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**Andrew Grant**  
**Interim Chief Executive**

## **AGENDA**

**Committee: DEVELOPMENT MANAGEMENT**

**Date and Time: Tuesday 5<sup>th</sup> April 2022 at 7.00pm**

**Venue: Council Chamber, Council Offices**

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

**Membership: Councillors Skipp (Chairman), Acott, Anderson, Blackwell, Fortt, Fuller, Gibson, S. Mumford, J. Thornton and Walter.**

**Substitutes: Councillors Dixon, Savage, A. Thornton, Tucker and Withers.**

**Canvey Island Town Councillors: Greig and Sach**

**Officers attending: Mrs Kim Fisher-Bright – Strategic Developments Officer  
Miss Genny Middlemast - Planning and Enforcement 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 1<sup>st</sup> February 2022 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.	21/1090/FULCLO	Tewkes Creek, Dovervelt Road, Canvey Island, Essex, SS8 8EJ (Canvey Island Winter Gardens Ward)	1
2.	21/0688/FUL	Walsingham House, Lionel Road, Canvey Island, Essex, SS8 9DE (Canvey Island Central Ward)	8

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**DEVELOPMENT MANAGEMENT COMMITTEE**

**TUESDAY 1<sup>ST</sup> FEBRUARY 2022**

**PRESENT:** Councillors Blackwell (Chairman), Acott, Anderson, Fortt, Fuller, S. Mumford and J Thornton.

**Substitute Members Present:** Savage and A. Thornton

**Canvey Island Town Council:** Councillor Sach.

**Also Present:** Councillor Tucker also attended.

**Apologies:** Apologies for absence were received from Councillors Skipp, Gibson and Walter. Canvey Island Town Councillor Greig also gave his apologies.

**15. APPOINTMENT OF CHAIRMAN**

Due to apologies for absence being received from the Chairman, Councillor Skipp, the Committee appointed another Member to chair the meeting. It was moved, seconded and voted on as follows:

**Resolved Unanimously** – That Councillor Blackwell be appointed Chairman for the meeting.

**16. MEMBERS' INTERESTS**

Councillor Acott declared a Non-Pecuniary Interest in Agenda Item No. 5 (1) as he was also a Canvey Island Town Councillor and the Town Council had previously discussed this project and might have a future interest in the site.

Councillor Anderson declared a Non-Pecuniary Interest in Agenda Item No. 5(1) as he was a member of the Canvey Island Big Local Committee and had been involved in the project set out in the application and would withdraw from the Chamber during the discussion.

Councillor Blackwell declared a Non-Pecuniary Interest in Agenda Item No. (5) 1 as he was also a Canvey Island Town Councillor and the Town Council had previously discussed this project and might have a future interest in the site.

**17. MINUTES**

The Minutes of the meeting held on 7 December 2021 were taken as read and signed as a correct record.

**18. DEPOSITED PLANS**

**21/0877/FULCLO - THE GUNNY PARK, LAND OFF CEDAR ROAD, CANVEY ISLAND, ESSEX, SS8 9HH - (CANVEY ISLAND CENTRAL WARD) - CREATION OF ENHANCED PUBLIC SPACE INCLUDING A COMMUNITY BUILDING, ENHANCED WALKWAYS, PLANTING AREAS AND GYM/PLAY EQUIPMENT – CANVEY ISLAND BIG LOCAL**

(Councillor Anderson left the Chamber during consideration of this item).

The proposal sought consent to enhance an area of existing public space known as The Gunny Park by providing a community building and structures, enhanced walkways, planting and landscaped areas and gym/play equipment. The proposal also included the provision of solar panels and battery storage units for the community building.

Part of the site was listed as a Scheduled Monument. The proposal was considered to respect the historic nature of the site and be broadly consistent with national and local policies. The proposal was therefore recommended for approval.

The case was presented to the Committee because the Council was the landowner.

Councillor Sach stated that the Canvey Island Town Council were supportive of this application.

Following the presentation Members took opportunity to ask questions of the Planning Officer. In response it was explained that safety concerns surrounding the siting of battery storage units would be considered under relevant health and safety regulations, Big Local had carried out a wider public consultation that had received more responses than the statutory public consultation. A comprehensive lighting scheme was proposed, this would provide several lighting columns within the car park and along the footpath which led to the proposed community building. These would be on light sensors and would only be in operation during the night. The report suggested conditions which would limit the luminous level of the lights and any light overspill to neighbouring properties.

During debate Members expressed their support for the proposal and comparison was made with the excellent Trustlinks facility in Thundersley. It was stated that something similar on Canvey Island would be welcomed and that the proposal represented an opportunity to enhance the heritage of the area for the benefit of the local community.

Following debate on the recommendation a vote was taken and it was:

**Resolved Unanimously** – That the planning application be approved subject to the conditions set out on pages 17 to 20 of the Planning Officer's report.

**19. 21/0813/FUL – HOBSON AND SONS LTD, KENNETH ROAD, BENFLEET ESSEX, SS7 3AF (CEDAR HALL WARD) – DEMOLITION OF EXISTING BUILDING AND ERECTION OF 30 RESIDENTIAL APARTMENTS, LANDSCAPING AND ASSOCIATED ACCESS AND PARKING ARRANGEMENTS – SAVANNAH PROPERTY INVESTMENTS LTD**

The application sought the redevelopment of a previously developed site with 30 apartments. It was considered to be an acceptable proposal which would help address the shortfall in the Council's housing supply and was therefore recommended for approval.

The application was presented to the Committee due to the need for a Section 106 agreement for various financial contributions to mitigate its impact on local services, as well as to ensure that the site made an appropriate affordable housing contribution by providing three apartments as First Homes.

The Planning Officer reported that should planning permission be granted an additional condition to those set out in the report was proposed to ensure the development would be constructed at an appropriate height relative to neighbours.

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

Following the presentation Members took the opportunity to ask questions of the Planning Officer. In response it was confirmed that it had been concluded that there was no unacceptable overlooking arising from the development. Attenuated storage for surface water was proposed with attenuated discharge to the surface water sewer at 1 litre per second, the precise details of the drainage scheme would be covered by a condition on the grant of any planning permission. A landscaping scheme had been submitted with the application and it was expected that the number of trees planted on the site would not decrease. Essex County Council was the body responsible for parking standards in relation to planning applications. There were no proposals to move the bus stop in Kenneth Road.

In response to questions regarding affordable housing, it was explained that a 40% provision within this scheme, as set out in the emerging Local Plan, was not achievable due to the government's 'Vacant Building Credit Scheme' however under the National Planning Policy Framework (NPPF) a minimum of 10% of the total number of homes on a major development should be made available for affordable home ownership and therefore three homes were proposed in this development. The First Homes Scheme was a new type of housing product which provided a route to affordable home ownership as homes were sold at a discount of 30% below market value. This was the preferred option as it enabled a direct transaction between occupier and developer. Other schemes such as shared ownership or social rented housing would require a Registered Social Landlord to take on a leasehold property which could expose them to additional costs imposed by the freeholder.

Following questions Members debated the application.

During debate Members raised concern that parking provision on site was not adequate, particularly for visitors. The Planning Officer advised that the NPPF stated that where areas had a shortage of housing supply planning permission must

be granted to developments unless the disbenefits of a scheme significantly and demonstrably outweighed the advantages. The site benefited from being located at a junction of several bus routes serving nearby towns as well as Benfleet and Rayleigh railway stations. This was a site with good links to sustainable transport so a reduced level of parking provision of one space per flat with no visitor parking was appropriate and a refusal based on a lack of parking would not be supported on appeal. A parking provision on the basis of one space per flat would also be wholly consistent with Council practice in recent years for flatted developments.

Following debate on the recommendation a vote was taken and it was:

**Resolved** – That the application be approved subject to the applicant entering into a S106 Agreement to secure the provision of three onsite affordable housing units and financial contributions towards primary education, library services, Recreational Disturbance Avoidance Mitigation Strategy and GP provision and the conditions as set out in the Planning Officer's report on pages 34 to 38 including the additional condition to ensure the development was constructed at an appropriate height relative to neighbours.

Chairman

## ITEM 1

<b>Application Number:</b>	<b>21/1090/FULCLO</b>
<b>Address:</b>	<b>Tewkes Creek, Dovervelt Road, Canvey Island, Essex SS8 8EJ (Canvey Island Winter Gardens Ward)</b>
<b>Description of Development:</b>	<b>Installation of lighting columns and LED lighting to light rugby training pitch</b>
<b>Applicant:</b>	<b>Canvey Island RFC</b>
<b>Case Officer:</b>	<b>Miss Genny Middlemast</b>
<b>Expiry Date:</b>	<b>07.04.2022</b>

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### Summary

The application seeks permission for the installation of lighting columns and LED lighting to provide suitable floodlighting for the rugby training pitch at Canvey Island Rugby Football Club in accordance with the minimum luminance requirements of the Rugby Football Union.

The proposal would not constitute inappropriate development in the Green Belt and is recommended for APPROVAL.

The application is presented to the committee because the council is the landowner.

### Site Visit

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

### Introduction

The application has been submitted to replace the five previous floodlights within a playing field that were used by the Canvey Island Rugby Football Club but removed last year following a structural assessment, undertaken at the request of the operational services team, which found the floodlights to be unsafe.

The site is located to the west of Kellington Road, to the east of Central Wall Road and to the north of Dovervelt Road. Tewkes Creek is located to the north.

There are a variety of mature and immature trees planted along the southern perimeter of the playing field forming a boundary between the grassed highway verge and the playing field. The northern boundary of the field is adjacent to Tewkes Creek. The eastern boundary is marked by a grassed earth bund and Kellington Road. The western boundary is marked by a line of hedgerows and a pumping station.

Within the site edged blue to the east is a children's nurse building and sports club house served by a hard surfaced car park with vehicular access onto Dovervelt Road. Apart from a few picnic benches and the rugby posts the land is otherwise open and available for use by the public as recreation land.

### The Proposal

The application is for the erection of four galvanised lighting columns measuring 15m high providing sufficient luminance to maintain a level of 100 lux on the rugby pitch. The floodlights mounted to the columns are specifically designed to fulfil the requirements of sports lighting where

low light pollution is essential and feature an asymmetrical reflector which produces a full flow of light over the required area.

The application form states that the rugby pitch is used Monday to Friday between the hours of 17:30 to 21:30 and between 14:00 to 17:00 hours on Saturdays.

It is proposed that the lighting would be controlled by way of an automatic 7 day 24 hour timer to prevent human error, which will be set to the agreed times.

### **Supplementary Documentation**

The application is accompanied by lighting details, light spill drawings, lighting design, product sheet and a technical report which are available to view on the council's website.

### **Planning History**

No relevant planning history.

### **Relevant Government Guidance and Local Plan Policies**

The land is allocated as greenbelt and public open space in the adopted and emerging local plans. The following policies are of relevance:

National Planning Policy Framework (2021)

Local Plan (1998):

EC2 – Design

EC3 – Residential amenity

EC4 – Control of pollution

EC13 – Protection of wildlife and their habitats

RE5 – Public Open Space

New Local Plan (NLP, 2019):

DS1 – Design

HS3 – Opportunities for Outdoor Recreation

HS7 – Open spaces, allotment gardens and playing fields associated with educational uses

NE5 – Ecologically Sensitive and Designated Sites

NE6 – Protecting and enhancing the landscape and landscape features

NE7 – Pollution control

### **Consultation**

#### Legal Services

No observations

#### Environmental Health

No objections, makes the following comments:

*External artificial lighting at the development shall not exceed lux levels of vertical illumination at neighbouring premises that are recommended by 'The Institute of Lighting Engineers: Guidance Notes for The Reduction of Light Pollution, 2000.' Lighting should be minimised, and glare and sky glow should be prevented by correctly using, locating, aiming and shielding luminaires, in accordance with the Guidance Notes.*



## **Public Consultation**

No representations received in response to site notices and neighbour notification.

## **Evaluation of Proposal**

The starting point for determining a planning application is the National Planning Policy Framework (NPPF) and those saved policies within the council's Adopted Local Plan (1998), alongside supporting policy documents and SPDs.

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.

Following public consultation on a series of main modifications to the plan, the council received the Inspector's final report on 3rd March 2022. This concludes that the duty to co-operate has been met and with the main modifications suggested by the council the New Local Plan is sound, satisfying the requirements referred to in Section 20(5)(a) of the Planning and Compulsory Purchase Act 2004.

Accordingly, the council is now giving policies contained within the plan substantial weight when determining planning applications.

The site is identified as public open space and located within the Green Belt in both the adopted and emerging Local Plans and situated near to residential property.

The main considerations with this application are therefore the impact of the floodlights on openness, whether they constitute inappropriate development, and their impact on occupiers of the residential properties nearby.

## ***Principle and Greenbelt***

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 sets out that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise (paragraph 2 of the NPPF).

Chapter 13 of the National Planning Policy Framework (NPPF) entitled Protecting Green Belt Land attaches great importance to Green Belts and keeping the land permanently open.

Paragraph 137 of the NPPF states that the essential characteristics of Green Belts are their openness and permanence.

Paragraph 138 of the NPPF sets out the five purposes of Green Belt:

- a) "To check the unrestricted sprawl of large built-up areas;*
- b) To prevent neighbouring towns merging into on another;*
- c) To assist in safeguarding the countryside from encroachment;*
- d) To preserve the setting and special character of historic towns; and*
- e) To assist in urban regeneration, by encouraging the recycling of derelict and other urban land."*

Paragraph 145 of the NPPF details that once Green Belts have been defined, local planning authorities should plan to positively enhance their beneficial use, such as looking for opportunities to provide outdoor sport and recreation.

Paragraph 147 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 148 goes on to state that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Paragraph 149 states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt.

Under this paragraph the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments is not considered inappropriate development provided the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

The proposal seeks to secure permission for the provision of four lighting columns, one placed at each corner of the rugby pitch, located centrally within the field. The poles would have a height of 15m with a maximum height of 15.6m including the lamps. Each pole would have a maximum diameter of 0.8m and would be sat on a square base measuring 1.7m x 1.7m. Each pole will support two lamps that will be positioned to focus on the pitch.

The lighting columns, for the purposes of the application of Green Belt policy, should be treated as being new buildings, and as such they would amount to inappropriate development. However, paragraph 149 sets out an exception to this where development is for the provision of appropriate facilities in connection with an existing use of land for outdoor sport, provided those facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

As the application site is currently used for outdoor sport and the lighting columns are to further outdoor sporting participation, the application fulfils the first part of this requirement.

Turning to the impact of the columns on openness, they have a slim profile so would have a very limited impact, but nonetheless still erode the undeveloped character and nature of the site. However, it should be remembered that until very recently five lighting columns of a similar height existed along the Dovervelt frontage, these lightning columns were only removed because they were deemed to be dangerous. Given these circumstances it is considered that the proposed columns should be treated as being replacement lighting, not new lighting.

Regard also needs to be given to paragraph 145 of the NPPF, which encourages planning authorities to positively enhance the beneficial use of Green Belts by providing opportunities for outdoor sport. Reinstating and improving the lighting facilities at the playing field will encourage the use of the playing field, which aligns with the aims of paragraph 98 of the NPPF, to deliver access to high quality open spaces and opportunities for sport and physical activity.

The proposal would also be consistent with Policy HS7 of the emerging Local Plan, which permits limited minor scale ancillary development on playing fields where the development will increase opportunity for public recreational use or improve the recreational quality of the space.

## **Design and Layout**

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

Policy DS1 of the new local plan seeks to strengthen and reinforce the content of Policy EC2.

The lighting columns and floodlights are not of any architectural merit but appropriate in terms of scale and design for their context and intended use.

The provision of four lighting columns is less than the five previously provided and are no more in number than what is required to fulfil their purpose. The scheme is therefore considered to improve upon the existing situation.

## **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 NE5 of the new local plan reinforces the spirit of Policy EC13 taking into account more recent government guidance.

The NPPF makes it clear that decision makers should minimise impacts on biodiversity where possible, contributing to the Government's commitment to promote a sustainable pattern of development.

The site is not identified as being of any wildlife interest and given the proposed limited hours of use at night would be unlikely to have any adverse impact on bats or other wildlife.

## **Impact on local residents**

Policy EC3 of the Adopted Local Plan is concerned with residential amenity. It states that development proposals which would have a significant adverse effect upon the residential amenity of the surrounding area by reason of traffic, noise, fumes, light or other forms of disturbance will be refused.

Policy NE7 of the emerging Local Plan further emphasises the importance of not causing a significant adverse effect upon the environment, health of new and existing residents or the surrounding residential amenity by reason of pollution to land, air or water or as a result of any form of disturbance including but not limited to noise, light, odour, heat, dust and vibrations.

Paragraph 185 (c) of the National Planning Policy Framework states planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

The proposed installation of lighting has the potential to be a source of light pollution to nearby properties.

The applicant has identified the luminance of the lamps and the periods during which they are to be operational and has provided a luminance levels simulation plan, a floodlight specification datasheet and technical report summarising this data.

From the information provided, the maximum brightness experienced on the pitch surface itself would be no greater than 100 lux with this quickly reducing within a short distance of the pitch boundaries.

The floodlights have been designed so that they are mounted horizontally which will result in low vertical overspill and a good uniformity on the playing field. Additionally, rear floodlight shields, front cowls and specific positioning of masts have been used to reduce the impact and minimise overspill on the surrounding areas.

Some minor light spill across land outside of the rugby pitch itself is anticipated, however, none extends as far as the neighbouring residential properties, thus no direct impact is expected.

The nearest dwelling is located in excess of 30m from the pitch. At this distance, it is considered unlikely that any objection based on loss of amenity to adjoining residents by reason of light nuisance could be supported.

The lighting scheme has been examined in detail by the Council's Environmental Health Officer who considers that adherence to the submitted scheme will result in an acceptable impact.

Furthermore, it should be noted that all design calculations have been undertaken using an open unobstructed site and therefore the values of overspill will be further reduced by the existing mature trees on the site.

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

Paragraph 174e) of the National Planning Policy Framework states decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to unacceptable levels of noise pollution. In doing so new development should avoid noise giving rise to significant adverse impacts on health and the quality of life.

The playing field is already allocated as an area of public open space in the adopted and emerging local plans. The proposal would therefore not introduce levels of noise and disturbance into the area over and above that already existing. Given the playing field has previously been used after dark the proposal would not extend any existing disturbance generated by activity on the playing field later into the evening. On this basis no objections are raised.

## **Conclusion**

The application proposes the installation of lighting columns and flood lights to a rugby training pitch. The proposed development satisfies all relevant national and local planning policies and guidance and would positively enhance the beneficial use of this Green Belt site by extending opportunities for outdoor sport in accordance with paragraph 145 of the NPPF. It is therefore recommended that the application be approved.

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

My **RECOMMENDATION** is **Approval** subject to the following conditions:

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

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

- 2 The development hereby permitted shall be carried out in accordance with the approved plans listed on this decision notice.

REASON: For the avoidance of doubt and in order to achieve satisfactory development of the site.

- 3 The development hereby permitted shall be completed and maintained in accordance with the submitted lighting strategy, dated 25-11-2021, from which there shall be no departure without the prior formal consent of the Local Planning Authority.

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

- 4 The proposed floodlighting shall not be operated beyond 21:30 on any day, without the prior formal consent of the Planning Authority.

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

### **Informatives**

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

## ITEM 2

<b>Application Number:</b>	<b>21/0688/FUL</b>
<b>Address:</b>	<b>Walsingham House, Lionel Road, Canvey Island, Essex SS8 9DE (Canvey Island Central Ward)</b>
<b>Description of Development:</b>	<b>Proposed demolition of existing buildings and out-buildings, proposed 9 dwellings, 7 new cross-overs and new road forming Phase 1 of the development</b>
<b>Applicant:</b>	<b>SJT Developments Ltd</b>
<b>Case Officer:</b>	<b>Mrs. K. Fisher-Bright</b>
<b>Expiry Date:</b>	<b>14.06.2022</b>

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### Summary

The application seeks planning permission, for the erection of nine dwellings and associated works and access road, on a brownfield site in the urban area, which is allocated for School and Worship purposes in the adopted Local Plan and residential purposes in the submitted Local Plan.

Government guidance as set out in the NPPF, is clear that where opportunities exist to provide housing on sustainable sites which are allocated for development purposes, (not necessarily residential development purposes), planning permission should not be unreasonably withheld.

Detailed consideration has been given to the proposal in the context of national legislation, Government guidance, the adopted policies and guidance set out in the adopted Local Plan, the policy and provisions of the merging Local Plan and the comments received in response to consultation, and for the reasons set out in the following report, subject to appropriate conditions, the provision of residential development is considered appropriate on this site.

The applicant has already made the appropriate RAMS contribution.

The proposal seeks to achieve 9 residential units on the site. Such provision is below the threshold for the attraction of any contribution towards the provision of affordable housing and no contribution is therefore provided within the context of the current application.

The applicant has acknowledged however that Phase 2 of the development will be required to meet the affordable housing need generated by the development of the whole of the Walsingham House site and that the affordable housing calculations undertaken within the proposal for the development of Phase 2 will need to include the housing product of Phase 1.

### Site Visit

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

### The Site

The application site extends to some 0.4ha and comprises an irregularly shaped area of land having a frontage width of some 68m, increasing to some 89m at the rear and a maximum depth of some 95m.

The application site sits within a wider area of land within the control or ownership of the applicant which extends to some 1.008ha and comprises an irregularly shaped area of land having a maximum width of some 110m and a maximum depth at its eastern edge of some 122m, reducing to some 18m on its western edge. This larger site currently benefits from outline consent for 32 units.

The site is located on the northern side of Lionel Road, opposite the junction with Convent Road and is occupied by a large two storey building formerly known as Walsingham House, which was most recently used as a Youth Retreat Centre by the Brentwood Diocese. This use ceased at the end of 2017 when the operation was moved to more accessible and suitable facilities elsewhere in Essex. Since vacation the site has been targeted by vandals and is now in a derelict state.

Topographically, the wider site exhibits a 'valley' formation running east-west through the site with ground levels rising to the north and south. This valley broadly coincides with the location of a 750mm surface water sewer which crosses the site (Anglian Water Asset). An undeveloped easement area will be retained along the line of the pipe. It is proposed to divert part of the sewer to secure this.

Primary access to the wider site is to be provided from Lionel Road, on the southern boundary of the site.

The site is abutted to the south and east by residential development fronting Lionel Road and Stuart Close. A large, detached dwelling is located adjacent to the western frontage, beyond which lies further private residential frontage development and the playing field attached to the adjoining junior school.

The character of the surrounding area is primarily that of residential development in a suburban setting.

## **The Proposal**

Planning permission is sought for Phase 1 of a two-phase scheme which will eventually provide up to 42 dwellings. Phase 2 which will provide 20 houses and 13 flats is the subject of an extant planning application.

Phase 1, the subject of the current application, seeks to secure planning permission for three pairs of four bedroomed, semi-detached houses and three detached four bedroomed houses each with an integral garage, together with a new access road and a parking area comprising 16 car parking spaces which is intended to serve development within the second phase of the development of the allocated site but is provided within the current scheme to achieve logistical efficiency.

The proposal includes the closure of the existing site access, provision of a new access located slightly to the east and the partial diversion of an existing surface water sewer pipe.

It should be noted that whilst the application site forms part of a wider phased development Phase 1 must be considered on its own merits.

## **Supplementary Documentation**

The submitted application was accompanied by the following documents, all of which may be viewed on the Council's website.

- Flood Risk Assessment
- Flood Response Plan
- Sequential Test
- Sustainability Report
- Sustainable Drainage Report
- Material specification
- Ecological Report

- Badger Mitigation Report
- Tree Survey

## **Relevant Planning History**

CAN/120/69: Erection of new convent building for 14 Nuns. Approved 11.11.1969

CAN/362/70: Extension to Convent. Approved 05.01.1971

CPT/327/81: Porch and store buildings. Approved 14.04.1981

CPT/238/94: Change of use to Youth Retreat. Approved 08.06.1994.

The youth retreat has been the subject of several proposals for extensions, none of which are of relevance to the current proposal.

CPT/798/06/FUL Consent granted for a 2m high boundary fence (metal railing) and front gates. This consent is of relevance as condition 2 requires that no trees are removed from the front boundary of the site. This has possible implications for the redevelopment of the site. This aspect of the proposal will be discussed in the evaluation.

17/0964/OUT Outline consent for 32 dwellings, granted on the 22<sup>nd</sup> of July 2017, subject to the applicant entering a S106 agreement to secure affordable housing, an appropriate Recreational Disturbance Mitigation (RAMS) contribution and the management and maintenance of any proposed open space for recreational and ecological use.

## **Relevant Government Guidance and Local Plan Policies**

The 1998 Local Plan is currently the adopted Local Plan for Castle Point. This identifies that the site is allocated for Green Belt purposes.

The following policies and guidance are of relevance:

### National Policy Planning Framework (2021)

#### Introduction and achieving sustainable development

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

#### Decision making

Paragraphs 47, 49, 50, 54.

#### Delivering a sufficient supply of homes

Paragraphs 61.

#### Promoting healthy and safe communities

Paragraphs 92, 93, 98, 100.

#### Promoting sustainable transport

Paragraphs 107, 108, 110.

#### Making effective use of land

Paragraphs 119, 120,

#### Achieving well designed places

Paragraphs 126, 130.



Meeting the challenge of climate change, flooding and coastal change  
Paragraphs 154, 162-165, 167.

Conserving and enhancing the natural environment  
Paragraphs 174, 180, 183, 184, 186.

#### Adopted Local Plan

EC2: Design  
EC3: Residential Amenity  
EC4: Pollution  
EC13: Protection of Wildlife and their Habitats  
EC14 Creation of new Wildlife Habitats  
EC22 Retention of Trees Woodlands and Hedgerows  
H9 New Housing Densities  
H10 Mix of Development  
T8: Car Parking Standards  
CF1: Social and Physical Infrastructure and New Developments  
CF14: Surface Water Disposal.

#### The Submitted (New) Local Plan (SLP)

The Planning Authority has recently received confirmation from the Inspectorate that subject to main modifications, the submitted Local Plan has been found legally compliant and sound.

This Plan identified the wider site of Walsingham House to be suitable for development for residential purposes under Policy HO27.

This carries substantial weight in the determination of any application.

Policies within the SLP 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  
HO27 Walsingham House, Off Lionel Road  
HS1 Strategy for Healthy Communities  
HS3 Opportunities for Outdoor recreation  
TP5 Highway Impacts  
TP6 Safe and Sustainable Access  
TP7 Parking Provision  
TP8 Access for Servicing  
DS1 General Design Principles  
DS2 Landscaping  
CC1 Responding to Climate Change  
CC3 Non-Tidal Risk Management  
CC4 Sustainable Buildings  
NE4 Local Wildlife Sites  
NE5 Ecologically Sensitive and Designated Sites  
NE10 Ensuring Capacity at Water Recycling Centres

#### Residential Design Guidance

RDG1 Plot Size  
RDG2 Space around Dwellings  
RDG3 Building Lines

RDG4	Corner Plots
RDG5	Privacy and Amenity
RDG6	Amenity Space
RDG7	Roof Development
RDG8	Detailing
RDG9	Energy and Water Efficiency and Renewable Energy
RDG10	Enclosure and Boundary Treatment
RDG12	Parking and Access
RDG13	Refuse and Recycling Storage

#### Other relevant Documents

- Essex Planning Officers Association Vehicle Parking Standards – C3 (August 2009)
- Addendum to the South Essex Strategic Housing Market Assessment (2017)
- Addendum to the South Essex Strategic Housing Market Assessment (2020)
- South Essex Economic Needs Assessment (2017)

### **Consultation Responses**

#### CPBC Environmental Health Officer

No response received

#### CPBC Street Scene/Recycling

No response received

#### Canvey Island Town Council

Objects to the proposal on the following grounds:

- Cramped development
- Lionel Road inadequate to accommodate development
- Concerned for potential conflict with service vehicles serving Town Centre
- Adverse significant impact to the surrounding infrastructure
- Increased flood risk
- Want reassurance from Anglian Water that drainage infrastructure is adequate

#### Anglian Water

Anglian Water (AW) has stated that it does not wish to make any comment on this application.

It may be noted however that the application site forms part of Local Plan allocation HO27. In responding to the allocation of the site for the provision of up to 32 dwellings AW raised no objection on the basis of drainage capacity but confirmed the presence of AW infrastructure within the site which would need to be accommodated within any proposed layout. This has been achieved in the current proposal.

#### Environment Agency

No objection subject to conditions

#### Lead Local Flood Authority

Whilst initially raising a holding objection, revisions to the proposed drainage scheme has led to that objection being removed.

#### Highway Authority

No objection subject to conditions.

#### Essex County Council – Education

No contribution requested for current limited proposal

## ECC Fire and Rescue

No objection

## National Health Service

No response.

## **Public Consultation**

### Responses to neighbour notification, press and site notices

5 letters of objection have been received in respect of the proposed development, raising the following concerns:

- increased traffic levels
- poor condition of Lionel Road
- surface water flooding
- existing inconsiderate parking
- Loss of trees
- Layout is not energy efficient
- Access should be from the north

## **Comments on Consultation Responses**

It should be noted that comments and objections have been received from the school and other parties concerning development within Phase 2 – such comments and objections are not relevant to consideration of the current proposal.

No account may be taken of current inconsiderate parking practices experienced by residents of Lionel Road. Nor should it be assumed that future occupiers of the proposed development will exhibit such behaviour.

With regard to the comment that access should be from the north – the site does not abut Vaagen Road to the north. Achievement of access from the north is not therefore possible.

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

## **Evaluation of Proposal**

Outline consent for the development the wider site with up to 32 dwellings was approved in July 2017. The principle of the acceptability of the use of the site for residential purposes has therefore been established. There has been no change in the planning policy framework over the intervening period which would warrant reconsideration of that principle.

The proposal represents the redevelopment of an underutilised, previously developed site within the urban area which is identified as being suitable for residential development in the Submitted Local Plan (SLP).

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

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 and semi-detached 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 125 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 125 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, considering 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. The development would integrate successfully with the character and appearance of the surrounding area and would not prejudice the later development of adjoining land. 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 62 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.

In preparing the SLP, work was undertaken within the context of the Addendum to the South Essex Strategic Housing Market Assessment (SHMA) for Castle Point (2020) to review the need for different house sizes and types to meet the changing needs of the Borough's population. This Addendum concluded that there will be demand from a range of different household types, although demand will be particularly strong from families with children and people of retirement age. This means that there is a strong demand, for 3 or 4-bedroomed properties, reflecting the need of growing families. It is important that these homes are provided as they will help to attract more professional and working aged people to live in the area. This is particularly important for business growth and sustaining public services, such as healthcare.

The Addendum identifies the potential demand for different housing types and sizes as follows:

Type of Accommodation required				
		Houses	Bungalows	Flats
		68%	25%	7%
Size of Accommodation required				
	1 bed	2 bed	3 bed	4+ bed
	6%	22%	43%	29%

The proposed development identifies the provision of 9 four bedroomed units. As such the proposal fails to achieve a range of dwelling types, however the provision of four bedroomed houses will meet an identified need and 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.

It may be noted that Phase 2 of the scheme provides a more diverse range of housing types including one and 2 bedroomed properties.

## Design and Layout

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

Policy DS1 of the SLP reflects the provisions of EC2 and seeks to promote healthy and active lifestyles through design, the integration of development with the natural environment and the achievement of sustainability requirements.

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 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 semi-detached plots has a width of some 7.5m whilst the detached properties (excluding the corner plot) have widths of some 8.5m. Plot sizes in the vicinity vary with plots ranging between 7m and 16m in width. In this context it is not considered that the plot widths proposed would be so inconsistent with the character of the area as to provide a robust reason for refusal, particularly in light of the provisions of the NPPF to secure higher densities of development in appropriate locations.

Plot depths would be consistent with the development to the west, but deeper than those found to the east.

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, in the case of detached properties, are set at least 1m from the side boundaries of the plot and in the case of semi-detached properties are set at least 1m from the non-party boundary. 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 party and non-party boundary of each plot, as appropriate.

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 Lionel Road is generally consistent and the proposed dwellings would not extend beyond the front elevations of the adjoining dwellings to the east. The property immediately to the west of the proposed development, which is currently being redeveloped to provide a residential care home, sits deep in its plot and the proposed dwellings would extend in advance of this property, however dwellings to the west of that resume the recognised building line. The proposed dwellings would therefore conform with the established dominant building line and no objection is raised to the proposal on that basis.

The proposed dwelling on Plot 1 would extend some 6m beyond the front wall of the adjoining property. As a consequence, the proposed layout has the potential to result in overshadowing of the building 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.

The front and rear elevations of the proposed dwelling on Plot 7 align with the front and rear elevations of the dwelling to the east. It is not considered that such alignment would give rise to any undue overshadowing to the adjoining property.

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

RDG4 is concerned with corner plots and requires all elevations which face the public realm to be provided with articulation and fenestration at all floor levels.

The dwellings on Plots 4 and 5 are both on corner plots and both have windows at ground and first floor in the side elevations, which overlook the public realm. As such the proposal satisfies the requirements of RDG4.

RDG5 provides guidance on privacy and living conditions; and states that for all development above ground floor level 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 southern elevations would be located less than the requisite distance from the southern boundary of the site. However, as these windows would overlook the highway and would be more than 15m from the boundaries of the dwellings on the southern side of Lionel Road, it is

not considered that residents to the south of the proposal would experience undue overlooking or loss of privacy.

Windows in the northern elevations would be located between 10 and 12m from the rear boundaries of the proposed dwellings. This satisfies the requirements of RDG5.

Side windows are provided in both eastern and western elevations of each dwelling at first floor level. These windows serve ensuites, bathrooms and stairwells and may be obscure glazed and fixed shut to 1.7m above finished floor levels to protect the privacy and amenity of future and adjoining residents without unduly compromising living conditions within the dwellings. 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 5 rooms and requires the provision of 75m<sup>2</sup> 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 cream brick with silver pearl render and white Hardie Board planking. The roofs are to be finished in Marley Ashmore smooth brown and dark red Eternite slate and the windows and doors are to be white UPVC. The main entrance and garage doors are to be grey in white frames.

Hard surfaced areas are to be Brett Brindle block paving.

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. Details of the energy and water efficiency measures to be incorporated into the buildings have been submitted. These include the use of air source heat pumps or condensing gas boilers, low energy light fittings, measures to secure the efficient heating and use of water and the installation of water butts to facilitate use of grey water for gardening and car washing purposes.

The installation of these measures will exceed the requirements of the Building Regulations and is considered acceptable.

It is noted too that the buildings fronting Lionel Road in particular demonstrate the potential for passive solar gain by virtue of their orientation and setting.

It is noted that a local resident has commented on the potential for solar gain within the dwellings and has questioned whether main living areas should be on the southern elevation to improve heat gain in these areas. It should be noted that whilst it may be desirable, there is no legal requirement for main living areas to be placed on the southern elevation and that as a consequence this cannot be insisted upon. Members will note in addition that the need to secure appropriate onsite parking prejudices the extent of the southern elevation available to serve living accommodation, thus the proposed layout has been adopted and is considered to be acceptable.

Installation of the identified energy efficiency measures can be secured by the imposition of conditions on the grant of any consent. Subject to such a condition, which will include the requirement for the installation of infrastructure to secure the provision of electric vehicle charging points, 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. Front garden side boundaries will be defined by 0.9m high close boarded fences with concrete posts and gravel boards. Front boundaries will be unenclosed. Such treatment is consistent with other forms of enclosure 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.

Policy T8 of the adopted Local Plan requires the provision of car parking in accordance with adopted standards. This is consistent with paragraph 107 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.

All dwellings are provided with a single garage 3m wide and 7m deep which satisfies the standard requirement.

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

Local residents have however expressed concern that the proposed development will result in increased on street parking. Whilst the current proposal provides ample opportunity for off-street parking, it must be conceded 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. To eliminate this concern a condition requiring the retention of garages and parking spaces for the parking of vehicles 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), 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 164 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. In a 1:200 breach event (including climate change) water levels could reach depths of up to 1.39m across the site. This will clearly result in 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 both a 1:200 and a 1:000 year flood event. This feature, coupled with the incorporation of identified flood resilient design measures and the submitted flood response plan is considered an appropriate response to flood risk on the site.

Calculations demonstrating the hydrostatic and hydrodynamic stability of the buildings under flood conditions has been provided. A condition securing the construction of the development in accordance with these calculations can be attached to the grant of any consent.

Subject to such a condition and the implementation of 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 currently hosts a large building and associated hard surfaced area. Site coverage under the current proposal is larger than was previously the case and consequently development of the site in the manner proposed could have implications for surface water drainage.

The applicant has submitted details of a sustainable drainage system on the site. The LLFA has confirmed that the submitted scheme is appropriate. A condition securing the implementation of the surface water drainage strategy can be attached to the grant of any consent.

#### Provision of Affordable Housing.

The proposal seeks to achieve 9 residential units on the site. Such provision is below the threshold for the attraction of any contribution towards the provision of affordable housing and no contribution is therefore provided within the context of the current application.

The applicant has acknowledged however that Phase 2 of the development will be required to meet the affordable housing need generated by the development of the whole of the Walsingham House site and that the affordable housing calculations undertaken within the proposal for the development of Phase 2 will need to include the housing product of Phase 1.

Thus, the phasing of development as currently proposed will not adversely impact on affordable housing provision on this site.

#### 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 Environmental 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 Lionel Road is a relatively narrow road, frequently congested by on-street parking. It has been suggested that all traffic accessing the site, should

do so from Vaagen Road is also a very narrow road and that the application site does not share a frontage with Vaagen Road. This option is not therefore available.

## 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 179. In respect of Policy EC13 it is considered more expedient to consider the proposal in the context of paragraph 180 of the NPPF.

Policy EC22 is concerned to ensure the appropriate retention of trees, woodland and hedgerows in all new proposals for development.

Policy NE5 of the SLP states that the Council will support proposals which can demonstrate a measurable net gain in biodiversity.

Policy NE6 states that all development proposals should contribute positively towards creating a visually attractive environment and should seek to protect and integrate key natural and semi-natural features including field boundaries, hedgerows, trees, woodlands and watercourses.

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 Benfleet and Southend Marshes Special Protection Area (SPA) and Ramsar site and the Outer Thames SPA.

The Pre submission Local Plan 2018-2033 (including modifications) Habitats Regulations Assessment 2020 identified that development of the site had the potential for likely significant effects (LSE) on the designated areas.

'Significant effects' has been defined through case law. A significant effect is any effect that would undermine the conservation objectives for the qualifying features of Habitats Sites potentially affected, alone or in combination with other plans or projects. There must be a causal connection or link between the Local Plan and the qualifying features of the site (s) which could result in possible significant effects on the site (s). Effects may be direct or indirect and a judgement must be taken on a case-by-case basis. The decision as to whether or not a potential impact is significant depends on factors such as: magnitude of impact, type, extent, duration, intensity, timing, probability, cumulative effects and the vulnerability of the habitats and species concerned. What may be significant in relation to one site may not be in relation to another. An effect which is not significant can be described as 'insignificant', 'de minimis' or 'trivial'- i.e., it would not undermine the conservation objectives.

Given the identified potential for adverse impact there is a need for a Habitats Regulations Assessment (HRA) to be undertaken in respect of the proposal to identify that potential and any appropriate mitigation.

There is a wide range of potential impacts and in the context of the current application the following impacts were considered most likely to cause a Likely Significant Effects:

- Habitat loss and fragmentation / land take as a result of development.
- Loss of functionally linked land (land outside the SPA and Ramsar site).
- Increase of any type of disturbance.
- Changes in water availability or water quality as a result of development and increased demands for water treatment, and changes in groundwater regimes due to increased impermeable areas.
- Changes in atmospheric pollution levels due to increased traffic, waste management facilities etc.

Each will be considered in turn:

#### Habitat loss and fragmentation / land take by development and loss of functionally linked land.

The Benfleet and Southend Marshes SPA and the Outer Thames SPA have been designated in view of their importance to wetland birds.

However, birds may use off-site habitat (land outside of the SPA and Ramsar site boundary) for feeding, roosting, foraging and loafing, especially large fields comprising arable and pastoral land uses and coastal habitats. Natural England has advised that the recognised foraging distance threshold for the majority of wetland bird species is 2km from a designated site.

The application site forms part of an area of land allocated for residential purposes under Policy HO27 of the new Local Plan.

The site is located within the existing urban area, is small and isolated and exhibits clear evidence of management for non-ecological purposes. In addition, the site does not contain appropriate habitat to meet the needs of wildlife within the designated areas (which predominantly require large fields comprising arable and pastoral land uses and coastal habitats); and consequently, is considered unlikely to realistically be functionally linked land.

Development of the site will not therefore result in habitat loss or loss of functionally linked land.

#### Increase of any type of disturbance.

Disturbance concerns species, rather than habitats e.g., wetland birds and the intensity, duration and frequency of repetition of disturbance are important parameters.

Any event, activity or process contributing to the:

- The long-term decline of the population of the species on the site.
- The reduction, or to the risk of reduction, of the range of the species within the site or
- The reduction of the size of the available habitat of the species,

can be regarded as significant disturbance.

Factors such as noise, light, dust and vibration and even invasive species, are all capable of causing significant disturbance.

Recreation can also create increased pressure on the qualifying features of the Habitats Sites.

It is considered that the isolation the site from the designated areas mitigates to some extent any impact in respect of noise, light and dust. However greater mitigation can be achieved through

the preparation and implementation of an appropriate Construction Environment Management Plan. This can be secured by condition attached to the grant of any consent.

The application seeks consent for 9 dwellings and has the potential to adversely affect the designated site through increased recreational pressure.

In 2020 Castle Point adopted the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS). This identifies that within Castle Point any new residential development will be likely to generate recreational activity within designated areas.

It further identifies that such impact can be mitigated through investment in the management, education and control of visitor numbers.

To fund such investment, every net dwelling provided within the Borough will be expected to make a financial contribution.

The proposal seeks to provide 9 dwellings and as such a contribution towards RAMS has already been secured.

The disturbance impact has therefore been mitigated.

#### Changes in water availability, or water quality

Canvey Island is flat and largely below sea level. As a result of severe flooding of the Island in 1953, the Island now benefits from a very high standard of tidal flood risk management infrastructure. It is the intention of the agencies involved to maintain and improve the sea defences on Canvey Island. The flat, low-lying topography of Canvey Island creates issues associated with surface water management and the ability to drain water away during heavy rainfall events. As a result, Canvey Island has been identified as an area, which experiences localised issues of surface water flooding during heavy rainfall events.

The quality of the Habitats Sites (wetlands) is dependent on water quantity and quality. Any changes in water quantity and quality therefore have the potential to significantly impact them. Consequently, impacts could arise if developments cause increased demands for water or water treatment, or changes in groundwater regimes, because of increased impermeable areas.

It should be noted that following the expansion of the Abberton Reservoir there is sufficient capacity to meet water demand for the foreseeable future. No further consideration needs therefore be given to this aspect of the development.

At the present time a significant proportion of the site is permeable. Development will inevitably limit permeability because of the provision of a greater area of hardsurfacing. This has implications for surface water runoff not only in terms of surface water flooding, but also through nutrient enrichment of water and potential lowering of dissolved oxygen as well as increased water velocities and levels, all of which could adversely impact on the designated sites.

All runoff is treated at one of three water recycling centres (WRC) operated by Anglian Water. All discharge into the Thames or its tributaries and each has the capacity to adversely impact on the designated sites if wastewater generated by development exceeded capacity and untreated wastewater was allowed to enter the ecosystem.

Anglian Water has confirmed however that there is sufficient capacity within the WRCs to accommodate the proposed growth. This, coupled with the requirement for all new development to limit pollution through the implementation of Construction Environmental Management Plans

and to secure sustainable drainage methods which limit the quantity and/or speed of water reaching the WRCs, will sufficiently mitigate impacts to avoid significant effects.

#### Changes in atmospheric pollution levels.

There are several atmospheric pollutants which can result in direct or indirect impacts on Habitats sites. These impacts are usually caused when the qualifying features are plants, soils and wetland habitats although some species may also be indirectly impacted from air pollution causing changes in habitat composition.

The main source of air pollution in the Borough has been identified as traffic emissions, particularly along the major routes. The Highways Agency Design Manual for Roads and Bridges (DMRB)<sup>16</sup> assumes that air pollution from roads is unlikely to be significant beyond 200m from the road itself.

The application site is located approximately 104m from the A130 (Long Road) and has the potential therefore to be adversely affected by traffic emissions. However, the site sits behind significant frontage development and is therefore shielded from significant pollution levels. No objection may therefore be raised to the proposal on the basis of the impact of pollution on the development.

The application site is considerably further than 200m from the designated sites and it is not considered that any pollution generated by the normal use of the site would lead to significant impacts on the designate sites. However, the proposed development is indirectly capable of impacting the sites through the generation pollution associated with the construction period and the construction and post construction generation of traffic emissions.

During the construction period precautionary air quality mitigation can be secured through a Construction Environment Management Plan. This will ensure that the proposed development will not, either individually or cumulatively lead to an unacceptable risk to air quality.

A Construction Environment Management Plan can be secured through the imposition of a condition on the grant of any consent.

#### Cumulative Impact

In the preparation of the new Local Plan, Appropriate Assessment was undertaken which included comprehensive identification of all the potential effects of the Local Plan likely to be significant, including development of the application site, taking into account the combination of the effects of the Local Plan with those of other plans or projects.

The conclusion drawn was that subject to amendments, which have been incorporated into the new Local Plan, development of the larger site, of which the application site forms part, would not, for the most part, have an adverse impact on the designated sites or any functionally linked land. The only area of concern is that of the potential for additional recreational disturbance arising from an increase in population. It is considered that in respect of development of the scale currently proposed, that impact could be satisfactorily mitigated through the provision of a financial contribution under the Recreational Disturbance Avoidance Strategy (RAMS).

A Construction Environment Management Plan will however be required to avoid many of the other identified potential adverse effects.

## Conclusion on Habitat Regulations Assessment

It is considered that the development proposed will **not** have an adverse impact on the integrity of the designated sites, provided an appropriate contribution towards the mitigation of recreational disturbance is secured and a Construction Environment Management Plan is provided which addresses pollution and water quality/quantity impacts during the construction phase of the development. This can be secured through a pre-commencement condition.

In terms of the specific ecological interest of the site, the site is largely represented as (now) unmanaged amenity grassland with no notable plant specimens present.

Trees within the site include Ash, Cherry, Sycamore, Grey Poplar and Silver Birch, none are identified as being of good form and a woodland in proximity to the site was determined to be of poor quality.

No habitat suitable for bats, reptiles, barn owls or dormice was identified within the site although birds were noted to be using the trees. Given the location of the site within the urban area, linkages to other areas of ecological interest/value were absent.

Whilst not within the application site it is recorded that a Badger sett is in close proximity and Badgers have historically been recorded as foraging over the northern part of the wider site. Development of the current site is not considered likely to have a significant impact on the protected species.

There is therefore no robust, site-specific ecological objection the development of the proposal site.

The Environment Act 2021 requires the achievement of a minimum of 10% biodiversity net gain. The requirement does not gain legal status until 2023, however, given the potential for the construction period for the wider site to extend beyond this date, it is considered that this aspect of the proposal should be given consideration.

Whilst currently identified as having a low biodiversity value, the application site does offer the opportunity for biodiversity net gain. This may be secured as part of a robust landscaping scheme incorporating the integration of bird boxes which can be secured by condition.

In addition, conditions protecting Badgers that may venture into the construction site may be appended to the grant of any consent.

Subject to an appropriate landscaping scheme being implemented which can be secured by condition, no objection is raised to the proposal on the basis of impact on ecology.

### Trees

Some 11 trees, comprising, Grey Poplar, Cherry, Silver Birch Eucalyptus, Plum and Sycamore are present across the site together with a group of Monterey pine located along the front boundary.

Of these, 9 trees and the group have been arboriculturally assessed as being of low quality, with most displaying poor form, cavities and fungal infestation.

A number, including those within the Group have also been pollarded in the past to avoid conflict with overhead lines.

The proposal seeks to remove all the trees from the site, which is regrettable, but necessary to achieve the quantum of development proposed.

Opportunities to provide replacement trees within the scheme as part of the proposed landscaping scheme are limited, with front gardens largely dedicated the provision of access and parking, open areas required to accommodate subterranean drainage infrastructure and the propensity for trees along the frontage of the site to conflict with overhead lines. No replacement tree planting is therefore sought in this instance.

It is however considered that as part of the wider development of the site, it would be possible to secure the provision of trees off-site either beyond the boundary of the current proposal, but within the confines of HO27, or more widely.

This provision may be secured by condition and considered more fully in the consideration of Phase 2 of the proposed development.

### 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.

Impacts from noise, dust, light or heat arising during the construction phase can be remedied through the provision and implementation of a robust Construction Environment Management Plan which can be secured by condition.

It is considered unlikely that the use of the land for residential purposes during the operational phase will give rise to unacceptable levels of noise, dust, vibration or heat although it is considered that an appropriate lighting strategy should be submitted in order to avoid the potential for unacceptable light pollution. This can be secured by condition.

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.

### Sustainability

Policy CC1 of the new Local Plan seeks to secure climate sensitivity and sustainability by locating development in locations which do not rely heavily on private vehicles for access to services and facilities, providing opportunities for the provision of multi-functional green infrastructure and encouraging high levels of energy and materials conservation.

The NPPF seeks to ensure that new development is sustainable and within paragraph 8 identifies three overarching objectives:

- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure,
- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, 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 protect and enhance our natural, built and historic environment, including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.



The NPPF is clear that whilst these objectives should be delivered through the preparation and implementation of plans and the application of the policies in the Framework; they are not criteria against which every decision can or should be judged.

They are however worthy of some consideration in the context of the current proposal.

In terms of the sustainability objectives, economically it is acknowledged that the construction period of the proposed development will result in some economic gain, which may be extended into the operational period as new residents patronise local services.

Socially, the provision of 9 dwellings would have a positive impact on housing supply.

Environmentally, the site is near local retail and entertainment facilities, healthcare facilities and schools.

Employment sites at Charfleets Industrial Estate and on Roscommon Way and the Canvey Retail Park are approximately 2 miles to the west.

Whilst the railway station is approximately 2.6 miles away, access to bus routes is good and provides links to all local facilities.

The site does therefore offer the opportunity for alternative means of travel than the private car.

In terms of the development itself, measures that will be incorporated into the scheme include the use of an Air Source Heat Pumps (ASHP) or condensing boilers as the primary source of heating and hot water, the use of low energy light bulbs and the installation of water butts.

Implementation of these measures will ensure the development achieves good levels of energy and water efficiency.

When viewed in the round it is considered that the proposal represents a sustainable form of development, consistent with the requirements of the NPPF.

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

## **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 and the Submitted Local Plan.

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

It is considered that the development proposed will **not** have an adverse impact on the integrity of the designated sites, provided an appropriate contribution towards the mitigation of recreational disturbance is secured and a Construction Environment Management Plan is provided which addresses pollution impacts during the construction phase of the development. This can be secured through a pre-commencement condition.

It is further considered that with the provision of an appropriate landscaping scheme and biodiversity off-setting will ensure that the proposal would be capable of enhancing the biodiversity of the site.

The proposal achieves all relevant national and Local Plan policy and guidance requirements.

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

My **RECOMMENDATION** is **Approval** subject to the following conditions:

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

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

- 2 No development shall take place, including any ground works or demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  - o the parking of vehicles of site operatives and visitors
  - o loading and unloading of plant and materials
  - o storage of plant and materials used in constructing the development
  - o wheel and underbody washing facilities
  - o the measures to be implemented to ensure that all construction vehicles, including private vehicles used by contractors, approach and leave the site via Convent Road to the south and do not use Lionel Road for any purpose. (Construction Vehicle Routing Plan)

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.

- 3 The approved Construction Method Statement shall be implemented throughout the construction period.

REASON: To ensure that parking and unloading does not take place within the sensitive areas of the site or in the adjoining streets, in the interests of the amenity and convenience of local residents and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy EC2 of the adopted Local Plan.

4. Prior to commencement of the development hereby approved, a Demolition Method Statement and a Construction Environment Management Plan shall be submitted to and approved in writing by the Council.

Details shall include:

- (i) control measures for dust, noise, vibration and lighting
- (ii) details of measures to secure appropriate protection of wildlife and retained trees on the site
- (iii) advance notification to neighbours and other interested parties of proposed works and
- (iv) public display of contact details including an email address and accessible phone contact to persons responsible for the site works for the duration of the works.

Approved details shall be implemented throughout the project period.

REASON: To ensure that interests of acknowledged importance are not adversely affected by noise, vibration, dust, lighting or other emissions from the development site.

- 5 The proposed dwellings shall be constructed in accordance with the provisions of the submitted flood response documentation (reference: 13739 Walsingham House. Flood Design dated 0303.2022), demonstrating the stability of the dwellings under the

hydrodynamic and hydrostatic pressures likely to impact the dwellings under flood conditions.

There shall be no departure from the provisions of this document without the prior formal consent of the Local Planning Authority.

REASON: In order to ensure the stability of the dwellings under flood conditions, in the interests of the health and safety of future residents.

- 6 No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

REASON: The National Planning Policy Framework paragraph 167 states that local planning authorities should ensure flood risk is not increased elsewhere by development. Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

- 7 The development permitted by this planning permission shall be carried out in accordance with the approved Walsingham House SuDS Report, March 2022 by Civil Engineering Solutions Ltd and the following mitigation measures detailed within the Report:
- Limiting the discharge from the site to 3.8l/s from each of two discharges, subject to approval by Anglian Water Services.
  - Provide attenuation storage (including locations on layout plan) for all storm events up to and including the 1:100 year storm event inclusive of climate change.

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

REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to ensure the effective treatment of surface water runoff to prevent pollution.

- 8 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, 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 prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

- 9 The development hereby permitted shall not be commenced until the existing pipes within the extent of the site, which will be used to convey surface water, are cleared of any blockage and are restored to a fully working condition.

REASON: To ensure that drainage system implemented at the site will adequately function and dispose of surface water from the site.

- 10 A wooden ramp sufficient to enable the escape of any badger which may inadvertently enter the construction site, shall be placed in any trench left open overnight during the construction period.

REASON: In order to provide an appropriate means of escape for any foraging badgers.

- 11 During the construction period no works of any kind shall be undertaken, no temporary buildings or security fencing erected, no materials stored and no changes in ground levels shall be carried out, within a radius of 30m from the identified badger sett on land to the west of the development site.

REASON: To ensure that the Badger sett to the west of the site is maintained in its current state.

- 12 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 35dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

REASON: In order to ensure acceptable living conditions for future residents , consistent with the provisions of paragraph 187 of the NPPF

- 13 The development permitted by this planning permission shall be carried out in accordance with the recommendations contained within the Flood Risk Assessment (FRA) prepared by Civil Engineering Solutions Ltd, referenced 20201120\_Ces615\_Walsingham\_House\_Fra1 and dated 2-Nov-20.

REASON: In order to ensure the safety of residents in the event of a flood.

- 14 The proposed development shall be constructed incorporating the design principles provided in the Department of Communities and Local Government document 'Improving the Flood Performance of New Buildings. Flood Resilient Construction'.

REASON: In order to ensure the provision of robust buildings, capable of rapid recovery in the event of a flood, in the interests of the amenity, health and wellbeing of future occupiers.

- 15 The development hereby approved shall be built wholly in accordance with the approved materials as identified in the submitted Material Specification, received by the Local Planning Authority on the 14th July 2021.

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

- 16 Any windows provided in the side elevations at first floor level shall be obscure glazed to at least level 3 on the Pilkington scale and fixed to 1.7m above the finished floor level of the rooms they serve, and permanently retained as such.

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

- 17 The proposed development shall be completed in accordance with the provisions of the submitted Sustainability Statement from which there shall be no deviation without the formal approval of 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.
- 18 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.
- Such approved strategy shall thereafter be fully implemented, in accordance with the approved details, prior to first occupation of the proposed development.
- REASON: To ensure the provision of an appropriate scheme of lighting, in the interests of the needs of users of the site and the ecological sensitivity of the landscaped areas and adjoining land, in accordance with Policies EC2 and EC5 of the adopted Local Plan and the provisions of the National Planning Policy Framework.
- 19 Such measures as are identified and installed pursuant to condition 16 shall thereafter be permanently retained unless alternative measures are approved by the 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.
- 20 Prior to the vehicular accesses serving the proposed dwellings being brought into use, within the confines of each plot, a 1.5m x 1.5m clear to ground visibility splay shall be provided at the junction of the vehicular access and the highway which shall be maintained free of obstruction in perpetuity.
- REASON: In the interests of highway and pedestrian safety.
- 21 Prior to occupation of the development the shared vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway as shown in principle in the Block Plan Layout Drawing No.1670/S1/Q.
- REASON: To ensure that vehicles can enter and leave the highway in a controlled manner In the interest of highway safety.
- 22 Any road or shared surface provided for the purposes of vehicular access to and within the site shall be constructed in a manner demonstrated to be capable of withstanding the weight and turning manoeuvres of a 32 tonne refuse vehicle.
- REASON: In order to ensure that refuse and recycling associated with the occupation of the development proposed may be appropriately collected and removed from the site, in the interests of the amenity of the area, consistent with the provisions of Policy EC3 of the adopted Local Plan.
- 23 Prior to first occupation of the development, and as shown in principle on planning drawing No.1670/S1/Q. each dropped kerb vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of each access at its junction with the highway shall not be more than 3.6 metres and shall be provided with an

appropriate dropped kerb vehicular crossing of the footway. Any redundant parts of the existing accesses on the frontage shall be suitably and permanently closed incorporating the reinstatement to full height of the highway footway and kerbing immediately the proposed new accesses are brought into first beneficial use.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety.

- 24 Prior to occupation of the development, the proposed access, at its centre line, shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 43 metres as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the road junction / access is first used by vehicular traffic and retained free of any obstruction at all times.

REASON: To provide adequate inter-visibility between vehicles using the road junction / access and those in the existing public highway in the interest of highway safety.

- 25 Prior to first occupation of the development a vehicular turning facility, of a design to be approved in writing by the Local Planning Authority shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

REASON: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety.

- 26 All vehicle parking shall conform to the EPOA Parking Standards Design and Good Practice Sept. 2009. Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres. All single garages should have a minimum internal measurement of 7m x 3m. All double garages shall have a minimum internal measurement of 7m x 6m.

REASON: To encourage the use of garages for their intended purpose and to discourage on-street parking, in the interests of highway safety and in accordance with Policies EC2 and T8 of the adopted Local Plan.

- 27 Cycle parking within the proposed development shall be provided in accordance with the EPOA Parking Standards. The approved facilities 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.

- 28 All vehicle parking spaces shall be provided with appropriate infrastructure to facilitate the provision of electric vehicle charging points.

REASON: In order to encourage the use of electric vehicles in the interests of sustainability and climate control, consistent with the provisions of the NPPF.

- 29 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.

- 30 No part of the proposed development shall be occupied until such time as the access road and vehicle parking areas serving the dwelling has been provided. The vehicle parking

areas and associated turning areas shall be retained in this form at all times. The vehicle parking areas and garaging shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

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

- 31 Prior to the first occupation of the development hereby permitted, the approved surface water drainage scheme shall be implemented on site. Such scheme shall thereafter be permanently maintained as such.

REASON: In order to satisfactorily contain surface water runoff within the site.

- 32 Upon first occupation of the dwellings, the approved Flood Response Plan (Document PP-0943949 dated November 2021) shall be enacted and thereafter maintained at all times that the dwellings are 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.

- 33 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 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.

- 34 The surface water drainage scheme as implemented on site shall be permanently retained.

REASON: To ensure the retention of the hard surface and to limit the potential for increased surface water runoff from the site in the future.

- 35 Prior to the first occupation of the development hereby approved, a 2m high brick wall/close boarded screen fence shall be erected along the whole of the eastern boundary and along the whole of the western boundary, to the point at which it reaches the rear elevation of the dwelling identified as No.1, details of which shall be submitted to and approved by the Local Planning authority prior to the installation of such brick wall/close boarded screen fence.

REASON: To safeguard the privacy and amenities of the proposed and adjoining properties.

- 36 Prior to occupation of the development hereby approved a landscaping scheme for the shall be submitted to and formally approved by the Local Planning Authority. Such a scheme shall include provision for off-site planting of trees together with planting plans, written specifications, including cultivation and other operations associated with plant and grass establishment, schedules of plants, noting species, plant sizes and proposed numbers / densities.

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

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

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.

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

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

- 39 Prior to 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.

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.

- 40 No gates, walls or other means of enclosure shall be erected at the entrance of the site without the former consent of the Local Planning Authority.

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.

- 41 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.

- 42 The development shall be completed in accordance with the approved plans listed above.

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

## **Informatives**

### Essex Highways

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 highway.

- The requirements above shall be imposed by way of negative planning condition or planning obligation with associated legal framework as appropriate.



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

### Anglian Water

The applicant should check for any Anglian Water assets which cross or are within close proximity to the site. Any encroachment zones should be reflected in site layout. They can do this by accessing Anglia Water infrastructure maps on Digdat. Please see Anglian Water website for further information:

<https://www.anglianwater.co.uk/developers/development-services/locating-our-assets/>

Please note that if diverting or crossing over any Anglian Water assets, the permission of Anglian water will be required. Please see Anglian Water website for further information:

<https://www.anglianwater.co.uk/developers/drainage-services/building-over-or-near-our-assets/>

Queries in respect of Anglian Water Assets should be directed to the Anglian Water Planning & Capacity team on: 07929 786 955

### Essex Police

Requests that the developer seeks to achieve the relevant Secured by Design accreditation which in this case will be Secured by Design 2019 Version 2, March 2019. Secured by Design is the official police security initiative that works to improve the security of buildings and their immediate surroundings to provide safe places to live and is designed to address emerging criminal methods of attack. The Secured by Design website

(<https://www.securedbydesign.com/guidance/design-guides>) provides full details.

### Essex Fire and Rescue

#### Water Supplies

The architect or applicant is reminded that additional water supplies for firefighting may be necessary for this development. The architect or applicant is urged to contact the Water Technical Officer at Service Headquarters, telephone 01376-576344.

#### Sprinkler Systems

The installation of Automatic Water Suppression Systems (AWSS) can be effective in the rapid suppression of fires. Essex County Fire & Rescue Service (ECFRS) therefore uses every occasion to urge building owners and developers to consider the installation of AWSS. ECFRS are ideally placed to promote a better understanding of how fire protection measures can reduce the risk to life, business continuity and limit the impact of fire on the environment and to the local economy.

Even where not required under Building Regulations guidance, ECFRS would strongly recommend a risk-based approach to the inclusion of AWSS, which can substantially reduce the risk to life and of property loss. We also encourage developers to use them to allow design freedoms, where it can be demonstrated that there is an equivalent level of safety and that the functional requirements of the Regulations are met."

## Lead Local Flood Authority

Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to [suds@essex.gov.uk](mailto:suds@essex.gov.uk).

- Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
- Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the standing advice note.
- It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.