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Angela Hutchings
Chief Executive

AGENDA

Committee: DEVELOPMENT MANAGEMENT

Date and Time: Tuesday, 10th January 2023, at 7.00pm

Venue: Council Chamber, Council Offices

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

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

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

Canvey Island Town Councillors: Harvey and S. Sach

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

Enquiries: Cheryl Salmon, ext. 2454

PART I (Business to be taken in public)

1. Apologies

2. Members' Interests

3. Minutes

A copy of the Minutes of the meeting held on 6th December 2022 is attached.

4. Public Speakers

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

5. Deposited Plans

The report is attached.

	Application No	Address	Page No
1.	22/0633/FUL	Hobson and Sons Ltd, Kenneth Road, Thundersley, Benfleet, SS7 3AF (Cedar Hall Ward)	1
2.	22/0797/VAR	Land to the Rear of 171-217 Link Road, Canvey Island, SS8 9SP (Canvey Island Winter Gardens Ward)	10
3.	22/0814/LBC	Dutch Cottage, Canvey Road, Canvey Island, SS8 0QD (Canvey Island West Ward)	16

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DEVELOPMENT MANAGEMENT COMMITTEE

TUESDAY 6th DECEMBER 2022

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

SUBSTITUTE MEMBERS PRESENT: None

ALSO PRESENT: Councillor Fuller, A. Thornton

APOLOGIES: Councillors Anderson and Bowker and Canvey Island Town Council representatives Harvey and S. Sach.

14. MEMBERS' INTERESTS

None

15. MINUTES

The Minutes of the meeting held on 1st November 2022 were taken as read and signed as a correct record.

16. PUBLIC SPEAKERS

There were none.

17. DEPOSITED PLANS

(a) 22/0531/FUL – 48 PAARL ROAD, CANVEY ISLAND, SS8 9BT (CANVEY ISLAND CENTRAL WARD) – GARAGE CONVERSION (RETROSPECTIVE) – MS ANNE CHRYSOSTOMOU

The application sought retrospective consent for works to raise the roof to, and the conversion of, an attached garage to a one bedroomed bungalow, to provide a second bedroom.

The application seeks to regularise the provision of two bedroomed accommodation on the site in the absence of the provision of an appropriate level of on-site parking provision. If permitted, it was considered that the proposal would result in vehicles being parked on the road to the danger and inconvenience of other road users and detrimental to traffic flows.

The proposal was therefore recommended for refusal.

The application was retrospective in nature with the works having already been completed. In order to restore the garage to its former status, it might be necessary to serve an enforcement notice on the applicant.

The application was presented to the Development Management Committee as the applicant was an employee of the Council.

Members were invited to ask questions; concern was raised surrounding car parking it was felt that the parking was insufficient and unsafe, it would also require a lot of manoeuvres to get in and out of the space. As a result, cars could end up parking on the highway. The site failed to meet the requirements of the parking standards.

Following consideration of the application it was:

Resolved Unanimously - That the application be refused for the following reason:

The proposal represents overdevelopment of the site in that it fails to provide adequate on-site parking provision to serve the needs of the enlarged dwelling.

The application site has insufficient front garden depth to safely and conveniently accommodate a second parking space as required for a two bedroomed dwelling, in accordance with the adopted car parking standards (2009) and the proposal is therefore considered likely to lead to vehicles being left on the highway to the detriment of the safety and convenience of other road users.

Furthermore, the provision of a parking space across the small frontage of the site would dominate the appearance of the dwelling to the detriment of its character and appearance of the host dwelling and that of the surrounding area.

As such the proposal is contrary to Policies EC2 and T8 of the Council's Adopted Local Plan, RDG12 of the Residential Design Guidance and Government guidance set out in paragraph 130 of the National Planning Policy Framework.

Chairman

ITEM 1

Application Number:	22/0633/FUL
Address:	Hobson And Sons Ltd Kenneth Road Thundersley Benfleet SS7 3AF (Cedar Hall Ward)
Description of Development:	Demolish existing building and erect 32 apartments, landscaping and associated access and parking (revised application following approval 21/0813/FUL)
Applicant:	Savannah Property Investments Ltd
Case Officer:	Mr Keith Zammit
Expiry Date:	16th November 2022

Summary

The application seeks a revision to an approved scheme to increase the number of apartments from 30 to 32. Following negotiation to provide an additional First Home, to ensure that the level of provision remains at or above 10% in accordance with government guidance, there are no adverse impacts that can be identified from the additional apartments and it is recommended that the application be APPROVED.

Site Visit

It is not considered necessary for members to visit the site in the company of a planning officer prior to consideration of this application. Should any members feel the need to visit the site unaccompanied, it is a short walk from the council offices.

Introduction

The application relates to the site of a former premises manufacturing corporate wear on the eastern corner of Kenneth Road and Kiln Road. The company vacated the site in 2021 and the building was demolished earlier in 2022.

The site is bordered by residential curtilages to its north and east. Opposite the site to the south, across Kiln Road, is Thundersley Glen Woodland, with the nearest access point just over 200 metres to the east along Kiln Road. Across Kenneth Road, to the west, is Thundersley Congregational Church.

There is a pedestrian crossing of Kiln Road outside the site.

The Proposal

Planning permission exists for the replacement of the former premises with 30 flats over three floors. A communal roof terrace was also proposed.

This revised proposal seeks to increase the number of flats to 32. Three flats are added to the roof space, while a flat is lost from the ground floor, so the bin and cycle stores can move to provide more parking. The roof terrace would be retained, albeit in a slightly reduced form.

Surface water drainage is to rain gardens with water storage then discharge to the surface water sewer at 1l/s.

Supplementary Documentation

The application is accompanied by:

- o Design and Access Statement
- o Environmental Noise Impact Report

- o Financial Viability Assessment
- o Planning Statement
- o Surface Water Drainage Information
- o Transport Statement
- o Tree Protection Plan
- o Contaminated Land Information
- o Accommodation Schedule

which are available to view on the council's website.

Planning History

In May 2022 permission was granted for 30 flats to replace the former building on the site (21/0813/FUL)

Relevant Government Guidance and Local Plan Policies

National Planning Policy Framework (the Framework, 2021)

Local Plan (LP, 1998):

- EC2 – Design
- EC7 – Natural and semi-natural features in urban areas
- EC13 – Protection of wildlife and their habitats
- H7 – Affordable housing
- H9 – New housing densities
- H10 – Mix of development
- H13 – Location of development
- T8 – Parking standards

Residential Design Guidance (2013):

- RDG2 – Space around dwellings
- RDG3 – Building lines
- RDG4 – Corner plots
- RDG5 – Privacy and living conditions
- RDG6 – Amenity space
- RDG9 – Energy and water efficiency and renewable energy
- RDG10 – Enclosure and boundary treatment
- RDG11 – Landscaping
- RDG12 – Parking and access
- RDG13 – Refuse and recycling storage
- RDG16 – Liveable homes

Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (2020)

Essex County Parking Standards September 2009 (Adopted 2010)

Technical Housing Standards – nationally described space standard (March 2015)

Consultation

Legal Services – a new or amended section 106 agreement may be required. No comments on the merits of the application itself.

Lead Local Flood Authority – Holding objection issued based on the following:

- o Small sites should minimise the areas of hardstanding, where hard surfaces are necessary unlined permeable paving should be used.

- o The appropriate level of treatment for all runoff leaving the site should be demonstrated, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753. This should be evidenced by using the indices tables. (Water Quality | Essex Design Guide). Indices tables should be provided.
- o The LLFA does not accept QBar, the 1in1 Greenfield rate should be used.
- o There is no drainage plan. A site layout, location of features, outfall location, conveyance should be included.
- o Exceedance flows should be considered to ensure potential off-site flooding is managed.

Environmental Health – No objection with conditions suggested

NHS – Contribution requested for improvement to primary care facilities, which the development will place additional pressure on. The amount is £15,700, index linked.

Anglian Water – No objection to proposed surface water disposal.

Highways – No objection with conditions suggested

County Education – Primary education contribution of £82,886.40 at January 2020 prices requested as well as £2,489.60 towards enhancements at Hadleigh Library.

Public Consultation

The following comments have been made in response to neighbour notification, press and site notices:

- o Loss of security to adjacent properties
- o Increased parking in surrounding streets
- o Sycamore tree on boundary would need regular pruning
- o Loss of Oak tree would be detrimental to the environment
- o Reduction in length of parking bays from previous approval
- o Additional traffic problems at junction
- o Will the rear of the flats be gated?
- o Rainwater could run into adjacent gardens
- o Needs renewable features such as solar panels and EV charge points
- o Insufficient doctors and dentists

Comments on Consultation Responses

This is an application for two additional flats compared to the approved scheme so this report is only intended to consider the additional impact of two flats. The comment relating to parking bay length is noted although the plans have been checked and the parking bay length meets current standards.

It is noted that a holding objection has been raised by the Lead Local Flood Authority. With the exception of the permeable paving, all other bullet points in that consultation response remain unaddressed. However, the addition of two flats does not have a significant effect on surface water drainage, which was dealt with by condition at the time of the last application. It is therefore considered that a condition may be imposed on any fresh grant of planning permission to deal with the matter of surface water drainage.

Evaluation of Proposal

The proposal seeks to add two flats to the approved scheme of 30 flats. This would not increase the envelope of the building. It would add some more windows to the roof, but the impact of this on the overall design of the building is minimal. The main issues raised by the provision of two

additional flats are parking and whether the developer's contributions to local infrastructure and affordable housing provision need to be increased.

The healthcare contribution was £11,270 for the 30-unit scheme, which was intended to increase capacity for patients at Essex Way Surgery. This rises to £15,700.

In terms of the education contribution, previously this was £54,394 for primary education and £2,334 for library enhancements at Hadleigh Library. The revised amounts for this application are £82,886.40 and £2,489.60. The increased primary education amount reflects an increase in the number of additional school places needed from 3.1 to 4.8.

The recreational disturbance contribution rises from £3,819.00 to £4,406.72. This reflects an increase in the number of units on site as well as an increase in the tariff since the last application.

Turning to affordable housing, the previous scheme was approved with an agreement that three of the flats would be First Homes, the sale price of which would be permanently below market value by at least 30%. This equates to a minimum of 10% of the homes, which is the minimum requirement in line with paragraph 65 of the Framework. Now that the number of flats is to be increased from 30 to 32, the number of First Homes must rise from three to four, otherwise First Home provision would be less than 10% of the total number.

Following negotiation, the developer has agreed to increase the number of First Homes in the development to four, which would all be one-bedroom. This meets the minimum 10% requirement in the Framework and represents an acceptable level of provision for the development.

Conclusion

The proposal has been assessed against the following policies: The National Planning Policy Framework (NPPF), EC2, EC7, EC13, H7, H9, H10, H13 and T8 of the Local Plan (Adopted 1998), as well as RDG2, RDG3, RDG4, RDG5, RDG6, RDG9, RDG10, RDG11, RDG12, RDG13 and RDG16 of the supplementary Residential Design Guidance document and the Essex County Parking Standards September 2009 (Adopted June 2010).

The additional flats are considered acceptable in planning terms subject to increased contributions as discussed.

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: that planning permission is GRANTED subject to the applicant entering into an agreement under section 106 of the Town and Country Planning Act 1990 to secure:

- o the provision of four onsite affordable housing units and financial contributions towards primary education, library services, RAMS and GP provision

and the following conditions:

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

Conditions/Refusal Reasons

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

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

- 2 This permission shall be read in conjunction with the Agreement entered into under Section 106 of the Town and Country Planning Act, 1990, dated contemporaneously with the permission.

REASON: To ensure the provision of:

- (i) an appropriate contribution towards the provision of affordable housing on-site,
- (ii) an appropriate financial contribution towards primary education and library services as determined by the local education authority.
- (iii) an appropriate healthcare contribution as determined by NHS England.
- (iv) an appropriate financial contribution towards the Recreational Disturbance Avoidance Mitigation Strategy (RAMS).

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

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

- 4 No construction of the approved building above foundation level shall take place until a construction management plan has been submitted to and approved in writing by the local planning authority. The approved plan shall be adhered to throughout the construction period. The plan shall provide for:

- The parking of vehicles of site operatives and visitors
- Loading and unloading of plant and materials
- Storage of plant and materials used in constructing the development
- Wheel and underbody washing facilities
- Control measures for dust, noise and vibration
- Lighting
- Restriction of hours of work and all associated activities audible beyond the site boundary to 07:00-18:00 Monday to Friday, 08:00-13:00 Saturdays and no works to be undertaken on Sundays or Bank Holidays
- Advance notification to neighbours and other interested parties of proposed works
- Public display of contact details including accessible phone contact to persons responsible for the site works for the duration of the works

REASONS:

- To ensure that on-street parking of contractors' vehicles in adjoining streets does not occur
- To ensure that loose materials and spoil are not brought out onto the highway in the interest of highway safety
- To ensure that the amenity of occupiers of surrounding premises is not adversely affected by noise, vibration, dust, lighting or other emissions from the building site

- 5 No construction of the approved building above foundation level shall take place until a landscaping scheme has been submitted to and approved in writing by the local planning authority. Such a scheme shall include planting plans, written specifications, including cultivation and other operations associated with plant and grass establishment, schedules of plants, noting species, plant sizes and proposed numbers/densities, and details of existing trees to be retained together with measures for their protection during construction (including the demolition of the existing building).

Any proposed planting shall be set sufficiently back from the highway so as to ensure that the future outward growth of the planting does not encroach upon the highway.

All landscaping works forming part of the approved scheme shall be carried out in accordance with the approved scheme prior to occupation of the development.

Any tree or shrub contained within the approved landscaping scheme dying or becoming damaged, diseased or uprooted within 5 years of the development being occupied shall be replaced by a tree or shrub of a similar size and species, or such other species as may be agreed in writing with the local planning authority.

REASON: To ensure a satisfactory standard of landscaping in the interest of visual amenity and to ensure the retention of landscaping features that contribute to the ambience of the area.

- 6 Prior to construction of the approved building above foundation level, details shall be submitted to and approved in writing by the local planning authority of measures to ensure that no vibration from road traffic is transmitted through the structure and fabric of the building into the dwelling units so as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time or 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008). The development shall be constructed in accordance with the approved details.

REASON: To ensure that the amenities of future occupiers are protected.

- 7 Prior to construction of the development above foundation level, a scheme of acoustic insulation shall be submitted to and approved in writing by the local planning authority. All habitable rooms exposed to external road traffic noise in excess of 55dBA Leq 16 hour (free field) during the day (07:00 to 23:00 hours) or 45dBA Leq 8 hour (free field) at night (23:00 to 07:00 hours) shall be subject to sound insulation measures to ensure that all such rooms achieve an internal noise level of 35dBA Leq 16 hour during the day and 30dBA Leq 8 hour at night. The submitted scheme shall ensure that habitable rooms subject to sound insulation measures are able to be effectively ventilated without opening windows. No dwelling shall be occupied until the approved sound insulation and ventilation measures have been installed to that property in accordance with the approved details. The approved measures shall be retained thereafter in perpetuity.

REASON: To ensure that the amenities of future occupiers are protected.

- 8 Prior to construction of the development above foundation level, a scheme to ensure that the maximum day time noise level in outdoor living areas exposed to external road traffic noise does not exceed 50dBA Leq 16 hour [free field] shall be submitted to and approved in writing by the local planning authority. The scheme of noise mitigation as approved shall be constructed in its entirety prior to the first occupation of any dwelling and shall be retained thereafter in perpetuity.

REASON: To ensure that the amenities of future occupiers are protected.

- 9 Prior to construction of the approved building above foundation level, details of all materials to be used on the external surfaces, and on any hard standing, shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

REASON: In the interest of visual amenity and because the details submitted were insufficient for consideration of this aspect of the proposal.

- 10 The north facing windows to apartments 17, 18, 28 and 29 and the east facing windows to apartments 8 and 19 shall be -

- (i) obscure-glazed to at least level 3 on the Pilkington Scale (or such equivalent as may be agreed in writing with the local planning authority); and
- (ii) non-opening, unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed

and retained as such thereafter.

REASON: In order to prevent overlooking of adjacent residential properties.

- 11 Prior to first occupation of the development, a scheme to:

- reduce overlooking of adjacent residential properties from the proposed balconies, and
- reduce overlooking between balconies within the development

shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to first occupation of the development and thereafter retained at all times that the development is occupied.

REASON: To ensure adequate privacy and amenity for adjacent residents and occupiers of the development.

- 12 The balconies shall be enclosed with opaque material prior to first occupation of the development, details of which shall first be submitted to and approved in writing by the local planning authority. Any subsequent change to the approved material shall only take place with the written agreement of the local planning authority.

REASON: To provide privacy for residents of the development and to prevent items stored on the balconies from being visible externally, in the interest of visual amenity.

- 13 Prior to the laying of any hard standing for the car park, a scheme for the provision of electric vehicle charging facilities shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in its entirety prior to first occupation of the development and thereafter retained.

REASON: To enable the charging of electric vehicles in accordance with government guidance in the National Planning Policy Framework.

- 14 Prior to first occupation of the development, the approved vehicle parking spaces shall be provided, hard surfaced and drained, together with properly constructed vehicular access to the highway, all in accordance with the approved plans and details. The proposed vehicular access shall be reconstructed to a width of 5.5m straight for at least the first 6.0m within the site. The redundant vehicle access points on Kenneth Road shall be closed and

the footway, kerbing and verge reinstated prior to first occupation of the development. Following their provision, all parking spaces shall be retained for the parking of vehicles and not used for any other purpose.

REASONS:

- To ensure adequate space for parking off the highway
- To ensure that all vehicles using the private drive access do so in a controlled manner
- To ensure that opposing vehicles may pass clear of the limits of the highway, and
- To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway

all in the interest of highway safety.

- 15 Prior to first occupation of the development, the approved refuse storage area shall be provided and made available for use. Thereafter, this facility shall be retained for its approved purpose.

REASON: To ensure the continued availability of suitable refuse storage facilities in the interest of visual amenity and the amenity of future occupiers of the development.

- 16 Prior to first occupation of the development, the approved cycle storage facility shall be provided and made available for use. Thereafter, this facility shall be retained for its approved purpose.

REASON: To ensure the continued availability of cycle storage in the interest of sustainable travel and taking into account the low level of parking provision and the need to ensure that the dwellings are suitable for occupation by non-car owners.

- 17 Prior to first occupation of the development, the developer shall be responsible for the provision, implementation and distribution of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator. These packs (including tickets) are to be provided by the developer to each dwelling free of charge prior to occupation.

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

- 18 External artificial lighting at the development shall not exceed lux levels of vertical illumination at neighbouring premises that are recommended by the Institution of Lighting Professionals in the 'Guidance Notes for the Reduction of Obtrusive Light'. Lighting shall be minimised and glare and sky glow prevented by correctly using, locating, aiming and shielding luminaires in accordance with the guidance notes.

REASON: To ensure that the amenity of occupiers of surrounding premises is not adversely affected by lighting.

- 19 Prior to first occupation of the development, details of all proposed boundary treatments shall be submitted to and approved in writing by the local planning authority, with reference to accurately scaled plans. The approved boundary treatments shall be erected prior to first occupation of the development.

REASON: To ensure that any boundary treatment is in keeping with the character of the area.

- 20 Prior to construction of the approved development above foundation level, details of surface water drainage, including the treatment of surface water, shall be submitted to and approved in writing by the local planning authority, with reference to accurately scaled plans. The development shall thereafter be drained in accordance with the approved details prior to occupation.

REASON: In the interest of preventing an increase in the risk of surface water flooding to this and adjacent sites and to protect water sources and biodiversity.

- 21 Construction of the approved building above foundation level shall not take place until details of finished ground and floor levels relative to the adjoining highways have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

REASON: To ensure that the building is constructed at an appropriate level relative to the existing site levels and the highway.

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 determining the proposal in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

ITEM 2

Application Number:	22/0797/VAR
Address:	Land To The Rear Of 171-217 Link Road Canvey Island Essex SS8 9SP (Canvey Island Winter Gardens Ward)
Description of Development:	Variation of condition 2 (approved plans) of approval 21/0817/FULCLC
Applicant:	Castle Point Borough Council
Case Officer:	Mr Keith Zammit
Expiry Date:	13th December 2022

Summary

The application seeks an amendment to an existing planning permission for three new council houses to change the ramp design of the two semi-detached houses and to lower the finished floor level.

The proposed change to the approved scheme is not considered to raise any new issues that would make the development unacceptable, and it is recommended that permission is granted for the change to the approved scheme.

Site Visit

An accompanied site visit was made in connection with the original planning application; it is not considered necessary for members to visit the site again to assess this proposed revision.

Introduction

The application relates to an area formerly occupied by council-owned garages which were available for rent by occupiers of houses and flats in the area. There are also areas of hardstanding and grass which have been neglected and subject to fly tipping.

The Proposal

Planning permission exists for the removal of the garages and the erection of a pair of semi-detached, three-bedroom houses and one detached, two-bedroom house, all with private gardens and parking. It is proposed that these will be let to those on the council's housing needs register at an affordable rent as set out in the council's affordable rent policy, at 65% of market rent.

The approved design for the semi-detached houses showed a finished floor level of some 600mm above ground level, which required substantial ramps to provide step-free access as required by building regulations. So as not to mar the appearance of the development, these ramps were sited at the rear.

Following the granting of planning permission, it transpired that step-free access at the rear will not pass building regulations. Step-free access should be at the primary entrance to the dwelling house, unless there are exceptional reasons why this cannot be achieved, which do not include design. This has led to the request to vary the design of the houses, to provide the ramps at the front, but lowering the finished floor level as compensation, so the ramps do not need to be so excessive. The finished floor level would now be 225mm above ground level.

This application is made under section 73 of the Town and Country Planning Act 1990 which can be used to vary the conditions attached to a planning permission, including making minor material amendments if there is a relevant condition that can be varied. In this case, a minor material

amendment may be requested by seeking to vary condition 2 of the existing planning permission, which specifies the approved plans, to allow development in accordance with different plans.

Supplementary Documentation

The application is accompanied by a drainage strategy and flood risk assessment which are available to view on the council's website.

Planning History

December 2021 – permission granted for removal of existing garages and provision of 3no. two-storey residential dwellings with associated parking and private amenity space (21/0817/FULCLC)

Relevant Government Guidance and Local Plan Policies

National Planning Policy Framework (the Framework, 2021)

Local Plan (1998):

EC2 – Design

EC5 – Crime Prevention

H2 – Residential land

T8 – Parking standards

Residential Design Guidance (2013):

RDG1 – Plot size

RDG2 – Space around dwellings

RDG3 – Building lines

RDG4 – Corner plots

RDG5 – Privacy and living conditions

RDG6 – Amenity space

RDG8 – Detailing

RDG9 – Energy and water efficiency and renewable energy

RDG10 – Enclosure & boundary treatment

RDG11 – Landscaping

RDG12 – Parking & access

RDG13 – Refuse & recycling storage

RDG16 – Liveable Homes

Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (2020)

Essex County Parking Standards September 2009 (Adopted 2010)

Technical Housing Standards – nationally described space standard (March 2015)

Consultation

Environment Agency – Previous comments still apply, which were no objection providing that the local planning authority has taken into account the flood risk considerations which are its responsibility.

Public Consultation

No response to neighbour notification

Comments on Consultation Responses

The issues surrounding flood risk are discussed below.

Evaluation of Proposal

This application seeks a minor material amendment to an existing planning permission to allow a design change to accommodate ramps and a reduced finished floor level.

Government guidance in the National Planning Practice Guidance is that when planning permission is granted, development must take place in accordance with the permission and conditions attached to it, and with any associated legal agreements.

New issues may arise after planning permission has been granted, which require modification of the approved proposals. Where these modifications are fundamental or substantial, a new planning application under section 70 of the Town and Country Planning Act 1990 will need to be submitted.

Where less substantial changes are proposed, there are the following options for amending a proposal that has planning permission:

- o Making a non-material amendment
- o Amending the conditions attached to the planning permission, including seeking to make minor material amendments

This is an application for a minor material amendment under section 73 of the Town and Country Planning Act 1990.

The saved policies of the LP most relevant to consideration of this variation application are EC2, which seeks a high standard of design in new buildings, and T8, which states that the council will apply parking standards published by Essex County Council. These policies are consistent with the Framework objectives of promoting good design and sustainable transport.

The fundamental design of the approved homes would not be altered by the proposed revision. It is therefore not necessary to re-evaluate this or the principle of development. In terms of the detail, the ramps would now be to the front but, as mentioned, the finished floor level has been lowered so the ramps are less extensive. The visual impact of this on the local area is felt to be acceptable. Sufficient parking provision is maintained. It is also worth remembering that the reduction in finished floor level would slightly reduce the impact of the development on neighbours and the area generally, which is welcomed.

Conclusion

The modification to the approved development would not conflict with any national or local policies or guidance and it is recommended that it be approved.

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

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

Conditions/Refusal Reasons

- 1 The development hereby permitted shall be begun on or before the expiration of three years beginning with the date of this permission, the effective date of which is 8th December 2021.

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

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: LNKRDC-IWD-02-00-DR-A-2500 REV P4, LNKRDC-IWD-02-XX-DR-A-2510 REV P4, LNKRDC-IWD-02-XX-DR-A-2511 REV P4 and LNKRDC-IWD-ST-XX-DR-A-2000 REV P1

REASON: For certainty.

- 3 Prior to construction of the approved development above foundation level, details of surface water drainage shall be submitted to and approved in writing by the local planning authority. The development shall be drained in accordance with the approved details before any part of it is occupied.

REASON: Although the proposed drainage is acceptable in principle, insufficient details were submitted to allow full consideration of this aspect of the proposal in the interest of not increasing the risk of surface water flooding to this and adjacent sites.

- 4 The development shall be constructed in accordance with the details at Appendix B of the flood risk assessment prepared by Evans & Langford LLP dated October 2019, reference 15102.

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

- 5 The external surfaces of the development hereby approved shall be treated in accordance with the details specified.

REASON: In the interest of visual amenity.

- 6 Details of a lighting scheme suitable to adequately illuminate the parking court and approach to plots 2 and 3 shall be submitted to and approved in writing by the Local Planning Authority and thereafter carried out in accordance with the approved scheme prior to occupation.

REASON: To ensure the provision of adequate lighting to the development in the interests of the safety of future occupiers and visitors to the site and to dissuade any potential antisocial behaviour.

- 7 Details of a soft landscaping scheme and boundary treatment to the proposed dwellings shall be submitted to and formally approved by the Local Planning Authority and thereafter carried out in accordance with the approved scheme prior to occupation.

REASON: To ensure a satisfactory development incorporating a degree of natural relief, in the interests of the amenities of the site and the surrounding area.

- 8 Each dwelling shall be provided with an electric vehicle charge point to one of its allocated parking spaces, which shall be made operational prior to first occupation of each dwelling. Following installation, the charge points shall be maintained in accordance with any manufacturer's recommendations and permanently retained as such thereafter.

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

- 9 Prior to first occupation of any dwelling house, a flood response plan for that dwelling house shall be submitted to and approved in writing by the local planning authority. Such plan as may be approved shall be enacted upon occupation of the relevant dwelling house and thereafter maintained at all times that the dwelling house is occupied. Any revisions to the plan shall first be submitted to and approved in writing by the local planning authority.

REASON: In order to ensure the appropriate protection of occupiers of the buildings in the event of a flood.

- 10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or the equivalent provisions of any statutory instrument amending or superseding that Order), no rear or upward extensions to the dwelling on plot 1 shall be carried out.

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

- 11 Prior to the first occupation of the development hereby approved, the vehicle parking bays shall be clearly marked and laid out as shown on approved planning drawing number LNKRDC IWD ST XX DR A 2000 Revision P09 with each dwelling allocated two parking spaces. Once provided the vehicle parking area shall be retained in the agreed form at all times.

Where any new or replacement hard surfacing is proposed for the parking of vehicles, this shall be designed and constructed in accordance with SuDS principles.

Reason: To ensure any new or replacement hard surfacing limits the potential for increased surface water runoff from the site and the retention of adequate on site parking facilities for the occupiers of the development and visitors to meet the councils adopted standards for the amount of accommodation to be provided on the site in the interest of highway safety.

- 12 Prior to occupation of the development, details of secure and covered cycle storage for each dwelling house shall be submitted to and approved in writing by the local planning authority. Such cycle storage facilities as may be approved shall be provided prior to occupation of the dwelling house and thereafter retained.

REASON: To make provision for cycle storage in the absence of private garages and in the interest of sustainable travel.

- 13 Prior to construction of the development above foundation level, a scheme for the provision of renewable energy generation for the approved dwelling houses shall be submitted to and approved in writing by the local planning authority. The scheme shall include solar photovoltaic panels in addition to the measures already identified in the planning application. Such scheme as may be approved shall be installed and made operational prior to occupation of the development and thereafter maintained in accordance with any manufacturer's recommendations.

REASON: The committee felt that further opportunity existed to utilise decentralised energy supply for the development, in accordance with government guidance in the National Planning Policy Framework.

- 14 Prior to occupation of the development, a scheme of security measures for the electric vehicle charge points referred to in condition 8 shall be submitted to and approved in writing by the local planning authority. The charge points shall be fitted with the approved security measures prior to occupation of the development.

REASON: To prolong the life of the electric charging points in the interest of providing a sustainable travel measure in perpetuity.

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 determining the proposal in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

ITEM 3

Application Number:	22/0814/LBC
Address:	Dutch Cottage Canvey Road Canvey Island Essex SS8 0QD (Canvey Island West Ward)
Description of Development:	Replace vandalised door and frame
Applicant:	Castle Point Borough Council
Case Officer:	Mr Keith Zammit
Expiry Date:	26th December 2022

Summary

The application seeks to restore vandalism damage to the Dutch Cottage Museum. The replacement door and frame that are required would be in traditional materials and would support the continued use of the building. The proposal is therefore recommended for APPROVAL.

Site Visit

It is not recommended that members need visit the site prior to determination of this application.

Introduction

The application relates to the 17th century Dutch Cottage Museum located to the west of Canvey Road. It is not easily visible to passing traffic due to vegetation and being set back from the road. It has a small car park accessed via a service road from Northwick Road. It opens on Sundays and some Wednesdays during the summer months, as well as Bank Holidays.

The Proposal

Listed building consent is sought for the replacement of the vandalised door and frame with a new joinery grade softwood door and frame, retaining the previous colour scheme and re-using existing ironmongery.

Supplementary Documentation

There is none

Planning History

Listed building consent was granted in 2012 for the installation of a waterproof membrane in the roof of the lean-to extension (CPT/433/12/LBC)

Relevant Government Guidance and Local Plan Policies

National Planning Policy Framework (2021)

Local Plan (LP, 1998):

EC33 – Alterations to listed buildings

Consultation

Historic England – Not necessary to notify Historic England of this application

Canvey Town Council – No comments received

National Amenity Societies – No comments received

Public Consultation

No response to neighbour notification and site notice

Evaluation of Proposal

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 set out that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise (paragraph 2 of the Framework).

The development plan for Castle Point is the policies of the 1998 Local Plan (LP) that were saved by direction under Article 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004.

The saved policy of the LP most relevant to this application is EC33 which states that additions or alterations to listed buildings will not be permitted if they would adversely affect the character, setting, architectural or historic interest of a listed building.

The Framework states at paragraph 199 that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Listed buildings are designated heritage assets.

Paragraph 200 of the Framework asserts that any harm to or loss of significance of a designated heritage asset should require clear and convincing justification, while paragraph 201 sets out the tests that must be satisfied before substantial harm to, or total loss of significance of, a designated heritage asset can be countenanced.

Paragraph 202 explains that where less than substantial harm to the significance of a designated heritage asset would occur, this must be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The potential harm to the significance of the heritage asset from replacement of the timber door and frame is considered to be less than substantial harm. Furthermore, it is at the lower end of the scale of less than substantial harm. LP policy EC33 does not allow for the balancing act at paragraph 202 to the Framework to take place, so that policy is not in accordance with the Framework in this situation and the Framework represents the most up-to-date policy position against which to assess the application.

The loss of historic fabric from a listed building is regrettable. However, the replacement would be in traditional materials. The work would enable the continued use of the building as a museum, which is a clear public benefit and would remedy the existing visual impact of a temporary plywood covering for security purposes. When balanced against this public benefit, the less than substantial harm to the significance of the heritage asset is easily outweighed, indicating that listed building consent ought to be granted.

Conclusion

The proposed door and frame replacement, while leading to less than substantial harm to the significance of the heritage asset, facilitates its continued appreciation by the public and is a proposal that should be approved.

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

My **RECOMMENDATION** is: that the GRANTING of listed building consent be delegated to the Head of Place and Policy subject to the expiry of the publicity period and the receipt of no objections to the proposed work, and subject to the following conditions:

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

Conditions/Refusal Reasons

- 1 The works to which this consent relates must be begun not later than the expiration of five years beginning with the date on which consent is granted.

Reason: This condition is imposed pursuant to Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Informatives

- 1 The Local Planning Authority has acted positively and proactively in determining this application by assessing the impact of the proposed work on the setting and significance of the listed building and determining to grant listed building consent in accordance with the provisions of the National Planning Policy Framework.