



Council Offices, Kiln Road,
Thundersley, Benfleet,
Essex SS7 1TF.
Tel. No: 01268 882200
Fax No: 01268 882455



David Marchant LLB (Hons) BSc (Hons) CEng FICE FCI
Chief Executive

AGENDA

Committee: DEVELOPMENT CONTROL

Date and Time: Tuesday 3rd September 2013 at 7.30 p.m.

Venue: Council Chamber

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

Membership: Councillors Brunt (Chairman), Ladzrie (Vice Chairman), Anderson, Barrett, Blackwell, Cross, Mrs Govier, Hart, Mrs King, Mrs Liddiard, Skipp, Smith, and Mrs Wass.

Canvey Island Town Councillors : L. Swann

**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 30th July 2013 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. CPT/300/13/FUL	Land on the Chase between Swale Road and Wensley Road, Thundersley (Cedar Hall Ward)	1
2. CPT/302/13/FUL	Land on the Corner of the Chase and Wensley Road, Thundersley (Cedar Hall Ward)	11
3. CPT/386/13/FUL	Footpath on Sea Wall Adjacent to CPBC Gate 18, Eastern Esplanade, Canvey Island (South Ward)	25
Appendix 1	Standard Conditions	30
6. 390 Church Road, Benfleet (St Peter's Ward) - Confirmation of Tree Preservation Order		32
	The report of the Head of Regeneration and Neighbourhoods is attached.	

Site Visits

Members are advised that a site inspection is recommended in respect of Deposited Plans Item 3 and Agenda Item No. 6. The site visits will take place at **2pm on Monday 2nd September 2013**. Members are asked to assemble in the Members' Room at 1:50pm in order to facilitate a prompt start.

Members are asked to confirm their attendance on the site visit by contacting Kellie Jeffery either on 01268 882334 or kjeffery@castlepoint.gov.uk no later than **Monday 26th August 2013**.

In the event that no confirmations are received the Site visits will be cancelled

Agendas and Minutes can be viewed at www.castlepoint.gov.uk
 Copies are available in larger print & audio format upon request
 If you would like a copy of this agenda in another language or alternative format:
 Phone: 0207 520 1431 or email translations@languageline.co.uk

DEVELOPMENT CONTROL COMMITTEE

30th JULY 2013

PRESENT: Councillors Brunt (Chairman), Ladzrie (Vice Chairman), Anderson, Barrett, Blackwell, Cross, Mrs Govier, Hart, Mrs Liddiard, Skipp, Smith and Mrs Wass; and Canvey Island Town Councillor Peter Greig.

Councillor Walter also attended.

Apologies for absence were received from Councillors Mrs King and Canvey Island Town Councillor Liz Swann.

9. MEMBERS' INTERESTS

Councillor Mrs Liddiard disclosed an interest in Agenda Item 5(1), as shown under Minute No 11(a).

10. MINUTES

The Minutes of the meeting held on 2nd July 2013 were taken as read and signed as correct.

11. DEPOSITED PLANS

(a) CPT/306/13/FUL – 5 HUDSON WAY, CANVEY ISLAND, ESSEX (WINTER GARDENS WARD) – RELOCATION OF FENCE TO REAR BOUNDARY TO INCLUDE GARAGE AND DRIVEWAY – MRS CLAIRE DOWDALL

(Councillor Mrs Liddiard declared a non-pecuniary interest in the above item as she was a member of the same Committee as the applicant's husband and left the Chamber during its consideration).

The application sought permission to extend the existing 1.8m high fence, along the side boundary of the site and to the rear boundary to incorporate the detached garage and associated driveway into the rear garden of the dwelling. The proposal would result in vehicular access to the existing garage being removed. As a consequence the occupiers of the dwelling would be reliant on land at the front of the site to provide for their parking needs. The front of the site was insufficient in size to provide adequate parking facilities and as a result it was considered that the proposal would result in detriment to highway safety, contrary to policies T8 and EC2 of the adopted Local Plan. The application was consequently recommended for refusal.

The application was presented to the Committee as the applicant was a member of staff.

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

Mrs Dowdall, the applicant, spoke in support of the application.

During discussion some Members felt that there was sufficient parking to the front of the property and whilst not in favour of the extension to the fencing did not think there was a justifiable reason for refusal. However, the majority of Members felt that the removal of useable parking spaces from the rear of the site would be unacceptable. It was therefore:-

Resolved – That the application be refused for the following reason:

The proposed development would remove useable parking spaces located to the rear of the site and would fail to provide sufficient on-site parking to meet the needs of the dwelling. If approved it is considered likely that vehicles would be parked on the site in a manner likely to obstruct the footpath, or would be parked on the highway in Beecroft Crescent or Hudson Way, creating an obstruction to traffic flow, to the danger and inconvenience of other road users and resulting in an unattractive appearance to the street scene, to the detriment of the character and appearance of the area, contrary to Policies T8 and EC2 of the adopted Local Plan.

Chairman

Item No.1

Application Number: CPT/300/13/FUL

Address: LAND ON THE CHASE BETWEEN SWALE ROAD AND WENSLEY ROAD, THUNDERSLEY. (CEDAR HALL WARD).

Description of development: ERECTION OF 1 NO. 5 BED DETACHED DWELLING WITH INTEGRAL GARAGE – (PLOT 4 – REVISED SCHEME)

Applicant: R. J. JEFFERY & SONS LTD.

Case Officer: I. SHETH

Summary

The application seeks permission for one five bed roomed house with integral garage. Within the adopted Local Plan the site forms part of a larger area of land which is safeguarded for the long term provision of housing.

This application is a revision to the originally approved dwelling at Plot 4 under planning application CPT/378/12/FUL. This revised application seeks to widen the plot and the dwelling by some 0.5m compared to the previously approved application.

The dwelling is of an acceptable design and meets the requirements of the Residential Design Guidance. Under the circumstances and within the context of the existing neighbouring dwellings and the recently approved dwellings to the east of the application site, it is not considered that the proposal would have an adverse impact on the character or appearance of the area.

For the development to be acceptable, however, it is considered necessary for the road to be made up to provide satisfactory access to and from the dwellings. Such provision would be achieved through a Section 106 agreement. It is for this reason that the application is presented to Committee for determination.

Subject to the applicant being willing to enter into a S.106 Agreement to ensure the provision of appropriate vehicular and pedestrian access the site, the proposal is recommended for APPROVAL.

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 site located on the southern side of The Chase, some 50m west of its junction with Swale Road. The plot has a frontage of some 10.7m and a depth of some 42.4m. The site is currently undeveloped and has significant tree cover. The trees on the larger site, comprising mainly Oak, Hawthorn and Hornbeam, are protected by Tree Preservation Order 7/92.

This part of The Chase has a semi-rural character with an unmade road and detached bungalows, chalets and houses located in the vicinity of the application site. Recently permission was granted for four new dwellings on the land between Swale Road and Wensley Road under reference CPT/378/12/FUL. This site included a large proportion of the current application site which was identified as Plot 4.

The Proposal

This is an application for planning permission for one five bedroomed detached house with an integral garage.

The proposed dwelling is hipped roofed having maximum dimensions of some 9.7m by 15.6m and a maximum height of some 8.2m.

The dwelling would provide a lounge, kitchen/breakfast, utility room, W.C., study, dining room, garage and a hallway at ground floor level and five bedrooms, a bathroom and two en-suites at first floor level. Access to the proposed dwelling will be via The Chase.

Supplementary Documentation

The application is accompanied by the following documents:

Ecological Assessment and Badger Survey
Landscaping Specification
Design and Access Statement

These are available to view on the Council's website.

Relevant Planning History

Planning permission for four detached dwellings on land incorporating the majority of the current application site was approved under reference CPT/378/12/FUL on the 22nd February 2013.

Relevant Government Guidance and Local Plan Policies

National

National Planning Policy Framework (NPPF)
Paragraphs: 11, 49, 56, 109 and 118

Castle Point Borough Council Adopted Local Plan 1998

EC2 – Design

EC3 – Residential Amenity

EC5 – Crime Prevention

EC7 – Natural & Semi Natural Features in Urban Areas

EC13 – Protection of Wildlife & their Habitats

EC22 – Retention of Trees, Woodland & Hedgerows

H5 – Safeguarding of Land for Long-Term Housing Need

H17 – Housing Development – Design & Layout

T8 – Car Parking Standards

Residential Design Guidance

RDG1 – Plot size

RDG2 – Space around Dwellings

RDG3 – Building Lines

RDG5 – Privacy and Living conditions

RDG6 – Amenity Space

RDG12 – Parking and access

Essex Planning Officers Association Vehicle Parking Standards

Developer Contributions Guidance SPD – Adopted 1st October 2008

Consultation

Essex County Council – Highways Observations

No comments received

County Ecology

No comments received

Public Consultation

Neighbour notification and site notices – No responses received

Evaluation of Proposal

Principle

The site is located within an area safeguarded for long term housing provision; however the principle of the acceptability of the residential development of the site for residential purposes was established at the Development Control Committee meeting of 4th September 2012 when consent was granted, subject to a S106 agreement, for 4 detached houses with integral garages (Ref: CPT/378/12/FUL). In this context it is not considered that an objection to the principle of the residential development of the site may be now be pursued.

The following report therefore seeks only to evaluate the proposal in respect of other relevant policies.

Ecology

Nature conservation and the protection of the natural environment of the application site and wider surroundings has previously been, and continues to be, a major planning consideration in determining planning applications in this general area. These issues are interrelated and as such will be discussed in detail together.

There are a number of planning policies contained within both the Adopted Local Plan and in the National Planning Policy Framework which need to be considered in the determination of the application. These are set out below.

Policy EC7 of the Adopted Local Plan is concerned with natural and semi-natural features in urban areas and states that such features and open spaces within urban areas shall be retained and enhanced wherever possible in order to safeguard their physical, visual, recreational and wildlife value.

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

Policy EC21 of the Adopted Local Plan is concerned with woodland management and Tree Preservation Orders and states that the Council will encourage the maintenance of existing woodlands through appropriate management.

Policy EC22 states that in schemes for new development, existing trees, hedgerows and woods shall be retained wherever possible. Where development takes place, loss of existing tree cover and hedgerows shall be kept to a minimum. All trees and shrubs to be retained after development shall be suitably protected throughout the duration of construction.

Paragraph 109 of the NPPF states:

“The planning system should contribute to and enhance the natural and local environment by:

- *protecting and enhancing valued landscapes, geological conservation interests and soils;*
- *recognising the wider benefits of ecosystem services;*
- *minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including establishing coherent ecological networks that are more resilient to current and future pressures.”*

In paragraph 118 the NPPF states:

“When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- *if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- *proposed development on land within or outside a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site's notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest;*
- *development proposals where the primary objective is to conserve or enhance biodiversity should be permitted;*
- *opportunities to incorporate biodiversity in and around developments should be encouraged;*
- *planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweighs the loss”.*

Whilst the site itself is not identified as an important wildlife habitat it is located in close proximity to the Thundersley Plotlands, a recognised Local Wildlife site (LoWS CP23) and currently comprises a remnant of woodland. It therefore has the potential to provide wildlife habitat and it is incumbent upon the Planning Authority to consider the implications for the proposed development for local wildlife.

An Ecological Assessment and Badger Survey was submitted with the application, which concludes that as a result of being unmanaged the site has limited biodiversity and low existing conservation value.

The Ecological Assessment further identifies that

- whilst badgers forage the site there are no active badger setts within the site
- the site has no amphibian or reptile potential.
- Birds will use the site for nesting during spring/summer months and therefore all vegetation management must be done outside of the March – September period to prevent any nesting bird disturbance.

It is considered that the proposal would have no adverse impact on any statutorily protected sites or landscapes. Although there has been no response from the County Ecological Officer on this application as yet, in comments made in respect of an application for the development of land immediately west of the application site, a recommendation has been made that a bat survey should be undertaken to determine the impact of the development on bats and to identify appropriate

mitigation, inclusive of the installation of bat boxes in the retained. It would be reasonable to consider that these comments would be applicable to the application site as well.

Subject to conditions limiting the period within which works may be undertaken on the site and requiring the provision of a bat survey, including appropriate mitigation measures, no objection is raised to the proposal under Policies EC7, EC13 and EC22 of the adopted Local Plan or paragraph 118 of the NPPF.

The application site is the subject of a Tree Preservation Order (TPO/7/92). An Arboricultural report was not submitted as a part of this application. However, the Arboricultural report submitted as a part of the previous application for the wider site identified the trees that will need to be removed as a part of the proposal.

It also established the protection methods for the retained trees.

The development on the wider site results in the removal of 9 trees; 6 of which are trees that need to be removed as a part of safe/viable tree amenity management and 3 trees require removal to facilitate the proposed development. It is not considered that the proposed development would result in any further tree removal.

Under the circumstances, subject to a condition requiring compliance with the arboricultural report submitted as a part of the application CPT/378/12/FUL, no objection is raised to the proposal on the basis of loss of trees under Policy EC21 of the adopted Local Plan or national guidance as contained in the NPPF.

Design

Policy EC2 of the Adopted Local Plan relates to design and requires a high standard of design in relation to new buildings. It requires development to be of a scale, density, siting, design and layout and of external materials, which are appropriate to the setting of the development and which do not harm the character of its surroundings.

Local Plan Policy H17 states that in assessing design aspects of the proposals for housing, the Local Planning Authority will have regard to its adopted design guidelines.

The Council has recently published new Residential Design Guidance which became effective on the 1st January 2013.

The proposed development is of a traditional footprint and design. It is proposed to use 'Hanson Belgravia Gault Blend' facing brickwork and white weatherboarding for the external walls and 'Grey coloured Marley Mendip' roof tiles. The area in the vicinity of the application site is fairly mixed in style, design and character and a variety of materials have been used in the construction of these dwellings. Furthermore, the proposed materials will add to the mix of the already approved dwellings to the east. Under the circumstances, it is not considered that the proposed development would have an adverse impact on the character and appearance of the area.

The ridge height of the proposed dwelling is some 8.2m. This would compare favourably with the heights of nearby dwellings and the approved dwellings to the east of the application site. Therefore no objection is raised to the proposal under Policy EC2 of the Council's Adopted Local Plan.

RDG1 states that within existing built up areas, the plot sizes for all new development should be informed by the prevailing character of plot sizes. Where there is no clear pattern of plot sizes, the size of the plot should be proportionate to the size of the dwelling occupying it.

The surrounding area is primarily characterised by dwellings set on relatively wide plots ranging from 12m – 19m in width although planning consents have been granted in Swale Road for dwellings having plot widths of 9.1m.

The proposed development would provide a plot width of some 11.5m. The proposed dwelling would therefore sit comfortably within the context created by the existing dwellings and those proposed to be constructed and no objection is therefore raised to the proposal under RDG1.

RDG2 states that all forms of development should seek to provide at least 1m between the properties and boundary.

The proposed dwelling would be located some 1m from the western and eastern boundaries and therefore satisfies the requirements of RDG2.

RDG3 states that within the existing built up area all new development should be informed by the prevailing building lines to the public realm it faces, however, it must not repeat poor forms of development.

The proposed dwelling would follow the building line in The Chase formed by the approved dwellings to the immediate east of the application site. No objection is therefore raised to the proposed building line under RDG3.

Policy RDG3 also states that proposals which would result in excessive overshadowing or overdominance will be refused.

The proposed dwelling will maintain an acceptable relationship with the approved dwellings to the east and the proposed dwelling to the west (CPT/302/13/FUL). It is not considered that the development would result in overshadowing or dominance to these properties. All other dwellings are considered to be too remote to be affected in this manner. No objection is therefore raised under RDG3.

Policy RDG5 states that for all development above ground floor level a distance of 9m shall be provided between windows, edges of balconies or raised amenity space and the boundary it directly faces at first floor level.

The proposed windows in the front elevation would overlook the highway and would not result in any loss of privacy and overlooking. The proposed windows in the rear elevation achieve a minimum distance of some 17.6m to 18m to the rear boundary.

Windows are also proposed in the side elevations. These are less than the requisite distance from the boundary; however they serve a bathroom, two en-suites and a landing area. These areas represent parts of the dwelling which are either not used for extended periods, or require a high level of privacy when in use. Under these circumstances it is considered reasonable to impose a condition on the grant of any consent requiring such windows to be obscure glazed and fixed to a height of 1.7m above finished floor level of the room served. Such a condition would ensure the privacy of future occupiers of the dwellings whilst maintaining reasonable living conditions within the dwellings. Subject to such a condition no objection is raised under RDG5.

Policy RDG6 is concerned with the provision of private amenity area. It states that all residential development involving individual dwellings should be provided with at least 15m² of amenity space per habitable room.

The proposal seeks to provide 9 habitable rooms and would require a provision of 135m² of amenity area. The proposed development seeks to provide a garden area in excess of the requirement. No objection is therefore raised under RDG6.

Highways and Parking

Policy CF1 of the Adopted Local Plan is concerned with social and physical infrastructure and new developments. It states that where the infrastructure requirements generated by development cannot be met by the existing provision the Council will require developers to provide appropriate highway and drainage improvements and appropriate improvements to social infrastructure to serve the needs of the new development.

Policy T7 of the adopted Local Plan states that in all applications for the intensification of development served by unmade roads, the Council will seek appropriate improvements to the highway. Such improvements would be at the developer's expense and could include the provision of footpaths, drainage and lighting.

The Chase at this point is currently an unmade road which is in a poor state of repair. Whilst it is recognised that the unmade nature of the road provides The Chase with a semi-rural 'feel', it is considered that the introduction of further traffic onto this surface will result in a deterioration in the quality of the existing access and the general character and appearance of the area and as such it is considered appropriate to seek a contribution from the developer to ensure the provision of an appropriate means of pedestrian and vehicular access to the site. Subject to the applicant being willing to enter into a S106 agreement to achieve this objective, no objection is raised to the proposal on this basis.

Policy RDG12 states that the size and layout of all forms of parking should reflect current adopted vehicle parking standards. The Council requires all single garages to have internal dimensions of 7m by 3m and be served by 6m deep forecourts.

Policy T8 of the adopted Local Plan requires adopted parking standards to be taken into account. The current standards are the Essex Planning Officers' Association

vehicle parking standards 2009. These require a minimum of 2 spaces for properties with two bedrooms or more.

The proposed dwelling would provide 5 bedrooms at the first floor level and the study at ground floor level has the potential increase this number. Two car parking spaces would therefore be required. The dwelling has the provision of one car parking space within the garage and another space to the front of the garage. Both spaces are of the requisite size. The proposal therefore complies with the parking requirements both qualitative and quantitative terms. Subject to a condition requiring the retention of these spaces, no objection is raised in respect of car parking provision.

It is proposed to use 'Brett Flow' permeable blocks in 'Charcoal' colour for the proposed hardsurfaced areas. In visual terms no objection is raised to the proposed blocks. However, no details of the sub base have been provided. It is therefore not possible to determine whether the proposed hardsurfaced areas would be permeable. However, subject to a condition requiring these details to be submitted, no objection is raised.

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

The proposal seeks the provision of one new dwelling. All access during the construction and operational phases of development will be via The Chase.

Although it is acknowledged that the proposal would result in greater vehicular traffic on The Chase, it is not considered that the proposed development would result in such significant detriment to the amenity of the surrounding area in terms of traffic, noise, fumes or other forms of disturbance that a reason for refusal on this basis could be successfully sustained at appeal.

With regard to any potential obstruction to the highway during the construction period, arising from the narrow width of this part of The Chase, it is considered that an area within the site could be identified for storage, welfare facilities and contractors parking which should alleviate this concern. Subject to such a condition, no objection is raised to the proposal under Policy EC3.

Landscaping

Policy EC2 requires the appearance and treatment of spaces around buildings to be enhanced by appropriate hard and soft landscaping.

A landscaping scheme has been submitted which proposes to plant a mixed hedge of photinia and laurel along the front boundary with a lawn planted behind containing Viburnum.

The proposed scheme and planting and maintenance schedule are considered to be acceptable. It is considered that the proposed planting of the hedge would facilitate to a certain extent in maintaining the character of the area.

Conclusion

The application seeks permission for one five bedroomed dwelling. The site is allocated for long term residential purposes and the acceptability of the residential development of this site has already been established by the granting of consent for a development comprising four dwellings on a larger plot incorporating part of the current application site.

The dwelling is of an acceptable design and meets the requirements of the Residential Design Guidance. It is not considered that the proposal would have an adverse impact on local ecology or the character or appearance of the area. For the development to be acceptable, however, it is considered necessary for the road to be made up to an appropriate standard to provide vehicular and pedestrian access to and from the dwellings. This would require the applicant to enter into a S106 agreement.

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

My **RECOMMENDATION** that subject to the applicants entering into a Section 106 Legal Agreement to secure the provision of acceptable vehicular and pedestrian access the Head of Regeneration & Neighbourhoods be authorised to APPROVE the application subject to the following planning conditions:

1. This permission should be read in conjunction with the Section 106 Legal Agreement dated contemporaneously with this permission.
Reason: To secure the provision of acceptable vehicular and pedestrian access.
2. CON2
3. CON10
4. CON11
5. The approved landscaping scheme shall be retained in perpetuity. No changes to the approved landscaping scheme would be made without the prior formal consent of the Local Planning Authority.
REASON: To ensure a satisfactory development incorporating a degree of natural relief, in the interest of the amenities of the site and the character of the surrounding area.
6. CON18
7. CON19
8. CON20
9. The development hereby approved shall be built wholly in accordance with the approved boundary treatments.
REASON: In the interest of visual and residential amenity.
10. CON28
11. CON29
12. CON40
13. CON41
14. CON46

15. The development hereby approved shall be constructed wholly in accordance with the details set out in the Arboricultural Report submitted under Application Reference CPT/378/12/FUL, prepared by Eco-planning UK, dated 3rd March 2012.

REASON: In the interests of the health, safety and longevity of the trees on the site and in the interests of the amenity and character of the area.

16. Prior to the commencement of works on site the applicant shall identify in writing to the Local Planning Authority areas within the curtilage of the site for the parking of operatives' vehicles, welfare facilities and the reception and storage of construction materials all clear of the Highway.

REASON: To ensure that the highway is not obstructed during the building works in the general interests of highway safety.

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

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

18. Prior to occupation of the development a 1.5m x 1.5m pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.

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

19. CON100

20. CON101.

Item No.2

Application Number: CPT/302/13/FUL

Address: LAND ON CORNER THE CHASE AND WENSLEY ROAD, THUNDERSLEY. (Cedar Hall Ward).

Description of development: ERECT 1 NO. 5 BEDROOMED DETACHED DWELLING WITH INTEGRAL GARAGE.

Applicant: R. J. JEFFERY & SONS LTD.

Case Officer: I. SHETH

Summary

The application seeks permission for one five bedroomed house with an integral garage. Within the adopted Local Plan the site forms part of a larger area of land which is safeguarded for the long term provision of housing.

The dwelling is of an acceptable design and meets the criteria set out in the Residential Design Guidance. Within the context of the existing neighbouring dwellings and the recently approved 4 new dwellings to the east of the application site, it is not considered that the proposal would have an adverse impact on the character or appearance of the area.

For the development to be acceptable, however, it is considered necessary for the road to be made up to provide satisfactory access to and from the dwellings. Such provision would be achieved through a Section 106 agreement. It is for this reason that the application is presented to Committee for determination.

Subject to the applicant being willing to enter into such a S.106 Agreement the proposal is recommended for APPROVAL.

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 site located on the southern side of The Chase at junction with Wensley Road. The plot has a frontage of some 19m and a depth of some 39m. The site is currently undeveloped and has significant tree cover. The trees on the larger site, comprising mainly Oak, Hawthorn and Hornbeam, are protected by Tree Preservation Order 7/92.

This part of The Chase has a semi-rural character with an unmade road and detached bungalows, chalets and houses located in the vicinity of the application site. Recently permission was granted for four new dwellings on the land between Swale Road and Wensley Road under reference CPT/378/12/FUL. This site is located immediately to the west of that development and is identified on the submitted plan as Plot 5.

The Proposal

This is an application for planning permission for one five bed roomed detached house with an integral garage.

The proposed dwelling is hipped roofed having maximum dimensions of some 9.7m by 15.6m and a maximum height of some 8.1m.

The dwelling would provide a lounge, kitchen/breakfast, utility room, W.C., study, dining room, garage and a hallway at ground floor level and five bedrooms, a bathroom and two en-suites at first floor level.

The access to the proposed dwelling will be via The Chase.

Supplementary Documentation

The application is accompanied by the following documents:

Arboricultural Report.
Ecological Assessment and Badger Survey
Landscaping Specification
Design and Access Statement
Omega Flow Data Sheet.

These are available to view on the Council's website.

Relevant Planning History

None

Relevant Government Guidance and Local Plan Policies

National

National Planning Policy Framework (NPPF)
Paragraphs: 11, 49, 56, 109 and 118

Castle Point Borough Council Adopted Local Plan 1998

EC2	Design
EC3	Residential Amenity
EC5	Crime Prevention
EC7	Natural & Semi Natural Features in Urban Areas
EC13	Protection of Wildlife & their Habitats
EC22	Retention of Trees, Woodland & Hedgerows

H5	Safeguarding of Land for Long-Term Housing Need
H12	Comprehensive Development.
H17	Housing Development – Design & Layout
T8	Car Parking Standards

Residential Design Guidance

- RDG1 – Plot size
- RDG2 – Space around Dwellings
- RDG3 – Building Lines
- RDG5 – Privacy and Living conditions
- RDG6 – Amenity Space
- RDG12 – Parking and access

Essex Planning Officers Association Vehicle Parking Standards

Developer Contributions Guidance SPD – Adopted 1st October 2008

Consultation

Essex County Council – Highways Observations

No objection subject to a number of conditions relating to the construction and layout of the highway.

1. Prior to commencement of the development a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.

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

2. The garages shall be sited a minimum distance of 6m from the highway boundary with 1 vehicular hardstanding being provided as shown on drawing number 1409/S1/A. The vehicular hardstandings shall have minimum dimensions of 2.9 metres x 5.5 metres.

Reason: To ensure that the vehicles to be garaged may be left standing clear of the highway whilst the garage door is opened and closed and that adequate space for parking off the highway is provided in the interest of highway safety.

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

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

4. Prior to the commencement of works on site the applicant shall indicate in writing to the Local Planning Authority an area within the curtilage of the site for parking

of operatives' vehicles and the reception and storage of building materials clear of the highway.

Reason: To ensure that the highway is not obstructed during the construction period in the interests of highway and pedestrian safety.

5. Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.

6. Prior to the commencement of the development, the Developer shall be responsible for the provision and implementation of a Travel Information and Marketing Scheme for sustainable transport, approved by Essex County Council.

Reason: In the interests of promoting sustainable development and transport in accordance with Policy F.32 in the Essex Road Passenger Transport Strategy 2006/11.

County Ecology

Objects as an assessment of the application area for bats is required.

Recommends that any assessment should consider all direct and indirect impacts upon bats including from the proposed external lighting of the development. The assessment must provide an indication of roosting suitability of each tree referred to within the associated tree survey.

A 'bat roost foraging assessment' completed for the adjacent development (application no: CPT/378/12/CDN) indicates that the application land may be suitable for foraging bats.

Subject to the results of the bat assessment, recommends that the installation of bat boxes in the retained trees is also incorporated into the proposed mitigation measures for biodiversity.

Public Consultation

Neighbour notification and site notice – No responses have been received.

Comments on Consultation Responses

- Condition Nos. 1 to 5 recommended by the Highway Authority can be attached to any consent granted.
- The proposal is only for one dwelling. It is not reasonable to impose the Condition No. 6 recommended by the Highway Authority.

- The County Ecology's comments are discussed in the evaluation section.

Evaluation of Proposal

Principle

Prior to consideration of the detail of the submitted scheme, consideration must be given to the acceptability of the principle of residential development on this site.

The application site forms part of a wider area of land which has been identified for long term housing purposes in the adopted Local Plan. Whilst this specific area of land has not previously been the subject of an application for development, it clearly forms part of the parcel of land indicated as suitable in principle for residential development. Planning permission has been granted for the provision of four dwellings immediately to the east of this site and this plot may be viewed as part of the comprehensive development of the allocated land. In this context there can be no objection to the principle of the development of this site for residential purposes under Policies H5 or H12 of the adopted Local Plan.

Ecology

Nature conservation and the protection of the natural environment of the application site and wider surroundings has previously been, and continues to be, a major planning consideration in determining planning applications in this general area. These issues are interrelated and as such will be discussed in detail together.

There are a number of planning policies contained within both the Adopted Local Plan and in the National Planning Policy Framework which need to be considered in the determination of the application. These are set out below.

Policy EC7 of the Adopted Local Plan is concerned with natural and semi-natural features in urban areas and states that such features and open spaces within urban areas shall be retained and enhanced wherever possible in order to safeguard their physical, visual, recreational and wildlife value.

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

Policy EC21 of the Adopted Local Plan is concerned with woodland management and Tree Preservation Orders and states that the Council will encourage the maintenance of existing woodlands through appropriate management.

Policy EC22 states that in schemes for new development, existing trees, hedgerows and woods shall be retained wherever possible. Where development takes place, loss of existing tree cover and hedgerows shall be kept to a minimum. All trees and shrubs to be retained after development shall be suitably protected throughout the duration of construction.

Paragraph 109 of the NPPF states:

“The planning system should contribute to and enhance the natural and local environment by:

- *protecting and enhancing valued landscapes, geological conservation interests and soils;*
- *recognising the wider benefits of ecosystem services;*
- *minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including establishing coherent ecological networks that are more resilient to current and future pressures.”*

In paragraph 118 the NPPF states:

“When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- *if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- *proposed development on land within or outside a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site’s notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest;*
- *development proposals where the primary objective is to conserve or enhance biodiversity should be permitted;*
- *opportunities to incorporate biodiversity in and around developments should be encouraged;*
- *planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweighs the loss”.*

Whilst the site itself is not identified as an important wildlife habitat it is located in close proximity to the Thundersley Plotlands, a recognised Local Wildlife site (LoWS CP23) and currently comprises a remnant of woodland. It therefore has the potential to provide wildlife habitat and it is incumbent upon the Planning Authority to consider the implications for the proposed development for local wildlife.

An Ecological Assessment and Badger Survey was submitted with the application, which concludes that as a result of being unmanaged the site has limited biodiversity and low existing conservation value.

The Ecological Assessment further identifies that

- whilst badgers forage the site there are no active badger setts within the site
- the site has no amphibian or reptile potential.
- Birds will use the site for nesting during spring/summer months and therefore all vegetation management must be done outside of the March – September period to prevent any nesting bird disturbance.

It is considered that the proposal would have no adverse impact on any statutorily protected sites or landscapes. However, the County Ecological Officer has objected to the proposal on the basis that the impact of the proposal on bats has not been clearly identified. As such he has recommended that a bat survey be undertaken in order to determine the impact and appropriate mitigation, inclusive of the installation of bat boxes in the retained trees to be incorporated into the proposed mitigation measures for biodiversity.

No adverse comment in respect of the impact of the proposal on any other protected species has been made.

Subject to conditions limiting the period within which works may be undertaken on the site and requiring the provision of a bat survey, including appropriate mitigation measures, no objection is raised to the proposal under Policies EC7, EC13 and EC22 of the adopted Local Plan or paragraph 118 of the NPPF.

The application site, as part of the wider site, is the subject of a Tree Preservation Order (TPO/7/92), Seventeen trees are present within the application site and the proposal will require the removal of 9 to accommodate the proposed development.

Whilst the removal of 9 trees would be likely to have a significant impact on the character and appearance of the site, the site appears unmanaged and overgrown at the present time and the thinning of trees could be of benefit to those retained. It is proposed to retain trees both to the front and to the side/rear of the site and to provide appropriate protection to these trees during the construction process.

The applicant has submitted an arboricultural report which identifies the use of tree root protection areas to minimise/remove any impact or damage or disturbance to the trees, the use of pile and beam foundations to minimise impact on roots, the use of no dig/reduced dig methods of construction for access roads and driveways and appropriate excavation and backfilling regimes within the rootplates. Subject to the completion of operations in accordance with the provisions of the arboricultural report, it is considered that the retained trees should suitably recover from the works and will be able to provide an appropriate arcadian backdrop for the proposed development.

As such it is considered that the impact of the proposal will be suitably mitigated and no objection is therefore raised to the proposal on the basis of loss of trees under

Policy EC21 of the adopted Local Plan or national guidance as contained in the NPPF.

Design

Policy EC2 of the Adopted Local Plan relates to design and requires a high standard of design in relation to new buildings. It requires development to be of a scale, density, siting, design and layout, and of external materials, which are appropriate to the setting of the development and which does not harm the character of its surroundings.

Local Plan Policy H17 states that in assessing design aspects of the proposals for housing, the Local Planning Authority will have regard to its adopted design guidelines.

The Council has recently published new Residential Design Guidance which became effective on the 1st January 2013.

The proposed development is of a fairly traditional footprint and design. It is proposed to use 'Hanson Chelsea Smoked red' facing brickwork and off white render for the external walls and 'Antique brown coloured Marley Mendip' roof tiles. The area in the vicinity of the application site is fairly mixed in style, design and character and a variety of materials have been used in the construction of these dwellings. Furthermore, the proposed materials will add to the mix of the already approved dwellings to the east. Under the circumstances, it is not considered that the proposed development would have an adverse impact on the character and appearance of the area.

The ridge height of the proposed dwelling is some 8.1m. This would compare favourably with the heights of nearby dwellings and the approved dwellings to the east of the application site. Therefore no objection is raised to the proposal under Policy EC2 of the Council's Adopted Local Plan.

The surrounding area is primarily characterised by dwellings set on relatively wide plots ranging from 12m – 19m in width although planning consents have been granted in Swale Road for dwellings having plot widths of 9.1m.

The proposed development would provide a plot width of some 18.5m. In the context of its corner location, the proposed dwelling would sit comfortably within the context created by the existing dwellings and those proposed to be constructed and no objection is therefore raised to the proposal under RDG1.

RDG2 states that the space around all new development should be informed by the prevailing character of space around dwellings. Where there is a distinct character of development which creates an exceptionally strong pattern, development must not result in a disruption to this pattern.

RDG3 states that within the existing built up area all new development should be informed by the prevailing building lines to the public realm it faces, however, it must not repeat poor forms of development.

The proposed dwelling would follow the building line to be created along this section of The Chase and would reflect the return building line to Swale Road.

No objection is therefore raised to the proposal in term of its relationship with the existing development under RDG2 and RDG3.

Policy RDG3 also states that proposals which would result in excessive overshadowing or overdominance will be refused.

The proposed dwelling maintains an acceptable relationship with the approved dwellings to the east all other dwellings are considered to be too remote to be affected in this manner. No objection is therefore raised under RDG3.

Policy RDG4 states that all new or replacement dwellings on corner plots should provide active frontages to all elevations that face the public realm. Such elevations must be provided with articulation and fenestration at all floor levels.

The proposed dwelling provides fenestration at both the ground and first floor levels in the elevations facing The Chase and Wensley Road. That facing Wensley Road is somewhat restrained in its character, making little of the dwelling's location on a corner plot; however, this elevation will be heavily screened by trees and the opportunity for a statement elevation is therefore limited. No objection is raised to the proposal under RDG4.

Policy RDG5 states that for all development above ground floor level a distance of 9m shall be provided between windows, edges of balconies or raised amenity space and the boundary it directly faces at first floor level.

The proposed windows in the front and western elevations of the proposed dwelling would overlook the highway and would not result in any loss of privacy and overlooking. No objection is raised in respect of these windows.

The proposed windows in the rear elevation of the proposed dwellings achieve a minimum distance of some 16.8m to 17.4m to the rear boundary. No objection is therefore raised in respect of these windows.

The submitted layout indicates that windows are proposed in the eastern elevation of the proposed dwelling that are less than the requisite distance from the boundary, however these serve a bathroom and an en-suite. These areas represent parts of the dwelling which are either not used for extended periods, or require a high level of privacy when in use. Under these circumstances it is considered reasonable to impose a condition on the grant of any consent requiring such windows to be obscure glazed and fixed to a height of 1.7m above finished floor level of the room served. Such a condition would ensure the privacy of future occupiers of the dwellings whilst maintaining reasonable living conditions within the dwellings. Subject to such a condition no objection is raised under RDG5.

Policy RDG6 is concerned with the provision of private amenity area so that the outdoor needs of the family are provided for. It states that all residential development

involving individual dwellings should be provided with at least 15m² of amenity space per habitable room.

The proposal seeks to provide 9 habitable rooms and would require a provision of 135m² of amenity area. The proposed development seeks to provide a garden area in excess of the requirement. No objection is therefore raised under RDG6.

Highways and Parking

Policy CF1 of the Adopted Local Plan is concerned with social and physical infrastructure and new developments. It states that where the infrastructure requirements generated by development cannot be met by the existing provision the Council will require developers to provide appropriate highway and drainage improvements and appropriate improvements to social infrastructure to serve the needs of the new development.

Policy T7 of the adopted Local Plan states that in all applications for the intensification of development served by unmade roads, the Council will seek appropriate improvements to the highway. Such improvements would be at the developer's expense and include the provision of footpaths, drainage and lighting.

The Chase at this point is currently an unmade road which is in a poor state of repair. Whilst it is recognised that the unmade nature of the road provides The Chase with a semi-rural 'feel', it is considered that the introduction of further traffic onto this surface will result in a deterioration in the quality of the existing access and the general character and appearance of the area and as such it is considered appropriate to seek a contribution from the developer to ensure the provision of an appropriate means of pedestrian and vehicular access to the site. Subject to the applicant being willing to enter into a S106 agreement to achieve this objective, no objection is raised to the proposal on this basis.

Policy RDG12 states that the size and layout of all forms of parking should reflect current adopted vehicle parking standards. The Council requires all single garages to have internal dimensions of 7m by 3m and be served by 6m deep forecourts.

The proposed garage and forecourt are of the requisite size and no objection is therefore raised to the proposal on this basis.

Policy T8 of the adopted Local Plan requires adopted parking standards to be taken into account. The current standards are the Essex Planning Officers' Association vehicle parking standards 2009. These require a minimum of 2 spaces for properties with two bedrooms or more.

The proposed dwelling would provide 5 bedrooms at the first floor level and the study at ground floor level has the potential increase this number. Two car parking spaces would therefore be required. The dwelling has the provision of one car parking space within the garage and another space to the front of the garage. Both spaces are of the requisite size. The proposal therefore complies with the parking requirements both qualitative and quantitative terms. Subject to a condition requiring the retention of these spaces, no objection is raised in respect of car parking provision.

It is proposed to use 'Omega Flow' permeable blocks in 'Charcoal' colour for the proposed hardsurfaced areas. In visual terms no objection is raised to the proposed blocks. No details of the sub base have been provided and it is therefore not possible to determine whether the proposed hardsurfaced areas would be permeable. However, subject to a condition requiring these details to be submitted, no objection is raised.

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

The proposal seeks the provision of one new dwelling. All access during the construction and operational phases of development will be via The Chase.

Although it is acknowledged that the proposal would result in greater vehicular traffic on The Chase, it is not considered that the proposed development would result in such significant detriment to the amenity of the surrounding area in terms of traffic, noise, fumes or other forms of disturbance that a reason for refusal on this basis could be successfully sustained at appeal.

With regard to any potential obstruction to the highway because of the narrow aspect of this part of The Chase, it is considered that an area within the site could be identified for storage, welfare facilities and contractors parking which should alleviate this concern. This approach is supported by the Highway Authority which has requested that a space be designated within the site for the parking of operative's vehicles and the reception and storage of construction materials clear of the highway. Subject to such a condition, no objection is raised to the proposal under Policy EC3.

Landscaping

Policy EC2 requires the appearance and treatment of spaces around buildings to be enhanced by appropriate hard and soft landscaping.

A landscaping scheme has been submitted which proposes to plant a mixed hedge of photinia and laurel along the front boundary with a lawn planted behind containing New Zealand Laurel.

The proposed scheme and planting and maintenance schedule are considered to be acceptable. It is considered that the proposed planting of the hedge would facilitate to a certain extent in maintaining the character of the area.

Conclusion

The application seeks permission for one five bedroomed dwelling. The site is allocated for long term residential purposes and the acceptability of the residential development of this site has already been established by the granting of consent for

a development comprising four dwellings on land immediately to the east of the current application site.

The dwelling is of an acceptable design and meets the requirements of the Residential Design Guidance. It is not considered that the proposal would have an adverse impact on local ecology or the character or appearance of the area. For the development to be acceptable, however, it is considered necessary for the road to be made up to an appropriate standard to provide vehicular and pedestrian access to and from the dwellings. This would require the applicant to enter into a S106 agreement.

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

My **RECOMMENDATION** that subject to the applicants entering into a Section 106 Legal Agreement to secure the provision of acceptable vehicular and pedestrian access the Head of Regeneration & Neighbourhoods be authorised to APPROVE the application subject to the following planning conditions:

1. This permission should be read in conjunction with the Section 106 Legal Agreement dated contemporaneously with this permission.
Reason: To secure the provision of acceptable vehicular and pedestrian access.
2. CON2
3. CON10
4. CON11
5. The approved landscaping scheme shall be retained in perpetuity. No changes to the approved landscaping scheme would be made without the prior formal consent of the Local Planning Authority.
REASON: To ensure a satisfactory development incorporating a degree of natural relief, in the interest of the amenities of the site and the character of the surrounding area.
6. CON18
7. CON19
8. CON20
9. Prior to the commencement of development hereby approved details of the design and materials to be used for all hard boundary treatments shall be submitted to, and formally approved by the Local Planning Authority.
REASON: In the interests of visual and residential amenity.
10. The development hereby approved shall be built wholly in accordance with the approved boundary treatments.
REASON: In the interest of visual and residential amenity.
11. CON28
12. CON29 (Please replace 'forming a side elevation' with 'in the eastern elevation')
13. CON40
14. CON41
15. CON46
16. The development hereby approved shall be constructed wholly in accordance with the details set out in the submitted Arboricultural Report prepared by Eco-planning UK, dated 6th June 2013.

REASON: In the interests of the health, safety and longevity of the trees on the site and in the interests of the amenity and character of the area.

17. Prior to the commencement of works on site the applicant shall identify in writing to the Local Planning Authority areas within the curtilage of the site for the parking of operatives' vehicles, welfare facilities and the reception and storage of construction materials all clear of the Highway.

REASON: To ensure that the highway is not obstructed during the building works in the general interests of highway safety.

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

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

19. Prior to occupation of the development a 1.5m x 1.5m pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.

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

20.CON100

21.CON101

ITEM No.3

Application Number: CPT/386/13/FUL

Address: FOOTPATH ON SEA WALL ADJACENT TO CPBC GATE 18, EASTERN ESPLANADE, CANVEY ISLAND (South Ward)

Description of development: INSTALLATION OF FRESHWATER SHOWER PEDESTAL

Applicant: FRIENDS OF CONCORD BEACH

Case Officer: MR K. ZAMMIT

Summary

The application seeks permission for the installation of a shower facility on the sea wall adjacent to Concord Beach. Whilst the desire to provide the facility is noted it is considered that it would be likely to lead to poor conditions on the walkway on which the shower would be installed and potential pollution to the estuarine environment. It is therefore recommended that permission be refused.

Site Visit

It is considered appropriate for Members to visit the site prior to determination of the application.

Introduction

The application site forms part of the footpath located on the seaward side of the sea wall, at the top of the concrete embankment adjacent to Concord Beach and Gate 18 which provides access to the seafront.

The Proposal

Permission is sought for the installation of a shower pedestal for the purpose of foot washing on the walkway on the seaward side of the sea wall. The shower enclosure to be installed would have a maximum height of 1.4m with the shower head at a height of 1m. The water supply would be provided via a new supply pipe from Eastern Esplanade, which would be buried in the grass bank on the landward side of the sea wall and would pass under the landward footpath before being routed over the wall itself. The enclosure to the shower would be bolted to the path on the seaward side of the seawall.

The applicant states that hours of operation of the shower would be restricted to 10am to 7pm daily, April to October. During the winter months the pipe-work will be drained to prevent frost damage. There will be a timer to allow use of the shower during the daytime only and the tap will be push button, shutting off after a short

period of time. Signage will be provided to indicate that soaps and shampoos are not to be used and that the water is not for drinking.

Supplementary Documentation

The application is accompanied by supporting statements and a copy of correspondence between the applicants and the Environment Agency relating to installation of the shower and pipe-work. These are available to view on the Council's website.

Planning History

July 2013 – permission refused for the installation of a freshwater shower pedestal (CPT/111/13/FUL) for the following reasons:

- The use of the proposed shower pedestal would result in water flowing over or, being sprayed onto, the adjacent walkway and the deposition of mud or sand on the walkway, creating a potentially dangerous and unattractive footway, to the detriment of the amenity and convenience of users of the walkway, contrary to Policy EC2 of the Adopted Local Plan.
- The use of the proposed shower pedestal could potentially lead to detergents entering the estuary to the detriment of the local ecosystem, contrary to Policy EC4 of the Adopted Local Plan.

Relevant Government Guidance and Local Plan Policies

National Planning Policy Framework (NPPF)
Paragraphs 56-58, 120-125

Local Plan

EC2 – Design

EC4 – Pollution

EC5 - Crime Prevention

Consultation

County Archaeology

No recommendations to make

Environment Agency

To be reported

Canvey Town Council

To be reported

CPBC Legal Services

To be reported

Public Consultation

No representations received

Comments on Consultation Responses

None

Evaluation of Proposal

The main issues here are the impact of the proposal on the natural environment, its appearance and its impact on the amenity of users of the beach and sea wall walkway.

Policy EC4 of the current Local Plan states that development that would have a significant adverse effect on the natural environment due to the release of pollutants to water will be refused. This is generally consistent with paragraphs 120 to 125 of the NPPF.

The proposal seeks to allow water from the shower to run across the sea wall walkway and drain onto the beach. Potential exists therefore for detergents in the form of soap or shampoo used in the shower to enter the beach and the marine environment. The applicant has stated that signage will indicate that soaps and shampoos are not to be used, and that the shower will be supervised from the nearby cafe on an informal basis. It is not considered that these supervisory arrangements would be sufficient to ensure that such pollution would not occur. The applicant has indicated that should a situation occur where a user of the shower refuses to stop using soaps or shampoos, the shower would be turned off; however this relies on someone being present to supervise the shower while it is available for use. It is not considered realistic to expect that café staff could provide such continuous supervision, especially when the café is busy and in view of the fact that the cafe is some 850m from the proposed shower.

Whilst it is noted that the foreshore in this area carries no local or statutory nature conservation designation and that the County Ecological Officer has raised no objection to the proposal, it is nevertheless the case that detergent entering the ecosystem as a result of the use of this shower could have significant local effects on wildlife. An objection is raised accordingly.

The applicant has drawn attention to the presence of beach showers within Southend; at East Beach Shoebury, Bell Wharf Beach and Three Shells Beach, stating that the use of these showers does not give rise to the concerns raised by the Planning Authority.

In response it should be noted that the one at Shoebury East Beach is on a grassed area, some distance from the beach and is not therefore comparable to the current proposal. As for the showers at Three Shells Beach and Bell Wharf, the circumstances surrounding the installation of these showers and the nature of their management are not known. It is not therefore possible to comment on the level of comparability to the current proposal. In any event, it is not considered that the

existence of opportunities for pollution of the environment at other locations provides any justification for the creation of further opportunities for pollution in this Borough. It is not considered that the applicant has provided a convincing argument that the shower would be adequately supervised so as to avoid pollution of the environment and as such an objection is maintained to the proposal on this basis.

It is further noted that no details of the means by which the proposed shower will be subsequently maintained and managed have been provided. During consideration of the previous application it was noted that the suppliers only undertook to guarantee the pipe-work used for a period of ten years. There is no indication of what might happen after this period. Whilst these considerations are not material planning considerations, they nevertheless add to the lack of clarity around this proposal and give cause for doubt as to the continued maintenance and management of the proposal and the potential implications for the amenity of other seawall users.

Policy EC2 of the current Local Plan requires a high standard of design in all proposals which is considered to be consistent with paragraphs 56 to 58 of the NPPF. The proposed shower pedestal and associated pipe-work would represent something of an interruption to the clean lines of the sea wall and walkway but would be located adjacent to some low bollards, railings and steps and in the context of this it is not considered that it would be unduly detrimental to the visual amenity of the area.

The design of the shower now requires the pipe-work to pass over the seawall. The submitted details show the pipe work to be encased in ducting however no details of the ducting have been provided and no details of the means by which the pipe work would be protected from vandalism have been submitted. The proposal would therefore be inconsistent with Policy EC5 of the adopted Local Plan.

Turning to the impact of the proposal on the amenity of users of the beach and sea wall, it is noted that water running down the sea wall could make the area of beach at the base of the wall unusable. However, the area of beach potentially affected would be very small in the context of the wider seafront area and the enjoyment of the beach as a whole would not be so adversely affected that it is considered that a reason for refusal on this basis could be sustained on appeal.

In respect of the walkway above the beach, Policy EC2 contains a requirement that all modes of movement are safe and convenient. The shower is likely to be heavily used when the beach is busy and would cause the walkway to become congested at this point and potentially constantly wet or have water flowing over it, leading to poor conditions for passers by to walk through. The nearby bench is considered to be far enough from the shower that it would not get wet, although it is considered that people walking past may get splashed with water. It is noted that the applicants have carried out a demonstration with a life size model of the proposed shower, and found that there was no significant spread of water over the walkway; however other users of the shower may not be as considerate and careful in their use of the shower as the people who took part in the demonstration and it is not considered that the demonstration provides adequate assurance that problems would not occur.

It is further considered that sand and mud would be likely to be deposited on the walkway, leading to poor conditions for other users. The applicant states that volunteers sweep the walkway, and that part of their 'mission statement' is that the place be maintained as one of beauty, rest and recreation, but this relies on the goodwill of volunteers and regular attendance by volunteers and as there is no certainty that this will always take place, or indeed that it will take place at appropriate or regular intervals, no certainty as to the condition of the site can be afforded.

Taking all matters into account, whilst it is acknowledged that the proposed shower would benefit users of the beach during the summer period, it is considered that the proposal would be detrimental to the amenity and convenience of the wider group of users of the sea wall walkway and would therefore be in conflict with Local Plan Policy EC2.

Conclusion

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 use of the proposed shower pedestal would result in water flowing over or, being sprayed onto, the adjacent walkway and the deposition of mud or sand on the walkway, creating a potentially dangerous and unattractive footway, to the detriment of the amenity and convenience of users of the walkway, contrary to Policy EC2 of the Adopted Local Plan.
2. The use of the proposed shower pedestal could potentially lead to detergents entering the estuary to the detriment of the local ecosystem, contrary to Policy EC4 of the Adopted Local Plan and Government Guidance as expressed in the National Planning Policy Framework.
3. The proposal would result in pipe-work being placed over the seawall. No details of the means by which the security of the pipe-work and potentially the seawall, will be secured, have been provided. The proposal therefore conflicts with Policy EC5 of the Adopted Local Plan.

Standard Conditions

CON1	Outline Time Limit and Reserved Matters
CON2	Full Application Time Limit
CON3	Vehicular Access Visibility Splay
CON4	Junction Visibility Splay
CON5	Screen Wall / Fencing
CON6	Submission of Evergreen Hedge details
CON7	Implementation of Evergreen Hedge
CON8	Retention of Trees
CON9	Submission of Landscaping Scheme
CON 10	Implementation of Landscaping Scheme
CON 11	Maintenance of Landscaping Scheme
CON 12	Submission of Tree Planting Scheme
CON 13	Implementation of Tree Planting Scheme
CON 14	Maintenance of Tree Planting Scheme
CON 15	Schedule of External Surfaces
CON 16	Materials to Harmonise With Existing
CON 17	Submission of Materials
CON 18	Implementation of Materials
CON 19	Submission of Hardsurfacing Details
CON 20	Implementation of Hardsurfacing
CON 21	Pd Rights Removed Small Site
CON 22	Pd Rights Removed Relationship With Other Buildings
CON 23	Pd Rights Removed Green Belt
CON 24	Demolition of Existing Dwelling
CON 25	Forecourt Depth Unclassified Roads
CON 26	Forecourt Depth Classified Roads
CON 27	Protection of Trees
CON 28	Retention of Parking Spaces
CON 29	Obscure Glazed Non Opening Windows
CON 30	Luminance Control Highway Safety
CON 31	Luminance Control Residential Amenity
CON 32	Levels Submission
CON 33	Levels Implementation
CON 34	Filter Details Submission
CON 35	Filter Details Implementation
CON 36	Ecological Survey Submission
CON 37	Ecological Survey Implementation
CON 38	Badger Survey Submission
CON 39	Badger Survey Implementation
CON 40	Bat Survey Submission
CON 41	Bat Survey Implementation
CON 42	Balcony Terrace Screen
CON 43	Annexe Only Not Independent Dwelling
CON 44	Extension Only Not Independent Dwelling
CON 45	Vehicular Crossover Widening
CON 46	New Vehicular Crossover

CON 47	Tree Works In Accordance With British Standards
CON 48	Tree Works Supervision
CON 49	Environment Agency Desktop Study
CON 50	Environment Agency Implementation of Pollution Control
CON 51	Storage of Building Materials within the site.
CON52	Submission Of Flood Response Plan.
CON53	Enactment Of Flood Response Plan
CON54	Provision Of Badger Ramp.
CON55	Badgers - Hand Digging Of Foundations.
CON 56	Protection Of Badgers - Changes In Levels.
CON57	Badgers – Pathways.
CON58	Badgers - Security Fencing.
CON59	Travel Scratchcards.

Informatives

CON 100	Party Wall Etc. Act Note.
CON101	Application Approved Without Amendment
CON102	Application Approved Following Revisions
CON103	Application Refused Following Discussion - No Way Forward
CON104	Application Refused With Discussion - With Way Forward
CON105	Application Refused Without Discussion

DEVELOPMENT CONTROL

3rd SEPTEMBER 2013

**Subject: Confirmation of Tree Preservation Order
390 Church Road, Thundersley (St Peter's Ward)**

Report of the Head of Regeneration and Neighbourhoods

1. Purpose of Report

- 1.1 To confirm a Tree Preservation Order provisionally made in respect of one Lime tree at 390 Church Road, Thundersley.

2. Site Visit

- 2.1 It is considered appropriate for Members to visit the site prior to determination of the application.

3. Background

- 3.1 A local authority may make a Tree Preservation Order (TPO) if it appears to be expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area.
- 3.2 The Town and Country Act Planning 1990 does not define amenity nor does it prescribe the circumstances in which it is in the interests of amenity to make a TPO. However, Government guidance states that a TPO should be used to protect selected trees and woodlands if their removal would have a significant impact on the local environment and its enjoyment by the public.
- 3.3 Local Planning Authorities should be able to show that a reasonable degree of public benefit would accrue before TPOs are made or confirmed. The benefit may be present or future and may take account of the intrinsic beauty or contribution to the landscape made by the trees or the fact that they serve to screen an eyesore or future development. The value of the trees may be enhanced by their scarcity value.
- 3.4 In February 2013 the Council was advised that a Lime tree at 390 Church Road was to be felled as the lower branches conflicted with overhead cables and the owner considered that it was dangerous. From the description of the age, height and location of the tree it was suspected that the tree made a

significant contribution to local amenity and was therefore potentially worthy of preservation.

- 3.5 Accordingly a site visit was undertaken and an assessment of the tree was undertaken using the TEMPO (Tree Evaluation Method for Preservation Orders) methodology. The tree was found to be an attractive specimen, of some 200–300 years of age, which made a significant contribution to the amenity of the area and was clearly worthy of protection.
- 3.6 In the meantime a Tree Preservation Order was prepared. This was placed upon the tree on the 6th March 2013 and occupiers and owners of the land affected by the Order were invited to submit any objections or comments to the Council in writing.
- 3.7 Such Orders are provisional in nature and require confirmation within six months of the date of service if they are to have lasting effect. Where no objections are received to an Order, these may be confirmed under delegated powers. Where an objection is received, however, confirmation of the Order must be sought from the Development Control Committee.
- 3.8 One letter of objection was received from the owner of the property. This stated that several very large branches which appeared to be rotten or dead had fallen across the access road to the adjacent church due to heavy rainfall. The church hall, which is located on the other side of the Lime, is used as a nursery on a daily basis and in the interest of public safety the owner wished to remove the tree.
- 3.9 A meeting took place with the owner of the Lime on 28th May 2013 to determine whether these concerns could be removed by carrying out alternative works. Following examination of the tree a crown lift to clear the overhead cables, the removal of deadwood, crossed and rubbing branches and some crown thinning was recommended. These alternative works would remove the owners cause for concern and would enable the Lime to be retained.
- 3.10 The owner has sought the advice of her tree surgeon and has verbally confirmed that she is prepared to proceed with the recommended works rather than fell the tree.

4. The Current Position

- 4.1 Despite indicating acceptance of alternative works and the retention of the tree, the owner has maintained her objection to the Order. Unless confirmed, the Order will lapse on 6th September 2013.
- 4.2 If the Preservation Order is not confirmed the Lime tree will remain at risk and could be removed in the future without any notification. Any unsympathetic pruning could also adversely affect the amenity value of the Lime and the character of the surrounding area.

5 The Case for Confirmation

- 5.1 The Lime is a significant specimen of considerable age and with a fine form. It is prominently sited at the crown of Church Hill and forms a prominent and attractive feature in the street scene which contributes to the arcadian setting of the listed St Peters Church. As such it is considered that the tree has significant amenity value and is worthy of retention.
- 5.2 Properly managed is considered unlikely that this tree would pose a risk to users of the church, church hall or users of the highway generally.

6. Corporate Implications

(a) Financial Implications

- 6.1 There are no financial implications arising from the recommendation in this report. The existence of a Tree Preservation Order at this site can be managed within existing resources.

(b) Legal Implications

- 6.2 As referred to in Section 4 above, the Council must decide whether it wishes to confirm the draft order within 6 months of it having been made; otherwise it will cease to have effect.

(c) Human Resources and Equality Implications

Human Resources

- 6.3 There are no human resources implications arising from the recommendation in this report.

Equality Implications

- 6.4 An Equality Impact Assessment has been carried out and the impact of the proposal is neutral.

(d) IT and Asset Management Implications

- 6.5 There are no implications of this nature arising from the recommendation in this report.

7. Links to Council's Priorities and Objectives

- 7.1 Environment – Civic Pride – the protection of the natural environment

8. Timescale for Implementation and Risk Factors

- 8.1 As referred to in Section 4 above, the Council must decide whether it wishes to confirm the draft TPO within 6 months of it having been made; otherwise it will cease to have effect.

9. Conclusion

- 9.1 The Lime is a significant specimen of considerable age and with a fine form. It is prominently sited at the crown of Church Hill and forms a prominent and attractive feature in the street scene which contributes to the arcadian setting of the listed St Peters Church. As such it is considered that the tree has significant amenity value and is worthy of retention.

Recommendation

That the Committee CONFIRMS Tree Preservation Order 1/2013, concerning one Lime Tree at 390 Church Road, Thundersley

Resolution Required

Background Papers

Draft TPO 1/2013

Report Author: Robert Davis