



## DEVELOPMENT MANAGEMENT COMMITTEE

TUESDAY, 19 MARCH 2024

**PRESENT:** Councillors K Bowker (Chair), P Greig (Vice-Chair), A Acott, G Howlett, R Lillis, C Sach, R Savage, T Skipp, J Thornton and G Watson.

**SUBSTITUTE MEMBERS PRESENT:** None.

**CANVEY ISLAND TOWN COUNCIL:** None.

**ALSO PRESENT:** Councillors M Dearson, M Fuller, T Gibson, D Jones, J Knott and A Thornton.

**OFFICERS PRESENT:** S Garner, S Worthington, D Bland, J Whitby and K Zammit.

**APOLOGIES:** None.

### 41. MEMBERS' INTERESTS

None were declared.

### 42. PUBLIC SPEAKERS

Ms A Harbinson  
Mr M Wood  
Mr A Green

### 43. 22/0484/FUL – LAND AT BROOK FARM, DAWS HEATH ROAD, HADLEIGH

The Committee considered an application for the construction of 173 dwellings including public open space, landscaping, access, drainage, parking, servicing, utilities and all associated infrastructure and ancillary buildings.

It was noted that a Members' planning site visit had been undertaken for this application.

It was emphasised that although the scheme would result in a number of benefits, detailed analysis had failed to establish that these constituted the very special circumstances needed to outweigh any potential harm to the Green Belt.

During debate, concerns were raised about provision of affordable housing for larger families; however, it was stressed that the split of affordable homes proposed was broadly in line with the housing needs assessment and would release 69 affordable homes ranging from 1-bed to 4-bed properties.

It was also emphasised, in response to concerns raised in respect of potential surface water issues on site, that an extensive surface water drainage scheme was proposed as part of the application, which sought to retain existing ditches on site; the latter could be conditioned as part of any planning approval. Furthermore, the Lead Local Flood Authority had not objected to the application.

Responding to concerns relating to badger setts on the site, officers advised that Essex Badger Patrol had been consulted on the proposals and had objected on the grounds of displacement of badgers. However, Natural England and Essex Wildlife Trust had not raised objections to the proposals and were satisfied that the proposed measures would adequately mitigate disruption to badgers on site.

In response to concern raised relating to potential contamination from asbestos and polycyclic hydrocarbons and associated health risks, officers emphasised that an appropriate remediation strategy could be secured by condition.

Members observed that the development proposed was of high quality; however the proposed provision of open space as part of the application did not improve the function of the Green Belt and didn't constitute very special circumstances to outweigh the harm to this part of the Green Belt.

Members further emphasised that Anglian Water had advised of the need for an appropriate drainage strategy for the site to deal with surface water disposal; with the ponds and ditches on site there must already be degree of surface water run off.

Further concern was raised about some of the plots abutting plot boundaries and of close boarded fencing being proposed on the northern boundary of the site. In addition, concern was expressed about the potential loss of horse stabling facilities arising from this proposal.

Members emphasised that the fact that the proposal would assist in meeting the borough's need for affordable housing did not constitute very special circumstances that outweighed the potential harm to the Green Belt. In addition, particular reference was made to the proximity of the application site to the boundary with Eastwood/Leigh on Sea; the proposal had the potential to result in urban sprawl.

Cllr K Bowker moved a motion, seconded by Cllr P Greig, that the application be refused for the reason set out in the report and this was unanimously approved.

### **Resolved**

That the application be refused for the following reason:-

The proposal represents inappropriate development in the Green Belt, as defined by the National Planning Policy Framework 2023. 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 which either in isolation or in combination carry sufficient weight to outweigh the harm to this part of the Green Belt. The proposed development is therefore contrary to Government advice, as contained in the National Planning Policy Framework.

Informative

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 reasons 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.

**44. 23/0560/FUL – 179-195 CHURCH ROAD, THUNDERSLEY**

The Committee considered an application to demolish existing buildings and erect a four storey building containing 44 flats with associated undercroft parking and amenity spaces.

Officers advised that this was a revised application that was considered to have overcome previous reasons for refusal.

Officers drew attention to the fact that a complaint had been received from a resident claiming that the officer's report had not been published on the Council website within the statutory deadline. However, the report was published on the Council's Committee Management Information System (CMIS) on 11 March and was available for the public to access from that date, which was in compliance with legal requirements.

During debate concern was expressed that some of the proposed parking spaces blocked other spaces. Officers confirmed that some tandem parking spaces were proposed as part of the application; however, a condition was suggested requiring that a parking allocation plan be submitted. It was for individual occupants of the flats to determine how they used their parking spaces.

In response to concern as to whether there was adequate parking provision for undercroft parking for electric vehicles, officers advised that the application met the Council's current parking standards; there was no standard in place for undercroft parking.

Officers advised, in response to a Member concern about the surface water strategy for the site, that a condition was proposed requiring the applicant to submit a surface water management scheme.

During debate, although some Members raised concerns about the level of car parking proposed and the design of the proposed flats, Members made reference to the need for smaller dwellings. The proposal would provide a mix of 1, 2 and 3-bed dwellings, which would be more affordable than 3 to 5-bed houses. Although the number of parking spaces proposed did not comply with the Council's parking standards, the Council had already set a precedent of providing one space per flat on other schemes, with no visitor spaces.

Cllr K Bowker moved a motion, seconded by Cllr P Greig, that the application be approved, subject to the conditions and informatives set out in the report, and this was approved on a show of hands.

## Resolved

That planning permission be granted, subject to the applicant entering into an agreement under Section 106 of the Town and Country Planning Act 1990 to secure the following:

- A contribution of £4,859.56 for recreational disturbance mitigation, indexed from grant of planning permission.
- A contribution of £19,600 for improvements to local healthcare facilities, indexed from 01/01/2022.

and the following conditions:

- (1) The development hereby permitted shall be begun on or before the expiration of three years beginning with the date of this permission.
- (2) This permission shall be read in conjunction with the Agreement entered into under Section 106 of the Town and Country Planning Act, dated contemporaneously with the permission.
- (3) The development hereby permitted shall be carried out in accordance with the approved plans listed on this decision notice.
- (4) No development shall take place, including any ground works or demolition, until a Demolition and Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period and shall provide for:
  - i. the parking of vehicles of site operatives and visitors
  - ii. loading and unloading of plant and materials
  - iii. storage of plant and materials used in constructing the development
  - iv. wheel and underbody washing facilities
- (5) Prior to construction of the development above foundation level, 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, shall be submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:
  - Limiting discharge rates to 1 l/s for all storm events up to and including the 1 in 100 year plus 45% allowance for climate change storm event. All relevant permissions to discharge from the site into any outfall should be demonstrated.
  - Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 45% climate change event.

- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 45% climate change critical storm event.
- Final modelling and calculations for all areas of the drainage system, including the 1-year return period.
- The inclusion of water butts as the site is situated within the NRoch\_005 Critical Drainage Area.
- The appropriate level of treatment for all run off leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Due to the sites previous use and the possibility of contamination, it may be necessary to line the SuDS features with an impermeable membrane, unless remedial actions are undertaken during earthwork processes.
- Detailed engineering drawings of each component of the drainage scheme, including the green roof, permeable paving, and rainwater planters.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- Consideration of the use of a linear drain/filter strip at the north entrance to the car parking area to provide treatment at this location.
- An updated drainage strategy incorporating all of the above bullet points including matters already approved and highlighting any changes to the previously approved strategy.

The scheme shall subsequently be implemented prior to occupation.

- (6) Prior to 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, shall be 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. The maintenance plan must make reference to sweeping permeable paving after Autumn leaf fall.
- (7) The applicant or any successor in title shall 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.
- (8) Any unforeseen ground contamination encountered during development, to include demolition, shall be notified to the local planning authority as soon as is practicable. Unless otherwise agreed in writing by the local planning authority as unnecessary, an appropriate ground investigation and/or remediation strategy shall be submitted to and approved in writing by the local planning authority and the approved strategy shall be implemented in full prior to further

works on site. Following remediation and prior to the occupation of any building, a completion/verification report, confirming the remediation has been carried out in accordance with the approved details, shall be submitted to and approved in writing by the local planning authority.

- (9) Prior to commencement of the development level of the approved building above foundation level, details of all materials to be used on the external surfaces shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- (10) The design and structure of the development shall be of such a standard that it will protect residents within it from existing external noise so that they are not exposed to levels indoors of more than 35 dB LAeq 16 hours daytime and of more than 30 dB LAeq 8 hours in bedrooms at night.
- (11) Prior to first occupation of the development, a landscaping scheme shall be submitted to and approved in writing by the local planning authority. Such a scheme shall include planting plans, written specifications, including cultivation and other operations associated with plant and grass establishment, schedules of plants, noting species, plant sizes and proposed numbers/densities. The scheme shall include areas at ground floor level as well as green roofs and the roof garden. Any landscaping within the roof garden should be designed in such a way as to avoid overlooking of neighbouring properties.

All landscaping works forming part of the approved scheme shall be carried out in accordance with the approved scheme within one year of first occupation of the development.

Any tree or shrub contained within the approved landscaping scheme dying or becoming damaged, diseased or uprooted within 5 years of the development being occupied shall be replaced by a tree or shrub of a similar size and species, or such other species as may be agreed in writing with the local planning authority.

- (12) Full details of any proposed screening to the proposed roof garden shall first be submitted to and approved in writing by the local planning authority. Any screening within the roof garden should be designed in such a way as to avoid overlooking of neighbouring properties.

Development shall thereafter be carried out in accordance with the approved details. The approved roof garden screening shall be installed prior to first occupation of the development and retained thereafter unless otherwise agreed in writing with the local planning authority.

- (13) Access to the green roofs shall be restricted to personnel carrying out maintenance and repairs only. They shall not be accessed or used by individuals for any other purpose without the written consent of the local planning authority.

- (14) The vehicle access from Manor Road shall be constructed in a manner suitable to accommodate the weight and turning manoeuvres of a 32 tonne refuse vehicle.
- (15) Prior to occupation, details of the privacy screens indicated on the submitted plans shall be submitted to and approved in writing by the local planning authority.
- The development shall be carried out in accordance with the approved details and the privacy screening retained permanently thereafter.
- (16) Prior to occupation, any windows serving flats 5, 21 and 35, including roof lights and those serving dormers, in the northern elevation of the development 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.
- (17) The windows and doors looking out onto internal balconies marked on the approved plans with stars shall be substantially glazed with clear glass..
- (18) Notwithstanding any details on the approved plans, full details of the proposed opaque balcony enclosures shall first be submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details. The approved balcony enclosures shall be installed prior to first occupation of the development and retained unless otherwise agreed in writing with the local planning authority.
- (19) Prior to first occupation of the development and as shown in principle on planning drawing 689 04 Rev C, the vehicle parking areas shall be hard surfaced, sealed and marked out in parking bays. The parking areas and associated turning areas shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development.
- (20) Prior to occupation of the approved development, a parking allocation plan which allocates every flat a specific parking space, making the provision for all flats to be allocated at least one parking space, with 3-bedroom flats to be allocated at least two spaces and the remaining spaces allocated to 2-bedroom flats, shall be submitted to and approved in writing by the local planning authority. The parking allocation plan shall be retained in the agreed for at all times thereafter.
- (21) Prior to occupation, a scheme for the provision of electric vehicle charge points shall be submitted to and approved in writing by the local planning authority, with reference to accurately scaled plans. Any scheme shall endeavour to

provide every flat with access to an electric vehicle charging point. The approved scheme shall be implemented and any charge points made operational prior to first occupation of the development. Thereafter the system shall be maintained in accordance with any manufacturer's recommendations.

- (22) Prior to first occupation of the development, and as shown in principle on planning drawing 689 03 Rev C, the vehicle accesses shall be constructed at right angles to the highway boundary and to the existing carriageway and shall be provided as follows:
- i. The existing access to the entry/exit for the undercroft parking on Church Road shall be altered and realigned and shall be 5.5 metres wide at its junction with the highway.
  - ii. The proposed accesses for the 3 visitor parking spaces on Church Road and Manor Road shall each be no more than 8.7 metres at their junction with the highway.

Each access shall be provided with an appropriate dropped kerb vehicular crossing of the footway.

- (23) No unbound material shall be used in the surface treatment of the vehicular accesses within 6 metres of the highway boundary.
- (24) Prior to first occupation of the development all other redundant vehicle accesses adjacent to the site boundary on Church Road shall be suitably and permanently closed incorporating the reinstatement to full height of the highway footway and kerbing.
- (25) Prior to first occupation of the development, the cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and retained at all times.
- (26) Prior to first occupation of the development, the developer shall be responsible for the provision, implementation and distribution 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. These packs (including tickets) are to be provided by the Developer to each dwelling free of charge.
- (27) The approved refuse storage facility shall be provided prior to first occupation of the development and thereafter retained for its approved purpose.

### Informatives

- (1) The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application and negotiating acceptable amendments to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for a revised scheme, in accordance with the presumption



in favour of sustainable development, as set out within the National Planning Policy Framework.

- (2) Essex Police Designing Out Crime Office would raise the following points for consideration to ensure the creation of an environment that mitigates against the opportunity for crime.
- Inspection of the provided material indicates that there is potential for unauthorised intrusion into private space on the proposed development. We would welcome the opportunity to clarify some points relating to the design and layout with the applicant. Protecting and serving Essex.
  - Lighting - this plays a pivotal role in deterring criminal activity but also promotes a feeling of safety within that space. When applied and designed correctly, lighting can reduce the potential for crime. Essex Police recommend that detailed lighting plans are incorporated within the design, to comply with BS5489-1 2020. We request the opportunity to study the development's lighting plan once it has been prepared.
  - Electric vehicle charging points (EVCP) - It is assumed that EVCP will be installed; what mitigation is planned to secure these EVCP's from unauthorised use? Will they be IT enabled? If so, it is recommended that the EVCP are certificated to British Standard's Institute Kitemark for the Internet of Things (IoT) Devices.
  - We would welcome the opportunity to discuss the intended physical security for the dwellings and how the applicant intends to secure the development to keep future users safe whilst also preventing against crime and anti-social behaviour.

Essex Police would be keen to work with the developer to mitigate these risks by employing the principles of CPTED using Secured by Design (SBD) as an enabler. SBD is the national official police security initiative that works to improve the security of buildings and their immediate surroundings to provide a safe and secure environment to help reduce the opportunities for crime and minimise the fear of crime, as referenced in the NPPF, 'Promoting Healthy and Safe Communities'.

As part of process, Essex Police would insist on utilising applicable security standards across all components of the proposal wherever appropriate. We would welcome the opportunity to consult with the applicant to provide a safe and secure environment for this development and would invite them to contact us via [designingoutcrime@essex.police.uk](mailto:designingoutcrime@essex.police.uk).

- (3) The LLFA strongly recommends looking at the Essex Green Infrastructure Strategy to ensure that the proposals are implementing multifunctional green/blue features effectively. The link can be found below.  
<https://www.essex.gov.uk/protecting-environment>

Please note that the Environment Agency updated the peak rainfall climate change allowances on 10 May 2022. Planning applications with outline

approval are not required to adjust an already approved climate change allowance; however, wherever possible, in cases that do not have a finalised drainage strategy, please endeavour to use the updated climate change figures Flood risk assessments: climate change allowances - GOV.UK ([www.gov.uk](http://www.gov.uk)).

Please note that where discharge is to a public sewer, consent from the relevant authority will be required. The link can be found below.

<https://www.anglianwater.co.uk/developing/drainage-services/sustainable-drainage-systems/>

(4)

1. Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.
2. Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.
3. Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.
4. The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.
5. Headroom requirements at the entrance to parking courts should be a minimum of 2.1m when a fire tender access is not required. The proposed parking court entrance must be appropriately signed.
  - Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the carriageway.
  - The applicant should be made aware of the potential relocation of the utility apparatus in the highway; any relocation shall be fully at the applicant's expense.
  - The requirements above shall be imposed by way of negative planning condition or planning obligation with associated legal framework as appropriate.

- \*All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.
- The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org).

**45. 24/0030/VAR – FIRST HADLEIGH, 35 LONDON ROAD, BENFLEET**

The Committee considered an application for the variation of condition 3 (car parking spaces) of permission CPT/268/02/FUL to alter the parking layout.

The application sought to provide the same number of parking facilities as approved in the previous application but with a larger size and an amended layout that was more suitable for modern vehicle sizes.

It was noted that 15 late representations were received from local residents, fourteen of which raised objections and one of which supported the application. As a result of the matters raised in these late representations there was no amendment to the officer recommendation to approve the application.

During debate of the application Members observed that allocating the proposed area for staff parking only with increased bay sizes should assist in preventing buses parking close to the rear boundaries of properties in Arcadian Gardens. It would, in addition, be possible for the Council to enforce this restriction.

Cllr K Bowker moved a motion, seconded by Cllr P Greig, that the application be approved subject to the conditions and informative set out in the report, and this was unanimously approved.

**Resolved**

That the application be approved, subject to the following conditions:

- (1) The development hereby permitted shall be begun on or before the expiration of five years beginning with the date of this permission, the effective date of which is 6 November 2002.
- (2) The existing tanks to the east of the existing buildings shall be removed within 3 months of the installation of the new diesel tank and the area from which they are removed shall be surfaced, in a manner to be agreed in writing with Castle Point Borough Council, prior to the installation of the new tank, and shall be marked out and permanently retained for the purposes of staff car parking. Such parking provision to be available for use within 3 months of the date of the installation of the new tank.
- (3) The 17 car parking spaces adjacent to the northern boundary of the site hereby approved shall, within three months of the date of this permission, be marked out as shown on approved plan 1290-001, maintained and retained permanently, solely for the use of staff and visitor parking. These parking spaces are to be used for no other purpose whatsoever without the prior formal

consent of the Local Planning Authority and shall not be used for the parking of buses.

- (4) The existing acoustic barrier along the northern boundary of the site, as marked in position A-B on the original consent, shall be permanently retained and appropriately maintained in order to ensure that the residents of the adjoining properties are not unduly adversely affected by the proper use of the car parking area.

Informative

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

The meeting closed at 8.45 pm.

Chair -----

Date -----