



DEVELOPMENT MANAGEMENT COMMITTEE

TUESDAY, 9 APRIL 2024

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

SUBSTITUTE MEMBERS PRESENT: None.

CANVEY ISLAND TOWN COUNCIL: Cllr S Sach.

ALSO PRESENT: Councillor S Ainsley.

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

APOLOGIES: None.

46. MEMBERS' INTERESTS

None were declared.

47. MINUTES

The minutes of the meetings held on 5 March and 19 March 2024 were confirmed as a correct record and signed by the Chairman.

48. PUBLIC SPEAKERS

There were none.

49. 24/0042/FUL – WALSINGHAM HOUSE, LIONEL ROAD, CANVEY ISLAND, ESSEX

The Committee considered an application for the erection of 20 detached and semi-detached, 2, 3 and 4-bedroomed houses and two blocks comprising a total of 13 1-bedroomed and 2-bedroomed flats with associated works and access.

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

Responding to questions/concerns raised relating to the potential for overlooking of the swimming pool area of the adjoining school by windows in the proposed flats, officers confirmed that the windows of the flats had been designed with reveals to them, angled away from the northern boundary and screened. In addition, a condition was recommended that relevant windows be obscure glazed. The 3 storey flatted section was not near the school swimming pool area.

Officers confirmed, in response to Member concerns relating to the potential impact of construction traffic within Lionel Road, which was narrow, that the applicants would be required to submit a construction management plan, which would include, for example, restrictions on delivery hours. In response to a supplementary question as to whether 2 vehicles could pass each other, officers confirmed that the access road was able to accommodate refuse collection vehicles.

Officers confirmed, in response to a Member question as to how the current proposal differed from the proposal that was previously refused, that this was a reconsideration of the previous proposal.

In response to Member questions relating to badgers on site, officers confirmed that the Essex Badger Protection Group had not commented on the application. They further advised that, during work on the site, badgers would need to be temporarily moved from the main sett; however, this could be appropriately managed. There were other smaller setts on the site with which the badgers would be familiar and which could accommodate them.

Officers advised, in response to a Member question relating to surface water strategy for the site, that a drainage system condition would be required which would need to provide detailed arrangements for the treatment of surface water on the site.

During debate disappointment was expressed in respect of the reduction in the contribution towards affordable housing and lack of compliance with parking standards. However, it was recognised that this was a brown field site, that mitigation was proposed to protect the badgers on site and that a refusal would be difficult for officers to defend on appeal.

Cllr K Bowker moved a motion, seconded by Cllr P Greig, that the application be approved, subject to the Section 106 agreement and conditions and informative set out in the officer's report, omitting condition 4, with a modification to condition 25 (now 24) to include the windows in the north facing elevation of block A as obscure/fixed, and this was agreed on a show of hands.

Resolved

That the application be approved, subject to the applicants entering into an agreement under Section 106 of the Town and Country Planning Act 1990 to secure:-

- i. The provision of a contribution towards the satisfaction of affordable housing needs.

- ii. The provision of a contribution towards improvement of primary care facilities.
- iii. Biodiversity Net Gain.
- iv. Retention, enhancement and management of retained wooded areas within the site for ecological purposes.
- v. An appropriate contribution towards the mitigation of recreational pressure on designated sites (RAMS).
- vi. Retained pedestrian access to St Joseph's School to the north of the site.

and subject to the following conditions:-

- (1) The development hereby permitted shall be begun on or before the expiration of three years beginning with the date of this permission.
- (2) The development shall be completed in accordance with the approved plans listed above.
- (3) Development of the site shall be undertaken in accordance with the provisions of the submitted Badger Method Statement prepared by Southern Ecological Solutions dated October 2023, from which there shall be no deviation without the prior approval in writing of the Local Planning Authority.
- (4) Prior to the commencement of the development (including any site clearance works) all trees and shrubs (including hedges) to be retained within the site shall be protected by fencing in accordance with the provisions of BS5837:2012. No materials are to be stored or temporary buildings erected inside this fence. No changes in ground levels may be made within the crown spread of any tree or within 1m of any hedge or shrub within the identified areas. Such protection measures shall be retained for the duration of the construction of the development. Any works to trees shall be carried out in accordance with BS 3998:2010.
- (5) The development hereby permitted shall not be commenced until the existing pipes within the extent of the site, which will be used to convey surface water, are cleared of any blockage and are restored to a fully working condition.
- (6) Prior to the construction of the development above foundation level a scheme, prepared by a qualified structural engineer and demonstrating the ability of the proposed structure(s) to withstand the hydrostatic and hydrodynamic pressures likely to be acting on the buildings in a 1 in 200 year and 1 in 1000 year flood event, shall be submitted to and approved in writing by the Local Planning Authority. Following approval, the scheme shall be constructed in accordance with the submitted details and retained as such thereafter.
- (7) Prior to the construction of the development above damp proof course level, a scheme for on site foul water drainage works, including connection point and discharge rate, shall be submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of any phase the foul water drainage

works relating to that phase must have been carried out in complete accordance with the approved scheme.

- (8) The development permitted by this planning permission shall be carried out in accordance with the approved Walsingham House SuDS Report, March 2022 by Civil Engineering Solutions Ltd and the following mitigation measures:
- Limiting the discharge rate from the site to not more than 3.8 litres per second and not less than 2 litres per second from each of the two discharges.
 - Providing attenuation storage (including locations on the layout plan) for all storm events up to and including the 1:100 year storm event inclusive of climate change.

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

- (9) 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.
- (10) 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.
- (11) Prior to occupation of the development, the principal access road shall be constructed to a width of 5.5m with junction radius and footway on each side as shown in principle on drawing No.1670/S2/Q.
- (12) Prior to occupation of the development, the principal access road shall be constructed to a width of 5.5m with junction radius and footway on each side as shown in principle on drawing No.1670/S2/Q.
- (13) Prior to occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 43 metres, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the road junction/access is first used by vehicular traffic and retained free of any obstruction at all times.
- (14) Prior to first occupation of the development, the developer shall be responsible for the provision, implementation and distribution of a Residential Travel Information Pack for sustainable transport approved by Essex County Council to include six one day travel vouchers for use with the relevant local public transport operator.

These packs (including tickets) are to be provided by the developer to each dwelling free of charge and confirmation of the issue of the packs shall be submitted to and approved in writing by the local planning authority prior to first occupation of the development.

- (15) No part of the proposed development shall be occupied until such time as the access road and vehicle parking areas serving the development have been provided. The vehicle parking areas and associated turning areas shall be retained in this form at all times. The vehicle parking areas and garaging shall not be used for any purpose other than the parking of vehicles that are related to the use of the development for residential purposes, unless otherwise agreed in writing with the Local Planning Authority.
- (16) Prior to occupation of the development a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, shall be submitted to and approved, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements shall be provided.

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

Failure to carry out the required maintenance before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

- (17) Prior to the first occupation of the development hereby approved, details of the means of enclosing the external boundaries of the site shall be submitted to and approved by the Local Planning Authority. Such enclosure as is subsequently approved shall be installed prior to first occupation of the development and thereafter permanently retained.
- (18) Prior to occupation of the development hereby approved a landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include planting plans, written specifications, including cultivation and other operations associated with plant and grass establishment, schedules of plants, noting species, plant sizes and proposed numbers/densities.
- (19) Prior to the first occupation of the development hereby approved all landscaping works within the application site shall be carried out in accordance with the approved landscaping scheme. Any tree or shrub 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 or shrub of a similar size and species, or such other species as may be agreed in writing with the Local Planning Authority.

- (20) 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 to and approved in writing 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. The boxes shall be installed in accordance with such timeframe(s) as may be embodied within the scheme and thereafter retained.
- (21) The submitted Construction Maintenance Plan received by the Planning Authority on 31 January 2024 shall be adhered to throughout the construction period.
- (22) The provisions of the submitted Construction Environment Management Plan and Demolition Method Statement received by the Planning Authority on 31 January 2024, with the exclusion of paragraph 9.1, shall be adhered to throughout the construction period.
- (23) The development hereby approved shall be built in accordance with the approved materials as identified in the submitted Material Specification, received by the Local Planning Authority on 31 January 2024.
- (24) Any windows provided in:
- the side elevations of the houses; and
 - the east facing elevation of flatted block B
- above ground floor level; and
- the north facing elevation of block A (all floors)
- 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.
- (25) Cycle parking for the blocks of flats shall be provided in the approved form prior to first occupation of that block and shall thereafter be retained for its approved purpose.
- (26) Prior to occupation of the development, details of cycle storage facilities for the houses without garages shall be submitted to and approved in writing by the local planning authority. Such facilities as may be approved shall be provided prior to occupation of the relevant dwelling house.
- (27) Any road or shared surface provided for the purposes of vehicular access to and within the site shall be constructed to support the weight of a 32 tonne

refuse collection lorry.

- (28) All vehicle parking spaces shall be provided with access to a working electric vehicle charging point, the details of which shall be submitted to and approved in writing by the local planning authority prior to first occupation of the development. The approved scheme of charging points shall be provided and made available for use prior to first occupation of the development and thereafter retained.
- (29) No unbound material shall be used in the surface treatment of any vehicular access, parking or turning areas.
- (30) Notwithstanding the submitted details, prior to first occupation of the development a Flood Response Plan shall be submitted to and approved in writing by the local planning authority. Such plan as may be approved shall be enacted upon occupation of the development and thereafter maintained at all times that the dwellings are occupied. Any revisions to the Plan shall first be submitted to and approved in writing by the local planning authority.
- (31) The surface water drainage scheme as implemented on site shall be permanently retained.
- (32) No gates, walls or other means of enclosure shall be erected at the entrance of the site, or to any part of the site, without the express permission of the Local Planning Authority.
- (33) There shall be no discharge of surface water from the development onto the highway.
- (34) Any unforeseen ground contamination encountered during development, to include demolition, shall be notified to the Local Planning Authority as soon as is practicable. Unless otherwise agreed in writing by the Local Planning Authority as unnecessary, an appropriate ground investigation and/or remediation strategy shall be submitted to and approved in writing by the Local Planning Authority and the approved strategy implemented in full, prior to further works on site. Following remediation and prior to the occupation of any building, a Completion/Verification Report, confirming the remediation has been carried out in accordance with the approved details, shall be submitted to and approved in writing by the Local Planning Authority.
- (35) The design and structure of the development shall be of such a standard that it will protect residents within it from existing external noise so that they are not exposed to levels indoors of more than 35dB LAeq 16 hours daytime and of more than 30 dB LAeq 8 hours in bedrooms at night.
- (36) All trenches excavated for construction purposes shall be covered overnight, or wooden ramps sufficient to enable the escape of any badger which may inadvertently enter the trenches shall be placed in any trench overnight during the construction period.

50. 24/0011/FUL – 231 BENFLEET ROAD, THUNDERSLEY, BENFLEET, ESSEX

This application had been withdrawn by the applicants prior to the meeting.

The meeting closed at 7.40 pm.

Chair -----

Date -----