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## AGENDA

**Committee:** DEVELOPMENT CONTROL

**Date and Time:** Tuesday 5<sup>th</sup> July 2016 at 7.30 p.m.

**Venue:** Council Chamber

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

**Membership:** Councillors Hart (Chairman), Smith (Vice Chairman), Acott, Anderson, Blackwell, Mrs King, Mumford, Sharp, Sheldon, Varker, Mrs Wass, N. Watson and Wood.

Canvey Island Town Councillors : Greig and Tucker

**Officers attending:** Fiona Wilson – Head of Legal Services  
Rob Davis – Planning Development and Enforcement Manager

**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> June 2016 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

Report of the Head of Regeneration and Neighbourhoods is attached.

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**DEVELOPMENT CONTROL COMMITTEE**

**7<sup>th</sup> June 2016**

**PRESENT:** Councillors Hart (Chairman), Smith (Vice-Chairman), Acott, Anderson, Blackwell, Cole, Mrs King, Mumford, Sharp, Sheldon, Varker, Mrs Wass, Wood and Canvey Island Town Councillors Greig and Tucker.

Councillors Mrs B. Egan, Ladzrie, Hurrell and Palmer also attended.

An apology for absence was also received from Councillor N. Watson.

**1. MEMBERS' INTERESTS**

Councillor Blackwell disclosed a Non-Pecuniary Interest in Agenda Item 5(4), as shown under Minute no 3(d), as his sister was the applicant and left the Chamber during discussion of the item.

**2. MINUTES**

The Minutes of the meeting held on 3<sup>rd</sup> May 2016 were taken as read and signed as correct.

**3. DEPOSITED PLANS**

**(a) 16/0146/FUL – LAND WEST OF SILVER BIRCH, LAKE DRIVE, THUNDERSLEY, BENFLEET, ESSEX (ST PETER'S WARD) – REPLACE FENCING TO BOUNDARY – MR MARK EVANS**

The application sought to erect fencing around a privately owned piece of land within Coombe Wood. It was considered that this would be harmful to the visual amenity and character of the woodland and it was therefore recommended that planning permission be refused.

The item was presented to Committee because the Council owned some of the land within Coombe Wood and it made a Direction under Article 4(1) of the Town & Country Planning (General Permitted Development) Order on the land preventing the erection of gates, fences, walls or other means of enclosure.

Mr Russell, a local resident, spoke in objection to the application.

Mr Evans, the applicant, spoke in support of the application.

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

Councillor Hurrell, a Ward Member, spoke in support of the application.

Members noted the reasons for the Direction under Article 4(1) and the potential impact the proposed fencing would have on the appearance and character of the woodland. The Committee also noted the applicant's reasons for wishing to erect fencing around the land to secure horses and that it was intended to make the design of the fence in keeping with the surrounding area.

A Member stated that there were remains of fencing and barbed wire currently on the site and raised concern that this was dangerous for members of the public using the woodland. It was understood this had been erected before the Direction was made under Article 4(1).

During debate some Members felt that the proposed fencing would have a detrimental effect on the appearance and character of the woodland and agreed with the Planning Officer's recommendation of refusal. However the majority of Members considered that the fencing was necessary to secure horses and providing it was in a style that was in keeping with the surrounding area it was not considered that it would be harmful to the visual amenity of the woodland or detrimental to its open character.

Following debate it was:-

**Resolved** – That the application is approved subject to conditions regarding the position, design and appearance of the fencing, that the existing fencing and barbed wire be removed and that no signage shall be erected on the fencing. The wording of the conditions to be agreed by the Head of Regeneration and Neighbourhoods in consultation with the Chairman and Vice Chairman.

**(b) 16/0147/FUL – WHITEGATES, GOLDFINCH LANE, THUNDERSLEY, BENFLEET, ESSEX (ST PETER'S WARD) – REPLACEMENT FRONT WALL AND ENTRANCE GATES, NEW VEHICLE CROSSOVER AND DRIVE – MR AND MRS ALLEN**

The application sought permission for a new boundary wall and railings together with a new vehicular access to Goldfinch Lane. Whilst there would be some loss of landscaping to the area as a result of the proposal it was not felt that this would be of such a detriment to the area as to warrant refusal of planning permission. It was therefore recommended that permission be granted.

The application was presented to the Committee because it involved work on Council owned land.

During discussion Members indicated that they were in favour of the proposal; however some felt that the applicant should be permitted to use block paving for the vehicular access as they did not consider this would have a detrimental effect to the character and appearance of the surrounding area.

Following discussion it was:-

**Resolved** – That the application is approved subject to an amendment to Condition 2 to read as follows:

The hard surface between the back edge of the footway and the boundary of Whitegates shall be constructed with either an asphalt or permeable block paving to match the adjacent pavement and laid with a fall away from the highway

and subject to the remainder of the conditions as set out in the Planning Officer's report.

- (c) **16/0216/FUL – FOREST HOUSE, CATHERINE ROAD, BENFLEET, ESSEX, SS7 1AR (BOYCE WARD) – SECOND FLOOR EXTENSION TO CREATE A NEW THREE BEDROOM APARTMENT WITH THE INCLUSION OF A REAR ACCESS STAIRCASE AND EXTERNAL ACCESS STAIR. REPLACEMENT ROOF TO SINGLE STOREY LEAN TO AND ALTERATIONS TO FENESTRATION – MR ERIC JACOB**

The application was a revised scheme for an additional flat to Forest House, following a refusal of planning permission earlier in the year. It was considered that the revised scheme satisfactorily addressed the reasons for refusal and as a consequence it was recommended that planning permission be granted.

The application was presented to the Committee at the request of Cllr Sharp, as a previous application was considered by the Committee, and also to assess the impact of the development on the surrounding area.

During discussion Members raised concern that the modern design of the proposal was out of character with both the existing building and surrounding area. It was also felt that the external staircase was inappropriate and Members were concerned that the nature of its design would lead to overlooking and loss of privacy to existing occupiers.

Following discussion it was therefore:-

**Resolved** – That the application be refused as the proposal does not overcome the reasons for refusal of the previous application and due to its design and modern appearance it is considered to be inappropriate and detrimental to the character of the existing building and surrounding area.

(d) **16/0283/NMA – 7 KOLLUM ROAD, CANVEY ISLAND, ESSEX, SS8 7TU (CANVEY ISLAND EAST WARD) – NON-MATERIAL AMENDMENT TO PLANNING PERMISSION 14/0465/FUL – TO CREATE AN ADDITIONAL BEDROOM IN EACH PROPERTY – MRS ALICIA BLACKWELL**

The application sought consent for a non-material minor amendment to alter the layout of a pair of approved link detached chalets from two bedrooms to three bedrooms. It was stated that this would not have any greater impact on the surrounding area than the approved two-bedroomed scheme and as such it was recommended that the amendment be accepted.

The application was presented to the Committee as the applicant was a relative of Councillor Blackwell.

During discussion Members indicated that were in favour of the proposal. It was therefore:-

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

Chairman

## ITEM 1

<b>Application Number:</b>	<b>16/0188/FUL</b>
<b>Address:</b>	<b>130 Kiln Road Thundersley Benfleet Essex SS7 1TE (Boyce)</b>
<b>Description of Development:</b>	<b>Demolition of existing outbuildings. Construction of single storey rear/side extension to retail unit, external plant area and fencing to rear yard. External alterations including external staircase to flat above and alterations to shop front</b>
<b>Applicant:</b>	<b>The Co-operative Group Food Ltd</b>
<b>Case Officer</b>	<b>Miss Emma Clay</b>

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### Summary

This proposal is a revised submission which seeks to address the reasons for refusal for a previous similar application 15/0702/FUL. This revised proposal still seeks to extend and develop the ground floor retail area but differs from the previous scheme in important respects.

It is considered that this revised scheme satisfactorily addresses the reasons for refusal previously identified and as a consequence it is recommended that planning permission be **GRANTED**, subject to conditions and the following mitigation measures:

- o Limitation of hours of deliveries to the site
- o Requiring delivery vehicle radios to be switched off before arriving at the site,
- o Allowing vehicle horns to be sounded only under safety critical conditions
- o Turning vehicle engines off when stationary
- o Limiting cage trolley movements and introducing rubber matting between the store service entry and loading area in order to limit sound
- o Advising staff of the noise sensitivity of the location and requiring appropriate behaviour
- o Providing signs within the unloading/delivery area to remind staff of the noise sensitivity requirements.

The application is presented to the Committee at the request of Councillor Smith, in order to assess the impact of the proposal on surrounding residential properties.

### Site Visit

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

### Introduction

The application site is located on the southern side of Kiln Road at the junction with Hermitage Avenue. The site is regular in shape with a frontage to Kiln Road of some 13m and a return frontage to Hermitage Avenue of some 38m.

The site is occupied by a part two storey part single storey building, providing at ground floor level (No.130) a retail shop with associated warehouse/storage and open yard area, and a residential flat above (No.130A) which is accessed from Hermitage Avenue.

The main building is 'L-shaped' and is located some 3.5m from the site boundary with Kiln Road and abuts the highway boundary on Hermitage Avenue. A timber structure is located in the internal corner of 'L'. This has a gross floorspace of some 49m<sup>2</sup>. To the rear is an open yard area of some 115m<sup>2</sup> which is hard surfaced and accessed from Hermitage Avenue via a wide vehicle crossover. This access is currently secured by 1.8m high double gates.

Kiln Road comprises part of the A13 and is designated as an urban clearway between the hours of 07:00 – 9:30 and 16:30 – 18:30 Monday to Friday. A parking area allowing 1 hour parking between 08:00 – 18:00 Monday to Saturday with no return within 4 hours is located directly in front of the site on Kiln Road.

Hermitage Avenue exhibits double yellow lines with no unloading and no stopping and single yellow lines restricting parking between 08:00 to 18:00 in the immediate vicinity of the site.

The surrounding development within Hermitage Avenue and Kiln Road is predominately residential in character although there are examples of commercial and employment uses on Kiln Road, including retail shops, the Council Offices and a residential care home within immediate proximity of the site.

Adjoining the site to the west and south are residential properties at No.126 Kiln Road and No.2A Netherfield.

### **The Proposal**

The proposal involves the demolition of the existing outbuilding and the construction of a single storey, flat roofed, rear/side extension, the reconfiguration of the internal floor space to provide a greater retail area from the former warehouse and storage areas and associated works to facilitate the occupation of the site by The Co-Operative Group, as a convenience food store.

In greater detail the works comprise:

#### Side/rear extension

This irregularly shaped extension would infill the area between the substantial brick building and the western boundary of the site and will replace the existing timber outbuilding. The extension would be between 5.4m and 5.9m wide and 18.4m and 19m deep and would have a height of some 2.8m.

The proposed extension would have a floorspace of some 93m<sup>2</sup> but provide a net increase in floor space of some 44m<sup>2</sup>.

The extension would be externally finished in white render with a brick plinth.

#### Plant enclosure

The plant enclosure would be provided within the defined service yard to the rear of the building, adjacent to the Hermitage Avenue frontage and would measure some 5.2m wide by 2.8m deep. This enclosure would be formed from acoustic 'hit and miss' timber fencing to a height of 1.8m.

No specific details of the external plant and machinery to be installed within this area have been submitted; however the submitted noise impact assessment states that a refrigeration and air conditioning unit will be installed and would likely to operate 24 hours a day on an "on-demand" basis.

#### Shop front alterations

The shop front would be altered to provide an automatic sliding entrance door with level entrance and a glazed shop front in powder coated grey aluminium (RAL 7043).

#### External staircase

The ground level entrance to the first floor flat from Hermitage Avenue will be removed and access would be provided at first floor level via an external steel staircase to the first floor. An existing first floor side window opening would be enlarged to provide the entrance door to the flat.



### Fencing

The metal gates fronting Hermitage Avenue would be removed and in part replaced by the 1.8m high timber fencing referred to above, forming part of the external plant enclosure, beyond which an open frontage to the service yard area, measuring some 4.5m in width, would be maintained.

### Bollards

Two new 'ram-raid' bollards would be provided to the shop front entrance. The existing bollards are to be retained.

### Hours of opening and employment

The enlarged shop would operate between the hours of 7am and 11pm, 7 days per week and 20-25 staff would be employed on a full and part-time basis. It is stated that no more than 5 members of staff would be present on site at any one time.

### On-site parking

There will be no on-site parking for customers or staff. Two Sheffield cycle racks would be provided to the front of the store.

### Servicing Arrangements

A dedicated service delivery bay would be provided to the rear of the site.

### **Supplementary Documentation**

The application is accompanied by the following documents, which are available to view on the Council's website:

- o Planning, Design and Access Statement, prepared by Pegasus Group
- o The Transport Statement prepared by Croft Transport Solutions
- o Noise assessment prepared by 24 Acoustics
- o Draft Service Management Plan
- o Statement of Community Engagement prepared by Instinctif Partners

### **Relevant Planning History**

In October 2015 consent was refused under reference 15/0702/FUL for a similar scheme to that currently proposed. This application seeks to resolve the earlier objections to the proposal.

In 1991 consent was granted to convert an integral garage to retail use as part of an existing shop with associated alterations to create a new shop front, subject to conditions including that the yard to the rear of the premises be permanently maintained free of any impediment to enable its use for the parking of service vehicles, staff and customers cars, and that the retail space approved was only used in conjunction with the parent business on site (CPT/528/91). This consent has been implemented.

In 1986 consent was refused for a single storey rear extension and change of use of part of the existing warehouse to retail of specialist sanitary fittings as the proposal would have resulted in an unreasonable loss of amenity to the adjoining residents by reason of noise, general disturbance and additional inconvenience and danger to road users (CPT/1344/86).

In 1982 consent was granted to carry out alterations to provide the self contained flat above the existing shop (CPT/102/82). This consent has been implemented.

In 1982 consent was also granted to change the use of part of the building to provide shop/office (CPT/378/82). This consent has been implemented.

In 1980 consent was granted for a cement and plaster store and kitchen with rear service yard and car park (CPT/161/80) subject to conditions including the following:

- o The yard area and six parking spaces shall be hard surfaced and marked out before the development hereby approved is first occupied, and those areas shall be retained solely for their respective purposes
- o A sign indicating the availability of customers car parking on site be erected prior to first occupation of the development hereby approved. Details of the siting and design shall be submitted and approved by Castle Point Borough Council prior to works commencing.
- o No open storage of good and materials associated with the use
- o The provision of 1.8m high close boarded fence/brick wall erected and installed in the position marked green on the approved plan.

This consent has been implemented and relates to the part of the application building which faces Hermitage Avenue.

Enforcement Notices were issued in 1980 (ENF/611). One related to non compliance with the condition attached to CPT/161/80 in respect of the sign indicating the availability of customer car parking on site. This Notice was upheld on appeal in 1981 and the Notice was complied with in 1984. No sign was or is visible during the site visit for the application.

In 1980 consent was refused for change of use of first floor to office, kitchen and rest room facilities and ground floor living accommodation to shop extension for two reasons; undesirable intensification of a non-conforming commercial use in an area allocated for residential purposes in the development plan and the site not being of sufficient size to provide adequate off-street parking for vehicles generated by existing and proposed development which was considered likely to result in a further increase in congestion and damage to amenity. An appeal was submitted and dismissed in 1981.

The Inspector agreed with objectors that any further extension to present activities would be unacceptable on the grounds of traffic movement, inconvenience and further loss of amenity to residents and inadequate parking.

Prior to 1980 various applications were submitted and approved; these include existing cement storage shed improvements (CPT/1558/78), provision of a dry store (BEN/319/54), rebuilding of a stockroom (BEN/273/50), provision of a garage and store (BEN/51/48) and additional toilet for staff (BEN/52/65).

Consent was also refused prior to 1980 for the following; use of store for casting of concrete blocks and path slabs (BEN/179/62), additions and alterations to provide a garage, shop front and other works (BEN/960/73), change of use from living accommodation to office use and new cement store (CPT/839/78).

#### **Local Plan Allocation:**

Residential

#### **Relevant Policies:**

##### National Planning Policy Framework (NPPF)

Paras;	18 – 22	(strong competitive economy)
	39	(car parking)
	123	(noise)

#### Local Plan (Adopted November 1998)

EC2	Design
EC3	Residential Amenity
H17	Housing Development – Design and Layout
T8	Car Parking Standards

#### Residential Design Guidance (Adopted January 2013)

RDG3	Building Lines
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Essex County Parking Standards September 2009 (Adopted June 2010)

#### **Consultations:**

##### County Highways

No objection subject to conditions.

##### Environmental Health

Conditions recommended relating to off-road parking, hours of delivery, asbestos disposal, waste storage facilities and store and plant noise.

#### **Public Consultation**

A consultation exercise was undertaken by the applicants. 240 people commented on the scheme, of which 178 (74%) supported the proposal. Details of this exercise can be found in the applicant's Statement of Community Engagement which is available to view on the Council's website.

In respect of the Planning Authority consultation exercise, 37 neighbour notification letters were sent out. The response provided 30 comments in support of the proposal and 3 in opposition.

The objections concern:

- o The dominance of the rear extension due to its height and scale
- o The impact of increased traffic, parking and pedestrian usage from early morning to late evening, on amenity, pedestrian safety and the character of the area
- o Increased noise levels in respect of deliveries and plant machinery and general disturbance
- o Inadequacy of parking, servicing and delivery provision
- o Inadequate manoeuvring space for delivery vehicles at the rear of the site
- o Litter, waste and vermin
- o Sale of hot food
- o The disposal of asbestos

#### **Comments on Consultation**

- o Ancillary sales of hot food as part of the retail offer would not require a separate consent
- o The disposal of asbestos is covered by separate legislation and is not a material planning consideration in this case
- o All other relevant comments will be considered in the evaluation of the proposal.

#### **Evaluation of Proposal:**

This application seeks to resolve the earlier objections to a similar proposal. The main consideration with this application is therefore whether the previous reasons for refusal have been resolved, together with consideration of any new issues raised.

To facilitate consideration of the proposal, the former reasons for refusal are reproduced within the report.

Reason 1:

*The proposed boundary treatment along Hermitage Avenue, by reason of its length, height and materials, would present an overly dominant and prominent, feature on the street scene, which if approved would be harmful to the open character and appearance of Hermitage Avenue, contrary to Policy EC2 of the adopted Local Plan and Government guidance as contained within the National Planning Policy Framework.*

The current proposal seeks to replace the previously proposed 2.1m high timber fencing and gates across the Hermitage Avenue access with a 2.7m long section of acoustic 'hit and miss' timber fence, to form the eastern side of the external plant enclosure. This fence would have a height of some 1.8m. The remainder of the frontage to Hermitage Avenue would not be enclosed.

The reduced length and height of fencing would have less impact on the character and appearance of the area and would be consistent with other forms of enclosure found in the area; in the context of the proposed site it would be of minor significance in the street scene. Under the circumstances, the revised proposal is considered to overcome this previous reason for refusal.

Reason 2:

*The proposed extension, by reason of its proximity to the adjacent residential properties combined with its substantial height, length and overall scale, would result in excessive overshadowing and dominance to the adjacent residential properties, No.126 Kiln Road and No.1 Netherfield, to the detriment of the amenities that might reasonably be expected by the occupiers of the aforementioned dwellings, contrary to Policy H17 of the adopted Local Plan, RDG3 of the adopted Supplementary Planning Guidance and Government guidance as contained within the National Planning Policy Framework.*

The height of the rear/side extension has now been reduced from 3.25m to 2.8m. All other physical characteristics of the extension, including proximity to boundaries are unchanged and it is therefore necessary to consider whether the reduction in height alone is sufficient to overcome the concerns of overshadowing and dominance previously raised.

In respect of its physical impact on the adjacent properties at 126 Kiln Road and 2a Netherfield, it is noted that the revised height of the extension would be comparable to the height of the existing timber outbuilding. Whilst it is recognised that the proposed extension would be deeper than the existing structure and approximately 0.5m closer to the western boundary of the site, the reduction in height is considered sufficient to satisfactorily mitigate its impact on the amenity of the adjoining residents, both in terms of dominance and overshadowing. No objection is therefore raised to the proposal on this basis and reason for refusal No. 2 is considered to be overcome.

Reason 3:

*The proposal, by reason of its scale and location within a residential area, excessive operating hours and inadequate parking provision, would result in an unacceptable level of noise and disturbance to the detriment of the amenities that might reasonably be expected by the occupiers of the surrounding residential properties, contrary to Policies EC2, EC3 and T8 of the adopted Local Plan and Government Guidance as set out in the National Planning Policy Framework.*

Policy EC3 of the adopted Local Plan states that 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. This policy is considered consistent with paragraph 123 of the NPPF.

The proposal would result in a significant increase in the retail floorspace and a consequent potential for increased customers, staff and deliveries to the site giving rise to the potential for greater traffic movements on and around the site. This could give rise to greater noise and disturbance being generated by the use of the site to the detriment of the amenity of adjoining residents.

However, it should be borne in mind that the previous use of the warehouse and out-building were ancillary to the retail use of the shop and could therefore be converted to retail sales without the need for further planning permission. Were this to take place the resulting floorspace would not be significantly less than that now proposed.

In respect of deliveries to the store, the Draft Service and Delivery Plan and Planning Statement specify that it would be usual for a total of 6 fresh food deliveries and 3 ambient deliveries per week to be received at a store of this size, although frequency will be dependent on a number of factors, such as stock availability.

These types of deliveries are classified as main deliveries and are to be undertaken via the dedicated service area to the rear of the site, during the store's opening hours. Such use clearly has implications in terms of noise and disturbance for adjoining residents.

Newspaper deliveries would be made by transit van between the hours of 06:00 and 07:00 and would be delivered to the front of the shop.

It is expected the store will accept 4-5 deliveries per day, of which only 1 or 2 will be main deliveries. Deliveries would be staggered throughout the day, avoiding peak periods and are likely to occur 7 days a week reflecting the fact that the store would be specialising in fresh produce.

The Council's Environmental Health Officer (EHO) has commented that the service would wish to restrict delivery times and has recommended that no deliveries be taken at, or dispatched from the site outside of the hours 07:00-20:00 Monday to Saturday or at any time on Sundays, Bank or Public Holidays (this does not include the daily delivery of newspapers).

In response to this, the applicant has stated that they are happy to accept certain restrictions to delivery hours but is resistant to the loss of Sunday deliveries given the primary focus of the store as a provider of fresh produce. The applicant states that if deliveries were to be restricted over a two day period where a bank holiday falls, this would result in unnecessary harm to the viability of the business. The applicant has therefore suggested alternative delivery hours of 07:00 -20:00 hours Monday to Saturday and 10:00 – 16:00 on Sundays and Bank Holidays.

It must be recalled that the existing building benefits from consent for retail use with no restriction on delivery hours. Under the circumstances it is considered that the restrictions requested by the EHO could not be sustained if challenged on appeal and it is therefore recommended that a condition is imposed on the grant of any consent limiting the delivery hours to those sought by the applicant.

Turning to the hours of operation, the previous application sought to operate the store between the hours of 06:00 and 23:00, which was considered excessive. In the current application the applicant has reduced the hours to 07:00 to 23:00. Whilst this reduction in hours is limited the applicant has correctly pointed out that at the present time a building exists on this site which benefits from consent for retail and storage purposes, which is unrestricted in terms of its hours. Under the circumstances it is not considered that an objection to the proposal on the basis of hours of operation could be sustained on appeal.

With regard to the potential for noise generated on the site, the applicant has submitted evidence-based documents demonstrating that any potential noise and disturbance could be overcome by applying appropriate mitigation measures such as:

- o Limitation of deliveries to the site so that they do not occur after 8pm on any day
- o Requiring delivery vehicle radios to be switched off before arriving at the site
- o Allowing vehicle horns to be sounded only under safety critical conditions
- o Turning vehicle engines off when stationary
- o Limiting cage trolley movements and introducing rubber matting between the store service entry and loading area in order to limit sound
- o Advising staff of the noise sensitivity of the location and requiring appropriate behaviour.
- o Providing signs within the unloading/delivery area to remind staff of the noise sensitivity requirements.

These requirements would be contained in a noise management policy, the adoption and implementation of which can be secured by the imposition of an appropriate condition on the grant of any consent.

It is considered that the implementation of the measures identified above and contained within the submitted acoustics report would satisfactorily mitigate the noise impact of the proposed development. No objection is therefore raised to the proposal on this basis and the third reason for refusal has therefore been resolved.

In respect of the plant enclosure, this would be enclosed by acoustic fencing. The applicant has advised that a refrigeration and air conditioning unit will be installed and would likely to operate 24 hours a day on an “on-demand” basis. No specific details of the proposed plant have been submitted; however, the Council’s EHO has recommended that noise emitted from the plant and machinery should not exceed the following limits: Daytime (07:00 – 23:00), 40dB and Night-time (23:00 – 07:00), 33dB, as specified in the Acoustic report. A condition requiring adherence to these noise levels may be imposed on the grant of any consent. Subject to such a condition, no objection is raised to the proposal on the basis of noise generated by the plant machinery.

#### Reason 4:

*The proposal, by reason of the reduction of available parking, the intensification of the commercial use combined with the lack of adequate safe and convenient vehicle and cycle parking, would result in staff, delivery and customer vehicles being parked within the roadway, to the detriment of highway and pedestrian safety, contrary to Policies EC2 and T8 of the adopted Local Plan and Government Guidance as contained within the National Planning Policy Framework*

Policy EC2 requires all modes of movement to be safe and convenient. Policy T8 of the adopted Local Plan requires the provision of appropriate levels of on-site car parking, in accordance with the adopted County parking standards. This information is consistent with paragraph 39 of the NPPF which requires local planning authorities to set such standards reflecting local circumstance.

The adopted Essex County Parking Standards (September 2009), require a maximum of one parking space for every 14sqm of food retail floorspace and a minimum of one cycle space per 400sqm for staff and another per 400sqm for customers. Where there are less than 200 vehicle bays, 3 bays or 6% of the total capacity of parking spaces needs to be for persons with a disability.

The adopted parking standards also require a minimum of two parking spaces for dwellings with two or more bedrooms, and one secure covered cycle space per dwelling.

The proposal accordingly requires the provision of a maximum of 20 parking spaces for the retail unit and a minimum of two spaces for the residential flat. The proposal provides no off-street parking spaces on site and this represents a significant deficiency in the scheme. This feature is common between the current and previous application.

The current application does however make provision for deliveries within the site and the provision of cycle parking facilities.

The standards do state that a reduction in parking provision may be appropriate where sites are located within main urban areas (including town centre locations).

In considering the previous application, it was stated that whilst the site was located on a main carriageway with access to regular buses and close to civic, leisure and education facilities, it was not considered that it satisfied the criterion of being located in a main urban location. A reduction on parking provision was not therefore considered appropriate without significant justification and no such justification was provided.

The current proposal is accompanied by a Convenience Store Parking Study and Transport Statement which demonstrates that the majority of customers using the store will be pedestrian and that whilst some car borne customers will use the store the impact of parked vehicles in proximity to the site would not have a significant adverse impact on the highway network.

Furthermore, it should be noted that the Highway Authority has raised no objection to the proposal subject to the provision and retention of appropriate cycle parking and delivery facilities. Both of these features can be secured by the imposition of a condition on the grant of any consent.

Furthermore, it must be recalled that the site benefits from retail consent.

Under the circumstances, and in the light of the provision of delivery and cycle parking facilities, which did not form part of the previous submission and the absence of any objection from the Highway Authority it is no longer considered that an objection to the proposal based on inadequate parking provision could be sustained,

The fourth reason for refusal has therefore been resolved.

## **Conclusion**

The proposed extension and associated works to facilitate a convenience store are considered appropriate and would be consistent with the provisions of the adopted Local Plan and National Planning Policy Framework and Guidance. The current proposal has satisfactorily addressed the previous reasons for refusal and consequently it is recommended that planning permission be granted, subject to conditions.

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 with the following conditions**

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

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

- 2 The development hereby 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.

- 3 Noise from any plant or equipment provided within the external plant enclosure should not exceed the following noise limits, when measured at the boundary of the plant enclosure at its closest point to the nearest neighbouring residential property:

Daytime (07:00 - 23:00) 40 dB

Night-time (23:00 - 07:00) 33 dB

Reason: To protect the amenity of the surrounding residential occupiers.

- 4 No deliveries to the site (except for newspaper deliveries) shall be received other than between the hours of 07:00 - 20:00 on Monday to Saturday and 10:00 - 16:00 on Sundays and Bank or Public Holidays.

Reason: To protect the amenity of the surrounding residential occupiers.

- 5 The store shall not be open to the public other than between the hours of 07:00 - 23:00 on any day.

Reason: To protect the amenity of the surrounding residential occupiers.

- 6 The servicing and operation of the site shall at all times be carried out in accordance with the requirements of the Store Noise Management Policy, prepared by 24Acoustic, dated 26th February 2016, as varied by condition 4 of this planning permission.

Reason: To protect the amenity of the surrounding residential occupiers.

- 7 Prior to the commencement of trading at the store as extended, the cycle parking facilities as approved shall be provided and retained thereafter at all times.

Reason: To ensure the provision of appropriate cycle parking facilities to encourage sustainable travel.

- 8 Prior to the commencement of trading at the store as extended, the delivery service bay as approved shall be provided and retained thereafter at all times for the purpose of service deliveries and for no other purpose or use.

Reason: To ensure that on-site delivery facilities are available at all times, so that on street parking does not occur in the interests of highway safety.

## **Informatives**

- 1 The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.



## ITEM 2

<b>Application Number:</b>	<b>16/0302/FUL</b>
<b>Address:</b>	<b>The Green Room Rear Of Council Offices Kiln Road Thundersley Benfleet (Cedar Hall)</b>
<b>Description of Development:</b>	<b>Change of use to mixed office use (Class B1) and coffee shop (Class A3)</b>
<b>Applicant:</b>	<b>Mr Paul Ramsden</b>
<b>Case Officer</b>	<b>Mr Keith Zammit</b>

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### Summary

Permission is sought to provide a small café/coffee shop facility in an existing temporary building at the rear of the Civic Offices complex, to be run by volunteers. It is considered that such a use would be low-key in nature and unlikely to have a significant impact on the surrounding area through parking or noise and disturbance. It is therefore recommended that permission be **GRANTED**.

The application is presented to the Committee as the building and land are owned by the Borough Council.

### Site Visit

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

### Introduction

The application relates to a temporary building, green in colour, located at the rear of the Civic Offices complex, to the north of Runnymede Hall and to the south of another temporary building, The White House.

### The Proposal

The application seeks permission for a change of use of the building from office use to a mixed use for office purposes and as a café. The central part of the building is to be used as a small coffee shop run by volunteers. The remaining parts are to be used by TrustLinks as part of the Growing Together Project.

It is also proposed to replace the existing single glazed windows with white UPVC double glazed windows.

### Supplementary Documentation

A short statement of supporting information has been submitted, which is available to view on the Council's website.

### Planning History

None

### Relevant Government Guidance and Local Plan Policies

#### Adopted Local Plan

- EC2 Design
- EC3 Residential amenity
- T8 Parking standards

### Consultation

### Legal Services

Legal have no objection as long as the Council's consent for subletting is granted.

### **Public Consultation**

The surrounding land is owned by the Council and therefore no neighbouring properties have been consulted.

### **Evaluation of Proposal**

The main issues with this application are the visual impact of the proposed changes to the building, the impact of the proposed use on nearby properties and its parking implications.

In visual terms, the replacement of the windows is considered to represent an improvement in the appearance of the building. It is noted that some windows have already been replaced and it is considered that these are of better appearance than the old ones. There is therefore no objection on visual grounds under Policy EC2.

The building is considered to be too remote from any nearby dwellings for the proposed use to have an adverse impact on residential amenity by way of noise or odour nuisance. It should be noted that the application does not seek permission for any form of mechanical fume extraction from the premises. No objection is therefore raised under Policy EC3.

The building as existing attracts a parking requirement of 8 spaces. With conversion of some 105m<sup>2</sup> to use as a coffee shop, the parking requirement of the building as a whole rises to 28 spaces, an increase of 20 spaces. No additional parking provision is to be made.

A lack of parking provision for such a proposal could result in unacceptable pressure being placed on nearby parking facilities.

However, in this particular case the coffee shop is not intended to be a destination in its own right but, due to its limited size, is instead aimed at persons already in the local area, for example voluntary sector organisations already at the White House and students at SEEVIC College. Therefore, with the exception of the manager of the cafe, it is unlikely that additional vehicle trips will be generated. Under these circumstances, it is not considered that any additional strain is likely to be placed on the existing parking facilities nearby, and no objection is raised on the basis of Policy T8.

No provision for cycle parking is made, however it is recognised that the applicant does not control any land outside the building in order to be able to provide cycle parking. No objection is therefore raised to the proposal on this basis.

The land carries a Local Government allocation on the Local Plan Proposals Map. Whilst a café would seem to be contrary to this, the principle of letting out the accommodation within the temporary buildings at the rear of the Council offices to other appropriate bodies is well established and therefore there is no objection in principle.

On the matter of whether any permission granted should be subject to conditions, it is noted that the opening hours as stated in the application are 09:00-17:00 Monday to Saturday. In view of the lack of nearby residential properties, it is not considered that a planning condition restricting the opening hours to those applied for is necessary, as longer opening hours would be unlikely to cause harm. Furthermore, as the land owner, the Council has adequate powers to remedy any issues that might occur. On this basis, no conditions other than the standard time limit are considered necessary to be imposed.

## **Conclusion**

The proposed café use is not considered to raise any issues in terms of its impact on the local area and as such it is recommended that permission be granted.

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 with the following conditions**

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

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

## **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.

### ITEM 3

<b>Application Number:</b>	<b>16/0306/FUL</b>
<b>Address:</b>	<b>57 Woodside Avenue Thundersley Benfleet Essex SS7 4NX</b> <b>(St George's Ward)</b>
<b>Description of Development:</b>	<b>Part single part two storey side/rear extension and replace conservatory with a single storey rear extension</b>
<b>Applicant:</b>	<b>Mr V Chumroo</b>
<b>Case Officer</b>	<b>Miss Emma Clay</b>

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#### **Summary**

Planning permission is sought for part two storey side/rear extension and single storey rear extension. The proposal complies with all relevant Council Policies and guidance and it is recommended that permission be **GRANTED**.

The application is presented to Committee at the request of Councillor Walter in order for Committee to consider the effect of the development on the access to the neighbouring garage area.

#### **Site Visit**

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

#### **Introduction**

The application relates to a site on the southern side of Woodside some 40m west of its junction with Roseberry Avenue to the east. The site is occupied by a semi detached property. The property has previously been extended to the side with an attached two story side extension for part of the depth of the house, and at the rear, at single storey level.

To the east of the site is the access leading to a communal garage area, between the properties of Rosemead to the west, and Roseberry Avenue to the east.

To the west is No.59, the adjoining semi-detached house and this has a flat roof rear extension of similar scale to that at the application property.

The street scene is predominantly of semi-detached houses of similar character and age, where many have had some form of alterations and extensions.

#### **The Proposal**

The applicant seeks permission to construct a new two storey side extension; in effect this would extend the existing two side storey extension rearwards. It would be flush with the garage side wall and rear wall of the existing flat roof rear extension. At ground floor the extension would have a maximum depth of 6.45m and width of 3.7m. At first floor the extension has a maximum depth of 2.2m and width of 3.7m.

To the rear of the existing flat roofed rear extension a conservatory is to be replaced with an extension of similar proportions measuring 2.7m deep by 4.4m wide having a height of 3m.

No windows are proposed in the side elevation at either first or ground floor level.

The proposal is to be finished in face brick and render to match the different elements of the existing property.

### **Supplementary Documentation**

None

### **Relevant History**

CPT/536/99/FUL – Rear Conservatory - approved 26<sup>th</sup> October 1999 and implemented.

CPT/199/79/A – Two storey pitched roofed side extension and front porch - approved 19<sup>th</sup> July 1979 and implemented.

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

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

The New Local Plan 2016 (Not adopted)

Policy DES 1 – General Design Principles

Local Plan (Adopted November 1998)

EC2                Design

H17                Housing Development – Design and Layout

Residential Design Guidance (Adopted January 2013)

RDG2            Space around Dwellings

RDG5            Privacy and Living Conditions

RDG6            Amenity Space

RDG7            Roof Development

RDG8            Detailing

These policies are consistent with the NPPF.

### **Consultation**

No statutory consultations undertaken.

### **Public Consultation**

A site notice was displayed at the site and individual notification letters were delivered to the following addresses:

Rosemead: 24, 24A, 26, 26A, 28, 30, 30A, 32, 32A

Roseberry Avenue: 133, 135, 137, 139

Woodside Avenue: 52, 54, 59

Responses were requested by 26<sup>th</sup> May 2016 and replies to the site notice requested by 2<sup>nd</sup> June 2016.

Concern has been raised by the residents of Rosemead in respect of the impact of the proposal on the communal garage area during the construction phase, in terms of access to the garages, as well as noise, dust, construction vehicles and parking.

## **Comments on Consultation Responses**

The issues raised relate directly to works being carried out during the construction period and as such are not relevant in the determination of this planning application as they do not constitute material planning considerations.

### **Evaluation of Proposal:**

Policy EC2 requires a high standard of design in all proposals for new buildings. Proposals will have regard to the scale, density, siting, design, layout and external materials, which should be appropriate to its setting and should not harm the character of the surroundings.

Policy RDG7 states that roof design of any development should be compatible primarily with the dwelling, but should also be informed by the prevailing character of the area and surrounding forms of roof development. The roof should be proportionate to the remainder of the dwelling but must not be top heavy, or appear prominent or dominant.

Policy RDG8 requires detailing elements for all developments to be consistent with the overall architectural approach of the dwelling and should result in well proportioned and balanced properties. The materials used for such detailing elements should integrate with or complement primarily the dwelling, but also those present in the surrounding street scene. Fenestration should be aligned both vertically and horizontally.

Policy RDG2 requires that the space around all new development should be informed by the prevailing character of space around dwellings. Where dwellings are located adjacent to open areas of land which serve as a buffer to development, less space may be considered appropriate.

The proposal is considered to be of well proportioned design and of a reasonable appearance, which is compliant with policy EC2 and the above design guidance. The extensions are not considered to have a detrimental impact on the character and appearance of the dwelling or surrounding area.

Policy RDG3 requires proposals not to cause excessive overshadowing or dominance of adjacent properties. The proposed rear extension projects no deeper into the plot than the existing rear conservatory, which is satisfactory in terms of RDG3.

RDG5 requires a distance of 9m to be provided between first floor windows and the boundary it directly faces. The distance from the proposed first floor window to the boundary exceeds this requirement.

Policy RDG6 requires the provision of appropriate levels of outdoor amenity space with 15sq m per habitable room. The proposal provides no new habitable rooms and provides adequate amenity space to meet the requirements of RDG6.

The proposal has no implications for parking provision for the site.

### **Conclusion**

None of the objections received to the proposal relate to any of the above design guidance considerations and the proposal either meets or exceeds all relevant design guidance standards.

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 with the following conditions**

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

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

- 2 The proposed development shall be finished externally in materials to harmonise with the existing development.

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

**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.

## ITEM 4

<b>Application Number:</b>	<b>16/0336/FUL</b>
<b>Address:</b>	<b>Land Adj 81 May Avenue Canvey Island Essex SS8 7EY (Canvey Island South)</b>
<b>Description of Development:</b>	<b>Erection of two detached dormer bungalows and relocation of footpath</b>
<b>Applicant:</b>	<b>D.R. Bullock Builders Ltd</b>
<b>Case Officer</b>	<b>Mr Keith Zammit</b>

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### Summary

The application seeks to erect two dwellings within the existing street frontages of May Avenue and Handel Road, which would complete an otherwise built up frontage. The proposal is compliant with all relevant Local Plan policies and Residential Design Guidance and therefore it is recommended that planning permission be **GRANTED**.

The application is presented to the Committee at the request of Councillor Campagna.

### Site Visit

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

### Introduction

The application relates to a piece of land known as Voorne Avenue, which consists of a grassed area located between Handel Road and May Avenue. It has a width of approximately 11m. There is a footpath running along the southern side of the area, linking the two roads, but there are bollards preventing vehicles being driven over or parked on the land.

In May Avenue there is a chalet to the north of this site and a bungalow to the south. In Handel Road, there is a bungalow to the north of this site and a house to the south.

### The Proposal

Permission is sought for the relocation of the public footpath from the southern side of the land to the northern side, and the erection of two detached dormer bungalows on the remainder.

The relocated footpath would have a width of 1.5m with a grass verge of between 0.4m and 0.6m in width.

The dwellings would be sited one facing May Avenue and one facing Handel Road. Each would be two bedroomed, with an open plan lounge/kitchen and car port parking.

The proposed ridge height of the dwellings is 7.2m.

### Supplementary Documentation

There is a covering letter and a flood risk statement with the application which are available to view on the Council's website.

### Planning History

None



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

### National Planning Policy Framework

Section 7 – Requiring good design

Section 10 – Meeting the challenge of climate change, flooding and coastal change

### Adopted Local Plan

EC2 Design

T8 Parking standards

### New Local Plan

CC2 Canvey Tidal Flood Risk Management Area

### Residential Design Guidance

RDG1 – Plot size

RDG2 – Space around dwellings

RDG3 – Building lines

RDG5 – Privacy and living conditions

RDG6 – Amenity space

RDG7 – Roof development

RDG8 – Detailing

RDG12 – Parking and access

## **Consultation**

### Highways

The existing public footpath shall be removed and re-provided at the applicant's expense. Otherwise no objection subject to conditions.

### Canvey Town Council

Object for the following reasons:

- o Overdevelopment of site
- o Over-dominance to adjacent properties
- o Additional strain on current infrastructure
- o Lack of amenity space
- o Insufficient parking provision
- o Knowledge of existing drainage issues

### Environment Agency

No objection subject to conditions

## **Public Consultation**

40 objections received from the following 33 properties:

May Avenue: 75, 79, 80, 81(x2), 83, 85, 91, 92, 94

Handel Road: 4(x2), 7, 10, 19B, 29, 30, 31, 32, 33(x2), 37, 37A, 39A, 42, 44(x3)

Bay Close: 7

Hilberry Close: 31

Maurice Road: 97, 99

Wensley Road: 1(x2)

Gainsborough Avenue: 71

Lappmark Road: 24

Hawkwell Chase, Hockley: 40

Heathfield Avenue, Branston: 75

No address: 1

The following comments are made:

- o additional on-street parking
- o impediment to emergency vehicles
- o noise and dust from construction
- o sense of enclosure in street scene
- o overlooking
- o litter and disturbance from relocation of footpath
- o would have to erect new fence at own expense along the new footpath
- o carport appears to be designed to be converted to accommodation later
- o would add to surface water drainage problems
- o loss of side access to existing property
- o additional traffic to the area
- o loss of access to maintain existing side gable wall and down pipes
- o loss of access to maintain utility poles
- o do not fit in with surrounding houses
- o alleyway will not be safe
- o right to light to adjacent dwelling
- o alleyway may not be accessible for post lady pushing her trolley

The agent for the application has made written comments in response, which are summarised as follows:

- o space around properties is typical of properties in the area
- o properties are in line with neighbouring buildings
- o properties have been designed so that habitable room windows are facing the road
- o appropriate amenity space for the size of dwellings has been provided
- o properties would have adequate car parking
- o first floor accommodation is needed due to flood risk. Relocating the pathway to the north minimises the impact on properties to the north in terms of light loss, and this will not be an issue for properties to the south as they would not be shadowed
- o a system for attenuated discharge of rainwater is proposed. Soakaways and grassed areas are of little use in soaking up rain water due to the clay soil
- o highway authority has not objected to relocation of path
- o land is privately owned, there is only a right of way over the path not the grass
- o side access from 44 Handel Road does not have the agreement of highway authority or the landowner
- o utility poles are not a planning concern, the applicant is in discussion with the relevant providers

### **Comments on Consultation Responses**

- o issues such as noise and dust during construction cannot be a reason for refusal. If construction work were to take place at unsocial hours this can be regulated under different legislation.
- o were permission granted, a condition could be imposed requiring the car ports to be retained for parking
- o access to the adjoining property or access for maintenance is a private matter
- o the highway authority has advised that street lighting could be provided as part of the footpath diversion works. The exact location(s) of lights would be agreed subsequently.
- o rights to light are not a planning consideration
- o the new path will be 1.5m wide which is wider than the existing one, so access is not considered to be an overriding concern

## **Evaluation of Proposal**

The main issues with this application are the flood risk, design, impact on neighbours and parking implications.

### Flood risk

The principle of allowing replacement dwellings on Canvey Island is established. The assessment of proposals from a tidal flood risk perspective therefore focuses on how the proposed dwelling would be affected by floodwater and whether the risk to occupiers can be acceptably managed.

The ground floor of the property would be liable to flooding if there were a breach of sea defences. However, the first floor of the property would be above maximum predicted flood levels. The Environment Agency has raised no objection subject to a condition requiring the finished first floor level to be set at 4.932m AOD to ensure that this is achieved. Subject to such a condition there is no objection on the basis of flood risk.

This approach is consistent with emerging Policy CC2 of the New Local Plan which seeks to provide forms of development with safe refuge for residents.

In respect of non-tidal flooding, the Environment Agency has commented that it has high confidence that the site is not vulnerable to flooding from a designated main river watercourse.

The pluvial (surface water) flood risk has been considered as part of the flood risk statement. The modelled pluvial flood depth for a 1 in 1000 year event plus climate change allowance is 0.098m (approximately 10cm) on site, which will therefore not cause water to enter the buildings, as these will have a finished floor level 0.3m above the surrounding ground. It can therefore be seen that pluvial flooding does not represent a significant risk to this development.

It is important that occupiers of the dwellings are aware of the risks of flooding and know how to respond if a flood warning is issued, or if flood water appears around the property. The applicant has submitted a document entitled "Flood Warning and Response Plan" (appendix E). The contents of this document are considered satisfactory for the purpose of making occupiers aware of flood warnings and actions to be taken. A condition should be attached to any grant of planning permission requiring this to be enacted.

The flood risk statement indicates that flood resistance and resilience measures would be incorporated into the construction of the building in order to minimise damage to it in the event of it being flooded. This is considered to represent good practice.

The Planning Practice Guidance requires that the structural safety of buildings is considered as part of the planning process. Given that the first floor of the building would act as a refuge in a flood situation, it is important that the building is able to withstand the hydrostatic and hydrodynamic pressures that may act upon it in a flood event. The submission contains no consideration of such matters. Were permission granted, a condition should be imposed to require this to be demonstrated.

The letter from Contour Architectural Designs dated 6<sup>th</sup> June 2016 states that rainwater would be held on site in an attenuation tank and then discharged to the drainage system at a restricted rate. Given local knowledge of ground conditions on Canvey Island this is considered to be an acceptable approach in principle as the ground is generally not suited to infiltration methods. However, no details of the proposed system have been submitted. Were permission granted, a condition is necessary to require the submission and implementation of such matters.

### Design

The proposed dwellings are dormer bungalows with a front gable and car port parking. May Avenue and Handel Road are fairly mixed in character in terms of the designs and styles of dwellings present, so it is not considered that the provision of such a form of development would necessarily be out of character with the local area.

The proposed roof ridge height would be some 7.2m. This would clearly be higher than the bungalows adjacent to the application site. The planning authority holds no records of the dormer bungalow at 81 May Avenue, however the house at 44 Handel Road has a height of approximately 7.3m, which is marginally taller than the proposal. In the context of this, it is not considered that the proposed dwellings would look out of place in relation to the surrounding area.

The proposed plots would be approximately 9m in width which is consistent with many other dwellings in the area.

The car ports would extend up to the boundary. This is a common feature of other dwellings in the area.

The proposed dwellings would be in keeping with the general building lines to May Avenue and Handel Road.

Therefore there is no objection on the basis of Policy EC2, RDG1, RDG2, RDG3, RDG7 or RDG8.

### Impact on neighbours

The rear building lines of the proposed dwellings would not be likely to cause undue overshadowing or dominance to existing residents.

The proposed development would have rear gardens of less than 9m in depth, which is the minimum requirement for windows at first floor level. However, the dwellings have been designed with a bathroom window and rooflights as a secondary source of light serving a bedroom at first floor level to the rear. The main first floor windows face the street. Therefore, subject to a condition requiring the rear windows to be obscure glazed/high level, neighbours would not be overlooked.

A condition is also required to ensure that the side windows on the stairs are obscure glazed to prevent overlooking of existing residents.

Subject to such conditions there is no objection on the basis of RDG5.

### Parking implications

The proposed development makes provision for two car parking spaces per dwelling which is in accordance with current standards in numerical terms. The car port width would be 2.9m where the parking standard requires 3m. However it is not considered that this deficiency would be so great as to prejudice use of the car ports for parking purposes. Subject to these car ports being retained as open structures and used only for parking there is no objection on the basis of Policy T8.

RDG12 requires parking not to be visually dominant. The proposed tandem parking is not considered to unduly dominate the street scene therefore no objection is raised on the basis of RDG12.

### Other matters

The proposed rear gardens would be some 63m<sup>2</sup> and 64m<sup>2</sup> in area which is adequate for the size of accommodation proposed. Therefore no objection is raised on the basis of RDG6.

On the matter of whether any permission granted should be subject to conditions, in addition to those already mentioned in respect of water pressures, floor levels, the surface water drainage system, flood response plan, glazing restrictions and car parking, it is considered that a condition is necessary to require the development to be constructed in accordance with the approved materials, in the interest of the visual amenity of the area. Furthermore, given the size of the plots, it is recommended that a condition restricting permitted development rights for future extensions is attached to any grant of consent.

A condition is required to ensure that the footpath is re-provided in the new location. It is also likely that the footpath will need to be lit to ensure that there is a safe pedestrian environment. A condition in respect of such details will be necessary.

It is noted that the highway authority has requested that a number of conditions be imposed should planning permission be granted. Where appropriate, these are incorporated into the list of suggested conditions. However, it should be noted that the requirement for the developer to provide travel packs to occupiers is not felt to be warranted. Whilst such action may be appropriate in the case of a large scale development, where the impact of new residents on the local highway network can be significant, it is not felt that such action is justified for a development of two homes.

## **Conclusion**

The proposed development is considered to provide two additional properties without material adverse impact on the visual amenity or character of the area. It is therefore recommended that planning permission be granted.

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 with the following conditions**

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

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

- 2 Prior to construction of the development above raft level, a scheme prepared by a qualified structural engineer demonstrating the ability of the proposed structures 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 by the local planning authority.

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

- 3 The development shall be constructed in accordance with such details as may be approved pursuant to condition 2.

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.

- 4 Prior to its installation, details of the proposed surface water attenuation system shall be submitted to and approved in writing by the local planning authority, with reference to accurately scaled plans.

REASON: To ensure that hazards from surface water flooding are not exacerbated and because the details submitted were insufficient for consideration of this aspect of the proposal.

- 5 The surface water drainage system shall be installed in accordance with such details as may be approved pursuant to condition 4 and thereafter maintained at all times that the dwelling(s) are occupied.

REASON: To ensure the continued operation of the system to prevent exacerbation of hazards from surface water flooding.

6. Finished ground floor levels shall be set no lower than 2.310m above Ordnance Datum.

REASON: To reduce the risk of flooding to the proposed development and future occupants.

- 7 Finished first floor levels shall be set no lower than 4.932m above Ordnance Datum.

REASON: To reduce the risk of flooding to the proposed development and future occupants.

- 8 Upon occupation of any dwelling, the approved Flood Response Plan shall be enacted for that dwelling and thereafter maintained at all times that the dwelling is occupied. Any revisions to the plan 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.

- 9 Prior to occupation of any dwelling, a scheme for the lighting of the relocated footpath shall be submitted to and approved in writing by the local planning authority, with reference to an accurately scaled plan.

REASON: To ensure the provision of a safe pedestrian environment.

- 10 Prior to occupation of any dwelling, the new footpath shall be provided, hard surfaced, made available for use and provided with lighting in accordance with such details as may be approved pursuant to condition 9.

REASON: To maintain convenience for pedestrians in the area and to ensure the provision of a safe pedestrian environment.

- 11 No development of the type specified in Classes A, B, C and E of Part 1 of the Second Schedule to the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or the equivalent provisions of any statutory instrument revoking, amending or re-enacting that Order) shall be carried out without the express permission of the Local Planning Authority.

REASON: In view of the constrained nature of the site, the local planning authority is of the opinion that the uncontrolled exercise of such rights could lead to loss of amenity to adjacent

residents by way of obtrusiveness, dominance or overlooking or an unacceptable diminution in the amount of amenity space on the site.

- 12 The development shall be treated in accordance with the Materials Specification submitted by Contour Architectural Designs received by the local planning authority on 5th May 2016.

REASON: In the interest of the visual amenity and character of the area.

- 13 The proposed rear windows at first floor level serving the bathrooms shall be

- (i) obscure-glazed; 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 permanently retained as such thereafter.

REASON: To prevent overlooking and loss of amenity to future residents.

- 14 The roof lights in the rear elevations shall be high level windows with no parts below a height of 1.7m from the floor of the room in which the windows are installed.

REASON: To prevent overlooking and loss of amenity to future residents.

- 15 The proposed side windows at first floor level serving the stairs shall be

- (i) obscure-glazed, and
- (ii) non-opening, unless the parts of the window which can be opened are more than 1.7m above the floor level adjacent to the window. Such distance to be measured at the centre of the window.

REASON: To prevent overlooking and loss of amenity to existing residents.

- 16 Prior to occupation of any dwelling, the car port parking for that dwelling shall be provided and made available for use, together with properly constructed vehicular access to the highway.

REASON: To ensure the availability of off-street parking in the interest of highway safety.

- 17 The front of the car ports shall be retained as open structures for the purpose of vehicle parking and not enclosed by any doors, windows, walls or other means of enclosure.

REASON: To ensure the retention of adequate off-street parking facilities in the interest of highway safety.

- 18 The proposed boundary fence adjacent to the parking spaces to the northern boundary of the residential plots shall be set back from the highway boundary on May Avenue and Handel Road by 1.5m.

REASON: To provide adequate inter-visibility between the users of the access and pedestrians in the adjoining public highway in the interest of highway safety.

## **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.



## ITEM 5

<b>Application Number:</b>	<b>16/0402/FUL</b>
<b>Address:</b>	<b>6 Beachway Canvey Island Essex SS8 0BD (Canvey Island South)</b>
<b>Description of Development:</b>	<b>Demolish existing dwelling and erect detached dormer bungalow with integral garage</b>
<b>Applicant:</b>	<b>Mr Scott Smith</b>
<b>Case Officer</b>	<b>Mr Keith Zammit</b>

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### Summary

The application is a revised scheme for a replacement dwelling on the site, following refusal of an earlier scheme on design grounds.

It is considered that the objections to the previous scheme have been overcome and it is therefore recommended that planning permission be **GRANTED**.

The application is presented to the Committee at the request of Councillor Palmer, in order for the Committee to assess the effect of the development on neighbouring property and the surrounding area.

### Site Visit

A site visit for Members was arranged prior to the May 2016 Committee meeting. It is not considered necessary to carry out a second site visit.

### Introduction

The application relates to a site on the eastern side of Beachway, currently occupied by a detached bungalow. It is located in a row of bungalows, with an area of garages to the rear of the site.

### The Proposal

Permission is sought for the replacement of the existing bungalow with a detached dwelling containing four bedrooms at first floor and an open plan lounge/kitchen/diner with detached garage at ground floor. The overall ridge height of the property would be some 6.8m. It would have a brick finish and a plain tiled roof.

### Supplementary Documentation

The application is accompanied by Surface Water Drainage Calculations, a Sequential Test Report, Flood Risk Worksheet, Flood Warning and Response Plan and a set of Structural Calculations.

### Planning History

May 2016 – permission refused to demolish existing dwelling and construct one detached house with integral garage (16/0140/FUL) for the following reason:

- The proposed dwelling, by reason of its height and the provision of large dormer windows to the front elevation, would be visually prominent and obtrusive in the street scene to the detriment of the character and appearance of the surrounding area, contrary to Policy EC2 of the adopted Local Plan, RDG7 and RDG8 of the Council's Residential Design Guidance and Government guidance as expressed in the National Planning Policy Framework.

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

### National Planning Policy Framework

Paragraphs 39, 56-58

### Current Local Plan

EC2 Design

T8 Parking standards

### Residential Design Guidance

RDG2 – Space around dwellings

RDG3 – Building lines

RDG5 – Privacy and living conditions

RDG6 – Amenity space

RDG7 – Roof development

RDG8 – Detailing

RDG12 – Parking and access

## **Consultation**

### Canvey Town Council

Object for the following reasons:

- o Over dominance to surrounding residential properties
- o Not in keeping with the street scene

## **Public Consultation**

Three letters of objection have been received which make the following comments and observations:

- o Drawings an improvement but still has the appearance of a house
- o Large window in front gable and general appearance not in keeping with street
- o Same shape and size of previous proposal
- o Out of character with the street scene
- o Not a chalet but purpose built house

## **Comments on Consultation Responses**

The impact of the proposed dwelling on the character of the area and on adjacent residents is discussed in the evaluation of the proposal

## **Evaluation of Proposal**

The site is allocated for residential purposes on the Proposals Map accompanying the adopted Local Plan. Therefore there is no objection in principle to a replacement dwelling. The main issues with this application are flood risk, design, impact on neighbours and parking implications.

### Flood Risk

The principle of allowing replacement dwellings on Canvey Island is established. The assessment of proposals from a flood risk perspective therefore focuses on how the proposed dwelling would be affected by floodwater and whether the risk to occupiers can be acceptably managed.

The ground floor of the property would be liable to flooding if there were a breach of sea defences. However, the first floor of the property would be above maximum predicted flood levels. The Environment Agency has previously raised no objection subject to a condition requiring the finished first floor level to be set at 4.725m AOD to ensure that this is achieved. The Environment Agency has yet to comment on this specific proposal at the time of writing; however subject to there continuing to be no objection from the Environment Agency, there is no objection on the basis of flood risk.

It is important that occupiers of the dwelling are aware of the risks of flooding and know how to respond if a flood warning is issued, or if flood water appears around the property. The applicant has submitted a document entitled "Flood Warning and Response Plan". The contents of this document are considered satisfactory for the purpose of making occupiers aware of flood warnings and actions to be taken.

The Planning Practice Guidance requires that the structural safety of buildings is considered as part of the planning process. Given that the first floor of the building would act as a refuge in a flood situation, it is important that the building is able to withstand the hydrostatic and hydrodynamic pressures that may act upon it in a flood event.

The calculations that have been submitted show that the building is designed to withstand a flood water depth of 2m on site which is the maximum predicted level in the 1 in 1000 year flood event. This is considered to be satisfactory demonstration that the buildings would not suffer structural failure.

The Planning Practice Guidance also notes that flood resistance (a water exclusion strategy) and flood resilience (a water entry strategy) can be incorporated into the design of buildings to manage residual flood risk. In the case of this development, only flood resilience measures would be appropriate as likely flood depths would be in excess of 0.6m, the level above which water exclusion measures are not recommended.

The notations on drawing SS/AGC/4 show flood resilience measures to be incorporated into the construction. These represent good practice.

Surface water from the hard surfaced driveway areas and dwelling roof are to be directed to an existing surface water sewer in Beachway, at a maximum rate of 5 litres per second. The submitted information states that there is currently no agreement with Anglian Water for runoff from the site to be discharged to this surface water sewer. As such, the application does not satisfactorily demonstrate that surface water from the site would be acceptably managed, as the sewerage undertaker may decline to give consent. The agent was advised at the time of the previous application to address this in any revised application, but has not done so. If the Committee decides that permission should be granted for this development, a condition will need to be imposed requiring the submission and approval of surface water drainage arrangements.

### Design

The main issue raised by the proposal is whether the proposed dwelling, in its amended form, would be out of keeping with the surrounding area.

The previously refused scheme was felt to be excessively tall in relation to surrounding dwellings and furthermore the use of large dormer windows to the front elevation was deemed to be out of character with the surrounding area.

This scheme would now have a roof height of 6.8m, reduced from 7.5m as shown in the previous scheme. This would be taller than the adjacent bungalow to the north by about 0.4m, which has a height of approximately 6.4m. It would also be taller than the adjacent bungalow to the south, which has a similar height to the existing property on the application site.

However, the property along the street at No.12 has been rebuilt to a height of some 7.2m. The application property would be below the height of this so would not be the tallest property in the street. Furthermore, the design has been amended to be similar to that of No.12, with an eyebrow dormer to the front.

Whilst the front gable is larger than other gables on nearby dwellings, and has a first floor window, it is not considered that this would be unduly prominent or out of keeping with the street scene by virtue of its reduced height. On this basis, the proposal is felt to adequately address the reason for refusal, and no further objection is raised on design grounds.

The proposed dwelling is not considered to raise any issues in respect of the isolation spaces provided or the rear garden area available to occupiers. Therefore there is no objection on the basis of RDG2 or RDG6.

The proposal is considered to be in keeping with the building line on this side of the street therefore there is no objection on the basis of RDG3.

The proposed materials are considered satisfactory. Given the mixed appearance of the dwellings in the area a condition in respect of the use of materials is not considered necessary.

#### Impact on neighbours

The proposed dwelling is not considered to be situated such that undue loss of amenity to adjacent properties would be caused by way of obtrusiveness or dominance. Therefore there is no objection under this part of RDG3.

The proposed layout shows the provision of side windows at first floor level which have the potential to overlook adjacent sites. However, as these are secondary windows they would be suitable for a condition requiring obscure glazing to protect adjacent residents' privacy. Subject to such a condition there is no objection on the basis of RDG5.

#### Parking implications

The proposal includes an integral garage but at some 5.1m in length it is of insufficient size to be considered a valid parking facility. However, there is driveway parking provision for two cars which is acceptable under Policy T8, RDG12 and the adopted parking standards.

#### **Conclusion**

This revised scheme for a replacement dwelling on the site is considered to have been suitably amended such that it overcomes the previous objection on design grounds. There are no other new issues raised by the proposal and it is therefore recommended that planning permission be granted.

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 with the following conditions**

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

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

- 2 Prior to first occupation of the dwelling, details of the arrangements for surface water disposal from the hard surfaced parking area shall be submitted to and approved in writing by the local planning authority.

Reason: In order to ensure that surface water would be disposed of in an acceptable manner.

- 3 Prior to first occupation of the dwelling, the approved car parking area shall be provided, hard surfaced and drained in accordance with such details as may be approved in relation to condition 2, together with properly constructed vehicular access to the highway. Thereafter, this area shall be kept available for the parking of vehicles, in accordance with the approved details, and not used for any other purpose.

Reason: To make adequate provision for parking off the highway in accordance with the Council's adopted standards.

- 4 The finished first floor level of the property shall be set no lower than 4.725m above Ordnance Datum.

Reason: To reduce the risk of flooding to the proposed habitable development and future occupants.

- 5 The development shall be constructed in accordance with the details submitted by CWT Partnership received by the local planning authority on 31st May 2016.

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.

- 6 Upon occupation of the dwelling, the approved Flood Response Plan shall be enacted and thereafter maintained at all times that the dwelling is occupied. Any revisions to the Plan 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.

- 7 The windows in the side elevations of the dwelling above ground floor level shall be

(i) obscure-glazed, 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 permanently retained as such thereafter.

Reason: To prevent overlooking and loss of privacy being caused to adjacent properties.

## **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.