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**Chief Executive**

## AGENDA

**Committee:** DEVELOPMENT CONTROL

**Date and Time:** Tuesday 4th June 2019 at 7.30 p.m.

**Venue:** Council Chamber

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

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

**Substitutes:** Councillors Cutler, Palmer, Mrs Thornton and Tucker

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

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

**Enquiries:** Miss Cheryl Salmon, ext. 2454

### PART I (Business to be taken in public)

#### 1. Apologies

#### 2. Members' Interests

#### 3. Minutes

A copy of the Minutes of the meeting held on 2nd April 2019 is attached.

#### 4. Public Speakers

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

## 5. Deposited Plans

The reports are attached.

	<b>Application No</b>	<b>Address</b>	<b>Page No</b>
1.	19/0218/FUL	Hollywood Great Burches Road Thundersley Benfleet Essex (St Peter's Ward)	1.
2.	17/0964/OUT	Walsingham House Lionel Road Canvey Island Essex SS8 9DE (Canvey Island Central Ward)	8.

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## DEVELOPMENT CONTROL COMMITTEE

2ND APRIL 2019

**PRESENT:** Councillors Hart (Chairman), Mumford (Vice Chairman) Acott, Blackwell, Mrs Blissett\*, Cole, Cross, Dick, Mrs Haunts, Johnson, Palmer \*, Sharp and Taylor

**\*Substitute Members Present:** Councillor Mrs Blissett for Councillor Ladzrie, Councillor Palmer for Councillor Anderson

**Also Present:** Councillors Isaacs, Skipp, Smith and Walter.

Apologies for absence were received from Councillor Anderson and Ladzrie

### 22. MEMBERS' INTERESTS

There were none.

### 23. MINUTES

The Minutes of the meeting held on 5th February 2019 were taken as read and signed as correct.

### 24. DEPOSITED PLANS

- (a) 19/0136/FUL – 47 RECTORY ROAD HADLEIGH BENFLEET ,ESSEX SS7 2A (ST.JAMES' WARD) - DEMOLITION OF EXISTING EXTENSION AND COVERED DRIVEWAY AND ALTERATIONS AND EXTENSIONS TO CONVERT BUNGALOW INTO TWO-STOREY DWELLING CHANGING TO MIXED USE INCLUDING CLASS D1 (NON-RESIDENTIAL INSTITUTION USE) ON GROUND FLOOR AND CLASS C3 (RESIDENTIAL USE) ON FIRST FLOOR- MR SCOTT COOK

The proposal was for the extension of the property to provide a physiotherapy practice at ground floor with a residential flat above. The site was allocated for residential purposes in the adopted Local Plan and therefore did not fully comply with this designation. However, the applicant had tried and failed to find suitable premises within the town centre and the community health benefits of this proposal were material considerations that weighed in its favour. The application was recommended for approval.

The application was presented to Committee at the request of Councillor Isaacs who spoke on the application.

The Planning Officer presented the report and drew attention to the late representation received to the neighbour notification which had been circulated to the Committee.

During discussion certain Members suggested that the High Street would be a more suitable location for the proposal.

Following detailed discussion it was:-

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

(c) **19/0140/FUL – 30 LEA ROAD BENFLEET ESSEX SS7 5UU (APPLETON WARD) – PROPOSED PART SINGLE/PART TWO-STOREY REAR EXTENSION WITH FENESTRATION ALTERATIONS – Ms NATALIE DUFFIELD**

The proposal was for the construction of a part single, part two-storey rear extension with fenestration alterations. After receiving amended plans reducing the depth of the ground floor extension it was considered that the proposal is acceptable. The application was therefore recommended for approval.

The application was presented to Committee at the request of Councillor Skipp over concerns about overshadowing, a loss of privacy and being out of character with the surrounding area

Mr Dee, a local resident, spoke on the objecting to the application.

Ms Duffield the applicant, spoke in support of the application.

Councillor Skipp spoke to explain his reasons for referral to the Committee.

The Committee noted the speakers' concerns but were of the view that there were no planning reasons to refuse the application.

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

Chairman

## **ITEM 1**

<b>Application Number:</b>	<b>19/0218/FUL</b>
<b>Address:</b>	<b>Hollywood Great Burches Road Thundersley Benfleet Essex (St Peter's)</b>
<b>Description of Development:</b>	<b>Demolition of existing house, removal of all associated buildings, hard standing and storage areas and replacement with 4no. detached houses</b>
<b>Applicant:</b>	<b>Mr &amp; Mrs Welch</b>
<b>Case Officer:</b>	<b>Mr Keith Zammit</b>
<b>Expiry Date:</b>	<b>11.06.2019</b>

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### **Summary**

The proposal seeks to redevelop this site with four houses which would have a greater impact on the openness of the Green Belt than the existing buildings. It represents inappropriate development and is therefore recommended for REFUSAL.

The application is presented to the Committee at the request of Councillor Dick on the basis that it is “not conducive to Green Belt policy”.

### **Site Visit**

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

### **Introduction**

The application relates to a long, thin site to the north of Great Burches Road, over 200 metres in depth with a maximum width of 20 metres. It has a frontage to Great Burches Road of some 14m, where there is vehicular access to the highway.

The site currently contains a two storey dwelling (building A on the submitted plans) and a collection of single storey outbuildings, including two buildings formerly used as stables (buildings D and E), a mobile home (building C) and a derelict shed (building B). The existing dwelling has a height of some 8.6m, while the other outbuildings have heights of 2.5m to 3.6m.

The existing buildings are located on the front half of the site, within about 105m of the highway. Beyond this, the land is undeveloped.

The site is within an area of sporadic development, with neighbouring land uses including a riding centre, kennels and other dwellings.

### **The Proposal**

Permission is sought for the demolition of the existing house and other single storey buildings on the site and the erection of four detached two storey houses, served by a private driveway. Plots 1 to 3 provide an open plan kitchen/dining/sitting area and study/lounge at ground floor and would be four-bedroomed, with plot 4 at the back providing an additional ground floor habitable room and being five-bedroomed. The houses would have brick plinths with either face brick or weatherboarding above, and an attached garage or, in the case of plot 4, an integral garage.

The private driveway serving the houses, and the areas for car parking, would be permeable block paving. It is proposed to utilise the existing vehicular access point to the highway.

The houses would have heights of 9m (plots 1 to 3) and 9.5m (plot 4). Brown plain tiled roofs are proposed with a 42° pitch.

Plots 1 to 3 would have a garage and an external parking space, while plot 4 would have a garage and two external parking spaces.

The proposed boundary treatments are stated to be close boarded fencing to a height of either 1.2m or 1.8m depending on the location, with “structural planting” also used to soften edges. No precise details of this have been provided, but it would be normal practice to require submission of landscaping details by condition, were planning permission granted.

## **Supplementary Documentation**

The application is accompanied by a design and access statement and a planning statement which are available to view on the council’s website.

## **Planning History**

None

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

### National Planning Policy Framework (February 2019)

#### Local Plan (1998)

EC2 – Design

EC20 – Landscape Improvement Area

T8 – Parking Standards

#### Residential Design Guidance (2013)

RDG1 – Plot size

RDG2 – Space around dwellings

RDG3 – Building lines

RDG5 – Privacy and living conditions

RDG6 – Amenity space

RDG12 – Parking and access

RDG13 – Refuse and recycling storage

## **Consultation**

Highway Authority – No objection subject to conditions

Refuse and recycling – There is no requirement for the provision of bin stores. Collection will be kerbside, therefore waste will not be collected from bin stores within the development. It is assumed that the internal roadway will not be able to allow passage of a 32 tonne vehicle without causing damage, therefore due to the distance of the households from the highway, the developer needs to provide a concrete presentation area in the vicinity of the highway, to be used as the waste presentation point for all the households on the development.

## **Public Consultation**

No response received to neighbour notification and site notice

## Comments on Consultation Responses

Were permission granted, it would need to be subject to a condition requiring separate approval of the waste presentation arrangements.

### Evaluation of Proposal

The main issues with this application are the appropriateness of it in the Green Belt and its impact on the character and appearance of the area.

#### *Green Belt*

The National Planning Policy Framework ('the Framework') states at paragraph 145 that the construction of new buildings is to be regarded as inappropriate development in the Green Belt, and then specifies exceptions. One relevant exception is the first part of paragraph (g) which permits limited infilling or the redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), where this would not have a greater impact on the openness of the Green Belt than the existing development. This is the applicant's case.

The second part of paragraph 145(g) is not relevant as this relates to affordable housing which is not being proposed.

The Framework also advises that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

The application site is located on the north side of Great Burches Road in an area of sporadic development including residential and equestrian uses.

The proposal seeks to remove all buildings currently on the site, including the existing dwelling, former stable buildings and a mobile home, and replace them with a residential development of four detached houses.

The applicant asserts that the existing buildings on the site have a footprint of 461m<sup>2</sup> and that the proposed buildings would have a footprint of 488m<sup>2</sup>. Additionally, it is suggested that there would be a 40% reduction in the amount of hard surfacing, from 1,216m<sup>2</sup> to 708m<sup>2</sup>.

There are a few points to note here. First of all, the applicant has included 25m<sup>2</sup> in their existing development footprint as a potential permitted development extension to the existing house. While this possibility is noted, the applicant points to major problems that the existing house is suffering from, which makes it unlikely that an extension to the existing dwelling would be constructed. In accordance with the Mansell principle (*R. v Secretary of State for the Environment and Havering London Borough Council, ex parte P.F. Ahern (London) Ltd. [1998] Env.L.R. 189*) the extension is therefore more of a theoretical entitlement rather than an actual intended proposition so little weight can be attributed to it.

Although a minor point, the applicant appears to have added up the figures for the existing development footprint incorrectly – they are over by 10m<sup>2</sup>.

Lastly, the Framework specifically states that temporary buildings are excluded. The mobile home (building C) has a footprint of some 39m<sup>2</sup> and should therefore not be included in any calculation. It has not taken on the characteristics of a permanent building.

Once all these are subtracted from the applicant's figure, a figure of 387m<sup>2</sup> is reached as the existing development footprint. It can therefore be seen that the proposal will in fact increase the building coverage of the site by 100m<sup>2</sup>.

Further, the buildings that are proposed will, for the most part, be much taller than the ones they replace. In the case of the existing house, this would be replaced on a fairly like-for-like basis, as the existing house has a ridge height of 8.6m and the proposal 9m, but the other houses on plots 2 to 4 would be significantly taller than the existing single storey structures.

It is considered that the buildings that are proposed to be erected would have a greater impact on the openness of the Green Belt than the existing buildings that are on the site, in terms of their size, thereby constituting inappropriate development.

The applicant's submission makes reference to a reduction in the coverage of the site by hard surfacing. It is suggested that there would be a 40% reduction in the amount of hard surfacing, from 1,216m<sup>2</sup> to 708m<sup>2</sup>. This calculation appears to include an existing area of approximately 375m<sup>2</sup> to the north of building E which appears to be no more than some loose type 1 material spread unevenly over the ground. This is not considered to amount to a fixed surface hard standing and to constitute previously developed land as defined in Annex 2 of the NPPF.

The 508m<sup>2</sup> or 40% reduction in the amount of hard surfacing that is claimed is therefore not accurate. The actual reduction would be about 133m<sup>2</sup>, or 11%. In any event, it is not considered that a reduction in the coverage of the site with hard surfacing offsets the reduction in openness across the site that would be brought about from the construction of the new buildings.

The impact on openness is not just considered in terms of quantitative calculations and requires qualitative judgements to be made. The applicant contends that while the development of four dwellings may have a greater impact in physical form alone over the existing development, the redevelopment of the site will offer a range of improvements, including better designed buildings, reduced hard surfacing, improved planting and better breaks and vistas to the countryside beyond, which would help improve the openness of the site, so that the proposal will not have a greater impact on the openness of the Green Belt overall.

Officers would suggest that the single storey buildings behind the existing dwellinghouse are not readily visible from outside the site and their replacement with two storey houses would result in a more visually prominent development. Views of the houses would be seen from Great Burches Road and from the adjoining equestrian centre. The buildings would also be spread over a greater area of the site, with the encroachment of development northwards. So while the proposal may provide some visual breaks between buildings the impact of them is spread over a greater spatial area.

The applicant contends that the previously developed land (PDL) extends to about 136m from the highway, as measured over its greatest depth, so that all the new dwellings would be on PDL. As previously stated the area of type 1 material should not be included as PDL, and therefore the PDL only extends to about 105m from the highway. The house on plot 4 would not be located on PDL and furthermore its garden area would extend much further north. While a garden is not developed land, the residential paraphernalia that would inevitably follow, such as sheds to store gardening equipment to maintain the land, would reduce openness and give the land a more suburban appearance.

It is acknowledged that the dwellings on plots 2 to 4 are set back from the highway, but the impact on openness is not assessed solely on the views from public roads. The site is heavily viewed from the access leading to Acres Way boarding kennels which runs along the eastern boundary of



the application site, and also from Braeside Farm equestrian centre which offers stabling facilities and riding lessons.

Overall, there would be an unacceptable suburbanisation of the application site and a greater impact on openness, both in spatial and visual terms, than existing development on the land which would be removed as part of the proposal. The proposal therefore amounts to inappropriate development, which the Framework advises is, by definition, harmful to the Green Belt and should only be approved in very special circumstances. Such circumstances will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

The applicant submits that the proposal will be compliant with the Framework in many other areas, in addition to complying with the council's Local Plan policies and adopted design guidance. This would not, in the view of officers, amount to very special circumstances, as any development proposal would be expected to meet such objectives. This therefore only amounts to an absence of harm.

The applicant also submits that the existing house requires substantial repairs owing to rot and requires a new central heating system in addition to every part of the house requiring modernisation. Taking this into account, their preferred option is to demolish and rebuild their home, which they can only finance by building a further three dwellings for sale.

The need to carry out renovations and repairs to the application dwelling is noted. However, the occupiers only bought the house last year, so its condition and the work required to renovate the building should have been apparent. No explanation has been provided by the applicant as to why circumstances may have changed since buying the property or why selling the house to someone of sufficient means to carry out the repairs is not possible. Were this application approved on the basis of the poor condition of the dwellinghouse this could encourage other land owners to submit similar proposals resulting in further encroachment in the Green Belt and a diminution of its openness.

The proposal is fully compliant with the council's Residential Design Guidance and has no parking implications. There are no adverse impacts on surrounding occupiers that can be identified, nor have any objections from those living or working nearby been received. The proposal is also considered to be broadly consistent with Policy EC20 which concerns the Great Burches Landscape Improvement Area. However, all of this only amounts to an absence of harm and no weight can be given to compliance with normal development management policies and objectives.

Three additional dwellings would provide a small contribution to housing in an area with a significant shortfall in supply and under delivery, but given the limited number of additional dwellings proposed this aspect of the development can only be given moderate weight in the planning balance.

The Framework states, however, that substantial weight should be given to any harm to the Green Belt and 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. The other considerations provided by the applicant are not considered to outweigh the substantial weight that is attached to the harm to the Green Belt, by reason of inappropriateness, including the harm identified that would be caused to its openness. Consequently the very special circumstances necessary to justify the development do not exist.

Members' attention is drawn to a recent appeal decision at Thatch Farm, Bramble Crescent in respect of a similar proposal, reference 18/0235/FUL. This proposal concerned the demolition of

5 existing buildings and construction of 3 four bedroomed houses. In submitting the application the appellant contended that the proposal would result in a net reduction in volume and total building foot print. Nonetheless the Inspector dismissed the appeal commenting that the proposal would result in a denser and more intensive residential built form, and would also result in a permanent increase in the number of vehicle movements associated with the site. He concluded that overall there would be an unacceptable suburbanisation of the site and a greater impact on openness.

### *Character and appearance*

Policy EC2 of the Local Plan requires a high standard of design in relation to all new buildings, in particular the siting and layout of any development should be appropriate to its setting and should not harm the character of its surroundings.

This is consistent with paragraph 127 of the Framework.

While there is no objection to the design of the dwellings *per se*, the proposal seeks to provide what is often referred to as a 'backland' form of development, where dwellings do not have a direct frontage to the highway but instead sit one behind the other. While other dwellings in the vicinity tend to have a direct highway frontage, there are examples of backland development at 'Poundfield', which is a nearby bungalow on the other side of the road, and also at Acres Way boarding kennels, where the kennels and associated dormer bungalow are accessed by a long driveway from Great Burches Road. In the context of this the proposal is not considered to be out of character with the area no objection in principle is raised to its layout.

### **Conclusion**

The proposed development, whilst not inappropriate in pure design terms or detrimental to the residential amenity of the immediate surroundings, would nonetheless have a greater spread and height of buildings across the site than at present. The proposed dwellings would also be more visible than the existing buildings when viewed from several different vantage points. It is therefore considered that the development will have a greater impact on the openness of the Green Belt and constitutes inappropriate development.

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

### **My Recommendation is Refusal for the following reasons**

1 The site is located within the Green Belt as delineated within the Council's Adopted Local Plan where inappropriate development is not permitted except in very special circumstances. The proposal, by reason of its increased mass, height and redistribution of form across the site, would have a greater impact on the openness of the Green Belt than the existing development and therefore represents inappropriate development. No very special circumstances have been demonstrated to justify why the proposal might exceptionally be permitted, and in the absence of any very special circumstances approval of the proposal would be contrary to government guidance as set out in the National Planning Policy Framework.

## **Informatives**

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

## ITEM 2

<b>Application Number:</b>	<b>17/0964/OUT</b>
<b>Address:</b>	<b>Walsingham House Lionel Road Canvey Island Essex SS8 9DE (Canvey Island Central)</b>
<b>Description of Development:</b>	<b>Demolition of former convent and construction of up to 32 new dwellings</b>
<b>Applicant:</b>	<b>The Trustees of The Institute of Our Lady of Mercy</b>
<b>Case Officer:</b>	<b>Ms Kim Fisher</b>
<b>Expiry Date:</b>	<b>31.05.2019</b>

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### Summary

The application seeks outline permission, for the erection of up to 32 dwellings and associated works, on a brownfield site in the urban area, which is allocated for School and Worship purposes in the adopted Local Plan.

The proposal seeks outline consent only with all matters reserved except access. Only the principle of the development of the site for residential purposes and the proposed access to the site is therefore available for consideration at this time.

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 Government guidance and the adopted policies and guidance set out in the adopted Local Plan and in the light of comments received, particularly from local residents, and for the reasons set out in the following report, the principle of residential development is considered appropriate on this site.

The proposal is therefore recommended for Approval, subject to the applicant being willing to enter into a S106 agreement to achieve appropriate contributions towards the provision of:

- (i) Affordable Housing
- (ii) Recreational Disturbance Mitigation (RAMS) and
- (iii) The management and maintenance of any proposed open space for recreational and ecological use

and appropriate conditions.

### Site Visit

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

### Supplementary Documentation

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

- Design and Access Statement

- Flood Risk Assessment (FRA) and Drainage Strategy

## **The Site**

The application site 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.

Topographically, the 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.

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 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.

The applicant advises that the site is now surplus to requirements and that attempts have been made to find an alternative use for the existing building however, no interest has been expressed by other users.

Access is to be provided via the existing access point 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, which is currently within the control and ownership of the applicants, beyond which lies further private residential frontage development and the playing field attached to the adjoining school which is also within the control and ownership of the applicants.

To the north the site is abutted by a pair of semi-detached bungalows within the curtilage of Walsingham House, but beyond the confines of the application site, and the St Joseph's Catholic Primary School.

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

## **The Proposal**

Outline permission is sought for the erection of up to 32 dwellings. The application seeks consent for the principle of such development and access. Appearance, Landscaping, Layout and Scale are all reserved for later consideration.

No details in respect of form and size have been provided although the application form and submitted drawings indicate the provision of dwellings (including potentially flats), of two and two and a half storeys in height, with associated access and garage/parking provision.

## **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 a number of 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.

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

### National Planning Policy Framework (NPPF 2019)

Introduction:

*Paragraphs 2, 3, 6*

Achieving sustainable development:

*Paragraphs 7, 8, 10, 11, 12*

Decision Making:

*Paragraphs 38, 47, 54, 55, 56, 59*

Delivering a sufficient supply of new homes:

*Paragraph 61, 62, 64*

Making effective use of land:

*Paragraphs 117, 118, 120, 121, 122, 123*

Achieving well-designed places:

*Paragraphs 124, 127, 130*

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

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

Ecology:

*Paragraphs 170, 175, 177, 178, 180, 181*

### Adopted Local Plan

EC2: Design

EC4: Control of Pollution

EC13: Protection of wildlife and their habitats

EC38: Archaeological Sites and Monuments

H7: Affordable housing

H9: New housing densities

H10: Mix of development

H17: Housing development – design and layout

T8: Car parking

RE4: Provision of children's play space and parks

CF1: Social and physical infrastructure and new developments

CF2: Education facilities

CF13: Foul water and sewage disposal  
CF14: Surface water disposal

## Residential Design Guidance

### Additional Guidance

Addendum to the 2016 Strategic Housing Market Assessment (2017)

Strategic Housing Land Availability Assessment Update (31<sup>st</sup> March 2017)

Planning Minister Statement (25<sup>th</sup> March 2015)

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

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

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

### **Consultation**

#### CPBC Environmental Health Officer

No objection subject to conditions.

#### CPBC Street Scene/Recycling

No response received

#### CPBC Emergency Planner

No response received

#### Canvey Island Town Council

Objects to the proposal on the following grounds:

Adverse significant impact to the surrounding infrastructure

Due to the size of the proposal major infrastructure improvements are required before the development can go ahead.

#### Anglian Water

No objection subject to condition.

#### Environment Agency

No objection subject to conditions

#### Lead Local Flood Authority

No objection, subject to conditions.

#### Highway Authority

No objection subject to conditions

#### Essex County Council – Education

No contribution requested

#### National Health Service

No response.

## **Public Consultation**

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

167 letters of objection have been received in respect of the proposed development.

The majority of the comments received raise objections to the principle of more residential development anywhere on Canvey Island rather than make comments on the proposed development. These objectors seek a moratorium on housing until significant improvements have been made to the road and drainage infrastructure.

The comments received which are directly associated with the proposal under consideration are:

- Increased flood risk and drainage problems
- Social infrastructure inadequate to meet needs of development
- Loss of wildlife habitat/Trees.
- Impact on badgers residing on the site.
- Inadequate access
- Increased traffic/congestion
- Inadequate parking
- Noise and disruption for local residents
- Impact on/loss of the Green Belt
- Local roads require improvement
- Loss of privacy
- Loss of light
- Loss of open space
- Loss of Historic Building
- Objection to flats
- Lack of affordability
- Impact on Nun's graves
- Too close to primary school
- No need for housing

## **Comments on Consultation Responses**

It should be noted that the site is not, nor has it ever been, allocated for Green Belt purposes as suggested by one objector to the proposal. Its loss would not therefore have an adverse impact on the Green Belt.

Indeed it may be argued that the provision of housing within the urban area relieves pressure for the development of sites in the Green Belt and that the proposal would therefore have a potentially beneficial impact on the Green Belt.

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

## **Evaluation of Proposal**

The main issues for consideration are the principle of the proposed residential development including consideration of sustainability and the need for housing, the design and layout of the scheme, parking implications, ecology, the impact on local residents, heritage and flood risk and surface water drainage.



Consideration must also be given to the provision of affordable housing and to a number of more generalist objections which would benefit from response.

## **The principle of residential development**

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise (paragraph 11 of the NPPF). The development plan is the starting point for decision making. Development that accords with the Local Plan should be approved and proposals which conflict with the Plan should be refused unless material considerations indicate otherwise.

Where the Development Plan is absent, silent or relevant policies are out of date, the Planning Authority should grant planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework or specific policies in the Framework indicate that development should be restricted (paragraph 11 of the NPPF).

The Development Plan for Castle Point is the adopted Local Plan (1998). This allocates the site for School and Worship purpose. The school, which lies beyond the confines of the application site, is to be retained on the site, however it would appear that the use of the site for worship ceased some time ago and that the application site has been used, since 1994, as a youth retreat.

The proposal now seeks to provide a residential development on the site which would, prima facie, appear inconsistent with the Local Plan allocation.

The NPPF however states that housing applications should be considered in the context of the presumption in favour of sustainable development. At paragraph 118 the NPPF states that Planning Authorities should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs.

The application site represents a brownfield site within the settlement. Its redevelopment for residential purposes would be consistent with the provisions of the NPPF.

## **Sustainability of the Site**

### The Location

The application site is located some 200m to the west of the Canvey Town Centre and approximately 120m north of the major distributor road and bus route through Canvey Island. The site is within 300m of a large GP complex and Community Facility at the Paddocks and is immediately adjacent to a primary school and within 250m of a secondary school. In terms of its location the application site is considered to be highly sustainable.

In terms of the availability of local resources, many local residents have commented that existing physical and social infrastructure is inadequate to accommodate the demands of the proposed development.

Local Plan Policy CF1 states that where the infrastructure requirements generated by development cannot be met by existing provision, the Council will require developers to provide, prior to occupation of the development, appropriate highway and drainage improvements or appropriate improvements to social infrastructure. These matters are considered below:

### Highways

The NPPF seeks to ensure that new development is sustainable. In the case of transport, developments are expected to demonstrate the opportunity for use of sustainable transport modes and limited journeys.

Access to public transport from the site is generally good with easy access to bus routes on Long Road. Employment and shopping facilities are also within a short distance from the site, as are schools. The site would consequently appear to be well placed in terms of the opportunities available to limit use of the private car.

Under the circumstances it is not considered that an objection to the proposal on the basis of undue reliance on private vehicles could be sustained on appeal.

Many local residents have referred to the high levels of traffic congestion that can occur on Canvey, particularly during peak commuting hours and state the view that development of the site will lead to further traffic movements and thus further congestion. On this basis residents consider that planning permission for the scheme should be refused.

Whilst the sentiment behind this objection can be appreciated, traffic movements associated with the development of this site will be insignificant in the context created by traffic movements on the Island generally. The difficulties identified by residents in terms of congestion and delay will not be resolved by the refusal of this scheme, such resolution requiring a much more fundamental and strategic approach than can be achieved from the redevelopment of one site.

Essex County Council as the Highway Authority has been consulted on the proposal and has raised no objection to the scheme on the basis of access or highway capacity. As such it is not considered that an objection to the proposal on this basis may reasonably be raised, nor is it considered that such an objection could be sustained on appeal.

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

In the context of the use of the highway in amenity terms, some residents have objected to the proposal on the basis of the noise and dirt that would be experienced as a result of vehicles accessing the site during both the construction and operational phases.

Noise is considered in more depth below; however, with regard to the issue of dirt, some dust is inevitable during the construction period but can be adequately mitigated through the use of appropriate dust suppression measures. These can be incorporated within an appropriate Construction Environment Management Plan for the site.

With regard to potential deposition of mud on the highway, provision may be made for the effective cleaning of the wheels of vehicles leaving the site to ensure that material is not deposited onto local roads. This provision may be secured by the imposition of a condition on the grant of any consent.

There is no evidence to suggest that use of the site for residential purposes will give rise to dirt or dust nuisance to adjoining residents.

No objection is therefore raised the proposal on this basis.

### Education

Essex County Council, as Education Authority, has raised no objection to the proposal and has not sought a contribution towards to the provision of Early Years, Primary or Secondary education. It must therefore be assumed that the Education Authority does not consider the

proposal likely to prejudice education provision and no objection is therefore raised to the proposal on this basis.

### Doctors Surgeries

A number of local residents have referred to the difficulties encountered in accessing local GP services and have expressed concern that the provision of further development will exacerbate these difficulties. It should be noted that access to GP provision in Castle Point is not affected by the distribution of growth. There is an existing deficit of GP provision across the borough, and indeed nationally, that is a result of the recruitment and retention of GPs as opposed to the amount of facilities available. NHS England and the Castle Point and Rochford Clinical Commissioning Group are seeking to address this deficit in two ways. Firstly, they are seeking to recruit more GPs into the local area through the promotion and development of 'Training Practices'. They are also putting together a Primary Care Strategy which will seek special clinics developed for older people with complex care needs. This will relieve pressure on GPs to treat the remainder of the population

Under the circumstances, and in the absence of any objection from NHSEngland, it is not considered that an objection to the proposal on the basis of inadequate GP availability would be sustained on appeal.

### **The need for housing**

A number of objectors have commented that there is no need for additional housing on Canvey.

The inability of the Planning Authority to meet its housing needs is well documented as is the limited availability of sites within the urban area to meet those needs.

Equally well documented is this Council's stance on the protection of the Green Belt and the need to focus on the redevelopment of previously developed land.

Under such circumstances the Government exhorts planning authorities to make the best use of brownfield sites within urban areas such as is represented by the application site.

An objection to the proposal based on a lack of need for housing is untenable and could not therefore be sustained on appeal.

### **Conclusion on the principle of development.**

Whilst the site is not allocated for residential purposes, it does represent a sustainable brownfield site in the urban area, the residential development of which would be consistent with Government guidance as set out in the NPPF.

Under the circumstances it not considered that an objection to the principle of the redevelopment of the site for residential purposes, could be sustained on appeal.

### **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.

Local Plan Policy H17 states that in designing proposals, regard must be had to the design and layout guidelines contained within Appendix 12 of the Local Plan. Appendix 12 has been superseded by the adopted Residential Design Guidance (RDG).

The application is in outline form with all matters except access reserved for subsequent consideration and it is not therefore possible to apply the RDG to the proposal in any meaningful fashion. The applicant is advised however that should outline consent be granted for the proposed development compliance with all appropriate RDG will be expected.

The applicant is also recommended to have regard to the provisions of the NPPF and in particular those paragraphs which encourage the use of grey water and solar technology and the introduction of electric vehicle charging points.

The applicant is advised that the indicative layout submitted is considered inappropriate for the following reasons:

- (i) It represents a poor use of land
- (ii) It exhibits the domination of some individual sites by parking,
- (iii) It displays the excessive use of hard surfacing and inadequate landscaping,
- (iv) inadequate isolation is provided between the rear elevation of some dwellings and the rear boundary of their respective sites,
- (v) inadequate isolation is provided between the front elevation of some dwellings and their front boundaries
- (vi) inadequate isolation is provided between the front of the proposed garages and the front boundary of their respective sites
- (vii) and the inadequate provision of private amenity space.

These deficiencies represent a substantial objection to the current indicative layout. However, a condition specifically excluding indicative layout can be attached to the grant of any planning permission.

A number of local residents have objected to the proposal on the basis of the provision of flats. The application form does not identify flats as part of the proposal, however, flats would appear to be identified within the indicative layout. Should it be the intention of the applicant to provide flats on the site, attention is drawn to Policy H13 of the adopted Local Plan and the applicant is advised that, prima facie, the site is not considered suitable for the provision of flats.

#### The achievement of optimum use of land

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

The site has an area of some 1.008ha and would provide a density of up to 32 dwellings per hectare.

This is below the average density of development in the area which is approximately 47 dwellings per hectare and fails prima facie therefore to represent the best use of urban land. However it must be recognised that development of the site is prejudiced by a drainage easement that crosses the site from east to west. Under the circumstances, it is considered that a density up circa 32 dwellings per hectare would be appropriate and no objection is therefore raised the proposal on this basis.

#### Mix of development

Paragraph 61 of the NPPF states that Planning Authorities should have a clear understanding of the mix of housing required to meet local needs and plan to meet those needs.

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, inconsistent with the requirements of paragraph 50 of the NPPF which requires local planning authorities to plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community.

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

The application is in outline form only and the size of houses to be provided has not been identified.

The applicant is advised that the Planning Authority will expect any reserved matters application to reflect the needs identified in the 2017 Addendum.

#### Landscaping

Landscaping is reserved for later consideration, however it is considered appropriate to offer some guidance at this stage.

Local Plan Policy EC22 states that in schemes for new development, existing trees, hedgerows and woods shall be retained wherever possible and loss of existing tree cover and hedgerows shall be kept to a minimum.

The site is primarily laid to grass which is short mown, but hosts a number of semi mature coniferous and deciduous trees, both within the body of the site and on the frontage.

Those trees to the frontage were the subject of a condition imposed on a consent granted for the railings currently present on the front boundary. This condition required the retention of the trees in order to preserve the character and amenity of the site. None of these trees are particularly fine forms and none are the subject Tree Preservation Orders.

The indicative layout submitted suggests that the dwellings will be constructed on the site in order to retain these trees. Whilst the retention of trees within the site is supported and would be consistent with Policy EC22 of the adopted Local Plan, it is not considered that the trees on the frontage are worthy of retention, particularly where such retention would result in development turning its back to Lionel Road, thus achieving a potentially unattractive and inefficient layout, inconsistent with the character of the surrounding area. As a matter of principle it is not considered that the Planning Authority should insist on the retention of the frontage trees to the detriment of the achievement of an attractive and efficient layout on the site.

A robust and ecologically more appropriate landscaping scheme can be provided under the submission of reserved matters.

## **Parking Implications**

A number of objections have been received which are based on a perceived shortage of parking on the site.

The application is in outline form only with layout currently excluded from consideration. Limited reliance may therefore be placed on the indicative layout. At this stage it is not possible to precisely define the level of parking required as the final number of units to be provided has not been definitively identified. However, Local Plan Policy T8 requires the provision of appropriate levels of off-street parking through the application of the adopted County parking standards. These require one space to be provided for one-bedroom properties and two spaces for properties with two or more bedrooms. Single garages will only be counted as parking spaces where they achieve internal dimensions of 3m wide by 7m deep and double garages must be 6m wide by 7m deep.

Parking spaces are required to be 2.9m wide and 5.5m deep. Forecourts to garages will be required to be 6m deep.

Unallocated visitor parking is required to be provided at a ratio of one space per four dwellings.

On this basis a total of up to 72 parking spaces would be required for a scheme of 32 dwellings

The indicative layout indicates a reliance on surface parking which is disappointing and likely to lead to a car dominated environment.

Furthermore it is noted that a number of dwellings do not have the requisite 6m deep forecourt in front of garages.

These aspects of the proposal represent substantial objections to the submitted scheme and it is considered that an alternative layout should be explored in any reserved matters application.

As previously identified, it is considered that this can be secured by the imposition of a condition on the grant of any consent specifically excluding the indicative layout submitted as part of the outline application.

## **Ecology**

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

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

Policy EC14 is considered consistent with the NPPF, particularly in respect of paragraph 174. In respect of Policy EC13 it is considered more expedient to consider the proposal in the context of paragraph 175 of the NPPF.

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

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

Assessment of the site has confirmed that whilst a considerable proportion of the site is covered by buildings or hardsurfaces it also exhibits a large area of open space which currently offers opportunities for wildlife. Redevelopment of the site, will reduce the open area, but will provide some opportunities within the communal amenity areas, where indigenous and wildlife friendly planting can be managed to ecological benefit.

Any application for the approval of reserved matters will be required to be accompanied by a detailed, wildlife friendly, landscaping scheme.

Any application for reserved matters will also be expected to be accompanied by an appropriate ecological survey and shall include consideration of the presence of bats within the existing buildings and the provision of mitigation of the proposed development as appropriate.

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

The proposal seeks to provide 32 dwellings and as such a contribution towards RAMS is required.

This can be secured through the imposition of a S106 obligation.

Subject to the submission of appropriate ecological surveys, an appropriate landscaping and a willingness to enter into a S106 agreement to secure an appropriate contribution towards RAMS, no objection is raised to the proposed development on the basis of ecology.

## **Impact on Local Residents**

### Loss of Privacy/View

A number of local residents have objected to the proposal on the basis of loss of privacy.

With regard to loss of privacy, this is an outline application with no finalised details of the layout provided. As a consequence it is not possible to determine the final proximity of new dwellings to site boundaries or the potential for overlooking and loss of privacy. It should be noted however that the development of this site will be required to have regard to the Council's Residential Design Guidance (RDG) which establishes appropriate parameters for new development, sufficient to achieve appropriate levels of privacy and amenity for existing residents. Compliance with the requirements of the RDG will ensure no undue loss of privacy or amenity to local residents.

## Noise

Local residents have objected to the proposal on the basis of the potential for noise generation both from the construction and operational phases of the development.

Consideration must also however be given to the potential for residents of the proposed development to experience noise from the adjoining school.

Noise can have a significant effect on the environment and on the quality of life enjoyed by individuals and communities. Noise can interfere with residential and community amenity and the utility of noise-sensitive land uses. Noise exposure can have effects including sleep disturbance and annoyance. Recent evidence shows that noise can impair cognitive learning in school children. It is also agreed by many experts that environmental noise can lead to chronic health effects. For example, associations have been found between long term exposure to some types of transport noise, particularly from aircraft and road traffic, and an increase in the risk of cardiovascular effects (heart disease and hypertension).

For these reasons, noise is a material consideration in the planning process and a key aspect of sustainable development.

PPG Paragraph 001 (reference ID: 30-001-20140306) states that noise needs to be considered when new developments may create additional noise and when new developments would be sensitive to the prevailing acoustic environment. In determining applications opportunities should be taken to consider improvements to the acoustic environment.

PPG Paragraph 003 (reference ID: 30-003-20140306) states that local planning authorities' plan-making and decision taking should take account of the acoustic environment and in doing so consider:

- whether or not a significant adverse effect is occurring or likely to occur;
- whether or not an adverse effect is occurring or likely to occur; and
- whether or not a good standard of amenity can be achieved.

In line with the Explanatory Note of the Noise Policy Statement for England, this would include identifying whether the overall effect of the noise exposure (including the impact during the construction phase wherever applicable) is, or would be, above or below the significant observed adverse effect level and the lowest observed adverse effect level for the given situation.

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

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

The Noise Statement for England (2010) seeks to promote good health and a good quality of life through the effective management of noise within the context of Government policy on sustainable development and through the effective management and control of environmental, neighbour and neighbourhood noise.



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

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 generated during the constructional periods are kept as low as practically possible, in the interests of the amenity of local residents, wildlife and the wider environment. No demonstration of the satisfaction of this objective has been submitted to date however a condition requiring the submission of such details as part of a Construction Environment Management Plan can be appended to the grant of any consent.

This is considered particularly appropriate given the proximity of the site to a primary school and the potential for disruption to education.

In terms of the operational phase of the development, there is no evidence to suggest that the noise generated by the occupiers of the proposed dwellings would be significantly different from that generated by the occupiers of the adjoining dwellings. It is not considered that an objection can be raised to the proposal on the basis that neighbours may be noisy. Should this situation arise in the future, appropriate legislation exists to deal with the matter.

With regard to traffic noise, it is inevitable that the development will attract vehicles and that these vehicles will generate noise. No information has been submitted in respect of noise generated by the development; however recent draft guidance suggests that whilst noise may be noticeable following development of a site, it is not likely to be so intrusive that an objection on this basis could be sustained on appeal.

#### Vibration

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

With regard to construction vibration, it is possible that the passage of heavy vehicles and works undertaken in close proximity to adjoining dwellings may result in ground borne vibration. No analysis has been submitted by the applicant to indicate the potential for, or mitigation of, such vibration however a condition requiring the submission of such details as part of a Construction Environment Management Plan can be appended to the grant of any consent.

#### **Heritage**

A number of local residents have objected to the proposal on the basis of the loss of a historic building.

The proposal concerns the demolition of the existing building on the site: 'Walsingham House' which was constructed circa 1969 as a replacement for the earlier convent which was located on land to the north of the application site. The original building was demolished in the 1960's and the replacement building is neither statutorily, or locally, listed and exhibits no features of special historic or architectural importance.

The loss of this building would have no adverse impact on the heritage assets of the Borough.

#### **Flood Risk and Surface Water 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 FRA in order to demonstrate that the occupiers of the proposed development would not be placed at unacceptable risk in the event of a flood.

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

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

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

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

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

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

The second criterion requires that the applicant demonstrate that the development is safe and where possible will reduce flood risk overall. The applicant has provided a FRA which states that should the defences breach during a 1 in 200 year plus climate change storm event the depth of flood water on site could reach up to 1m deep in the vicinity of the dwellings and up to 2m deep in 'the valley'. In a 1:100 year event these depths would increase to 2m and 3m respectively.

The applicants have advised that it is proposed to construct the proposed dwellings with a finished ground floor height set some 300mm above ground level with the first floor level set at 3.9mAOD (ground levels within the developable part of the site are in the region of 1.6m – 1.8mAOD). It is clear therefore that even under 1 in 200 year flood conditions the proposed dwellings are likely to experience water entry.

Given the potential for such water depths on the site, the applicants have adopted a water entry strategy. Under this regime, the dwellings would be designed to allow any potential flood water to pass through the building in the event of a flood. The rationale for this approach is that if there were a breach of the defences the site would be under significant depth of water and if water was

not allowed to enter the buildings significant pressure differentials would develop between the inside and outside due to the depth of water; which could lead to structural failure.

A water entry strategy is considered acceptable.

The applicants have further stated that flood resilient measures will be introduced in the construction of the proposed dwellings up to 3.9m AOD.

The EA has considered the submitted FRA in detail and has found it to be acceptable.

A Flood Response Plan has been provided as part of the submitted FRA, however this advocates evacuation in the event of a flood and its therefore inconsistent with local flood response requirements which seek to ensure that residents remain within their properties unless and until they are advised to evacuate by the emergency services. A revised Flood Response Plan will be required by condition.

In terms of surface water 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 along the frontage of the site (southern boundary), but at high risk of surface water flooding around the dyke that traverses the site.

In order to mitigate this impact the LLFA has requested that conditions be imposed on the grant of any consent requiring the submission, approval and implementation of a detailed surface water drainage scheme for the site, based on sustainable drainage principles which would not only mitigate the impact on surface water flooding on site but would also limit the opportunity for surface water runoff onto other sites.

Subject to appropriate conditions to secure the submission, approval, implementation and proper maintenance of the system, no objection is raised to the proposal on the basis of the potential risk of surface water flooding.

### **The provision of affordable housing**

Policy H7 of the Local Plan sets out the Council's policy in relation to affordable housing provision. It states that the number of affordable dwellings to be provided will be dependent upon the size of the site, its location, and any substantial costs associated with the provision of necessary infrastructure. The Council's Developer Contributions Supplementary Planning Document provides guidance on the amount and type of contribution that is expected in relation to affordable housing provision. This requires the provision of 35% affordable housing on sites of 15 units or more. It also requires a tenure split requirement of 50% social rent, to 50% intermediate housing. It identifies the Council's preferred approach to the delivery of affordable housing provision being via a Registered Provider.

Since the adoption of the Developer Contributions SPD, additional assessments have been undertaken in respect of affordability and the need for affordable housing. The 2016 SHMA shows a need for 236 new affordable homes per annum in order to meet identified need. This figure exceeds the annual build rate adopted by Members and in effect would require that all new dwellings built in the Borough were provided as affordable housing units. This is clearly an unrealistic proposition as to adopt such a position would potentially render development unviable. A proportion of dwellings provided on appropriate sites is therefore sought.

The Castle Point Draft New Local Plan Whole Plan Viability Assessment Phase 1 Report (VA) tested the viability of different types of site within Castle Point, and showed that the provision of 15% of units to be provided as affordable units for sites on Canvey Island would be viable.

The NPPF suggests that 10% of dwellings provided on large site should be available for affordable housing purposes.

The current scheme seeks to provide up to 32 dwellings. This generates a requirement for the provision of between four and twelve affordable housing units.

The current proposal makes no reference to the provision of affordable housing. However under current policy provision the Planning Authority would expect the provision of up to 12 of the proposed housing units as affordable housing.

Such provision can be achieved through a S106 agreement which would be attached to the grant of any consent.

### **Other objections**

A number of objections have been received in respect of the current proposal which do not directly relate to the proposal but which should attract a response. These are provided below.

#### Open space

A number of local residents have objected to the proposal on the basis that it will result in the loss of an open space and potential recreational facility.

It should be noted that the site is currently in private ownership and is not accessible to the public.

Redevelopment of the site will not result in a diminution in publically accessible open space, a commodity with which this area is particularly well served as a consequence of its proximity to the open space at the Paddocks site on Long Road.

Under the circumstances no objection is raised the proposal on the basis of loss of amenity space.

The redevelopment of the site may however have implications for use of existing open space

The proposal seeks to provide up to 32 properties.

The adopted Local Plan, under RE4 seeks to secure the provision of children's playspace and parks, in association with new development, in areas of identified need. The area surrounding the application site is well served by the Paddocks open space and there is therefore no requirement for play space provision on the site. However, it is considered that some recreational need may be met within the site in association with the proposed attenuation pond.

#### The presence of burials on the site

A number of local residents have referred to the presence of nuns buried on the site.

This matter has been investigated by the Council's Environmental Health Officer who has visited the site and discussed this matter with the owners of the land.

It should be noted that some 16 interments have been identified on land within the owner's control, but none are within the site of the proposed development.

The owners have advised that the burials are not associated with the presence of a convent on the site and that all date from the 1940s.

The presence of these burials creates no impediment to the development of the application site.

#### The provision of a Third Road

A number of local residents have commented that there should be no more development on Canvey Island until a 'Third Road' is provided. This comment largely reflects the frustration experienced as a result of traffic congestion on the Island, and the limited points of access which can be severely prejudiced in the event of an accident or other event.

Whilst the frustration is recognised it is not considered that an objection to this proposal based on the lack of a third access would be supported on appeal. In the absence of an objection from the Highway Authority no argument can be made that redevelopment of this site would have a significant adverse impact on traffic flows or the capacity of the highway network. No objection is therefore raised to the proposal on this basis.

#### **Conclusion**

The application seeks outline consent for residential development with all matters other than access reserved for later consideration.

The proposal represents the redevelopment of previously developed land within the urban area. Whilst allocated for school and worship purposes, the land within the confines of the application site no longer fulfils either of these functions and is unlikely to be put to such use in the future.

Government guidance is clear that where opportunities exist to provide housing on sustainable sites which are allocated for development purposes, planning permission should not be unreasonably withheld.

Detailed consideration has been given to the proposal and the comments received, particularly from local residents however, for the reasons set out in the forgoing report, the principle of residential development is considered appropriate on this site.

My **RECOMMENDATION** is: Approval subject the applicant entering into a S106 Agreement to secure the following:

- (iv) Affordable Housing provision
- (v) Recreational Disturbance
- (vi) The management and maintenance of the proposed open space for recreational and ecological use.

and the following conditions:

**My Recommendation is Approval subject to S106 with the following conditions**

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

REASON: To ensure the provision of:

(i) an appropriate contribution towards the provision of affordable housing on-site,  
(ii) an appropriate long term Management Plan for the landscaped areas of the site  
(i) an appropriate contribution towards the Recreational Disturbance Avoidance Mitigation Strategy (RAMS).

2 The development hereby permitted may only be carried out in accordance with details of the layout, scale and external appearance of the building(s), the landscaping of the site, and the means of access thereto, (hereinafter called "the reserved matters"), the approval of which shall be obtained from the Local Planning Authority before development is begun.

Application for the approval of the reserved matters shall be made to the local planning authority within three years beginning with the date of this outline permission.

The development hereby permitted shall be begun on or before whichever is the latter of the following dates - (a) the expiration of three years beginning with the date of the outline permission; or (b) the expiration of two years from the final approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.

REASON: The particulars submitted are insufficient for consideration of the details mentioned, and also pursuant to Section 92 of the Town and Country Planning Act 1990.

3 The indicative layout, as identified in drawing No. SK01 Rev D dated August 2017 is specifically excluded from this consent.

REASON: In order to ensure a form of development consistent with the provisions of the adopted Local Plan and Residential Design Guidance.

4 No development shall take place on any phase of the proposed development, 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

The approved Construction Management Plan 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 securing the provision and retention

of appropriate landscaping, 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.

5 No works shall take place until a scheme to minimise the risk of off-site flooding caused by surface water run-off and groundwater during the construction works has been submitted to, and approved by, the local planning authority.

The scheme shall subsequently be implemented as approved.

REASON: Paragraph 103 of the National Planning Policy Framework states that local planning authorities should ensure that flood risk is not increased elsewhere by development.

6 The reserved matters application shall include details of 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.

7 The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) and drainage strategy prepared by MLM Consulting, referenced 618943-MLM-ZZ-XX-RP-C-0001 and dated 26/03/2019 and the following mitigation measures as detailed within the FRA:

1. Finished first floor levels shall be set no lower 3.9 metres above Ordnance Datum.

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

8 Prior to the commencement of development, a scheme demonstrating the ability of the proposed structure(s) to withstand the hydrostatic and hydrodynamic pressures likely to be acting on the buildings in a 1 in 200 year and 1 in 1000 year flood event, based on the provisions of the Castle Point Strategic Flood Risk Assessment, shall be prepared by a qualified structural engineer and submitted to the Local Planning Authority.

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

9 The development shall be constructed in accordance with the scheme submitted pursuant to condition 8 above, by a qualified structural engineer.

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

10 Prior to the first occupation of the approved dwellings a revised Flood Response Plan, consistent with the principles of 'Go in, Tune in. Stay in', shall be submitted to and approved in writing by the Local Planning Authority,

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

11 Upon first occupation of the dwellings, the approved Flood Response Plan 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.

12 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 well being of future occupiers.

13 Prior to the commencement of the development above foundation level, details or samples of all materials to be used on the external surfaces shall be submitted to, and formally approved by the Local Planning Authority.

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

14 The development hereby approved shall be built wholly in accordance with the approved materials.

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

15 No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented prior to occupation.

REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, ensure the effective operation of SuDS features over the lifetime of the development and provide mitigation of any environmental harm which may be caused to the local water environment.

16 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 103 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.

17 No works shall take place until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage



system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.

REASON: 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.

18 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.

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

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

20 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.

21 Prior to the commencement of the development hereby approved a landscaping scheme for the area to be occupied by residential development shall be submitted to and formally approved by the Local Planning Authority. Such a scheme shall include planting plans, written specifications, including cultivation and other operations associated with plant and grass establishment, schedules of plants, noting species, plant sizes and proposed numbers / densities.

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.

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

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

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

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

24 Prior to the commencement of development on the site, including any clearance or demolition work, an ecological survey, carried out by a suitably qualified consultant, shall be submitted to, and formally approved by the Local Planning Authority. Such report shall contain details of all mitigating measures required to safeguard identified flora and fauna and their habitats.

REASON: In order to identify and enable the protection of the biodiversity of the site.

25 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.

26 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 it's current state.

27 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.

28 No phase of the proposed development shall be occupied until such time as the access roads and vehicle parking areas serving the dwellings within that phase, have been provided. The vehicle parking areas and associated turning areas shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development 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

29 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.

30 Prior to the occupation of any of the proposed dwellings, the proposed private drive shall be constructed to a width of 5.5 metres for at least the first 6 metres from the back edge of highway boundary and provided with an appropriate dropped kerb crossing of the verge.

REASON: To ensure that vehicles can enter and leave the highways in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety in accordance with Policy EC2 of the adopted Local Plan.

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

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

32 All 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.

33 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.

34 Where car parking spaces, including unallocated visitor parking spaces, and garages are provided on the site, these facilities shall be retained solely for that use and for no other purpose whatsoever without the formal consent of the Local Planning Authority.

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

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

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

REASON: In the interests of reducing the need to travel by car and promoting sustainable development.

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

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

37 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.

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

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

39 Prior to the commencement of development, details of appropriate cycle parking facilities for the proposed dwellings shall be submitted to and approved by the Local Planning Authority.

Such cycle parking facilities as are approved shall be provided prior to the first occupation of the development hereby approved and thereafter permanently retained for the use of occupiers of the development.

REASON: In order to ensure an appropriate level of cycle parking facilities on the site in accordance with the provisions of Policy T8 of the adopted Local Plan.

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

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

41 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.

42 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 both this and adjoining properties.

44 The reserved matters application shall include details of all energy and water efficiency and renewable energy measures to be incorporated into the construction of the building.

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.

45 Such measures as are identified and installed pursuant to condition 44 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

46 With the exception of bathroom and ensuite windows, all windows at first floor level shall be located in excess of 9m from any side or rear boundary. Any second floor window shall be located in excess of 15m from any side or rear boundary.

Bathroom windows located at less than these distances from side and rear boundaries shall be obscure glazed 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.

47 The internal layout of the proposed dwellings shall demonstrate the potential for the accommodation of the provisions of the nationally described standards and the needs of persons with disabilities.

REASON: In order to ensure an appropriate quality of living accommodation and that consideration is given to all sectors of the community, in accordance with the provisions of RDG16 of the adopted Residential Design Guidance and Government guidance as contained in the National Planning Policy Framework.

## **Informatives**

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

2 All relevant precautions to minimise the potential for disturbance to neighbouring residents in terms of noise and dust during the construction and demolition phases of the development. Water suppression shall be employed for any stone or brick cutting and if necessary neighbours shall be advised in advance of any particularly noisy works.

Please be aware that the accepted Borough construction timings are:

Mon-Fri: 8am-6pm

Sat: 8am-1pm

Sun and bank holidays: no works which are audible beyond the site boundary

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

3 The Emergency Flood Plan for the development should highlight the different actions required for a flooding incident that has a 'significant' warning period and for one which has little to no warning. In the event of a flood incident with little or no warning we advise that seeking immediate refuge is the preferred option.

For a flooding incident with a 'significant' warning time, residents should not immediately evacuate but tune in for further information and instructions from the emergency services and other emergency responders.

The Plan should also provide information about the Environment Agencies Flood Warning Services and give detail on how residents can sign up.

4 Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space.

If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991 or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

Anglian Water advises that a desktop analysis has suggested that the proposed development will lead to an unacceptable risk of flooding downstream. It therefore highly recommends that you engage with Anglian Water at your earliest convenience to develop in consultation with it a feasible drainage strategy.

If you have not done so already, Anglian Water recommend that you submit a Pre-planning enquiry with its Pre-Development team. This can be completed online at the Anglian Water website

<http://www.anglianwater.co.uk/developers/pre-development.aspx>.

Once submitted, Anglian Water will work with you in developing a feasible mitigation solution. If a foul or surface water condition is applied by the Local Planning Authority to the Decision Notice, Anglian Water will require a copy of the following information prior to recommending discharging the condition:

Foul water:

oFeasible drainage strategy agreed with Anglian Water detailing the discharge solution including:

- Development size
- Proposed discharge rate (Should you require a pumped connection,

(Please note that Anglian Water's minimum pumped discharge rate is 3.8l/s)

- Connecting manhole discharge location (No connections can be made into a public rising main)

oNotification of intention to connect to the public sewer under S106 of the Water Industry Act (More information can be found on our website)

oFeasible mitigation strategy in agreement with Anglian Water (if required)

Surface water:

oFeasible drainage strategy agreed with Anglian Water detailing the discharge solution, including:

- Development hectare size
- Proposed discharge rate

(Please note that Anglian Water's minimum discharge rate is 5l/s. The applicant can verify the site's existing 1 in 1 year greenfield run off rate on the following HR Wallingford website -

<http://www.uksuds.com/drainage-calculation-tools/greenfield-runoffrate-estimation>.

For Brownfield sites being demolished, the site should be treated as Greenfield. Where this is not practical Anglian Water would assess the roof area of the former development site and subject to capacity, permit the 1 in 1 year calculated rate

- Connecting manhole discharge location

o Sufficient evidence to prove that all surface water disposal routes have been explored as detailed in the surface water hierarchy, stipulated in Building Regulations Part H (Anglian Water Surface Water Policy can be found on the Anglian Water website).

5 No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.

To prevent environmental and amenity problems arising from flooding.

6 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)

