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**Angela Hutchings**  
**Chief Executive**

## **AGENDA**

**Committee: DEVELOPMENT MANAGEMENT**

**Date and Time: Tuesday, 7<sup>th</sup> March 2023, at 7.00pm**

**Venue: Council Chamber, Council Offices**

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

**Membership: Councillors Greig (Chairman), Acott, Anderson, Barton-Brown, Bowker, C. Mumford, Riley, Skipp, Taylor and J. Thornton.**

**Substitutes: Councillors Fuller, Savage, A. Thornton and Withers.**

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

**Officers attending: Stephen Garner – Planning Manager  
Sophie Adams – Planning Officer  
Jason Bishop – Solicitor to the Council**

**Enquiries: 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 7<sup>th</sup> February 2023 is attached.

#### **4. Public Speakers**

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

## 5. Deposited Plans

The report is attached.

	<b>Application No</b>	<b>Address</b>	<b>Page No</b>
1.	22/0482/FUL	Chapman Sands Sailing Club, Eastern Esplanade, Canvey Island, Essex, SS8 7PQ	1

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**DEVELOPMENT MANAGEMENT COMMITTEE**

**TUESDAY 7<sup>th</sup> FEBRUARY 2023**

**PRESENT:** Councillors Greig (Chairman), Acott, Anderson, Barton-Brown, Bowker, C. Mumford, Riley, Skipp, Taylor and J. Thornton.

**SUBSTITUTE MEMBERS PRESENT:** None

**CANVEY ISLAND TOWN COUNCIL:** Councillor S. Sach.

**ALSO PRESENT:** Councillors Hart, S Mumford and Walter also attended.

**APOLOGIES:** None

**22. MEMBERS' INTERESTS**

There were no declarations of interest.

**23. MINUTES**

The Minutes of the meeting held on 10<sup>th</sup> January 2023 were taken as read and signed as a correct record.

**24. PUBLIC SPEAKERS**

In respect of Agenda Item 5(1), Ms Howard.

In respect of Agenda Item 5(2) Mrs Floyd, Mr Smith and Councillor Walter.

**25. DEPOSITED PLANS**

- (a) 22/0760/FULCLC – LAND ADJ WOODEN PARK, WESTERN ESPLANADE, CANVEY ISLAND, ESSEX, (CANVEY ISLAND SOUTH WARD) – NEW PAVILION AND ASSOCIATED EXPANSION OF EXISTING CAR PARK (AMENDMENTS TO APPROVED APPLICATION 19/0632/FULCLC) – CASTLE POINT BOROUGH COUNCIL**

The application sought permission for a new pavilion building to house a café and public toilets. The addition of car parking and toilets would help with visitor capacity to the Thorney Bay seafront. No conflicts with local and national planning policy had been identified and the proposal was therefore recommended for approval.

The application was presented to the Committee because the Council was the applicant and owner of the land.

Ms Howard, a representative of the applicant, spoke in support of the application. Councillor S. Sach, a representative of the Canvey Island Town Council, expressed the Town Council's support for the application.

In response to questions from the Committee the Planning Officer stated that if there was a flood event the premises would close to the public and a Flood Response Plan had been submitted as part of the application. A disabled toilet would be provided alongside general needs toilets. The financial viability of the business was not a planning consideration. The area under the building would be surrounded by perforated metal fencing and would not be accessible. The existing car park would be covered by a reinforced grass surface, the new car park would be covered with tarmac and there was sufficient parking on the site. No specific planting schemes had been submitted as part of the application.

During debate Members indicated their support for the application as they felt it would be an asset to the local area.

Following debate it was:

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

- (b) **22/0878/FUL – 49 CHURCH ROAD, THUNDERSLEY, BENFLEET, ESSEX, SS7 4BP (ST GEORGE'S WARD) – DEMOLISH EXISTING DETACHED GARAGE, CONSERVATORY AND PORCH, ERECT PART SINGLE/PART TWO STOREY REAR AND SIDE EXTENSION WITH BALCONY AND EXTERNAL STAIR, CONVERT DWELLING TO THREE FLATS, PROVIDE BIN AND CYCLE STORAGE TO REAR AND WIDEN VEHICULAR ACCESS TO SEAMORE AVENUE – PERSIAN BLUE LIMITED**

The application sought permission for extension and conversion of the property to three flats. While it had been identified that more internal storage space was desirable, and the proposal provided one parking space per flat with one visitor space where ideally the two two-bed flats would have two spaces each, these points did not amount to a defensible reason to refuse planning permission. It was recommended that in accordance with the presumption in favour of sustainable development in the Framework, the proposal was approved.

The Planning Officer stated that following publication of his report it had been suggested that if the application was approved an additional condition be added to provide electric vehicle charging points for the flats.

The application had been 'called in' by Councillor Walter on the basis of cramped development, insufficient parking, close to a hazardous road junction and overlooking nearby properties.

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

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

Councillor Walter, a Ward Member, spoke in objection to the application.

In response to questions from the Committee the Planning Officer stated that new properties had a right to connect to the existing drainage network. If there was

insufficient capacity then it was the responsibility of the relevant sewage undertaker to provide capacity. The proposed balcony met the Council's design guidance and to prevent overlooking contained a screen of 1.7 metres high along the western section of the balcony and down the external staircase. The proposal was deficient by two parking spaces. If the application was approved the siting of the cycle storage facility could be looked at further. The site was not designated as a Brownfield site but could be described as a parcel of land that was part of the current residential area.

During debate some Members raised their concerns about the development due to the deficit in parking spaces and overlooking of neighbouring properties. Other Members considered that the proposal was acceptable.

Following debate it was:

**Resolved** - That the application be approved subject to the conditions as set out in the Planning Officer's report and an additional condition to provide electric vehicle charging points which should be made operational prior to occupation of the flat and thereafter retained.

Councillors C. Mumford, Riley, Skipp and J. Thornton requested that their votes be recorded against the above decision.

Chairman

## ITEM 1

<b>Application Number:</b>	<b>22/0482/FUL</b>
<b>Address:</b>	<b>Chapman Sands Sailing Club, Eastern Esplanade, Canvey Island, Essex, SS8 7PQ (Canvey Island East Ward)</b>
<b>Description of Development:</b>	<b>Demolition of existing sailing clubhouse and replacement with 7No. dwellings with garages including new crossovers and new service road</b>
<b>Applicant:</b>	<b>Ryga Properties Ltd &amp; G Britnell Partnership Ltd</b>
<b>Case Officer:</b>	<b>Mrs Sophie Adams</b>
<b>Expiry Date:</b>	<b>11.01.2023</b>

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### Summary

The application seeks planning permission to demolish the existing building and construct seven new dwellings. The application is presented to committee as the site is allocated as public open space and the proposal is a departure from that allocation in the adopted Local Plan.

Whilst allocated as public open space the site does not perform a public open space function as it is occupied by the vacated Chapman Sands Sailing Club and associated car park, and therefore surplus to requirements under paragraph 99 of the National Planning Policy Framework (NPPF).

The proposal however results in the loss of a recreational facility, which is also covered by paragraph 99 and is a concern. However, the building is no longer used as a recreational facility, is in a poor condition and was previously found to have a low membership. It is unattractive for other sailing clubs, and a re-use of the facility for an alternative recreational facility cannot be found. This indicates that the facility is surplus to requirements, however, no assessment has been submitted to confirm that the facility is surplus to requirements, as it is unclear whether the site has been advertised as a sailing facility or whether any measures were undertaken to increase membership. Therefore, appropriate weight is attributed to its loss under paragraph 99 of the NPPF.

The tilted balance under paragraph 11 of the NPPF is applicable as the Council is unable to demonstrate a five-year housing supply. The weight attached to the need for housing is significant and considered to outweigh the weight attributed to the harm arising from the loss of the recreational facility. The proposal is therefore recommended for APPROVAL.

### Site Visit

It is not considered necessary for members to undertake an accompanied site visit to view the application site, however the site is relatively open and visible from the public realm and so members may wish to undertake their own visit to the site prior to deliberating this application.

### Introduction

The application site is located on the northern side of Eastern Esplanade between its junctions with Seaview Road and Beach House Gardens. It is a rectangular shaped site some 37m wide and 63m deep. It is occupied by a single storey building and two storage containers with a large palisade fence surrounding it and an area for car parking. The site was previously occupied by Chapman Sands Sailing Club and is currently empty.

To the north sits residential properties, No.51 Dovercliff Road, a semi-detached bungalow with rooms in the roof, and No.22 Westcliff Gardens, a detached bungalow, and both properties side boundaries adjoin the site. Footpaths leading to Dovercliff Road and Westcliff Gardens run alongside the site to the east and west. Beyond the footpath to the east sits the side boundary of No.281 Eastern Esplanade, a two storey house raised above natural ground level, and the rear

boundaries of Nos.1, 3 and 5 Beach House Gardens. To the west beyond the footpath sits public open space, which sits in front of a block of three storey flats known as Ozonia Gardens. To the south the roadway, access to a jetty, the sea wall, and the Thames Estuary.

### **The Proposal**

The applicant seeks planning permission to demolish the existing building and construct seven houses. There are 3 x three-storey houses proposed to the front of the site, plots 1, 2 and 3. An internal road is proposed between plots 1 and 2 to provide access to 4 x two storey houses (plots 4, 5, 6 and 7).

Plots 1 and 7 would provide three bedrooms. Plots 2, 3, 4, 5 and 6 would provide four bedrooms.

The three storey properties (plots 1, 2 and 3) would provide garage, WC, store and utility room (a gym is provided for plot 3 in place of the store and utility room) at ground level, sleeping accommodation with bathroom, A/C, en-suite and front and rear balconies at first floor level and open plan living, dining and kitchen area with front balcony at second floor level.

The two storey properties (plots 4, 5, 6 and 7) would provide open plan living, dining and kitchen, and WC at ground level with sleeping accommodation, bathroom and en-suite at first floor level. These would all have either an integral garage or detached garage.

### **Supplementary Documentation**

The application is supported by an access appraisal, design and access statement, flood risk assessment, structural design summary, surface water strategy report with below ground drainage layout plan, topographical survey and material specification. These can all be found on the Councils website.

### **Planning History**

None of relevance

### **Local Plan Allocation**

Public Open Space

### **Relevant Policies and Government Guidance**

National Planning Policy Framework (NPPF, 2021) and Planning Practice Guidance (PPG)

#### **Adopted Local Plan (1998)**

EC2	Design
EC22	Retention of Trees, Woodland and Hedgerows
H9	Housing Densities
H10	Mix of Development
H11	Accessible and Wheelchair Housing
T8	Car Parking Standards
RE5	Public Open Space

#### **Residential Design Guidance (2013)**

RDG1	Plot Sizes
RDG2	Space Around Dwellings
RDG3	Building Lines
RDG4	Corner Plots
RDG5	Privacy and Living Conditions
RDG6	Amenity Space
RDG8	Detailing
RDG10	Enclosure and Boundary Treatment
RDG12	Parking and Access

Essex County Parking Standards (2009)

Recreational Disturbance Avoidance and Mitigation Strategy (RAMS, May 2020)

Open Space Appraisal Update (September 2012)

The Castle Point Borough Council Indoor and Built Facilities Needs Assessment (August 2018) and Update 2022

Technical housing standards – nationally described space standard (March 2015)

## **Consultation**

### Councils Street Scene Waste and Recycling

No response received

### Environment Agency

27th July – Raising a holding objection

20th December – No further comments and the comments provided on the 27th July remain valid

10th January – Holding objection removed. No objection to this planning application, providing that you have taken into account the flood risk considerations which are your responsibility

### ECC Highways

To access the proposal the applicant has proposed a shared private drive access and 3 access points to individual dwellings. Each access can be provided with the required 2.4m x 43m visibility splays and each dwelling is provided with adequate parking within the curtilage of the site, therefore from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to conditions.

### Legal Services

The development will need a RAMS contribution for seven dwellings. No other observations.

## **Public Consultation**

Four responses received in response to the posted site notice, press notice and neighbour notification letters from surrounding residents with the following objections:

- o Block our view
- o Loss of natural light
- o Works for three years near the site for works to sea wall and to have the construction of this site at the same time would be terrible for residents
- o No parking during construction of both construction sites
- o If lose public footpath will be unable to get to the park during the works to sea wall
- o Garages not to be used for living accommodation as should provide parking
- o Parking
- o Can garages be changed to car ports
- o Adjoining walkway needs to be maintained as public right of way
- o Overlooking
- o Dominating
- o Impact upon mental health
- o Out of keeping with surrounding properties
- o Alter the appearance of the road
- o Move largest 2 floor house to the front of the site.



## Comments on Consultation Responses

- o It is the purpose of this evaluation to consider the proposal as submitted
- o The conditions recommended by the Highways Authority will be considered in the evaluation.
- o There is no right to a view over privately owned land
- o All relevant comments will be considered in the evaluation of the proposal

## Evaluation of Proposal

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

This evaluation will focus on the following areas of assessment:

- o Principle
- o Design and layout
- o Impact upon surrounding and proposed residents
- o Parking and access
- o Flood risk
- o Surface water
- o Other matters
- o Conclusion and planning balance

### Principle

Policy RE5 of the adopted Local Plan states that land is allocated for public open space purposes as shown on the proposals map.

Paragraph 99 of the NPPF states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

The proposal intends to use the entire site for residential development. The site is allocated as public open space within the adopted Local Plan, and the use of the site for purely residential development is a departure from that allocation. No information or assessment has been provided by the applicant to justify that the area is surplus to requirements. Furthermore, the proposal does not propose the replacement of equivalent or better provision and is not for an alternative sports and recreational provision. An objection is therefore raised accordingly.

However, it is necessary to consider whether there are any material considerations which would justify the departure from the allocation.

Firstly, the contribution the site provides to public open space. The site is predominantly occupied by the former Chapman Sands Sailing Club, which sits towards the rear of the site and is unoccupied and is entirely enclosed with fencing. The area of land to the front of the former yacht club is mainly hard surfaced to provide parking for the sailing club. The site therefore provides no opportunities for the type of activities that you would expect public open space to provide.

The Council's Open Space Appraisal Update (September 2012) provides a map of all the open spaces and accessible natural greenspaces within the borough. Whilst the site is allocated under the 1998 Local Plan, the site is not highlighted on these maps in the Appraisal. Therefore, it is not

recognised as open space in the 2012 Appraisal update, and this is more up to date than the proposal maps under the 1998 Local Plan. It is acknowledged that this update is now 10 years old and may not be fully relied upon, however, the use of the site is unchanged from 2012 to present day, except for the sailing club vacating the site.

An update to the Appraisal is expected as part of the evidence behind the creation of the Castle Point Plan (CPP). The Local Development Scheme (LDS) which sets out the timescale for the CPP was approved at Full Council November 2022. This sets out that the Open Space Assessment would be updated. This is likely to be provided at the early stages of the Plan process to inform the Issues identification and Option stages.

Nevertheless, there have been no changes to the site since 2012, apart from the sailing club being vacated, and as such would not expect the site to now include any open space or natural greenspace within an update of the appraisal. The proposal is therefore unlikely to result in an adverse impact to the level of public open space provision in the borough.

The sailing club currently provides a building for recreational facilities, and the proposal would result on the face of it as a loss of this facility. It is therefore appropriate to also consider the loss of the sailing club under paragraph 99 of the NPPF.

The sailing club was previously owned by the Council and a valuation was undertaken by Ayers and Cruiks on behalf of the Council prior to the sale of the site. Their letter dated 11th May 2019 identifies the site as a 'Private Members Club' with the grounds surrounding the clubhouse described as slightly overgrown with the building being in a poor state of repair and decoration. The condition of the site is the responsibility of the leaseholder, and the valuers 'got the very distinct impression' from the leaseholder that the club was not faring well with a lack of membership. They therefore surmised that the condition of the premises suggested that the club did not have any surplus funds. They also deemed it unlikely that another yacht club or similar would become readily available to use the site. These comments indicate that the building was being used more as a bar and less as a sailing club.

The Castle Point Borough Council Indoor and Built Facilities Needs Assessment (August 2018) considers the sailing supply and demand of the borough. It states that sailing is a popular activity in the Borough, and that there are three water sports clubs; Island Yacht Club, Chapman Sands Sailing Club and Benfleet Yacht Club.

A Planning Policy view on the application has been sought, and they state that an updated action plan was agreed and published in November 2022, and no update was made to the sailing position at that time. However, at this time, the Chapman Sands Sailing Club would have vacated the property and the building closed. The Built Facilities Strategy makes no reference to the closure and only recommends enhancement of existing facilities. The letter from Ayers and Cruiks indicates that this was not a viable option for the occupiers of the sailing club due to the condition of the venue and the level of paid members, and that the site would not be attractive to another yacht club or similar uses. Furthermore, the future of the site as a potential sailing club is questionable given the intention to permanently remove the jetty in the near future (22/0352/DPA). This indicates that the sailing club is a surplus facility.

Whilst the building is vacant, this does not indicate that an alternative recreational use could not take place on site. The Planning Policy Officer considers that the only other sports that could be accommodated in a building of this size, looking at the dimensions, would be short mat or carpet bowls. These would require the entire length of the building and a significant refit given the state of the building. Short mat bowls is provided at King George V Pavilion and at Waterside, and there is no identified additional need for additional provision in this regard.

Looking beyond sporting use, Planning Policy state that the recommendations of the Built Facilities Strategy related to village halls and community centres (Level 4 facilities) of which this building is similar does not seek the strong protection of such buildings. The recommendations relate to the mapping of activities occurring in such buildings to create better provision of activity for residents. It seeks improvements to level 4 facilities should be identified to ensure that are fit for purpose. However, in the case of the site, the Ayers and Cruik letter indicates that this is not viable.

The Councils Planning Policy officer concludes that the recreational building on the Chapman Sands site is surplus to requirement in relation to sailing activities and does not lend itself to reuse for other recreation purposes due to its size and condition. It is not considered viable to bring the facility into a suitable state which could be sustainably maintained.

Whilst the evidence does suggest that the sailing club is surplus to requirements, it is unclear, as no assessment has been provided, whether the site has been marketed as a sailing club or alternative recreational use, and whether adequate steps were undertaken to improve the paid membership of the sailing club. The evidence is therefore not conclusive, and a concern is still raised to the loss of the recreational facility.

In conclusion of the principle, the site is not used for public open space, and the proposal would not therefore result in a loss of public open space. The site is occupied by a vacant recreational building, and it has indicated that the building would be unviable for other recreational uses. The above indicates that it is surplus for sailing provision due to the building condition and the previous lack of paid membership. However, no assessment has been provided by the applicant to confirm it is surplus to requirements. Furthermore, it is unclear whether adequate steps were undertaken to improve the paid membership of the previously occupied sailing club or market the site for other recreational needs. A concern is therefore raised to its loss, and this is attributed appropriate weight.

There is no requirement to provide affordable homes under this application.

#### Design and Layout

Policy EC2 of the council's Adopted Local Plan seeks a high standard of design in all developments. Regard is to be given to the scale, density, siting, design, layout and external materials of any development, which shall be appropriate to its setting and which should not harm the character of its surroundings. This is consistent with paragraphs 128 and 130 of the NPPF.

The street scene contains a mixture of dwelling types, with two storey and single storey dwellings. The dwellings to Eastern Esplanade whilst two storey, have a greater height, as the living accommodation is raised significantly above natural ground level.

The proposal would provide two and three storey dwellings, with three storey dwellings to the front of the site, and two storey dwellings to the rear. A street scene has been provided, showing the dwellings in relation to neighbouring properties. The three storey properties are taller than adjacent properties, however, they do not seem out of character in comparison with Nos.281 and 283 Eastern Esplanade (the raised two storey properties) and Ozonia Gardens (a block of three storey flats). As these have built forms of similar scale.

The two storey properties are lower in height to the surrounding two storey properties and by way of the level of isolation to the single storey properties fronting Westcliff Gardens and Dovercliff Road, appear appropriately scaled.

In comparison the three storey dwellings to the front of the site do seem to tower over the lower proposed two storey dwellings. However, this is like the relationship between Nos.281 and 283

Eastern Esplanade and the dwellings facing Beach House Gardens. It is considered therefore that this relationship between dwellings is not out of character in this locality.

RDG1 states that within the existing built up area the plot sizes for all new development should be informed by the prevailing character of plot sizes, and where there is a distinct character of development which creates an exceptionally strong pattern, development must not result in a disruption to this pattern.

The surrounding area consists of a mixture of plot sizes, with narrow plots to the two storey detached and semi-detached dwellings to the north, Nos.31-39 South Parade, and more squat but wider plots to those single storey properties onto Westcliff Gardens and Dovercliff Road. To Beach House Gardens a consistent and uniform pattern of plots sizes are provided to detached two storey properties.

Plot 7 is a detached property and has a narrower plot, which is similar to that provided to No.35 South Parade. Beyond this dwelling plots 4-6 are wider and consistent with the other detached two storey dwellings in the area. The plots to the three storey dwellings are marginally less deep than the similar scaled dwellings to Eastern Esplanade, but these differences are only marginal, whereas the width is more noticeable. Nevertheless, the plot sizes do not disrupt an exceptionally strong pattern. No objection is therefore raised under RDG1.

RDG2 states that space around all new development should be informed by the prevailing character of space around dwellings. Where there is no clear pattern of development the space around a dwelling should be proportionate to the size of the dwelling, with at least 1m provided between the property and the boundary.

Plots 1 – 3 are three storey properties with only 1m to each side. A dwelling of this height would normally be expected to be provided with a greater level of isolation, to ensure a more appropriate setting. However, the similar scaled dwellings to the east provide a similar level of isolation with No.281 Eastern Esplanade providing 1m to one boundary and no isolation to the higher than usual ground floor level. In this context it is considered that a reason for refusal would be unsupported at appeal.

Plots 4 – 6 are two storey properties with 1m to one side, and a single storey semi-integral garage on the other, similar to those in Beach House Gardens. Whereas plot 7 provides 1m to both sides. This level of space is consistent with the surrounding area.

Overall, the space to the sides of the dwellings does not conflict with RDG2 and no objection can therefore be raised on this basis.

RDG3 of the Residential Design Guidance requires proposals to respect established building lines.

The proposal would respect the established building line to Eastern Esplanade. To Westcliff Gardens and Dovercliff Road the dwellings would be further forward, however this is unlikely to appear jarring by reason of the level of isolation between the dwellings to the north and the proposed dwellings. No objection is raised from a building line perspective.

RDG4 states that dwellings on corner plots should provide active frontages to all elevations that face the public realm.

Windows and material detailing has been provided to all elevations facing the public realm, and it is considered that this is sufficient to ensure adequate activity and no objection is raised under RDG4.

RDG6 seeks to ensure the retention of adequate private amenity space/area to serve the needs of the dwelling occupiers. Amenity space of at least 15m<sup>2</sup> for each habitable room contained in the dwelling should be provided.

Plot 1 has five habitable rooms, plot 2 has six habitable rooms, plot 3 has seven habitable rooms, plots 4 – 6 have six habitable rooms and plot 7 has five habitable rooms. Therefore, the dwellings require between 75m<sup>2</sup> - 105m<sup>2</sup> amenity space per property depending on the number of habitable rooms.

For plots 1 – 3 additional habitable rooms could be provided to the basement in the place of the store and utility room, increasing the demand for amenity space. However, this has been factored into the amenity space including balconies provided, as this is beyond that exhibited by the habitable rooms and the proposed amenity areas are compliant with RDG6.

RDG6 also states that balconies visible in the public realm must be provided with screening which obscures views of the use of public balconies.

Subject to frosted glass to balconies the view of balconies would be obscured, and no objection is therefore raised to RDG6.

There is the potential in the future for significant additions to the properties such as larger householder extensions under prior approvals or upwards extensions to increase the pressure on the proposed provision of outdoor amenity space. Therefore it is considered reasonable and necessary to restrict permitted development rights permitting these type of enlargements to ensure the retention of adequate private outdoor amenity space.

RDG8 states that the provision of detailing elements must be consistent with the overall architectural approach of the dwelling and their design and siting should be an integral part of the dwelling.

The dwellings would be finished externally in brickwork, with Crest “Harwood Blend” to the dwellings to plots 1, 3, 5 and 7 and Vandersanden “Antro” multishade to plots 2, 4 and 6, and white monocouche render. The roofs would be finished in Ardonit Smooth with grey block paving to the driveway. Windows would be charcoal/grey and doors grey/black.

All openings are generally aligned giving a pleasing balanced appearance to the dwellings. The differing materials outlined above give interest to the elevations. The roof of the main dwellings for the two storey dwellings is asymmetrical, and this is complemented by the two storey set back side projection containing the garage.

The three storey dwellings have a more modern appearance by reason of the level of glazing proposed to its front elevation, which is appropriate giving its seafront position.

No objection is raised to the detailing elements of the design.

RDG10 provides advice on boundary treatment, and states that the means of enclosure and surface material should be informed by the prevailing character of the area, but must not repeat poor forms of development. Any means of enclosure should not dominate the public realm.

The street scene shows the provision of 1.8m high fencing for many of the side boundaries except for 1m high fencing between the garage to plot 7 and its dwelling, and between the rear of plot 1 and the dwelling to plot 4. This reduction in boundary treatment slightly reduces the dominance of the 1.8m fencing.

To Westcliff Gardens, an existing 1.8m fence is provided to the eastern side, and this new fencing would be provided to part of its western side. This would increase the sense of enclosure, as this side is currently partly delineated by the metal palisade fencing on site.

From the west the area is more open, and therefore to Dovercliff Road this level of fencing would be even more dominant. A concern is raised.

Alternative screening could be provided which is less dominant, by reducing the level of 1.8m high fencing, and the use of railings to the 1m high fenced areas. It is therefore considered that subject to the submission of alternative boundary treatment, it would be less likely to dominate the public realm.

Fencing to a height of 1.8m is proposed to the rear of properties, and this would provide adequate security between the proposed dwellings and the neighbouring properties. This fencing would be visible from the front elevation of plots 4 – 7, however this is not unusual in residential areas, and is an existing situation between the rear boundaries of Beach House Gardens and Nos.22 and 20 Westcliff Garden.

Subject to a condition requiring the submission of an alternative scheme for boundary treatments, they are unlikely to dominate the public realm, and no objection is raised under RDG10.

#### Impact on adjacent residents and proposed residents

RDG3 requires development to not result in excessive overshadowing or dominance to any elevation of an adjoining property.

The proposed dwellings would be located south of the side boundaries with No.22 Westcliff Gardens and No.51 Dovercliff Road, with an isolation of some 11m between the built form and their boundaries. Whilst to the south of these properties, by reason of the level of isolation they are considered unlikely to result in excessive overshadowing or dominance to any of their elevations. To the properties fronting Beach House Gardens, these properties back onto the footpath to the east of the site, and a greater level of isolation is provided. To Eastern Esplanade the dwellings to the front of the site would generally be aligned with these properties, and have an isolation of some 9.7m, and therefore the proposed properties are also unlikely to result in excessive overshadowing or dominance to any of their elevations. To Ozonia Gardens to the northwest, the level of isolation would also prevent excessive overshadowing or dominance from occurring.

The proposal is unlikely to result in excessive overshadowing or dominance to any elevation of the proposed dwellings and no objection is raised under RDG3.

RDG5 states that for all development above ground floor level, for windows installed on the 1st floor a distance of 9m shall be provided between the windows, edge of balconies or raised amenity space and the boundary it directly faces. This distance is increased to 15m at 2nd floor. Oblique views are not protected under this guidance.

It also states that all windows should be designed and be of a size which provides for adequate natural light and ventilation to enter the room they serve.

The three storey dwellings to plots 1, 2 and 3 upper floor front windows and balconies would overlook the highway and the sea wall, and would result in no loss of privacy. The second floor rear and first floor rear balcony are located a minimum of some 10.7m and 8.8m respectively from the boundaries they directly face. Beyond this boundary is the roadway access to plots 4 – 7 increasing the distances to some 16m and 18m to the front boundaries of plots 4-7. Overlooking would therefore occur to the public realm only. Upper floor side windows are proposed, these are likely to result in overlooking and subject to restrictive glazing these would not result in a loss of

privacy or adversely affect the living conditions within the proposed dwellings due to the rooms/areas they serve.

The two storey dwellings to plots 4, 5, 6 and 7 upper floor rear windows are over 9m from the boundary they directly face. Upper floor side windows proposed to these dwellings serve a stairway or bathroom. These are only 1m from the boundary and have the potential to result in adverse overlooking. This harm can be overcome with restrictive glazing without harming the living conditions of the occupants. The upper floor front windows are located beyond 9m from a residential boundary and would not result in a loss of privacy.

The side edge of the rear balconies would overlook the dwellings within the development, and adjacent land, and therefore it is considered necessary to have screens to prevent such adverse harm.

The habitable rooms within the proposed dwellings would have adequately sized windows to ensure satisfactory natural light and ventilation.

Subject to conditions regarding the upper floor side windows being obscure glazed and fixed shut and screens to the side edges of the balconies no objection is raised under RDG5.

RDG16 requires that all new dwellings should provide appropriate internal and circulation space which reflects the character of the surrounding area and also reflects current best practices. All new dwellings should meet the existing and future needs of occupiers over their lifetime without the need for extensive alteration or adaption.

The 2015 Technical Housing Standards states the following gross internal area (GIA) floor spaces (m<sup>2</sup>) should be provided:

No. Bedrooms (b)	No. Bed Spaces (p)	No. Storeys		Built in Storage
		2	3	
3b	4p	84	90	2.5
	6p	102	108	
4b	5p	97	103	3
	7p	115	121	

The guidance also states minimum bed sizes and widths.

Insofar as GIA and bedroom dimensions are concerned the proposal adequately meets the adopted standards for providing two and three storeys three and four bedroom dwellings, with adequate levels of built-in storage, with only very minor deficiencies. These are so minor that a sustainable reason for refusal could not be raised and therefore no objection is raised on this basis.

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

Policy EC4 of the adopted Local Plan seeks to ensure that development proposals 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 noise, dust, vibration, light or heat will be refused.

The proposal would, except for the construction stage, be unlikely to result in significant adverse effect upon residential amenity under Policy EC3 and EC4. The construction stage whilst

transient has the potential to result in disturbance to residents adjacent to the site. This combined with the Environment Agency compound to the east of the site, in association with revetment works to the seawall, has the potential to result in additional disturbance beyond that normally exhibited by the construction of a proposal of this size. Subject to submission, approval and implementation of a demolition and construction management plan these potentially adverse effects would be minimised.

This condition would need to be a pre-commencement condition and the agreement of the applicant has been sought and given.

Subject to such a condition, no objection is raised under Policies EC3 and EC4.

### **Parking and Access**

Policy EC2 requires that all modes of movement associated with the development to be safe and convenient.

An internal road is proposed, with a width of 6m for the first 6m, which then reduces to 3.7m with a 1.2m wide footway. An access appraisal has been submitted, and tracking has been provided to show that there is adequate access for a fire engine to enter and leave the site. The access visibility is beyond the confines of the site, however, this sits within the footpath and therefore is unlikely to be obstructed. Consequently, the access would be safe and convenient. Furthermore, ECC Highways raise no objection to the new access road, which they describe as the shared access, subject to its implementation.

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

Policy T8 requires adopted Essex County Parking Standard September 2009 to be taken into account. This requires two parking spaces for properties with three or more bedrooms and 0.25 visitor spaces per dwelling.

The proposal requires two vehicle spaces per property and two visitor spaces. Each dwelling would be provided with a hard surfaced parking space and a garage, either integrally or detached. All garages are of adequate size except the detached garage for plot 7, which is only 5.5m deep. However, it is 4.0m deep, providing some 22.0m<sup>2</sup> floor area. Whilst not of the correct size, it provides sufficient space to park a car (3.0m x 5.5m) together with additional space for the storage of bikes and other residential paraphernalia to the side rather than at the end as is standard on the 3.0m x 7.0m garages. As such it is considered that the proposal provides adequate parking provision for each dwelling. It is however considered necessary given the reduce depth of this garage to require a roller shutter door, as depicted on the plans, to be installed to improve its useability.

One visitor space would be provided. Whilst the proposal would be deficient by one visitor space this is considered to have a limited impact on parking in the vicinity.

This level of parking would not result in an overdominance of parking.

One cycle space is required per dwelling, and this could easily be provided on site in the proposed garages.

Paragraph 107 e) requires the adequate provision of spaces for charging plug in and other ultra low emission vehicles. No electric charge points are shown. However, confirmation has been received from the applicant that there is adequate power delivery to the site, subject to upgrades to the substation, to support the development and provide the required electrical charge points.



Subject to these parking spaces and garages being provided in an acceptable manner and retained for parking only, the provision of electric charge points and the conditions recommended by the Highways Authority where necessary and reasonable no objection is raised to the proposed parking.

RDG13 states that all forms of residential development must be provided with safe, adequate and suitable means of refuse and recycling storage to cater for all occupiers.

The dwellings fronting Eastern Esplanade would be collected using normal bin collections. For the dwellings within the site, a communal refuse bin pick up point is specified. This is located some 25m from the edge of the highway with Eastern Esplanade, and an acceptable distance for refuse and recycling operators to collect the items. Subject to this being provided in accordance with the approved plans, no objection is raised to the refuse and recycling arrangements.

### **Flood Risk**

Government guidance as contained in NPPF requires all proposals for new dwelling in areas at risk of flooding to be accompanied by a site-specific Flood Risk Assessment (FRA) in order to demonstrate that the occupiers of the proposed development would not be placed at unacceptable risk in the event of a flood. The proposal is also required to pass the sequential and exception tests as set out in Paragraph 161 of the NPPF as well as the associated Planning Practice Guidance, in order to determine whether sites of lower flood risk probability exist which may be more suitable for the type of development proposed.

With regard to the sequential test, the proposal seeks to provide dwellings within the settlement of Canvey Island. It is an established principle that for dwellings to serve the community of Canvey Island they must be located within or near that settlement, which is located entirely within Flood Zone 3. It is not considered that there are any reasonably available alternative sites within the local area with a lower probability of flooding that could accommodate the proposed development and serve Canvey Island. Under these circumstances, the sequential test for this proposal is passed.

Having passed the sequential test, the proposal must then pass the exception test. Details regarding the exception test are detailed within paragraphs 163-165 of the NPPF. This has two elements which are detailed in paragraph 164, both of which need to be passed for the development to be permitted:

- o The development would provide wider sustainability to the community that outweigh the flood risks; and
- o The development will be safe for its lifetime taking into account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

In respect of the first criterion, it is considered that continued development is necessary to ensure the future vitality of the settlement of Canvey Island. This criterion is therefore considered to be passed.

In respect of the second criterion, this requires the submission of a site-specific FRA.

The supplied FRA dated October 2022 supersedes the originally submitted May 2021 FRA. The October FRA identifies the tidal flood risk at the site from the Thames Estuary. Section 3.2 states that the tidal defences for Canvey Island are currently in good condition, and flooding from a tidal event would only occur in the event of a breach and therefore considered as a residual risk. Section 2.5 and 3.2 explores the residual risk of a breach in the sea defences and details bespoke modelling undertaken by the authors of the FRA. The modelling has been reviewed and verified as acceptable by the Environment Agency. The breach assessment indicates that the site could

experience breach flood depths of up to 1.29m during the 1 in 200 including climate change breach event. During the 1 in 100 year including climate change event this increases to 1.75m.

The finished floor levels have been provided and show the first floor is capable of providing safe refuge above both the 1 in 200 and 1 in 1000 year breach events. Provided that the response of occupiers to a flood warning being issued or flooding occurring is acceptably managed through a suitable flood warning and response plan, there is no objection to the proposal on tidal flood risk grounds.

There is no risk from fluvial flooding.

Following the flooding that occurred on Canvey Island in July 2014, the Environment Agency, Anglian Water and Essex County Council jointly produced an Integrated Urban Drainage (IUD) model to establish a common understanding of the condition and ownership of the drainage infrastructure across Canvey Island.

Assuming a worst-case scenario, whereby modelled pluvial depths on the site were to exceed the height of the finished ground floor level, the first floor would be capable of providing a safe refuge from this flood water. Provided a robust flood response plan is in place, it is not considered that pluvial flood risk is an impediment to the development of this site.

No flood response plan has been provided. This matter can be suitably addressed by a condition requiring a suitable plan to be submitted and approved prior to occupation of any of the dwellings.

The National Planning Practice Guidance states at paragraph 054 Reference ID: 7-054-20150415 that when considering safety, the depth, velocity and wave action of flood water and the structural safety of buildings needs to be considered. These are commonly known as hydrostatic and hydrodynamic pressures. It is imperative to ensure that the building is structurally sound and safe for occupants, were a flood to occur. Details have been provided and confirm that the buildings would be able to withstand the pressures associated with a 1 in 1000 year flood event. This can be ensured with appropriately worded conditions.

The applicant is encouraged to use flood resistant or resilient measures in the construction of the dwellings, and a condition can require the submission and implementation of such details.

The proposal is therefore considered to have passed the exception test.

### **Surface water**

A surface water strategy has been submitted with the application and considers the surface water hierarchy being the following ordered by preference:

- o Infiltration/soakaways on site
- o Discharge to the nearest watercourse or land drainage features
- o Discharge to the nearest surface water sewer or Highway drain

The strategy considers various infiltration/soakaway options and concludes that the ground conditions expected on site would preclude the deployment of surface water infiltration methods, and feels these are unsuitable. This is consistent with the experience found by the Local Planning Authority for the area. The report further considers that there is no evidence of a watercourse or land drainage feature nearby, and this leaves only one viable solution to discharge surface water to the public sewer. This would be done via a strategy of attenuated catchment on site using geo cellular crates and discharged at a controlled rate using a packaged pumping station. The report considers the run off rate, and the required size of attenuated catchment for a 1 in 100 year storm event plus 40% for climate change to be 72m<sup>3</sup>, and concludes that a betterment rate would be achievable at 2.5l/s. The layout for this strategy has been provided.

This strategy is considered appropriate to prevent surface water run off and flood risk elsewhere, and subject to its implementation no objection is raised.

### **Recreational Disturbance Avoidance and Mitigation Strategy (RAMS)**

Section 15 of the National Planning Policy Framework (NPPF) requires that when determining planning applications, local planning authorities should apply the principle that if significant harm to biodiversity resulting from development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

Under the Conservation of Habitats and Species Regulations 2017, a Habitats Regulations Assessment (HRA) is required for land use plans and for planning applications which are likely to have significant effects on a Habitat Site. A number of these sites have been identified throughout Essex. Population growth in Essex is likely to have a significant effect on Habitat Sites through increased recreational disturbance and consequently in partnership with Natural England and other Local Authorities, Castle Point Borough Council has prepared a Recreational disturbance Avoidance and Mitigation Strategy (RAMS). This identifies necessary measures to avoid and mitigate likely significant effects from recreational disturbance. The RAMS sets out a tariff which applies to all net new residential development within the Zone of Influence (ZOI).

The proposal site falls within 'zones of influence' identified by Natural England for likely significant effects to occur to European designated sites, in this case specifically the Southend and Benfleet Marshes ZOI, Foulness ZOI and the Blackwater ZOI. Those likely significant effects will occur through increased recreational pressure when considered either alone or in combination with other residential development.

The applicant has made an upfront contribution to pay the RAMS tariff and therefore no objection is raised to the proposal on this basis.

### **Other matters**

There are no trees or hedgerows on site, and the works are too remote to adjacent trees to adversely affect those, and therefore no objection is raised to the proposal under Policy EC22 which seeks to retain trees, woodlands and hedgerows.

### **Conclusion and planning balance**

Paragraph 11 states plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means:

- o *approving development proposals that accord with an up-to-date development plan without delay; or*
- o *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date<sup>8</sup>, granting permission unless:*
  - i. *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>7</sup>; or*
  - ii. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

<sup>7</sup> *The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 181) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 68); and areas at risk of flooding or coastal change.*

<sup>8</sup> This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 74); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.

The policies most important in determining this proposal are out of date and according to the latest Annual Monitoring Report dated 1st April 2022 the five year housing land supply position is at 1.86 years. This is noticeably below the five year supply referred to by footnote 8. Furthermore, the Council's Housing Delivery Test outcome for the same year was 48.3%, which is under 75%. Therefore, permission should be granted unless i. or ii. apply.

The proposal does not relate to a habitat site, designated Site of Special Scientific Interest, designated as Green Belt, an Area of Outstanding Natural Beauty, a National Park or defined as Heritage Coast. Furthermore, it does not relate to irreplaceable habitats or designated heritage assets. The site is designated as public open space, but not a local green space, and as discussed above would have no harm to a public open space. The site is within an area at risk of flooding, flood zone 3, but as specified above would not increase flood risk and has passed the sequential and exception tests required by the NPPF. The proposal should not therefore be refused based on the first criterion.

Turning to the second criterion, the benefit of the scheme would provide much needed housing for the borough given the shortfall established above. Whilst harm has been found when assessed against the policies with the NPPF, paragraph 99, with the loss of the recreational facility, it has been established that this harm is not significant. No other harm has been identified with the policies contained within the NPPF. It is considered that the adverse harm with the NPPF in respect of paragraph 99 is overcome by the benefits achieved with the provision of new homes.

It is therefore recommended that the application be approved.

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

My **RECOMMENDATION** is **Approval**

### **Conditions**

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

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

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

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

- 3 The external surfaces of the development hereby approved shall be treated in accordance with the approved schedule of materials from which there shall be no departure without the prior formal consent of 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.

- 4 Prior to demolition and construction of the development hereby permitted, a demolition method statement and a construction management plan shall be submitted to and approved in writing to the Local Planning Authority. The method statement and management plan shall include control measures for dust, noise, vibration, lighting, and delivery, storage and parking locations and all associated activities audible beyond the site boundary. Hours of work shall be restricted to 0800-1800hrs Mondays to Fridays and 0800-1300 hrs on Saturdays, and details of advance notification to neighbours and other interested parties of the proposed works, and the public display of contact details (including accessible phone contact to persons responsible for the site works for the duration of the works), shall be provided. Once approved the demolition method statement and construction management plan shall be implemented in its entirety for the duration of the demolition of the existing building and the construction of the development hereby approved.

REASON: To ensure that the amenity of occupiers of surrounding premises is not adversely affected by noise, vibration, dust, lighting or other emissions from the building site and parking, loading and materials are kept clear of the highway and footpath. This condition is a pre-commencement condition as the details are required prior to the start of works to ensure the existing building is demolished and the approved buildings are constructed in an acceptable manner.

- 5 All garages and parking spaces as shown on the approved plans shall be provided in their entirety and retained for the parking of vehicles only.

REASON: To ensure the provision and retention of adequate parking facilities to meet the needs of the development.

- 6 Prior to first occupation of the dwelling on plot 7, as shown on the approved plans, a roller shutter door shall be installed to the garage to plot 7. No other type of door other than a roller shutter door shall be provided at any time without the prior consent of the Local Planning Authority.

REASON: The garage to plot 7 is shallower in depth than the adopted parking standards for a garage and if any other type of garage door were installed it would reduce the functionality and usability of this as a parking space, and this is necessary to ensure that the development provides adequate parking to meet the needs of the development.

- 7 Prior to first occupation of the development, the roadway, footpaths and vehicular accesses shall be provided in accordance with the approved drawings specified on this decision notice, notably, drawing number 1673/S5/L received on 24th January 2023. The accesses shall be provided at right angles to the highway with an appropriate dropped kerb crossing of the footway. Any redundant parts of the existing accesses on the frontage shall be suitably and permanently closed incorporating the reinstatement to full height of the highway footway and kerbing immediately following the new accesses first beneficial use.

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

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

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety.

- 9 Prior to first occupation, each dwelling shall be provided with an electric vehicle charger and made operational. Following their provision the charge points shall be maintained in accordance with any manufacturer's recommendations.

REASON: To facilitate the use of electric vehicles by occupiers of the development in the interest of sustainable transport.

- 10 Prior to the first occupation of the development hereby permitted a Residential Travel Information Pack for sustainable transport including six one day travel vouchers for use with the relevant local public transport operator shall be provided and distributed to each of the approved dwellings.

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

- 11 The development shall be constructed in accordance with the structural design for hydrostatic and hydrodynamic wall construction by John Sime & Associates Ltd Job No. 7653 A.

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.

- 12 Prior to the construction of the foundations of the dwellings hereby permitted, a scheme of flood resistant and resilient construction for the approved dwelling shall be submitted to and formally approved by the Local Planning Authority. Any submitted flood resistance and resilience measures shall be in accordance with the latest available best practice/Government guidance and shall be fully implemented prior to occupation.

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

- 13 Prior to the first occupation of development, a Flood Response Plan shall be submitted to, and formally approved by, the Local Planning Authority. Upon occupation of each individual dwelling, the approved Flood Response Plan shall be enacted until all dwellings hereby permitted have an enacted Flood Response Plan. Thereafter the Flood Response Plan shall be 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.

- 14 The development shall be constructed in accordance with the surface water strategy report prepared by John Sime & Associates Ltd dated April 2022 and the below ground drainage layout drawing number CEO1 dated April 22 which shall be made fully operational prior to occupation.

REASON: To ensure the surface water drainage is installed in accordance with the approved details in the interests of preventing surface water run off and preventing surface water flooding beyond the confines of the site.

- 15 Prior to the first use of each balcony hereby approved, an obscure glazed screen to at least Level 3 on the Pilkington Scale and a minimum of 1.1m in height measured from the finished floor surface of the balcony shall be erected to all sides of the balcony and permanently retained as such thereafter.

REASON: In order to provide privacy to the occupiers of the dwellings to plots 1, 2 and 3 using their balconies and to screen any unattractive objects present on the roof terrace from the public realm.

- 16 Notwithstanding the requirements of condition 15, prior to the first use of each rear balcony hereby approved an obscure glazed screen to at least Level 3 on the Pilkington Scale and a minimum of 1.8m in height measured from the finished floor surface of the balcony shall be erected to the both the western and eastern edges of the rear balcony and permanently retained as such thereafter.

REASON: In order to protect the privacy of the occupiers of the adjoining properties, the privacy of the occupiers of the dwellings to plots 1, 2 and 3 using their rear balconies.

- 17 Prior to first beneficial use, any upper-floor windows, including rooflights and those serving dormers, in a side elevation of the dwellings hereby approved shall be -
- (i) obscure-glazed to at least level 3 on the Pilkington Scale (or such equivalent as may be agreed in writing with the local planning authority); and
  - (ii) non-opening, unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed; and retained as such thereafter.

REASON: In order to protect the privacy of the occupiers of the adjoining properties and the properties within the development hereby approved.

- 18 Notwithstanding the boundary treatments as shown on the approved plans listed on this decision notice and specified under condition 2 of this consent, details of the boundary treatments shall be submitted to and approved prior to occupation of any of the development hereby permitted. Once approved, such boundary treatments shall be implemented in their entirety and retained as such thereafter.

REASON: To ensure the boundary treatments are designed appropriately for the area in the interests of the visual amenity of the area.

- 19 The communal refuse bin pick up point shall be provided in accordance with the position shown on the approved plan number 1673/S5/L received on 24th January 2023 and shall be permanently kept free for the storage of refuse and recycling only.

REASON: To ensure adequate provision is provided for refuse and recycling to meet the waste needs for the development.

- 20 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or the equivalent provisions of any statutory instrument revoking, amending or re-enacting that Order), no rear or upward extensions to the dwelling houses hereby approved shall be carried out.

REASON: The uncontrolled exercise of such rights has the potential to result in the outdoor amenity space at the property being insufficient to serve the needs of occupiers of an enlarged dwelling house.

## **Informatives**

- 1 The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application and negotiating

acceptable amendments to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for a revised scheme, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- 2 Please note that a site notice was displayed in a publicly visible location at the site. Castle Point Borough Council would appreciate your co-operation in taking the site notice down and disposing of it properly, in the interests of the environment.
- 3 Highways Informative
  - Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway.
  - The requirements above shall be imposed by way of negative planning condition or planning obligation with associated legal framework as appropriate.
  - All highway related details shall be agreed with the Highway Authority.
  - All works affecting the highway to be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be addressed for the attention of the Development Management Team at SMO3, Essex Highways, Unit 36, Childerditch Industrial Park, Childerditch Hall Drive, Brentwood CM13 3HD or emailed to [development.management@essexhighways.org](mailto:development.management@essexhighways.org)