pedestrians. However, it must be recognised that historically the site has been serviced, at least in part from the London Road and that the Highway Authority has raised no objection to the proposal. On this basis it is not considered that an objection to the proposal on the basis of the potential for vehicles to park or wait at the front of the site would be supported on appeal.

With regard to the office building to be located at the southern end of the site, the design of this element of the proposal again reflects the design principles executed in the remainder of the scheme and in broad design terms is considered acceptable.

At some 12m in height, the building would present a robust feature in the street scene, however, it will be viewed in the context of existing three storey development to the north and as such is considered unlikely to be harmful to the character and appearance of the area.

The proposed office building is located a minimum of some 6m from the southern boundary of the site. The primary elevation of the building would face south and would be substantially glazed.

Whilst there is no current design guidance to ensure the achievement of appropriate levels of isolation between commercial development and adjoining properties, it is clear that given the extent of glazing and the proximity of the building to the site boundary, that there is significant potential for overlooking and loss of privacy.

However, the building located immediately to the south of the proposed development is a single storey church hall. Whilst this building is glazed along its northern elevation, such glazing is shielded from views from above by a deep canopy. As such it is not considered that the proposed development would give rise to any loss of privacy within the building.

Whilst it is recognised that an area of open space lies to the north of the church hall, this area is unenclosed and can be readily viewed from the public highway. As such it is not considered that this area represents a private amenity space and it is not considered that the proposed office block would result in significantly greater opportunity for overlooking and loss of privacy in this area.

As such no objection is raised to the proposal on this basis.

Windows are also proposed on the northern elevation of the building. These would be located some 5m from the northern elevation of the site and would overlook the rear of the adjoining commercial premises and in particular the smoking terrace to the adjoining bar.

Given the nature of the use of the adjoining terrace it is not considered that the proposed development would result in a harmful loss of privacy or amenity. No objection is therefore raised to the proposal on this basis.

No windows are proposed in the eastern and western elevations. In order to protect the privacy and amenity of the occupiers of the premises to the east and the future occupiers of the proposed development to the west it is considered that a condition should be imposed on the grant of any consent requiring these elevations to remain imperforate.

The proposed building will provide five car parking spaces within a garage at ground floor level. These spaces would be accessed directly from the main access into the site. Vehicles manoeuvring into and out of these spaces are likely to come into occasional conflict with traffic accessing the rest of the site. However, sufficient space is available to allow vehicles to manoeuvre in order to access and exit the site in forward gear and in the absence of any identified harm or objection from the Highway Authority, it is considered unlikely that an objection to the proposal based on the potential for limited conflict would provide a robust reason for refusal.

Parking

RDG12 is concerned with the provision of appropriate parking arrangements.

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

It should be noted that Policy TP7 of the submitted Local Plan is consistent with the provisions of the NPPF.

The currently adopted standards are the 2009 County Parking Standards.

In terms of the residential parking requirement, the Standards require the provision of one space for one bedroomed properties and two spaces for properties with two or more bedrooms, plus visitor parking at a rate of 0.25 spaces per dwelling, rounded up to the nearest whole space.

The scheme comprises 7 x one and 28 x two bedroomed flats. As such the scheme would attract a requirement for 63 spaces for residents and an additional 16 spaces for visitors. A maximum of 79 residential spaces would therefore be required on the site.

In addition the commercial element of the proposal would attract a requirement for up to a further 7 spaces whilst the proposed office building would attract a requirement for a further 10 spaces, thus a total of some 96 spaces would be required to serve the site.

The submitted scheme indicates the provision of 46 spaces.

It is the practice of this Authority to apply residential parking standards flexibly in locations which offer good access to public transport and services. The proposal site is considered appropriate for consideration in this context and would therefore attract a requirement of one parking space for every residential unit. No visitor parking would be required given the proximity of the site to public transport networks.

Under these conditions the parking requirement is reduced to 35 spaces for the residential element of the scheme.

This can be achieved on the site.

This leaves 11 spaces to satisfy the needs of the commercial elements of the proposal.

The local planning authority's adopted parking standards for the proposed type of development are maximum standards which the Framework indicates should not be set. An assessment of parking provision therefore needs to be made on merit.

The commercial element requires 17 spaces. Five of these are to be provided within the office building, at ground floor level. Six further spaces are available within the surface parking area. The commercial element of the scheme is therefore deficient by some 6 spaces.

The NPPF is keen to encourage alternative modes of transport and indicates that maximum parking standards should only be set, and therefore used, where there is a clear and compelling justification (para 106).

The site is readily accessible by public transport and is within a town centre where parking associated with commercial activities tends to be restricted and the opportunity for non-car based travel is enhanced. In this instance there is no clear and compelling justification for insistence on the maximum parking provision and given the historical use of the site for commercial purposes it is not considered that an objection to the proposal based on a deficiency of six car parking spaces would be supported on appeal.

No objection is therefore raised to the proposal on this basis.

In order to encourage modal shift the applicant will be required to provide a Residential Travel Information Pack (including bus passes) to each unit of occupation. This can be secured by condition.

It was revealed during discussion with the applicant that some businesses operating to the west of the site rely on the access to the proposed development for staff and visitor parking. Thus, traffic unrelated to the proposed development is considered likely to access the site and the potential for such traffic to use parking spaces allocated for the proposed development therefore exists.

In order to avoid this potentiality it is considered that measures to protect the identified parking spaces should be introduced to prevent vehicles not associated with the current proposal from using spaces identified for use by residents and users of the current proposal.

The details of such measures can be secured via the imposition of a condition on the grant of any consent.

The currently adopted parking standards require minimum bay sizes of 2.9m by 5.5m. Parallel parking spaces are required to be 6m by 2.9m and aisles between opposing parking bays or parking bays and walls are required to be a minimum of 6m wide. This spatial requirement is met on site.

The residential cycle parking requirement is one space per dwelling plus one space per eight dwellings for visitors. The proposed scheme would attract a requirement for 40 cycle spaces.

With regard to the bicycle parking requirements for the commercial elements of the scheme, it should be noted that two spaces are required for the London Road commercial element and 5 spaces are required for the Office element.

A total of 47 bicycle storage spaces are required.

41 cycle storage spaces are available within the scheme. This represents a deficiency in provision; however it is considered that opportunities exist within the site to achieve the requisite level of provision which can be secured by condition. Subject to such a condition no objection is raised to the proposal on the basis of cycle storage provision.

Drainage and Flood Risk

Under the provisions of the NPPF, all proposals for new dwellings in areas at risk of flooding are required to be accompanied by a site-specific Flood Risk Assessment (FRA) in order to demonstrate that the occupiers of the proposed development would not be placed at unacceptable risk in the event of a flood.

The site has not been identified as being at risk of flooding from river or tidal sources.

The Environment Agency (Flood Maps for Planning) indicate that surface water flood risk varies across the site with the highest risk present on the northern part of the site. This is a cause for concern; however the redevelopment of the site offers the opportunity to mitigate this risk.

The site is currently entirely hard surfaced and the proposed development does not result in an increase in the extent of impermeable area within the site.

Essex County Council as Lead Local Flood Authority has raised no objection to the proposal subject to conditions securing an appropriately managed appropriate drainage scheme.

Such conditions may be imposed on the grant of consent.

Subject to such conditions no objection is raised to the proposal on the basis of surface water drainage.

Ecology and Trees

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

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

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 paragraph 175 of the NPPF.

The site has no significant trees within its boundaries although trees are present on the adjoining sites to the west. These trees may encroach on the application site and the applicant will be expected to identify and implement such mitigative measures as are required to secure the appropriate protection of these trees during the construction and operational phases of any proposed development within any submitted landscape scheme.

The site has no ecological designation and assessment of the site has confirmed that it provides little vegetation and therefore currently has limited potential for habitat provision. The applicant has commissioned a bat roost assessment of the site which has revealed that no bats are present within the buildings.

Furthermore, given the proximity of the site to the Town Centre, the current level of artificial illumination on the site and the absence of vegetation, the site fails to provide appropriate foraging area for bats.

No objection is therefore raised to the proposal on the basis of direct adverse impact on matters of ecological importance.

Under the Habitats Regulations, a development which is likely to have a significant effect or an adverse effect (alone or in combination) on a European designated site must provide mitigation or otherwise must satisfy the tests of demonstrating 'no alternatives' and 'reasons of overriding public interest'. There is no precedent for a residential development meeting those tests, which means that all residential development must provide mitigation.

The application scheme proposes 35 new dwellings on a site that lies within the Zone of Influence (Zol) associated with the Essex Estuaries.

Since the development is for 35 dwellings only, the number of additional recreational visitors would be limited and the likely effects on Essex Estuaries from the proposed development alone may not be significant. However, new housing development within the Zol would be likely to increase the number of recreational visitors and, in combination with other developments, it is likely that the proposal would have significant effects on the designated sites.

As such it is necessary to carry out an Appropriate Assessment of the development:

The proposal seeks to provide fewer than 100 homes and is not directly adjacent to one of the identified European Designated sites, consequently it is considered that the impact of the proposal may be adequately mitigated by the provision of a proportionate financial contribution in accordance with the provisions of the Essex Coast RAMS.

Provided this mitigation is secured, it can be concluded that this proposal will not have an adverse effect on the integrity of the above European sites from recreational disturbance, when considered 'in combination' with other development, in accordance with policies EC13 and EC14 of the adopted Local Plan, Policy NE5 of the submitted Local Plan and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

The requisite financial contribution (currently estimated at £4395.30), must therefore be secured prior to occupation. A S106 agreement will incorporate this obligation.

It is considered that redevelopment of the site could offer the potential for habitat creation and it is therefore considered that any future landscaping scheme should be focused on native wildlife friendly species.

Habitat may also be incorporated into the fabric of the development with the provision of bird and bat boxes and insect hotels.

Full details of on-site habitat measures and landscaping can be secured by condition.

Amenity, Contamination and Pollution

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

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

Paragraph 170 of the NPPF also states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to, or being put at, unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability.

Paragraph 178 states that in order to prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account.

The applicants have submitted a Phase 1 Ground investigation which identifies that due to potential on-site and off-site sources of contamination, site investigation (to include chemical testing of soil samples and a programme of ground gas monitoring) should be undertaken prior to development commencing. A condition to secure such investigation can be appended to the grant of any consent.

It is inevitable that the development of the application site will generate noise and disturbance during the constructional phase. Such noise is transitory and rarely provides a robust reason for refusal of an application for development of the type proposed. However, development of large sites can extend over significant periods and it is therefore incumbent upon the Planning Authority and the applicant to ensure that the levels of noise and disturbance generated during the constructional periods are kept as low as practically possible, in the interests of the amenity of local residents and the wider environment. In order to demonstrate achievement of these objectives, the applicant has submitted a Construction Environment Management Plan. This identifies an appropriate methodology for the construction of the proposed development. A condition ensuring compliance with the CEMP during the construction period can be attached to the grant of any consent.

Redevelopment of the site for residential purposes will inevitably result in a change in the way the site is used, with activity potentially occurring over a much longer period, both on a daily and weekly basis, creating the potential for noise and disturbance to be generated on the site beyond the working day/week, and on different parts of the site.

However, the proposal is considered to exhibit a sensitive layout which largely shields adjoining uses from higher levels of activity, particularly that associated with the movement of vehicles on the site. The imposition of conditions on the grant of any consent to secure appropriate screening will further assist in this regard.

It is also necessary to consider the impact of the existing environment on future occupiers of the proposed development. Whilst development to the west is residential in character, that to the east is commercial in character and dominated by uses most active during the evening. The proximity of the building to the eastern boundary has implications for the amenity of future occupiers of the proposed flats who are likely to be subjected to noise and disturbance generated by the operation of the adjacent businesses.

A survey of the existing noise environment affecting the site has been undertaken. This has assessed the impact of passing traffic and the potential for noise from the adjoining bar.

The findings of the assessment are that the passing traffic on London Road generates sufficient noise to warrant up-rated acoustic glazing and ventilation to the front elevations of the closest units to the road, but generally within the site, noise is sufficiently muted by distance and shielding to enable any residual impact to be adequately mitigated by appropriate thermal glazing and trickle ventilation.

The data collected in respect of the sports bar identified no significant elevation in either average or impulsive noise levels during the lunchtime and late evening periods when most use of the space would be expected. Calculations within the report show that if appropriate glazing and ventilation is installed the noise levels in the habitable rooms of the new dwellings will be acceptable.

The noise level affecting the outside amenity space, without mitigation, is predicted to be relatively high. However, the installation of appropriate screening will reduce noise levels on the amenity deck noise barriers to an acceptable level.

The Environmental Health Officer initially expressed some concern in respect of the proximity of plant on the roof of the adjacent Tesco store to adversely impact on the amenity of future occupiers. Following further work by the applicant however, this concern has been alleviated.

In visual terms, the relationship between the existing uses to the east and the proposed development is not considered to provide an attractive setting for the proposed flats, representing the rear elevations of adjoining commercial units and associated parking areas. However, the developer is not responsible for the condition of adjoining land and buildings and future residents would be aware of this situation prior to determining occupation.

Given the need for housing of the type proposed, it is not considered that the condition of the adjoining land and the potential impact on the amenity of adjoining residents arising from setting and context, represents a robust reason for refusal capable of being sustained on appeal.

Social Infrastructure

It was considered that Essex County Council as Education Authority might seek a contribution from redevelopment of the site to meet educational needs arising from the proposed development.

No request for such contribution has however been received.

It was also considered that NHEngland might seek contributions towards the improvement of local GP facilities.

No response from NHEngland has been received and it must therefore be assumed that no contribution is required.

Affordable Housing

Paragraph 64 of the NPPF states that where major development involving provision of housing is proposed (10 or more units), planning policies and decisions should expect at least 10% of the homes to be available for affordable housing ownership.

Policy H7 of the adopted Local Plan sets out the Council's current policy in relation to affordable housing provision. It states that the number of affordable dwellings to be provided will be dependent upon the size of the site, its location and any substantial costs associated with the provision of necessary infrastructure. The Council's Developer Contributions Supplementary Planning Document requires the provision of 35% affordable housing on sites of 15 units or more. Under this provision 13 affordable housing units should be made available on the site.

The viability report prepared to support the 2016 New Local Plan, suggested that within the mainland areas of the Borough the provision of 25% affordable housing was more appropriate.

Under this provision 9 affordable housing units should be made available on the site.

However, following a review of the Local Plan Viability Assessment, Policy HO4 of the submitted Local Plan requires the provision of 40% affordable housing for schemes of more than 10 units within the mainland area of the Borough.

Under this provision 14 affordable housing units should be made available on the site.

Such provision will normally be met on site and the Council will seek no less than 50% of all new affordable housing as affordable or social rented housing and 50% as intermediate housing. The Council will seek nomination rights in a S106 Agreement.

Given the limited availability of land within the Borough to meeting housing needs it is the strong preference of the Planning Authority that affordable housing provision be secured on site; however, Policy HO4 of the submitted Local Plan also states that under exceptional circumstances the Council will consider proposals for off-site provision where the provision of affordable housing is equivalent to the policy requirement, in this case, 40%.

Where there is evidence that the development is not viable with the level of contribution sought, it is the responsibility of the developer to demonstrate the case to the satisfaction of the planning authority.

It is the stance of the applicant that the proposed development would not be viable with a policy compliant affordable housing contribution. A viability assessment was submitted to support this claim.

Consultants appointed by the Council to review the submitted viability assessment have confirmed that the proposed scheme cannot achieve a policy compliant affordable housing contribution and following extensive analysis of submitted and independently acquired data and market conditions, have confirmed that the scheme can only support the provision of 2 units on site. The applicant is prepared to move forward on this basis.

However, mindful that a registered affordable housing provider may not wish to engage in a proposal at this scale, the applicant has suggested that in the event of a registered provider not being identified, a financial contribution in lieu of on-site provision will be made.

The sum of £236,599 on the occupation of the 10th dwelling has been offered under such circumstances.

Conclusion

The application site represents a sustainable location, the development of which with a mixed commercial/residential scheme would, in principle, be consistent with the provisions of the NPPF and the emerging Local Plan.

The submitted scheme exhibits a number of elements, such as the need to obscure glaze some windows to primary living accommodation, which arise from the specific conditions found on this edge of centre site and result in a particular form of development which may not be acceptable in any other context, but is considered acceptable in this case because of the specific location of the site and the capacity of the scheme to accommodate the specific characteristics of the site whilst still achieving appropriate living conditions for both future and existing residents.

Whilst some concern exists in respect of the proposed arrangements for the collection of waste from the site, the absence of an arrangement with the Local Authority is not considered to constitute a robust reason for refusal. The applicant is advised however that should he be unable to secure an appropriate waste collection contractor, the role could not be filled by the Local Authority with the current layout.

The proposal attracts a requirement for a contribution towards the provision of affordable housing and the mitigation of recreational disturbance on designated sites. These provisions can be secured through a S106 Agreement.

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 of APPROVAL, subject to a S106 Agreement to secure the above requirements and appropriate conditions:

My Recommendation is Approval subject to S106 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: To ensure the provision of:

(i) an appropriate financial contribution towards the provision of affordable housing off-site,

(ii) an appropriate financial contribution towards the Recreational Disturbance Avoidance Mitigation Strategy (RAMS).

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 proposed development will be undertaken in accordance with the provisions of the Construction Environmental Management Plan prepared by Argent Developers Ltd dated 08.09.2020.

REASON: In order to limit the impact of development on users of the highway network and in the interests of the protection of the amenity of existing residents.
the site.

- 4 Prior to the commencement of development on the site, other than demolition, details of all energy and water efficiency and renewable energy measures to be incorporated into the construction of the building shall be submitted to and approved by the Local Planning Authority

REASON: In the interests of water and energy efficiency, in accordance with the provisions of Policy H17, RDG9 of the adopted Local Plan and Government guidance as contained in the National Planning Policy Framework.

- 5 No works except demolition shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- o Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.
- o Limiting discharge rates to 25l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change subject to agreement with the relevant third party. All relevant permissions to discharge from the site into any outfall should be demonstrated.
- o Rainwater reuse should be considered in line with the drainage hierarchy. If this is not proposed a written statement needs to be provided outlining why this is not proposed.
- o Final modelling and calculations for all areas of the drainage system.
- o Detailed engineering drawings of each component of the drainage scheme.
- o A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- o A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

REASON:

- o To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- o To ensure the effective operation of SuDS features over the lifetime of the development.
- o To provide mitigation of any environmental harm which may be caused to the local water environment
- o Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

- 6 Other than demolition, the development hereby permitted shall not be commenced until the following components of a scheme to deal with the risks associated with contamination of

the site shall have been submitted to and approved, in writing, by the local planning authority. Part 1 has already been submitted.

- 1) A preliminary risk assessment which has identified:
 - o all previous uses
 - o potential contaminants associated with those uses
 - o a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site

- 2) A site investigation, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

- 3) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (2). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

- 4) A Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in 3. This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean;

Any changes to these components require the express consent of the local planning authority. The scheme shall thereafter be implemented as approved.

REASON: In the interests of the amenity of future occupiers of the site.

- 7 Prior to first occupation of the development hereby approved, full details of all means of enclosure of the site, shall be submitted to and approved by the Local Planning Authority.

Such enclosure as is approved shall be installed prior to the first occupation of the development and thereafter permanently maintained as such.

REASON: In order to protect the privacy and amenity of adjoining residents in accordance with Policy EC2 of the adopted Local Plan.

- 8 Prior to first occupation, all first floor windows, located less than 9m from an opposing site boundary shall be -

- (i) obscure-glazed to at least level 3 on the Pilkington Scale (or such equivalent as may be agreed in writing with the local planning authority); and
 - (ii) non-opening, unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed and retained as such thereafter.

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

- 9 Prior to first occupation all second floor windows, located less than 15m from an opposing site boundary shall be -

- (i) obscure-glazed to at least level 3 on the Pilkington Scale (or such equivalent as may be agreed in writing with the local planning authority); and

(ii) non-opening, unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed and retained as such thereafter.

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

- 10 Any balcony/terrace provided in the western elevation of the development hereby approved shall be fitted with an obscure glazed screen to at least Level 3 on the Pilkington Scale and a minimum of 1.8m in height measured from the finished floor surface along its western edge.

Such screening of the balcony/terrace shall be provided prior to first use of the balcony/terrace and permanently retained as such thereafter.

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

- 11 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.

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

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

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

- 12 Prior to first occupation of the proposed residential units, a 1.8m high barrier which should consist of a solid unbroken material (i.e. obscured glass or obscured Perspex sheeting at least 6mm thick or interlocking timber panels at least 20mm thick) shall be erected along the whole of the eastern and western edges of the proposed first floor amenity area and thereafter shall be permanently maintained as such.

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

- 13 Prior to the first occupation of the development hereby permitted, the approved surface water drainage scheme shall be implemented on site.

REASON: To ensure the hard surface limits the potential for increased surface water runoff from the site

- 14 Prior to the first occupation of the development hereby approved a landscaping/tree planting scheme shall be submitted to and formally approved by the Local Planning Authority. Such a scheme shall include habitat provision and full details of all proposed planting, including species, size, density, methodology and the proposed times of planting and planting plans, written specifications, including cultivation and other operations associated with plant and grass establishment, schedules of plants, noting species, plant sizes and proposed numbers / densities.

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

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

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

REASON: In the interests of reducing the need to travel by car and promoting sustainable development. and transport in accordance with the provisions of the NPPF.

- 16 Prior to first occupation of the development, details of five additional cycle parking spaces to serve the needs of the occupiers of the office building shall be submitted to and approved by the Local planning Authority. Such approved spaces shall be secure, convenient, covered and provided prior to occupation and retained at all times.

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

- 17 The proposed car parking and cycle parking provision shall be available for use by residents or commercial occupiers of the proposed development prior to first occupation. Such provision shall thereafter be retained solely for the parking of vehicles and bicycles associated with residents and commercial users of the development and shall not be used for any other purpose without the express consent of the Local Planning Authority.

REASON: To ensure the provision of appropriate levels of on-site parking provision and to ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety, in accordance with Policies EC2 and T8 of the adopted Local Plan.

- 18 Prior to first occupation, details of the measures to be introduced to ensure that parking provision on the site is retained for the sole benefit of residents and occupiers of the proposed development shall be submitted to and approve by the Local Planning Authority.

Such measures as are approved shall thereafter be installed prior to first occupation and permanently retained as such thereafter.

REASON: In order to ensure the provision and retention of adequate parking provision to meet the needs of residents and users of the site.

- 19 Prior to the first occupation of the development hereby approved safe refuse storage facilities shall be provided on the site. Any facility provided shall be of sufficient size to accommodate:

6x 1100 litre bins - Refuse

6x 1100 litre bins - Pink Sacks (co-mingled paper, card, plastic and cans)

4x 240 litre bins - Glass

4x 240 litre bins - Food waste

and allow for the removal of bins independently.

Any bin storage area shall be served by a level access and where appropriate a dropped kerb crossing, to facilitate refuse collection.

REASON: In order to ensure the provision of adequate, safe and convenient refuse facilities in accordance with Policy EC2 of the adopted Local Plan.

- 20 Details of any external lighting of the proposed development shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development hereby approved.

REASON: To ensure the provision of an appropriate scheme of lighting, in the interests of the needs of users of the site, in accordance with Policy EC2 of the adopted Local Plan and the provisions of the National Planning Policy Framework

- 21 The approved development shall be built wholly in accordance with the materials identified within the submitted Design and Access Statement.

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

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

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

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

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

- 24 Any gates erected at the entrance of the site shall be set a minimum of 6m from the carriageway edge and shall open into the site.

REASON: To avoid the need for vehicles to wait on the highway whilst the gates are opened, in the interests of highway safety and traffic flow.

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

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

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

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

- 27 The eastern and western elevations of the proposed office building shall be retained as imperforate structures.

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

Informatives

1 Construction: Noise and Dust Control

All relevant precautions to minimise the potential for disturbance to neighbouring residents in terms of noise and dust during the development must be taken. Water suppression shall be employed for any stone or brick cutting and it is advisable to notify neighbours of any noisy works in advance.

Please be aware that the accepted times in the Borough for noisy works in terms of construction are:

Monday - Friday: 8am - 6pm

Saturday: 8am - 1pm

Sundays and bank holidays: no works

The site may be in operation outside of these hours. The above times relate to noisy works which will cause a disturbance to residents and businesses in the surrounding area.

The granting of planning permission does not indemnify against statutory nuisance action being taken should substantiated noise or dust complaints be received.

2. Contaminated land

Should the works unearth any contaminated land, such as what would be considered in an Environmental Investigation (Contamination) or asbestos containing materials careful consideration must be given to its handling and correct disposal. Waste transfer receipts must be obtained and kept.

3. Burning of trade waste

Under the Clean Air Act 1993 it is an offence to emit dark or black smoke or burn material that is likely to give rise to dark or black smoke on industrial and trade premises or burnt in connection with any industrial or trade process. If a bonfire is producing or likely to produce dark or black smoke by the burning of trade or commercial waste, then the persons responsible may be liable to fines of up to £20,000.

ITEM 3

Application Number:	20/0753/FUL
Address:	458 London Road Benfleet Essex SS7 1AW (Boyce Ward)
Description of Development:	Demolition of existing building and erection of three-storey building containing 10No. affordable housings units with car parking
Applicant:	R Ali
Case Officer	Mr Keith Zammit
Expiry Date:	08.03.2021

Summary

The application seeks permission for replacement of an existing single storey building located within the Green Belt with a three storey block of 10 flats. The accommodation proposed would be affordable housing for which there is a continuing demand and shortfall of provision.

The replacement building would have a materially greater impact than the existing building and result in substantial harm to the openness of the Green Belt due to the very strong contribution this site makes towards north/south Green Belt linkages and in maintaining the strategic gap between the urban areas at the bottom and top of the hill, which at its narrowest extent is approximately 450m wide.

The proposal therefore constitutes inappropriate development and would be contrary to national guidance set out in the National Planning Policy Framework (the Framework). Though pressing, in accordance with ministerial statements, the need for affordable housing is not considered to outweigh the harm to the Green Belt resulting from the proposal and therefore the very special circumstances necessary to approve the proposal do not exist. The application is therefore recommended for REFUSAL.

Site Visit

An organised site visit for members would not be appropriate during the current Covid-19 pandemic, but members may nonetheless wish to visit the site alone to appreciate the site in its context. Being located on a main road near to the council offices it is anticipated that members will be reasonably familiar with the location and setting.

Introduction

The site is located on the southern side of London Road, some 47m west of the junction with Glen Road.

The site is currently occupied by a single storey former dwelling which has been used as a restaurant/takeaway for in excess of fifty years and has a large hard surfaced open parking area with access directly off London Road.

The site has been extended in recent years as the parking area extends further south than it used to. Following queries raised with the applicant, they have shown that they have title to the land the subject of this application.

To the south and immediately to the west the site is bound by undeveloped land, which has a tree preservation order on it, TPO 28/2018, with a woodland designation. Further to the west is the Thundersley Christian Spiritualist Church. Beyond this is a scattering of dwellings set within large plots, which is typical of the type of plotland development found within the Borough.

To the west of Catherine Road, is a new development of flats at 396 – 408 London Road. The circumstances of this development are relevant to consideration of the current proposal and will be referred to in the evaluation of the current proposal.

To the north a single storey dwelling is located within the southern fringe of Coombe Wood, an ancient woodland, whilst to the east the site abuts the curtilage of a part two storey dwelling located on a large site fronting Glen Road.

Although the site is set near to the summit of Bread and Cheese Hill it is actually on fairly level ground.

The Proposal

This is a revised scheme for the residential redevelopment of the site for affordable housing use. Ten flats in total are proposed with 3 x 2No. bedroom units on the ground floor, 4 x 2No. bedroom units on the first floor and 2 x 1No. bedroom and 1 x 2No. bedroom in the dummy pitched roof.

The proposed materials are yellow brick with a red soldier course and white render. A slate roof is proposed, but it is not known at this stage whether this is a natural or synthetic slate.

Vehicular access would be provided to 10 car parking spaces at the rear of the building. Landscaped areas around the building are shown, laid to lawn punctuated with a few trees.

Supplementary Documentation

The application is accompanied by a supporting Design and Access statement which is available to view on the council's website.

Planning History

The site has significant history of refused planning applications related to the commercial use of the site, the majority of which attests to the location of the site within an area allocated for Green Belt purposes.

In December 2017 an application, hereafter referred to as 'the first application', to replace the existing building with a four storey building containing 14 apartments (17/0765/FUL) was refused for the following reasons:

- (a) The proposal represents inappropriate development in the Green Belt as defined by the National Planning Policy Framework. Such development will only be permitted if very special circumstances exist to justify its inappropriateness. It is not considered that any very special circumstances have been demonstrated to justify the proposed development, which would be detrimental to the openness, character and strategic function of this part of the Green Belt, contrary to National Planning Policy.
- (b) The proposed development, by virtue of its mass, height and proximity to the highway boundary would be provided with a poor setting and create an unduly dominant and oppressive feature in the street scene, at a point close to the crest of the hill and in an area characterised by small scale development and heavy vegetation, contrary to Policy EC2 and H17 RDG8 of the adopted Local Plan and Residential; Design guidance and Government advice as set out in the National Planning Policy Framework.
- (c) By virtue of the proximity of the proposed building to the front elevation and its overbearing height it is considered likely that the occupiers of the bungalow opposite would experience undue overlooking, loss of privacy and domination to the detriment of the amenity of the

occupiers of that dwelling, contrary to Policy EC2 and Policy H17 RDG5 of the adopted Local Plan and Residential Design Guidance and Government guidance in respect of the provision of high quality built environments, as set out in the National Planning Policy Framework.

- (d) By virtue of the inadequate provision of private amenity space within the scheme to serve the outdoor needs of future residents of the site, the proposal represents overdevelopment of the site contrary to Policy EC2 and H17 RDG6 of the adopted Local Plan and Residential Design Guidance and Government advice as set out in the National Planning Policy Framework.

In February 2019, an application for 11 flats, hereafter referred to as 'the second application' (18/0605/FUL) was presented to committee with a recommendation of refusal based on Green Belt grounds. However, the committee resolved to grant permission for the development subject to the provision of affordable housing.

In the months that followed the applicant was unable to show title to the entirety of the land needed to carry out the development, so the relevant legal agreement could not be completed and the planning application was eventually disposed of without the issuing of any permission.

The site the subject of the current application, to which the applicant can show title, is smaller than in the previous schemes.

Relevant Government Guidance and Local Plan Policies

National Planning Policy Framework (2019)

Sections 5, 9, 11, 12 and 13

Adopted Local Plan

EC2 - Design

EC13 - Protection of wildlife and their habitats

EC22 - Retention of trees, woodlands and hedgerows

H10 - Mix of development

H13 - Location of Development

H17 - Housing development – design and layout

T2 - Intensification of Access Use

T8 - Car parking

CF14 - Surface water disposal

Residential Design Guidance (2013)

RDG2 - Space around Dwellings

RDG3 - Building Lines

RDG5 - Privacy & Living Conditions

RDG6 - Amenity Space

RDG7 - Roof Development

RDG8 - Detailing

RDG10 - Enclosure & Boundary Treatment

RDG11 - Landscaping

RDG12 - Parking & Access

RDG13 - Refuse & Recycling Storage

Essex Parking Standards September 2009 (Adopted June 2010)

Technical housing standards – nationally described space standard

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

Emerging Local Plan (2019)

HO4 – Securing more affordable housing

DS1 – General design principles

TP5 – Highway impact

TP7 – Parking provision

NE5 – Ecologically sensitive and designated sites

CC3 – Non-tidal flood risk management

Consultation

Essex Police (Designing out crime) – Would like to see the applicant seek to achieve a Secured by Design accreditation.

Natural England – Development is within the scope of the Essex Coast Recreational Disturbance and Avoidance Mitigation Strategy.

Refuse and recycling – No objection

Environmental Health – Condition requested for contaminated land remediation and additional information about heating and ventilation systems.

Anglian Water – No objection to proposed wastewater flows. Advice of Lead Local Flood Authority or Internal Drainage Board should be sought in the relation to the surface water drainage.

Lead Local Flood Authority – A holding objection has been issued. The information provided does not allow the development to be assessed.

Highways – No comments received

Public Consultation

The following comments have been made:

- ☐ Lack of parking
- ☐ Creation of more traffic hazards/accidents
- ☐ Increased pressure on local infrastructure
- ☐ Out of keeping with the surrounding woodland area
- ☐ Green Belt land
- ☐ Loss of privacy to neighbours
- ☐ Insufficient amenity space

Comments on Consultation Responses

Heating and ventilation are adequately controlled by the building regulations so there is no reason to exercise additional planning control over these matters. A condition seeking further information about these features would duplicate other legislation, be unnecessary and therefore not satisfy the conditions requirements set out at paragraphs 55 and 56 of the Framework.

Other planning matters are considered in the following evaluation.

Evaluation of Proposal

Policy context

The Development Plan for Castle Point is the adopted Local Plan (1998). The Proposals Map associated with this document identifies the site as Green Belt.

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise (paragraph 47 of the Framework). The development plan is therefore the starting point for decision making. Development that accords with the Local Plan should be approved and proposals which conflict with the Plan should be refused, unless material considerations indicate otherwise.

The Framework sets out at paragraph 133 that the fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

Paragraph 143 of the Framework clearly states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved, except in 'very special circumstances'. In the light of this presumption against inappropriate development the first matter to determine is whether the proposal indeed represents inappropriate development.

Paragraph 145 of the Framework states that local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. However, it sets out a limited number of exceptions to this and the ones that may be potentially applicable to this development are as follows:

145f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites)

145g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would

- not have a greater impact on the openness of the Green Belt than the existing development; or
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

Paragraph 145(f) offers potential support for the application. However, it requires the council to have a local plan with an appropriate rural exceptions policy against which the proposal could be assessed. There is no such policy in the council's adopted local plan and no such policy in the emerging local plan.

Paragraph 145g) also offers potential support for the application. With regard to the first part of the criterion the existing building measures some 3.2m in height for much of its depth with its pitched roof rising to 5.6m whereas the proposed development is approximately 9.2m high with a dummy pitched roof. The proposed development has a significantly greater spatial footprint than the existing building and it would be substantially higher too.

The proposed development is set slightly deeper into the site than the existing building however it is not considered that the setback will mitigate the visual impact of the increased height of the building when viewed from London Road. The proposed building would also be clearly seen from surrounding residents living in Glen Road, as well as the neighbour opposite the site who is set very close to his front boundary. Accordingly, the proposal would have a greater material impact visually than the existing building resulting in a diminution of openness perceived by neighbours and passers-by and therefore cannot be considered as meeting the test set out in criterion one of paragraph 145g).

Criterion 2 of paragraph 145g) talks about substantial harm where the development would re-use previously developed land and meet an identified affordable housing need within the area of the local planning authority.

Before considering if the loss of openness identified above amounts to substantial harm the weight that can be ascribed to this loss needs to be considered in the context of the location of the site and how well this land serves the purposes of the Green Belt.

It should also be borne in mind that for a piece of land to contribute to and merit inclusion in the Green Belt it is not necessary to serve all of the five purposes set out at paragraph 134 of the NPPF. An area of land may only make a moderate or minor contribution towards some or all of the five purposes but be assessed as making a very strong contribution in one which justifies its inclusion or retention.

The council's Green Belt review undertaken in 2018 identified the application site and surrounding land as falling within what has been categorised as parcel 3b, and fulfilling three of the five purposes set out in the Framework.

The parcel is broadly rectangular in shape, its northern boundary follows the A13 whilst its eastern boundary runs along a woodland footpath. The southern boundary follows curtilages associated with properties on Southwell Road, Hill Road, Thundersley Park Road, Kale Road, Clarence Road North, Clarence Road and Felstead Close. The western boundary follows Kents Hill Road and the rear boundaries of properties in Downer Road. Comments relating to how well this parcel performs in respect of its Green Belt function are set out below.

Purpose 1 - To check unrestricted sprawl of large built up areas

The application site lies in a parcel which contains urban sprawl from both Thundersley and South Benfleet. Sprawl is present along most of the northern boundary, with sporadic housing contained within much of the east and south of the parcel, and housing at greater densities associated with roads cutting through the northern and southern boundaries, particularly in the north eastern portion. As such the parcel lacks a strongly defined edge between its boundary and the built up area.

Purpose 2 – To prevent neighbouring towns from merging into one another

The parcel comprises of the entire gap between South Benfleet and Thundersley. The wooded areas mean that there is limited visibility within the parcel and its development would lead to actual coalescence between these two urban areas. The parcel already contains low density residential development across the entire parcel, with the density increasing in the north east. Removing this parcel from the Green Belt could potentially result in a continuation of the densities of development in the north east, whilst also threatening the wooded areas which act to screen the development which already exists.

Purpose 3 – To assist in safeguarding the countryside from encroachment

The parcel contains a significant degree of residential development which, although sporadic, is present across the entirety of the parcel and is considered to be inappropriate development in the Green Belt. Although areas are wooded, the overriding character of this parcel is assessed as being semi-urban as there is no clear demarcation between the urban settlement and the parcel. It is noted that parts of the parcel are nonetheless undeveloped and help to form a corridor of countryside linking that to the north to the countryside to the south. This linkage is however fractured within this parcel which also has an impact on the degree of contribution this parcel makes to this Purpose.

Parcel Summary

The parcel contains a significant amount of ribbon development and other sporadic residential development emanating from South Benfleet and Thundersley. The level of sprawl which also equates to inappropriate development means that the parcel is assessed as moderately contributing to Purpose 1 and making a minor contribution to Purpose 3. It does however make a very strong contribution to Purpose 2 as it forms the entire strategic gap between these two urban areas, which at its narrowest extent is approximately 450m wide.

At the strategic level, this parcel also serves to provide a link from the north west of the borough to the Green Belt parcels within the central and southern areas of the borough. This is an important link as it also connects the Green Belt parcels within Castle Point with the wider Green Belt system in surrounding districts.

The harm arising from this proposal to the Green Belt therefore needs to be considered in light of its potential impact on the strategic linkages that this parcel provides.

The application site is located approximately 320m away from both the eastern and western boundaries of the Parcel. Even if the Parcel is considered to be an artificial construct there can be little dispute that the site is located approximately one third of the way down the hill between urban development at the top on the northern side of the A13 and Rhoda Road North, where the urban fringe commences at the bottom of the hill. The land on the northern side of the A13 is largely wooded and has been assessed as making either a strong or very strong contribution to the Green Belt.

Given the location of the site relative to the gap between the urban areas to its east and west, and the important function this land serves at a strategic level in providing a link from the north west of the borough to Green Belt areas within the central and southern areas of the borough, and that this important link also connects areas of Green Belt within Castle Point with the wider Green Belt system in surrounding authorities, it is considered that any redevelopment of this site having a materially greater impact on openness than the existing building is likely to result in substantial harm.

Consequently, in the view of officers this proposal would not meet the first part of the second criterion of paragraph 145(g) and accordingly the proposal amounts to inappropriate development in the Green Belt. Notwithstanding this assessment the other parts of this criterion will also be considered.

Currently the site is occupied by a building with the remainder being set out with a large area of hard standing. The car park is considered to constitute a fixed surface infrastructure so there can be little doubt that the whole of the site amounts to previously developed land.

The application is for 100% affordable housing and therefore on the face of it would meet the requirements of this part of the exemption. However, it is also important to consider the tenure and type of affordable housing being proposed. Were this to be shared ownership or discounted market sales housing then the development would have to be advertised on the open market and it would not be possible for the council to influence who would occupy the units. Even if there was some interest by Castle Point residents in buying the proposed units, they would still have to satisfy a financial assessment undertaken by the registered provider (RP).

It is therefore important that the tenure of the affordable housing being offered is for social or affordable rent so that the council can have nomination rights for the occupiers and ensure that in the first instance the accommodation is offered for residents from Castle Point or people who

have connections with the area. The borough solicitor advises that it is not a normal feature for nomination rights to be included in a section 106 agreement but if the planning application is predicated on the basis that it will be supplying 100% affordable housing then this is something that could be included. Given the requirements of the second criterion of paragraph 145 of the Framework this approach is both reasonable and necessary.

The applicant has accordingly been asked to confirm in writing that the proposal is for affordable housing for rent in accordance with the definition set out in Annex 2: of the Framework. At the time of preparing this report no such confirmation has been received.

Turning to the type of the housing being offered the proposal is for 2No. one bed and 8No. two bed units. The addendum to the South Essex Strategic housing market assessment for Castle Point sets out the following different types of housing required over the lifetime of the New Local Plan (2018-2033).

	1 bed	2 beds	3 beds	4+ beds
Households	6%	22%	43%	29%

It can be seen that the demand for 1 bed properties is very small compared to other types of accommodation. This is supported by data provided by the council's Housing Department which shows that of the 427 households in the highest level of priority preference currently on its general needs register only 21 households (4.9%) in the highest banding require 1 bed units. Of this unmet demand 9 are for wheelchair access throughout where the average waiting time is 36 months compared to 12 months for non-accessible housing. Unfortunately, the proposal is not directed at accessibility needs, which takes longer, and is more difficult, to satisfy. Nonetheless, there remains a residual demand for 1 bed non accessible units within Castle Point.

Data from the council's Housing Department also confirms that there is a current need for 2 bed units which has a 32 month average waiting time for the highest level of priority preference. Unfortunately, with the exception of the unit on the second floor all the second bedrooms are single person bedrooms. It should be noted that the housing department has advised that two double bedrooms offering 4 person accommodation represents the greatest level of need rather than two bedroomed 3 person accommodation.

In terms of the type of affordable housing accommodation being proposed, it is concluded that although it addresses an identified need it nevertheless does not address the most pressing affordable housing need within Castle Point.

In the interests of clarity, it is perhaps worth pointing out at this juncture that affordable housing does not include temporary accommodation for homeless people, which the recently completed council scheme at Hatley Gardens provides.

In support of this scheme the applicant has drawn officers' attention to the development at 396-408 London Road to the west of the site as a design precedent.

It is the applicant's view that the development proposed shares the same characteristics of that under construction at 396 – 408 London Road and that as such a precedent for the development of the proposal site has been created.

This is a rather simplistic view which fails to acknowledge the specific circumstances of the site at 396 – 408 London Road.

In 2012, the council undertook work to identify housing sites to meet the requirements of then paragraph 47 (now paragraph 67) of the Framework to have a five-year housing land supply. It was clear from a review of the Strategic Housing Land Availability Assessment (SHLAA) that there was insufficient land within the existing urban area (non-Green Belt) to accommodate any significant increase in the provision of housing. At April 2012, the SHLAA identified a capacity of just 392 deliverable homes from the urban area compared to a requirement for at least 1,000 homes, plus an additional 20% allowance to provide flexibility in the supply.

In order to ensure a five-year housing land supply, the council undertook an exercise to identify additional sites for housing. Due to the Green Belt in Castle Point being tightly drawn around the existing urban area consideration was given to the appropriateness of bringing forward sites within the Green Belt to meet housing needs.

The site at 396–408 London Road, and land to the south, was located within the central corridor of Green Belt which, as already discussed, passes north-south through the district. However, the western edge of this corridor where this site was located had been seriously compromised, both functionally and visually, by the use of and intensive development that had taken place on it. As such it was concluded that the Green Belt boundary could be adjusted around the site without impairing the strategic function of the Green Belt.

The remainder of the central corridor was evaluated to determine the potential for additional releases but no other sites, and this includes the current application site, were considered suitable for release because of the adverse consequences for the strategic function of this feature. The site of 396–408 London Road now falls within one of the council's strategic housing allocation sites (HO10) in the council's emerging New Local Plan. This represents an important material difference between the site and the application proposal.

The development at 396-408 London Road does not therefore provide a precedent for the development of the proposal site and no weight can be attached to that previously approved development in the consideration of the current proposal.

Green Belt Conclusion

It has been assessed that the proposal would have a greater impact on the openness of the Green Belt than the existing development on the site and would result in substantial harm to the openness of the Green Belt by virtue of the damage it would do to the strategic function of the north-south corridor of Green Belt of land it sits within. The proposal therefore represents inappropriate development in the Green Belt and should not be approved unless there are very special circumstances.

Government guidance, ministerial statements, recent appeal decisions and court judgements make it clear however that circumstances and material considerations may, either in isolation or combination, provide the very special circumstances which outweigh the harm to the Green Belt and justify the release of land for development purposes.

There can be no denial of the fact that there is a shortage of available housing land within the district and that the development of this site would make a small contribution to the satisfaction of this housing need. This carries some weight in favour of the proposal. However, it should be noted that the council's New Local Plan has identified land for 5,284 new homes, and this exceeds its objectively assessed housing needs by 154 homes. The plan's examination in public is to take place very shortly and this is also a material consideration.

The need for affordable housing is also an important material consideration and notwithstanding the proposed delivery of new homes and New Local Plan policy requirements for affordable

housing contributions from allocated sites this need will not be met in full. However, government guidance as set out in the written ministerial statement of January 2014 clearly states that unmet need, whether for traveller sites or for conventional housing, is unlikely to outweigh harm to the green belt and other harm to constitute the “very special circumstances” justifying inappropriate development in the green belt.

Given the strategic importance of this part of the Green Belt it is not considered that the test for very special circumstances has been met, particularly as the type of affordable housing being offered is not directed to where the need is greatest.

In terms of biodiversity and environmental matters, the proposal identifies net gains by remediating the section of land that has been contaminated by a previous use. However, this represents a limited opportunity for the enhancement of the biodiversity on the site and is not considered to amount to a very special circumstance.

In terms of economic growth, the proposal would generate no greater economic benefit than the development of any other site in the district. Very special circumstances based on economic need cannot, in isolation, be identified.

In conclusion, none of the considerations identified by the applicant, individually or in combination, are considered to be particularly special and so significant that they amount to the very special circumstances that would outweigh the harm that would be caused by this development to the Green Belt.

Notwithstanding the Green Belt objection to this proposal, it is considered appropriate to give detailed consideration to the design and layout of the proposed development and other matters which the planning authority considers to be material in order to provide the applicant with a comprehensive assessment of the proposal.

Design

Policy EC2 of the adopted Local Plan seeks a high standard of design in all new buildings. In particular, the scale, density, siting, design, layout and external materials of any development should be appropriate to its setting and should not harm the character of its surroundings. This is consistent with paragraph 127 of the Framework.

The first scheme submitted on this site (17/0765/FUL) was felt, by reason of its mass, height and proximity to the highway boundary, to be provided with a poor setting and create an unduly dominant and oppressive feature in the street scene, at a point close to the crest of the hill and in an area characterised by small scale development and heavy vegetation.

The second scheme (18/0605/FUL) set the building back 12.5m from the highway boundary and reduced its height to approximately 9.2m. This was a significant improvement on the first scheme, which was set back 3.8m from the highway boundary and had a height of 13.4m. These changes were felt to alleviate the excessive mass and height of the proposed building in the second scheme compared to the first scheme, and also its excessive prominence from being so close to the highway boundary.

The current scheme is 8.2m from the highway boundary, which is midway between the two previous schemes i.e. moving closer to the highway again. Although this is a retrograde step it is acknowledged that the shape of the site has changed due to the applicant not being able to show title to all the land needed to carry out the previous scheme, and the building would not be so close to the highway as to constitute an unduly prominent feature.

The elevational design of the building is appropriate for the location and were this site not in the Green Belt there would be no reason to refuse it on visual grounds.

Impact on neighbours

RDG3 of the council's Residential Design Guidance seeks to prevent proposals from causing undue overshadowing or dominance to adjacent buildings. RDG5 seeks to prevent overlooking, by providing a minimum distance of 9m between windows or balconies at first floor level and the boundary of the site, increasing to 15m for windows or balconies at second floor level.

This guidance is considered to be consistent with paragraph 126 of the Framework.

The first scheme was felt to cause undue dominance to the bungalow on the opposite side of London Road and would also have led to overlooking of that dwelling due to its proximity to the front boundary of the site, even though guideline distances for overlooking are not normally applied across roads.

The second scheme was set 12.5m from the front boundary of the site. This was not compliant with the council's design guidance for a three storey development, however, it was an improvement on the first scheme and after taking into account the additional space provided by the road it was not felt that the property opposite would be unduly overlooked by the proposal.

The current scheme is set closer to the highway but as the road and its footways provide some 12m of additional space it is still not considered that the property opposite would suffer undue overlooking or dominance.

Other properties are set far enough away not to be significantly affected in terms of dominance.

The guideline distance of 15m from the rear aspect of the building to the rear boundary is met.

The upper floors of the building have been designed with only secondary windows in the side elevations which could be conditioned as obscure glazed or high level as appropriate were planning permission granted. Subject to such conditions there is no further objection to the proposal on the basis of overlooking.

There is therefore no objection to the proposal based on neighbour impact.

Amenity space provision

RDG6 of the council's Residential Design Guidance requires the provision of appropriate amounts of outdoor amenity space in proportion to the size of the dwelling. For flats, at least 8m² of communal amenity space provision per habitable room, with a minimum of 25m² per flat, is expected.

The provision of balconies can be included in these figures, provided they are at least 1.5m deep and have a floor area of at least 5m².

The scheme would provide 10 flats which would suggest communal amenity space provision of at least 250m² is appropriate. The area in front of the building is approximately 180m² and is proposed to be landscaped. A further area of 70m² is shown at the rear, making 250m². Spaces between the building and the highway are not normally considered suitable for sitting out due to the overlooking of the amenity space from the highway that would likely occur. In this instance, however, the space involved is a substantial space and can be screened from the road by

landscaping such as a hedge. Subject to a suitable landscaping condition the development is considered to make adequate provision for outdoor amenity space, and there is no objection to the proposal on this basis.

It should also be noted that the upper-floor flats would have balconies in accordance with design guidance to augment the provision made for them communally.

Car Parking

Policy T8 of the Local Plan requires the provision of parking in accordance with adopted standards. The currently adopted standards are the 2009 County Parking Standards which require the provision of one space for one-bedroomed properties and two spaces for properties with two or more bedrooms. Parking spaces should have dimensions of 2.9m by 5.5m. Unallocated visitor parking should be provided at a rate of 0.25 spaces per dwelling, rounded up to the nearest whole space. Application of the minimum parking standard for this development is considered to be in line with paragraphs 105 and 106 of the Framework.

End spaces adjacent to walls or fences should be provided with an additional 1m of width to allow for extra manoeuvrability. Spaces parallel with the kerb line should have a length of 6m.

Application of the parking standards to this development generates a requirement of:

10 x 2 bed flats = 20 spaces

Visitors $0.25 \times 10 = 2.5 = 3$ spaces

Total 23 spaces

The proposed parking layout has 10 spaces which equates to one space per flat and no visitor parking. This is a fairly low level of parking provision. However, the adopted parking standards allow for relaxation of the vehicle standard where there is development in an urban area that has good links to sustainable transport. Although the area is located in the Green Belt the road itself is also located a major public transport corridor. A parking provision on a 100% basis, i.e. one space per flat is therefore considered acceptable in this instance, though any less provision would be unacceptable given the site's distance from shops and services. Such an application of the parking standards is also consistent with council practice.

The car park layout complies with the dimensional criteria in the adopted parking standards. The exception to this is the end spaces do not have the additional 1m of width to allow for increased manoeuvrability. They do however provide some additional space, approximately 0.5m, and the distance between parking bays is a little deeper than necessary. It is not considered that an objection to the proposal on the basis of a lack of manoeuvrability within the site would be supported on appeal.

In terms of cycle parking, one space per flat for residents plus one space per eight dwellings for visitors should be provided, which results in a requirement for 12 cycle spaces. The ground floor cycle store does not demonstrate that storage would be provided for 12 cycles. Were permission granted, however, this matter could be the subject of a condition so would not represent a reason for refusal.

Ecology

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

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 Framework, particularly in respect of paragraph 174. In respect of Policy EC13 it is considered more expedient to consider the proposal in the context of paragraph 175 of the Framework.

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 has no ecological designation but is within the zones of influence associated with the Benfleet and Southend Marshes and the Blackwater estuary. Natural England has commented that permission should not be granted until such time as a Habitats Regulations Assessment (HRA) to secure any necessary mitigation has been undertaken.

The proposal is for residential development and as a consequence could result in increased recreational pressure on protected habitats to the detriment of the wildlife thereon.

Standing advice provided by Natural England identifies that where a proposal seeks to provide fewer 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.

The council has now adopted the Recreational disturbance Avoidance and Mitigation Strategy (RAMS) for the Essex Coast which identifies the necessary measures to avoid and mitigate likely significant effects from recreational disturbance in combination with other plans and projects.

The applicant has agreed to such a contribution and were this proposal to be approved this can be secured through the imposition of a S106 obligation.

A Bat Survey has not been submitted in support of the application, where one was with the last application. The previous survey undertaken nonetheless revealed no bat activity associated with the building and low levels of activity on the wider site although heavier use of the adjacent woodland areas was identified. This reflects the nature of the site and adjoining land. There is no reason for objection to the proposal on the basis of its impact on the bat population as the existing building is not used by them.

There are no bodies of water on or adjoining the site, thus the proposal is considered unlikely to have an adverse impact on amphibians and voles and the absence of suitable habitat precludes the presence of reptiles on the site.

No evidence of badger setts has been identified on the site.

Drainage and Flood Risk

Whilst the flood risk from seas and rivers is low the flood risk from surface water is high. Policy CF14 of the adopted Local Plan requires appropriate surface water management to form a part of any proposal.

Anglian Water has given no comment on the surface water drainage aspect of the proposal and suggested that the planning authority defers to the Lead Local Flood Authority (LLFA).

The LLFA has issued a holding objection to the proposal based on a lack of information. As this scheme is recommended for refusal, this has not been considered further. If members decide to grant planning permission, a condition will be needed to cover the submission, approval and implementation of a suitable surface water drainage system. This approach is in line with the previous application.

Other matters

Many other points of objection have been raised by contributors to this proposal (both local to the site and further afield).

It is not intended to comment on every single point raised, but one objection that is raised frequently is that the existing facilities – schools, doctors *et cetera* – in the area are overstretched and that the further provision of housing will exacerbate current difficulties. Whilst officers acknowledge this viewpoint it is not a position that is generally supported by service providers. Public perception of infrastructure deficiency cannot therefore provide a robust reason for refusal.

The impact on the highway network has also been raised as a concern, but the highway authority has not objected to the impact of the proposed flats or the vehicular access on safety or traffic flows. Although the highway authority has not provided comment on this specific proposal, it did not raise an objection to earlier schemes which were for greater numbers of flats.

Were permission for the development to be granted, a section 106 agreement will be required in respect of the affordable housing and RAMs financial contribution and conditions would need to be imposed covering the following matters:

1. Construction method statement
2. Production and submission of remediation method statement, indicating where remediation is required, how the remediation is to be achieved and how implemented remedial measures are to be validated.
3. Surface water management strategy
4. Details of materials
5. Details of boundary treatments
6. Details of landscaping (not to include conifer hedge to site frontage)
7. Provision and retention of parking
8. Provision and retention of electric vehicle charge points
9. Provision and retention of cycle parking
10. Obscure glazing to east facing first and second floor windows (unnecessary on west elevation due to adjacent woodland)
11. Vehicular access to be capable of supporting 32 tonne vehicle (for refuse collection)
12. Provision and retention of communal refuse and recycling store
13. Residential Travel Information Packs
14. Lighting strategy

It is necessary for the first three matters to be attached to any grant of permission in the form of pre-commencement conditions which, since 1st October 2018, require the written agreement of the developer prior to planning permission being granted. If such written agreement is not forthcoming, permission would need to be refused on the basis that the implementation of the development without these conditions could lead to unacceptable impacts on the highway from construction activity, unacceptable risks to construction workers and future residents from contamination, and a potential unacceptable increase in the risk of surface water flooding from the development.

Conclusion and planning balance

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

- (iv) approving proposals that accord with an up-to-date development plan without delay; or
- (v) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁷, granting permission unless:
 - i. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁶; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

The council's development plan is not up-to-date. Footnote 7 of the Framework explains that, for applications involving the provision of housing, policies most important for determining the application will be out-of-date where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites; or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.

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

The application site is within the Green Belt which is an area or asset of particular importance (as listed at footnote 6 of the Framework). The policies within the Framework that seek to protect the Green Belt have been applied to this proposal with the result that the proposal has been found to represent inappropriate development.

Whilst the provision of affordable housing by this proposal is a material consideration, the type of accommodation being offered, though satisfying an existing demand, does not address the most pressing affordable housing need within Castle Point. As such the provision of affordable housing is only given limited weight. No other factors, individually or in combination with the affordable housing, have been identified which might amount to the very special circumstances to justify approving the proposal and therefore the Framework unequivocally advocates refusal of planning permission in this situation.

It is therefore recommended that the application be refused.

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

My Recommendation is Refusal for the following reasons

- 1 The proposal is situated within an area of Green Belt as delineated within the Council's Adopted Local Plan where inappropriate development is only permitted in very special circumstances. The development, by reason of its height, mass and footprint, would have a greater impact on the openness of the Green Belt than the existing development and result in substantial harm to openness, to the detriment of the strategic function of this part of the Green

Belt. The proposed affordable housing provision does not overcome the harm to the Green Belt, and in accordance with Ministerial Statements is not considered to constitute a very special circumstance. No other factors, either individually or in combination with the proposed affordable housing have been identified which might outweigh the harm resulting from the proposal and the application is therefore contrary to government Green Belt guidance as set out in the National Planning Policy Framework.

Informatives

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