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**Chief Executive**

## AGENDA

**Committee:** DEVELOPMENT CONTROL

**Date and Time:** Tuesday 7<sup>th</sup> July 2015 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),  
Anderson, Blackwell, Cole, Cross, Mrs Govier, Mrs King,  
Sharp, Varker, Mrs Wass, N. Watson and Wood

Canvey Island Town Councillors : Greig and Tucker

**Officers attending:** Steve Rogers – Head of Regeneration and Neighbourhoods  
Fiona Wilson – Head of Legal Services  
Kim Fisher – Chief Development Control Officer

**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 2<sup>nd</sup> June 2015 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.

	Application No.	Address	Page
1.	15/0237/FUL	400 Rayleigh Road, Benfleet, Essex, SS7 3TA (Victoria Ward)	1
2.	15/0289/FUL	Castle Point Service Station, Somnes Avenue, Canvey Island, Essex, SS8 9QB (Winter Gardens Ward)	7
3.	15/0425/FUL	8 Branch Road, Benfleet, Essex SS7 1QG (St James' Ward)	12

## 6. Enforcement Update

Report of the Head of Regeneration and Neighbourhoods is attached.

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**Members are advised that NO site inspections are recommended in respect of items reported on this agenda.**

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**DEVELOPMENT CONTROL COMMITTEE**

**2<sup>nd</sup> JUNE 2015**

**PRESENT:** Councillors Hart (Chairman), Smith (Vice-Chairman), Blackwell, Cole, Cross, Mrs Govier, Mrs King, Mrs Wass and N. Watson.

Councillors Letchford and Wood also attended.

Apologies for absence were received from Councillors Anderson, Sharp and Canvey Island Town Councillor Greig.

Councillor Smith informed the Committee at the beginning of the meeting of the sad news that Cliff Burry, a local planning agent, had died suddenly on 22<sup>nd</sup> May 2015. Mr Burry had spoken in front of the Committee many times. Members wished to pay their respects to him and expressed their condolences to his family at this difficult time.

**1. MEMBERS' INTERESTS**

Councillor Smith disclosed an interest under Agenda Item No. 5(2), as shown under Minute No. 4(b).

**2. MINUTES**

The Minutes of the meeting held on 14<sup>th</sup> April 2015 were taken as read and signed as correct.

**3. DEPOSITED PLANS**

**(a) 15/0092/FUL – 230 CHURCH ROAD, BENFLEET, ESSEX, SS7 4PL (ST PETER'S WARD) – DEMOLITION OF EXISTING BUNGALOW AND CONSTRUCTION OF 8 FLATS AND ASSOCIATED PARKING – CASTLE POINT DEVELOPMENT LTD**

The proposal sought to demolish the existing dwelling on site and provide 8 No. one bedroomed flats. It was considered that the proposal would provide a poor form of development with inadequate, inconvenient and dominant parking, inadequate refuse/recycling storage and a poor and cramped setting.

The Planning Officer reported that whilst there was a recognised need for housing within the Borough, this was insufficient to set aside the significant inadequacies with the proposal. It was considered that the proposal would result in a substandard form of development which would result in a detriment to highway safety, the visual amenity of the area and the amenities expected by the future occupiers of the flats. The proposal was therefore recommended for refusal.

It was stated that officers had attempted to engage with the applicant in securing a reduced scheme on the site which might achieve a more favourable recommendation; however the applicant wished to pursue the current proposal.

Mr Green, the agent for the applicant, spoke in support of the application.

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

During discussion Members generally indicated that they were in favour of the proposal. It was recognised that there was a desperate need for one bedroomed flats in the Borough and it was felt that the design of this site was acceptable. The Committee was not persuaded that the layout of car parking spaces was inappropriate or that it would present any conflict with pedestrians on the adjoining footway. Whilst it was noted that there were issues relating to refuse/recycling storage on the site Members felt that these could be addressed by imposing conditions regarding the refuse facilities.

A Member raised concern that the development would be an eyesore and that the three additional entry/exit points on the site would add to congestion on an already busy road, particularly at the junction of Church Road and Manor Road.

Following debate the Committee concluded that whilst it noted the comments of the Planning Officer it did not consider that the issues raised were so significant as to outweigh the merits of the proposal and that on balance the application should be approved.

In light of the Committee's indication that it wished to approve the application the Head of Regeneration and Neighbourhoods suggested a number of conditions that the Committee might wish to impose to address the issues raised by the Planning Officer. These included a time limit for works to begin, provision of visibility splays, permeable paving for the hardsurfacing area, the type of materials to be used, the nature of the fencing on the boundary to the site and that prior to first occupation of the development parking spaces be provided.

Following debate it was:-

**Resolved** – That the application be approved, subject to conditions, as agreed by the Head of Regeneration and Neighbourhoods in consultation with the Chairman and Vice Chairman of the Committee.

**(b) 15/0116/FUL – 157 BENFLEET ROAD, THUNDERSLEY, BENFLEET, ESSEX, SS7 1QG (BOYCE WARD) – ROOF EXTENSION AND BALCONY TO REAR – DAP ARCHITECTURE**

(Councillor Smith declared a non-pecuniary interest in the above item as the applicant was known to him as a resident of the borough, and he remained in the Chamber during its consideration).

The proposal was for an extension to a dwelling within the Green Belt. The current scheme sought to amend an earlier approved proposal for a two storey rear extension by providing further accommodation in an extended roofspace. The Planning Officer reported that assessment of the scheme had revealed that the extensions would lead to a disproportionate enlargement of the dwelling, contrary to Green Belt policy. It was therefore recommended that permission be refused.

The application was presented to the Committee at the request of Councillor Norman Smith in order that the effect of the development on the Green Belt and surrounding area may be assessed.

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

During discussion Members concluded that as the roof extension did not increase the overall footprint of the property, it could not be seen from the front of the site and it would not have an effect on any immediate neighbour it would not have a detrimental impact on the surrounding area and should therefore be approved.

In view of the Committee's indication that it wished to approve the application the Head of Regeneration and Neighbourhoods suggested that conditions should be added to any consent regarding a time limit for works to commence and the type of materials to be used.

Following discussion it was:-

**Resolved** – That the application be approved subject to conditions regarding the time limit for works to commence and that the materials used should be as shown on the submitted drawings.

Chairman

**ITEM 1**

<b>Application Number:</b>	<b>15/0237/FUL</b>
<b>Address:</b>	<b>400 Rayleigh Road Benfleet Essex SS7 3TA (Victoria Ward)</b>
<b>Description of Development:</b>	<b>Change of use to plant hire shop (retrospective)</b>
<b>Applicant:</b>	<b>Mr Frank Newham</b>
<b>Case Officer</b>	<b>Mrs Ishita Sheth</b>
<b>Expiry Date</b>	<b>21.05.2015</b>

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**Summary**

This is a retrospective application for change of use of premises to a plant hire shop.

The proposed use has been found to be acceptable in principle and would not have significant adverse impacts on the highway network or the amenity of nearby residents.

Whilst concerns have been raised in respect of noise, this can be adequately mitigated by imposing conditions in respect of operating hours.

The proposal is therefore recommended for APPROVAL, subject to conditions.

This application has been called in by Councillor W. Sharp.

**Site Visit**

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

**Introduction**

The site is located on the eastern side of Rayleigh Road some 14m south of its junction with Asquith Avenue. The site is occupied by a two storey building with a side conservatory and large outbuildings to the rear. The area to the front, side and rear of the building is completely hard-surfaced.

The premises were previously occupied by a glazing company and are currently being used as a plant hire shop.

**The Proposal**

Permission is sought to continue the use of the premises as a 'Plant and Hire' shop, which is considered to be a *sui generis* use. No external changes are proposed to the building. The existing outbuilding to the rear of the main building is proposed to be used for storage and maintenance purposes.

Ten of the 20 car parking spaces within the yard are for the proposed business which operates between the hours of 08:00-18:00 Monday to Saturday.

## **Supplementary Documentation**

The application is accompanied by a supporting statement which is available to view on the Council's website.

## **Planning History**

This application has been received following investigation of an alleged unauthorised use. A Planning Contravention Notice was served on 22<sup>nd</sup> January 2015.

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

National Planning Policy Framework – para 123- noise and planning decisions

### Current Local Plan

EC2 - Design

EC3 – Residential Amenity

T8 - Parking

## **Consultation**

- o CPBC Environmental Health - No objection subject to a condition restricting the operating hours to mitigate any noise issues arising from the proposed use:

Monday to Friday – 8am to 6pm

Saturdays – 8am to 1pm

- o Highway Authority – No objection subject to the following condition:
  1. The provision of 7 onsite parking spaces as shown on planning drawing 564.01 Revision A shall be marked out in parking bays. The vehicle parking area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8.

## **Public Consultation**

Neighbour responses – Two responses from the same neighbour have been received making the following comments and objections:

- o The business at the application premises is not just plant hire; the applicant is running multiple commercial, industrial and construction businesses, which is not appropriate for a residential area. The description of the use being inaccurate makes the application invalid.
- o Highway/pedestrian safety.
- o Issues of noise and disturbance.
- o Issues in respect of privacy, overlooking and dominance.
- o Illegal parking to the front of the property.
- o Has failed to dismantle the unlawful signage.
- o Materials related to the diverse businesses are stored on site.
- o Materials are stored on the site within the area to the north of the application building which is an area which is very visible behind mesh metal gates.

- o Plant hire on display to the front of the property extremely ugly and degrading within the street scene.
- o The activity on site actually begins at 7 am although the declared hours of business are 8 am.
- o The amended plans are still not accurate as there are no existing parking spaces to the front of the building.

### **Comments on Consultation Responses**

- o The application has been made for a particular use and the determination of any application has to be made on that basis.
- o There is no evidence that the application premises will be used for anything other than the proposed use.
- o Parking to the front of the property is not illegal; however, unauthorised crossing of the highway is a matter which may be enforced by the Highway Authority.
- o The unlawful signs have now been removed.
- o Whilst the untidy storage of materials is noted it is not considered that the storage represents a significant adverse impact on public amenity, sufficient to warrant action.
- o The condition recommended by the Highway Authority will be discussed in the evaluation.
- o The conditions recommended by Environmental Health will be discussed in the evaluation.
- o Other relevant issues are discussed within the evaluation section.

### **Evaluation of Proposal**

The main issues here are the principle of the retention of the use, the impact on nearby residential properties, the aesthetics of the area and any parking implications.

#### Principle

The site is allocated for residential purposes. However, the site has been used for commercial purposes for many years and was most recently occupied a glazing company engaged in the sale and manufacture of related products.

The current use seeks to use the premises for the hire and sale of plant and machinery. It is not considered that the proposed use results in a fundamental change in the use of site such that an objection to the principle of a commercial use on this site could be sustained on appeal.

No objection is therefore raised to the principle of a commercial use on this site.

#### Impact on neighbours

Policy EC3 of the Local Plan states that proposals which would have a significant adverse effect on the residential amenity of the surrounding area by reason of traffic, noise, fumes or other forms of disturbance will be refused. This is consistent with paragraphs 120 to 125 of the NPPF. However, these paragraphs contain a number of qualifications that should be considered when determining an application. In particular, paragraph 122 states that local planning authorities should focus on the whether the development itself, and its impact, is acceptable rather than seeking to control processes or emissions where these are subject to approval under other regimes. Paragraph 123 states that planning decisions should aim to recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions placed on them because of changes in nearby land uses since they were established.

Policy EC3 is considered consistent with the NPPF subject to these qualifications.



Although it has been concluded that the proposed 'plant hire' purposes is acceptable in principle, this site is surrounded by residential properties and the amenity of adjoining residents therefore requires particular consideration.

It is considered that the use of the premises as a plant hire shop would not be too dissimilar in nature to the previous use in respect of vehicle movements, storage of materials and customer frequency. The absence of any manufacturing process represents an advantage over the previous use and it is not considered that the proposal would result in such significant issues in respect of noise or other forms of disturbance to adjoining residents that an objection on this basis could be successfully sustained on appeal.

It should be noted that the Council's Environmental Health Officer has not hitherto received any complaints about this site from residents living nearby. However, concerns have been raised in respect of potential for noise issues. A condition has therefore been suggested which restricts the operating hours as follows:

Monday to Friday – 8am to 6pm  
Saturdays – 8am to 1pm

The applicant seeks to operate between the hours of 8am to 6pm Monday to Saturday, which differs from the recommendation of the Environmental Health Officer.

A judgement must therefore be made on whether the proposed additional hours are so unreasonable that a robust reason for refusal may be raised on this basis.

The site is located on the Rayleigh Road, which experiences high levels of traffic, and consequently relatively high levels of ambient noise, at most times of the day, including Saturdays.

The 'disputed' hours are between 1pm and 6pm on Saturdays. It is not considered that the character of activity on Rayleigh Road is so significantly different on Saturday afternoons that the operation of the plant hire shop would significantly add to the ambient noise and activity. It is not therefore considered that a condition restricting the hours of operation on a Saturday is reasonable or necessary to protect the amenity of adjoining residents. It is not therefore considered appropriate to limit the hours in the manner suggested and no condition to this effect will be imposed. It is however considered appropriate to restrict operation on Sundays and Bank Holidays and before 8am and after 6pm on other days and a condition to this effect will be imposed on the grant of any consent.

Concern has also been raised in respect of the storage of items on the site. Given the proximity of the yard to the rear of the site to residential curtilages it is considered appropriate to impose a condition on the grant of any consent limited the height of stacked or stored materials, plant and machinery, in order to minimise the impact on the amenity of adjoining residents.

### Aesthetics

The proposed use of the site as a plant hire shop would include the display of plant and machinery on the forecourt. It is considered that a display of plant and machinery in such a prominent location to the front of the building would harm the visual amenity of the area. It is noted that the display area would be located in a location where car parking was previously provided. However, car parking is an accepted part within the street scene. Furthermore, cars tend to be of limited height and their presence on the site tends to be transitory with the forecourt being vacant of only limited in use for considerable periods.

In comparison, the display of plant and machinery would be a permanent display, removed only at night and would present an alien feature. It is considered that such display would be more appropriate in an industrial estate. Under the circumstances, it is considered that such a display would result in detriment to the character and appearance of the area. It is therefore intended to impose a condition on the grant of any consent prohibiting the display of plant, equipment and machinery on the forecourt of the premises. Subject to such a condition no objection is raised to the proposal under Policy EC2 of the Council's Adopted Local Plan.

### Parking implications

Policy T8 requires adopted parking standards to be taken into account. In this case, the current standards are the vehicle parking standards as set out by the Essex County Council.

Policy EC2 seeks to ensure that all modes of movement are made safe and convenient.

The proposed use does not have any specific parking standard. However, the use is considered to correspond most closely to a B8 (Storage and Distribution) use which requires the provision of 1 space per 150m<sup>2</sup>.

The main building has a floor area of 144m<sup>2</sup>. The outbuilding to the rear is also being used for office and storage purposes related to the proposed use; this has a floor area of some 231m<sup>2</sup>. The total floor space of some 385m<sup>2</sup> generates a requirement of 3 spaces. The proposal seeks to provide 7 car parking spaces. However, it should be noted that the car parking space provided to the front of the building is located right in front of the entrance door area and would obstruct access to the shop. Furthermore use of this space would restrict access to the display area. It is not therefore an appropriate parking space. However, the proposal would still be able to provide the requisite car parking spaces to the rear of the building which can be marked out and retained as requested by the Highway Authority.

Subject to such a condition, no objection is raised to the proposal under Policies T8 and EC2 of the Council's Adopted Local Plan and RDG12 of the Residential Design Guidance.

It is noted that comments have been made by a neighbour in respect of highway and pedestrian safety from the proposed use. However, the Highway Authority has not raised any concerns in this respect.

### **Conclusion**

The proposed use has been found to be acceptable in principle and suitably controlled, would not have significant adverse impacts on the highway network, the amenity of nearby residents or the character and appearance of the area.

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 premises shall not be open for business outside the hours of 08:00 to 18:00 on Mondays to Saturdays. No activity shall take place on the site on Sundays or Bank Holidays.

REASON: To protect the amenity of surrounding residential occupiers pursuant to Policy EC3 of the Adopted Local Plan.

2 There shall be no loading and unloading of machinery/plant/equipment or movement of vehicles within the site, outside the hours of 08:00 to 18:00 on Mondays to Saturdays. No such activity shall take place on the site on Sundays or Bank Holidays.

REASON: In order to protect the amenity of the adjoining residents, pursuant to Policy EC3 of the Adopted Local Plan.

3 Notwithstanding the submitted plans, no display of plant, equipment or machinery shall take place within the proposed display area as shown on Drawing No. 564 01 Revision A, to the front of the main building.

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

4 Notwithstanding the submitted plans, the proposed parking space to the front of the building as shown on Drawing No. 564 01 Revision A shall not be provided.

REASON: To ensure safe and convenient mode of movement for customers accessing the premises.

5 Within six months of the date of this permission, 6 onsite parking spaces shall be marked out to the rear of the building as shown on planning drawing 564.01 Revision A. The vehicle parking area shall be retained in this form at all times and the parking spaces shall not be used for any purpose other than the parking of vehicles that are related to the use of the development.

REASON: To ensure adequate space for parking off the highway is provided in the interest of highway safety.

6 No plant, machinery, equipment or other materials shall be stacked or stored on the site, in manner likely to exceed a height of 3m, as measured from ground level.

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

## **Informatives**

1 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and 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 2

<b>Application Number:</b>	<b>15/0289/FUL</b>
<b>Address:</b>	<b>Castle Point Service Station Somnes Avenue Canvey Island Essex SS8 9QB (Winter Gardens Ward)</b>
<b>Description of Development:</b>	<b>Installation of click and collect lockers</b>
<b>Applicant:</b>	<b>ASDA Stores Ltd</b>
<b>Case Officer</b>	<b>Mr Keith Zammit</b>
<b>Expiry Date</b>	<b>16.07.2015</b>

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### Summary

The application seeks to install two banks of 'Click and Collect' lockers at the site, for customers to collect online orders from Asda. It is not considered that the application demonstrates that there would be no nuisance to nearby residents by way of noise, and accordingly it is recommended that permission be REFUSED.

The application is presented to the committee at the request of Councillor N. Watson in order to assess the effect of the proposal on the surrounding residential 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 an established petrol filling station on the south side of Somnes Avenue, some 230m west of the roundabout junction with Link Road. There are residential properties located to the sides and rear of the site with pedestrian access provided between Somnes Avenue and Lekoe Road.

### The Proposal

Permission is sought for the installation of 'Click and Collect' lockers in the south eastern corner of the site, backing onto the fence and at a distance of between 0.6m and 1.5m from the site boundary. The lockers would be arranged in an 'L' shaped configuration with a footprint of 7.2m by 5.5m and a maximum height of some 2.4m. There would be 14 'columns' containing a total of 60 lockers, divided into freezer compartments, chilled compartments and unrefrigerated compartments. A customer's shopping would be delivered to the location by an Asda van which would visit three times a day: before 8am, before 12 noon and before 4pm, to put the customers' bags of shopping in the appropriate compartments, to be collected during a booked time-slot. Any shopping that had not been collected within the allocated time would be removed by the van driver and returned to the store.

The customer will have been given a code to enter into a keypad on the unit to release their shopping. The order could potentially be split between three compartments if they have frozen, chilled and ambient goods. Because of this, and the fact that the delivery van would only deliver three times a day, the number of customer orders per 4 hour period would be limited to 20, resulting in a maximum of 60 customer collections a day.

## **Supplementary Documentation**

There is a covering letter available to view on the Council's website which explains the proposal in more detail and a noise report.

## **Planning History**

The original planning permission for the garage dates from the early 1970s. There was no restriction on the hours of opening or the provision such facilities within the curtilage of the filling station.

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

The site is allocated for residential use on the proposals map accompanying the Local Plan but has been used for commercial purposes for many years. The following policies are of relevance:

EC3 – Residential amenity  
T8 – Parking standards

## **Consultation**

### County Highways

No comments to make

### Environmental Health

Object on the basis of:

- noise and disturbance to adjoining properties
- increase in traffic, highway and pedestrian safety issues
- Air quality issues

### Canvey Town Council

No comments received

## **Public Consultation**

At the time of writing, 10 objections have been received from the following properties:

Lekoe Road 5, 10, 11, 12, 15  
Prince William Avenue 2  
Station Approach 9 (x2), 11, 23.

and from Councillor Howard on behalf of 12 Lekoe Road.

The following points have been raised:

- o notification not wide enough
- o residential roads will be used for parking
- o noise pollution from refrigerated lockers
- o tailbacks in vehicles trying to enter the site
- o increased traffic entering and leaving the site would be a danger to pedestrians and children
- o potential for theft/crime
- o overdevelopment of site

## Comments on Consultation Responses

- o The matters of traffic and disturbance to nearby properties are discussed in the evaluation of the proposal.
- o Theft from the unit is a matter for the operator.
- o The notification was undertaken in accordance with the Council's Statement of Community Involvement.

## Evaluation of Proposal

The main issues with this application are the principle of such a facility being provided on this site, design and visual impact, the impact on nearby residential properties and any highway safety implications.

### Principle

The land is allocated for residential purposes on the proposals map accompanying the adopted Local Plan. The proposed 'Click and Collect' lockers are not a residential use; however, the site has been used as a petrol filling station for many years. On this basis, it is not considered that there could be an objection to the proposal on the basis of conflict with the local plan allocation.

### Design and visual impact

'Click and Collect' lockers are a relatively new element of the online shopping experience and there is little precedent for the provision of such structures. The lockers themselves are fairly utilitarian in appearance but relatively limited in size and discretely located on the site. This site has a distinct commercial appearance which is clearly defined and distinct from the adjoining residential area. In the context of the site it is not considered that the provision of 'Click and Collect' lockers could be said to be visually intrusive or harmful to the character of the area. As such, there is no objection to the proposal on design or visual grounds.

### Impact on nearby residential properties

Local Plan Policy EC3 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 is generally consistent with paragraphs 120 to 125 of the NPPF.

The proposed lockers would have refrigeration. The Council's Environmental Health Officer has stated that although details of the noise output have been submitted and would indicate acceptable noise levels, the measurements provided were taken in a controlled area and at the front of the units. It should be noted that the heat exchangers associated with these units (the noisy part) are located at the rear of the unit. No measurements were taken in front of the heat exchanger and as such it is not considered possible to quantify the potential noise impact of the units on the adjoining residential development which would be located to the rear of the units.

Furthermore, no consideration was given to the potential impact of extra vehicle noise (customer and commercial), locker noise (opening/closing), or user noise. There could be up to 60 collections from the lockers a day, and three van deliveries, which has not been considered. This potentially represents increased noise nuisance to adjacent residents, particularly the closest property at 10 Lekoe Road, as vehicular activity would be drawn closer to that part of the site, rather than concentrated on the area around the pumps. Comments from residents in this area indicate that noise from the garage is a problem at the moment, which they do not want exacerbated. No analysis of combined noise generation from the existing and proposed use of the site has been provided.

It is not considered that the submission provides a suitable basis on which to assess the potential noise impact on nearby properties. As such, it is not considered that it has been demonstrated that nearby residential properties will not experience undue disturbance from noise from the proposed installation and an objection is therefore raised to the proposal on the basis of Policy EC3.

There is also a comment from the Environmental Health Officer regarding air quality. The site is 300-400m from an air quality monitoring tube which is close to exceeding EU air quality directives. Comment is made that increased traffic (commercial or otherwise) to this area should be strongly avoided as it would have an adverse impact on existing air quality.

Whilst this is noted, it is not considered that it could be robustly demonstrated by the local planning authority that the extra traffic generated by this proposal would be of the magnitude to result in deterioration in air quality in the local area. As such this comment is not capable of forming a robust reason for refusal.

#### Highway safety implications

Policy T8 of the Local Plan requires off-street parking to be provided in accordance with adopted parking standards. This is consistent with paragraph 39 of the NPPF which requires local planning authorities to set such standards reflecting local circumstances.

The 2009 parking standards require a maximum of 1 car parking space per 20m<sup>2</sup> of retail space for petrol filling stations. The lockers are considered to be a retail facility and on this basis four car parking spaces would be required, the lockers having approximately 80m<sup>2</sup> of gross floor area. No formal customer parking is provided, however, there is a large hard surfaced area to the east of the kiosk which would be suitable for occasional vehicle parking for customers not fuelling vehicles and delivery vehicles.

It is interesting to note that the original 1970s permission for the filling station requires three staff car parking spaces to be provided and retained in the area where the click and collect lockers are proposed to be sited. This is not formally marked out as parking, and there was no parking taking place in this area when the site was inspected. Whilst a marginal loss of parking area would result from the proposed locker installation, there is still considered to be adequate space for parking for the retail shop associated with the petrol filling station and the 'Click and Collect' service.

It is noted that occupiers to the rear of this site have raised concerns about the residential streets in this area being used by customers to pick up goods from the 'Click and Collect' lockers, which is a possibility due to the pedestrian link from Lekoe Road to Somnes Avenue. It is stated within the objections to the proposal that a certain amount of parking by garage customers already occurs in this location. Whilst this proposal could theoretically add to on-street parking, it is not considered that this would be very likely, due to the circuitous route for vehicles to access the area via Steli Avenue. It is possible that residents of the local area may find it more convenient to park in this location to use the facility, but as a general principle it is considered that most customers would find this too inconvenient. On this basis, it is not considered that the proposal would generate such a significant amount of additional on-street parking in this area that undue detriment to the amenity of surrounding residential occupiers would be caused.

It is noted that highway safety concerns have been raised by objectors regarding vehicles accessing the site; however, in the absence of any objection from the Highway Authority it is not considered that the Planning Authority could robustly defend such an objection on appeal.

## **Conclusion**

Whilst there can be no objection to the provision of 'Click and Collect' lockers in this location as a matter of principle or on the basis of highway safety, it is not considered that the applicant has demonstrated that there would not be an adverse impact on the amenity of adjoining residents arising from noise generated either by the refrigeration equipment or from vehicles and customers servicing or using the facility.

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

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

1 In the absence of evidence to demonstrate otherwise, the proposed 'Click and Collect' facility is considered likely to lead to increased noise and disturbance to adjoining residents, due to the use of refrigeration equipment and from vehicles and customers accessing the facility, to the detriment of the amenity of surrounding residential occupiers, contrary to Policy EC3 of the Castle Point Local Plan and Government guidance in the National Planning Policy Framework.

## **Informatives**

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



### ITEM 3

<b>Application Number:</b>	<b>15/0425/FUL</b>
<b>Address:</b>	<b>8 Branch Road Hadleigh Essex SS7 2AX (St. James' Ward)</b>
<b>Description of Development:</b>	<b>Front gable extension, side dormers with rooflight and alterations to parking layout</b>
<b>Applicant:</b>	<b>Mr Tony Saunders</b>
<b>Case Officer</b>	<b>Mrs Ishita Sheth</b>
<b>Expiry Date</b>	<b>15.07.2015</b>

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### Summary

This application seeks to form a front gable feature and provide dormers in the side roof planes of the existing two bedroomed property to provide an additional bedroom, study and two ensuites in the extended roofspace. The effect of the proposal is to create a potentially four bedroomed property on the site.

However, the proposal fails to provide off-street parking commensurate with the level of accommodation proposed. If permitted it is considered that the proposed development would lead to an increase in the number of cars parked in the surrounding residential streets, to the detriment of highway safety and the free flow of traffic and would be likely to result in the creation of an unattractive and cluttered appearance to the street scene.

The proposal is therefore recommended for REFUSAL.

This application has been called in by Councillor W. Sharp.

### Site Visit

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

### Introduction

The application site is located on the western side of Branch Road some 50m north of its junction with Castle Road. The application site has a fairly regular shape with a frontage of some 9.7m and a maximum depth of some 56.6m.

A detached hipped roofed chalet bungalow with a room in the roof and a rear conservatory occupies the site. The site has a hard surfaced side driveway and short front forecourt. There is a low wall to the centre of the front boundary of the site.

The site is located between a terraced house and a detached house. The rest of the street scene in this part of Branch Road consists of a mixture of detached and semi-detached houses and bungalows of varying designs.

No. 9 Branch Road has a flat roofed dormer in the front roof plane.

### The Proposal

The proposal seeks to provide a gable extension to the front roof plane and flat roofed side dormers.

The dormer to the northern roof slope will project some 2.4m and measure some 4.75m in width and 2.45m in height. The dormer to the southern roof slope will project some 2.4m, measure 3.1m in width and 2.45m in height.

A roof light is proposed to the southern dormer.

The proposed works would provide one additional bedroom, two en-suites and a study within the roofspace.

The works also comprise alterations to the internal layout and changes to the fenestration on the rear elevation to facilitate the provision of a combined kitchen/dining room/lounge.

Internal alterations do not require the formal consent of the Planning Authority.

### **Supplementary Documentation**

A Design Statement has been submitted and is available to view on the Council's website.

### **Planning History**

15/0176/FUL – Front gable extension and side dormers. Refused on 12<sup>th</sup> May 2015 for the following reason:

- The proposal fails to provide requisite off-street parking commensurate with the level of accommodation proposed. If permitted it is considered that the proposed development would lead to an increase in the amount of cars parked in the surrounding residential streets, to the detriment of highway safety and the free flow of traffic and would be likely to result in the creation of an unattractive and cluttered appearance to the street scene, to the detriment of the character and appearance of the area, contrary to Policies EC2 and T8 of the Council's Adopted Local Plan and RDG12 of the Residential Design Guidance.

### **Local Plan Allocation**

Residential

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

National Planning Policy Framework (NPPF) – para 17 core principles - design

Local Plan (Adopted November 1998)

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

Residential Design Guidance (Adopted January 2013)

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**

No statutory consultations undertaken

### **Neighbour Notification**

No neighbour responses received

### **Evaluation of Proposal**

Policy EC2 of the adopted Local Plan explains that a high standard of design will be expected in all proposals for alterations and extensions to existing buildings. Policy H17 states that in assessing the design aspects of proposals for housing, the Local Planning Authority will have regard to its adopted Residential Design Guidance (RDG). This guidance is considered to be in compliance with the National Planning Policy Framework (NPPF).

RDG7 states that the roof design of any development should be compatible with the dwelling, and it should be proportionate to the remainder of the dwelling and not be top heavy or appear prominent or dominant. Proposals for any form of roof development which results in the detrimental disruption or loss of symmetry to a pair or group of dwellings, both in respect of the roof planes and/or roofscape will be refused.

RDG8 states that the provision of detailing elements must be consistent with the overall architectural approach of the dwelling and their design and siting should be an integral part of the dwelling. The design of all development should result in well proportioned and balanced properties.

The proposed front roof extension would alter the character and appearance of the dwelling; however the resultant dwelling would not appear inconsistent with the character and appearance of the surrounding area. The front extension, whilst prominently sited and highly visible in the street scene, would not be overly dominant, or so prominent as to be harmful to the character and appearance of the area. No objection is therefore raised to the proposal on this basis.

The proposed first floor front window would be centrally located, and would not harm the visual balance of the dwelling.

The proposed alterations to the fenestration on the rear elevation are considered acceptable.

The proposed dormers are flat roofed in nature and set relatively deep on the roof plane, maintaining an acceptable level of roof verges. Although of rudimentary design, it is not considered that the proposed dormers would result in such detriment to the character of the dwelling or the area that a refusal on this basis could be successfully sustained on appeal.

The proposed window in the rear elevation of the dormer in the southern roof plane does not align with the ground floor fenestration; however, by virtue of its location to the rear, it would not be visible in the street scene and consequently the impact of this misalignment is considered to result in only limited harm. It is therefore not considered that a refusal on this basis could be successfully sustained on appeal.

Consequently no objection is raised to the design of the scheme under Policy EC2 of the Adopted Local Plan and RDG7 and RDG8 of the Residential Design Guidance.

RDG2 states that space around all new development should be informed by the prevailing character of space around dwellings.

The proposal will not alter the level of space around the dwelling nor result in a need for a greater level of isolation and would therefore have no impact on the prevailing character of space around dwellings in the area. No objection is therefore raised to the scheme under RDG2 of the Residential Design Guidance.

RDG3 states that where there is a distinct pattern of development which creates an exceptionally strong building line, development must not result in a disruption to this pattern. It further states that development which would result in excessive overshadowing or dominance to any elevation of an adjoining property will be refused.

While the proposal would increase the bulk of the dwelling at first floor level, it is not considered that such alterations would adversely impact on the established building line to the detriment of the character and appearance of the area.

Furthermore, the relationship of the proposed works to the adjoining properties is such that it is not considered that the works would result in undue overshadowing or dominance of the adjoining properties.

The proposal is therefore considered to be compliant with RDG3.

RDG5 provides guidance on privacy and living conditions. It states that for all development above ground floor level a distance of 9m shall be provided between the first floor opening and the boundary it directly faces. It also considers that all new dwellings should be provided with adequate living conditions and that all windows should be designed and be of a size which provides for adequate natural light and ventilation to enter the room they serve.

The proposed first floor front window would overlook the highway and is therefore unlikely to result in a loss of privacy.

The proposed window in the rear elevation within the proposed southern dormer would provide a distance in excess of the requirement to the rear boundary and no objection is therefore raised in respect of this window in respect of privacy issues.

No windows are provided in the southern elevation at first floor level. However, windows are proposed in the northern elevation within the proposed dormer. These would fail to provide the requisite distance to the northern boundary, and are likely to result in detrimental levels of overlooking to the adjacent side neighbours. In such circumstances it is incumbent upon the Local Planning Authority to consider whether such impact could be mitigated with the use of conditions. It is considered that if these windows were obscure glazed and fixed shut to a height of 1.7m, the detrimental impact could be satisfactorily mitigated. The windows would serve two en-suites where a high degree of privacy would be expected and therefore the proposed treatment to the windows would not be inappropriate. Consequently subject to a condition requiring the side windows to be obscure glazed and fixed to 1.7m no objection is raised to the proposal under RDG5 of the Residential Design Guidance.

RDG6 states that amenity space should cater for all the outdoor needs of all occupiers and that development involving individual dwellings should be provided with at least 15m<sup>2</sup> of amenity space per habitable room.

The dwelling benefits from a good sized amenity space, which exceeds the requirement. The proposal therefore raises no amenity space implications.

Policy T8 of the current Local Plan requires off-street parking to be provided in accordance with County parking standards, which require a minimum of two spaces, having a bay size of 5.5m by 2.9m each, to be provided for properties with two or more bedrooms. This information is consistent with paragraph 39 of the NPPF which requires local planning authorities to set such standards reflecting local circumstance.

The proposed extended dwelling requires two car parking spaces. The proposal shows the provision of two car parking spaces; one to the front of the dwelling, parallel/diagonal to the highway and one to the northern side of the dwelling.

The car parking space to the northern side of the dwelling, whilst of an adequate depth, only measures some 2.05m in width. A car parking bay of this size is considered inadequate for car parking purposes.

The limited depth of the forecourt (some 3.7m-3.9m) prejudices the provision of car parking space perpendicular to the highway and therefore the proposal seeks to provide a car parking space which is more or less parallel to the highway. However, the proposed car parking space to the front of the dwelling is also of an inadequate size measuring some 2.5m by 5.5m. Furthermore, it is not considered that this proposed space results in an awkward location which would not be convenient and safe for parking purposes.

Whilst it is noted that the car parking space to the northern side of the dwelling is of inadequate size, this is an existing car parking space. Under the circumstances, it is not considered that a refusal on the basis of inadequate depth could be successfully sustained on appeal.

However, it is not considered that the site can achieve a second car parking space to the front of the dwelling.

It is noted that the current dwelling requires the provision of two parking spaces and can achieve only one. The existing property therefore exhibits a deficiency in parking provision. This deficiency would however be exacerbated by the proposed development which seeks to provide a greater quantum of development on the site and a consequent increased demand for parking on the site. In the absence of the provision of adequate parking on the site it is considered that the occupiers of the site will of necessity park on the adjoining highways, to the detriment of traffic flow and highway safety and would be likely to result in the creation of an unattractive and cluttered appearance to the street scene, to the detriment of the character and appearance of the area, contrary to Policies EC2 and T8 of the Council's Adopted Local Plan and RDG12 of the Residential Design Guidance.

It is noted that the 'Design Statement' states that living accommodation can be increased under permitted development rights without the need for further parking requirements. However, the ability to undertake works under permitted development does not create precedent for unacceptable development which requires planning consent.

## **Conclusion**

This application seeks roof extensions to a two bedroomed property. The proposed extended property would result in a three bedroomed property with the potential to convert the proposed study into a fourth bedroom.

The proposal fails to provide requisite off-street parking commensurate with the level of accommodation proposed. If permitted it is considered that the proposed development would lead to an increase in the amount of cars parked in the surrounding residential streets, to the detriment

of highway safety and the free flow of traffic and would be likely to result in the creation of an unattractive and cluttered appearance to the street scene.

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

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

1 The proposal fails to provide requisite off-street parking commensurate with the level of accommodation proposed. If permitted it is considered that the proposed development would lead to an increase in the amount of cars parked in the surrounding residential streets, to the detriment of highway safety and the free flow of traffic and would be likely to result in the creation of an unattractive and cluttered appearance to the street scene, to the detriment of the character and appearance of the area, contrary to Policies EC2 and T8 of the Council's Adopted Local Plan and RDG12 of the Residential Design Guidance.

**Informatives**

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

**DEVELOPMENT CONTROL COMMITTEE**

**7<sup>th</sup> July 2015**

**Subject: Quarterly Enforcement Update**

**Report of the Head of Regeneration and Neighbourhoods**

**Case Officer Robert Davis**

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**Introduction**

This is the latest in a series of enforcement reports presented to the Development Control Committee in order to ensure that Members are aware of all formal planning enforcement action and investigations that have been undertaken by the Council's Planning Enforcement Officers.

The report commences with cases resolved informally, follows this with cases resolved by formal enforcement action, then provides details of cases where new enforcement action has been undertaken since the last enforcement update. It concludes with those cases which are still outstanding and formal action has been taken.

**Cases resolved informally**

***298 Long Road, Canvey Island***

Advertisements

***Iceland Foods Plc 2-10 Rectory Road, Hadleigh***

Billboard advertisement

***253 Hart Road, Benfleet***

Outbuilding erected in front garden

***48 Ivy Road, Thundersley Benfleet***

Storage container in the front garden

***St. Michaels Church, St Michaels Road, Hadleigh***

Storage container

***Bang On Tyres, Long Road, Canvey Island***

Advertisement

***1 The Weald, Canvey Island***

Car Sales Operation

**7 St Marys Drive, South Benfleet**

Children's Play Apparatus

**36 Ashdown Crescent, Hadleigh**

Block paving to front garden

**40 Ashdown Crescent, Hadleigh**

Block paving to front garden

**30 Ashdown Crescent, Hadleigh**

Block paving to front garden

**247 London Road, South Benfleet**

Storage of waste items to front of property

**16 Florence Gardens, Hadleigh**

New front door out of character with the Conservation Area

**412 & 412A Kents Hill Road North, Thundersley**

Advertisements

**47 Paarl Road Canvey Island**

Fencing and untidy land

**'Homeacre' Windermere Road Thundersley**

Carport Structure in the front garden

**621 Daws Heath Road, Hadleigh**

Car sales

**Cases resolved following formal action**

***Yard off Fane Road, south of Lychgate Farm, Benfleet***

On 10th April 2013 an enforcement notice was issued in respect of the storage of vehicles and the depositing, sorting and processing of materials at the above site. No appeal was lodged. To assist the occupier in completing these works the compliance date was extended several times. However, by September 2014 it became apparent that the requirements of the notice would not be met.

The Council's Legal Service was instructed to commence legal proceedings and the initial court hearing took place on 5<sup>th</sup> November 2014. The defendant did not attend and a first instance warrant with bail was issued by the court. This matter is still outstanding. In the meantime the landowner, at the request of the Council, has undertaken the required works. A site visit on 10<sup>th</sup> June 2015 confirmed that the requirements of the notice have been adequately met. The case is now closed.

***Land east of Lychgate Farm, Arterial Road Rayleigh***

An enforcement notice in respect of Green Belt land being used for the storage of a static home, touring caravan, container and other miscellaneous items was issued on 7<sup>th</sup> November 2013. The notice required the land to be cleared and the hard surfacing and fencing to be removed. No appeal was lodged and the occupier failed



to comply with the requirements of the notice. However, following the instigation of legal proceedings the occupier has undertaken sufficient works to enable the Council to suspend further action.

## **New Enforcement Action**

### ***32 Springfield Road, Canvey Island***

On 1<sup>st</sup> May 2015 an enforcement notice was issued in respect of the conversion of an integral garage at the above premises to living accommodation contrary to a planning condition attached to the original consent for the property. The notice requires the unauthorised use to cease and the garage door, internal width and floor level of the garage to be reinstated so that its operational use for the parking of vehicles is not prevented. The notice took effect on 9<sup>th</sup> June 2015.

## **Outstanding Notices**

### ***35a Croft Road, Benfleet***

Three remedial notices were issued on 22<sup>nd</sup> May 2014 in respect of a boundary hedge at this site which was the subject of a formal complaint under Part 8 of the Anti-social Behaviour Act 2003. An appeal has been lodged against all three notices and a decision is awaited.

### ***Thirlmere Cottage Thirlmere Road, Thundersley***

On 20<sup>th</sup> October 2014 an enforcement notice was issued in respect of a material change of use of Green Belt land for use as residential garden ancillary to Thirlmere Cottage and for the storage of vehicles in connection with a motor sport hobby. The notice requires the residential use of the land to cease and the demolition and removal of identified unauthorised structures and hard surfaces. An appeal has been lodged and the inquiry procedure selected to determine the appeal. The inquiry is scheduled to take place on 25<sup>th</sup> August 2015.

### ***51 Crescent Road, Benfleet***

On 29<sup>th</sup> September 2014 an enforcement notice was issued in respect of a new boundary fence, erected in breach of a condition attached to planning consent CPT/55/13/FUL. Details of the boundary treatment should have been agreed prior to its installation but were not submitted. The enclosure that has been constructed is considered unacceptable. An appeal against the notice was lodged on 18<sup>th</sup> November 2014.

### ***36a Rattwick Drive, Canvey Island***

An enforcement notice in respect of the erection of a flat roofed building for use as an independent residential dwelling was issued on 6<sup>th</sup> January 2014. The site, which is very narrow, previously formed part of the curtilage of a semi detached dwellinghouse. The notice requires the building to be demolished and the exposed external wall of the semi detached property to be made good. An appeal against the notice was lodged and subsequently dismissed on 12<sup>th</sup> February 2015. The requirements of the notice have to be fully met by 12<sup>th</sup> November 2015.

### ***'Reditus' Keswick Road, Benfleet***

An enforcement notice in respect of a material change of use of this land to a mixed use for the storage of commercial and domestic items and the stationing of a trailer

for residential use was issued on 24<sup>th</sup> October 2011. The requirements of the notice were not met and the Council instigated legal proceedings against the occupier. The case was heard in the Crown Court and for technical reasons the defendant found not guilty.

A revised enforcement notice was issued on 13<sup>th</sup> June 2013 and subsequently appealed by the occupier. However, a change in appeal procedure from written representations to an inquiry resulted in the appellant withdrawing his appeal. Officers took the view that unnecessary work had been incurred in processing the appeal and submitted an application for an award of costs. This was successful and the appellant (occupier) paid the costs incurred by the Council, which were calculated to be some £1,062.00.

The occupier should have complied with the requirements of the notice by 6<sup>th</sup> June 2014. This did not happen. On 4<sup>th</sup> November 2014 the Occupier was noted to be present at the site. Discussions took place whereupon he expressed his willingness to undertaking the necessary works. To ensure that these took place the Council initiated legal proceedings. However, before the court hearing could take place the occupier left the country. Before leaving the occupier appointed an agent and confirmed, in writing, that he would comply entirely with the enforcement notice within four weeks of his return in March 2015.

On 19<sup>th</sup> March 2015 during a site meeting with the occupier present, discussions about retaining the large shed on the site took place. After due consideration and consultation with the Council's Legal Services it was determined that any planning application for the retention of the shed would be declined.

A site visit on 15<sup>th</sup> June 2015 confirmed that the requirements of the notice had not been adequately met. This matter has been referred back to Legal Services for further action.

### ***Janda Field, Fane Road, Benfleet***

Members will recall that planning permission for a change of use of this land to three Traveller pitches was refused consent at the Development Control Committee meeting of 4<sup>th</sup> December 2012. An enforcement notice for the cessation of the use was subsequently issued on 5<sup>th</sup> December 2012. Both the enforcement notice and refusal of planning permission were appealed and a hearing took place on 1<sup>st</sup> May 2013.

On 9<sup>th</sup> July 2013 the Secretary of State recovered the appeals for his own determination. However, the Council was advised in a communication of 30<sup>th</sup> March 2015 that the case has been "de-recovered" and remitted back to the Planning Inspectorate. The decision is awaited.