



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 FCMI
Chief Executive

AGENDA

Committee: DEVELOPMENT CONTROL

Date and Time: Tuesday 2nd September 2014 at 7.30 p.m.

Venue: Council Chamber

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

Membership: Councillors Ladzrie (Chairman), Smith (Vice Chairman), Anderson, Barrett, Blackwell, Burch, Cross, Hart, Mrs King, Varker, Mrs Wass, N. Watson and Wood

Canvey Island Town Councillors : Acott and Greig

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

Enquiries: John Riley, Ext. 2417

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 29th July 2014 is attached.

4. Public Speakers

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

5. Deposited Plans

Report of the Head of Regeneration and Neighbourhoods is attached.

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4.	14/0316/FUL	17 and 19 Moorcroft Avenue Hadleigh (Victoria)	24-31
5.	14/0321/FUL	8 Knightswick Centre Furtherwick Road Canvey Island (South)	32-35
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AGENDA ITEM NO. 3

DEVELOPMENT CONTROL COMMITTEE

29TH JULY 2014

PRESENT: Councillors Ladzrie (Chairman), Smith (Vice-Chairman), Anderson, Barrett, Blackwell, Burch, Cross, Hart, Varker, Mrs Wass, N. Watson, Wood and Canvey Island Town Councillors Acott and Greig.

No apologies for absence were received.

4. MEMBERS' INTERESTS

There were none.

5. MINUTES

The Minutes of the meeting held on 1st July 2014 were taken as read and signed as correct.

6. DEPOSITED PLANS

(a) 14/0174/FUL – 5 LITTLE GYPPTS ROAD, CANVEY ISLAND (CANVEY CENTRAL WARD) CONSTRUCTION OF A SINGLE STOREY SIDE EXTENSION – MR KENNETH CHAPMAN

The application sought permission to provide a hipped roofed side extension to the western side of the dwelling. The proposal by virtue of its location on the western boundary of the site resulted in a poor form of development lacking appropriate setting and would result in the provision of a prominent and alien feature in the streetscene contrary to the Policy EC2 and H17 RDG3.

Furthermore, the proposal failed to provide adequate safe and convenient off-street parking commensurate with the level of accommodation proposed. It was considered that as a result vehicles would be likely to be left on the highway, to the danger and inconvenience of other highway users and to the detriment of traffic flow contrary. Therefore the proposal was recommended for refusal.

The application was reported to the Committee at the request of Councillor Peter May.

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

Cllr May, a Ward Member, spoke in support of the application.

During discussion, whilst Members noted the Planning Officer's report they did not feel that the proposal would result in a poor form of development and were satisfied that the development was acceptable within the context of the provisions of the adopted Local Plan. Furthermore it was not considered that the deficit in parking provision was significant enough to justify a refusal as it was felt there was more than adequate on street parking in the vicinity. The Committee was also mindful of the exceptional circumstances of the applicant's case and did not feel that the reasons for refusal outweighed those circumstances.

Following detailed discussion it was:-

Resolved – That the application be approved subject to conditions.

(b) 14/0022/FUL – LAND ADJACENT TO WEALONE, WENSLEY ROAD, BENFLEET (CEDAR HALL WARD) – CONSTRUCTION OF 1 NO.1 BED BUNGALOW WITH BASEMENT – MR J SCARFF

The proposal was for development of one dwelling on land that formed part of the curtilage of an existing dwelling, 'Wealone', on Wensley Road. There were no adverse impacts on the local area that could be identified as a result of the proposed development, and the proposal was therefore recommended for approval.

The application was presented to the Committee because development of the site would require improvements to the adjoining highway which would need to be the subject of a Section 106 Agreement for highway improvements.

Resolved – That subject to the applicant entering into an Agreement under Section 106 of the Town and Country Planning Act to secure improvements to the surface of Wensley Road insofar as it serves the site, the Head of Regeneration and Neighbourhoods be authorised to grant planning permission, subject to the conditions set out in the Planning Officer's report.

(c) 14/0001/FUL – 335 LONDON ROAD, HADLEIGH, BENFLEET (ST JAMES' WARD) – DEMOLITION OF EXISTING BUILDING AND CONSTRUCTION OF THREE STOREY BUILDING CONTAINING 6 NO. FLATS AND ASSOCIATED PARKING – MR NEIDUS

The proposed development was for a block of six flats with car parking. There were no significant conflicts that could be identified with either local or national policies and therefore it was recommended that permission be granted.

The application was presented to the Committee as it represented a departure from the Development Plan currently in force, and the Council's Constitution did not provide for decisions on such applications to be delegated to the Head of Service, where officers wished to make a favourable recommendation.

During discussion Members agreed that there were no significant adverse effects on the locality and that the application was consistent with Government guidance in the NPPF. It was considered that the proposed development was acceptable.

Resolved - That the Committee is minded to approve the application but that authority to approve the scheme be delegated to the Head of Regeneration and Neighbourhoods, in consultation with the Chairman and Vice-Chairman, subject to there being no further objections received prior to the expiry of the publicity period on 1st August 2014, and the conditions as set out in the Planning Officer's report.

- (d) **14/0090/FUL - WATER TOWER, 335 BENFLEET ROAD, BENFLEET (BOYCE WARD) – REPLACEMENT OF 3 NO. ANENNAS WITH NEW ANTENNAS INSTALLATION OF MICROWAVE DISH ANTENA, REMOVAL OF EXISTING INTERNAL RADIO EQUIPMENT CABINETS AND REPLACEMENT WITH 3 NO. NEW CABINETS AND DEVELOPMENT WORKS ANCILLARY THERETO – CITL & TELEFONICA UK LIMITED**

The proposed development involved the installation of new and replacement telecommunications apparatus to an existing water tower. It was not considered that the proposal would have an adverse impact on the appearance of the building and the wider area and it was recommended that the application be approved.

An application for Listed Building Consent is detailed at Minute No. 6(e).

During discussion Members stated that they were happy to approve the application as it resulted in an overall reduction to the equipment already on the Water Tower.

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

- (e) **14/0091/LBC – WATER TOWER, 335 BENFLEET ROAD, BENFLEET (BOYCE WARD) – REPLACEMENT OF 3 NO. ANENNAS WITH NEW ANTENNAS INSTALLATION OF MICROWAVE DISH ANTENA, REMOVAL OF EXISTING INTERNAL RADIO EQUIPMENT CABINETS AND REPLACEMENT WITH 3 NO. NEW CABINETS AND DEVELOPMENT WORKS ANCILLARY THERETO – CITL & TELEFONICA UK LIMITED**

The proposed development involved the installation of new and replacement telecommunications apparatus to an existing water tower. It was not considered that the proposal would have an adverse impact on the appearance and special interest of this listed building and it was therefore recommended that listed building consent be granted.

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

(f) **14/0195/FUL – REAR OF 17 DOWNER ROAD, BENFLEET (BOYCE WARD) – ERECTION OF DETACHED FOUR BEDROOM HOUSE WITH ATTACHED GARAGE – ESSEX DEVELOPMENT**

The application sought permission for a detached four bedroomed house with an attached garage on land that was currently within the curtilage of number 17 Downer Road. The site was allocated for Green Belt purposes however it was within an area which had been identified as previously developed land which was suitable for release for residential development.

The Planning Officer considered that the proposal represented an acceptable form of development and accordingly no objection was raised to the current proposal.

The application was presented to the Committee because it represented a departure from the adopted Local Plan and would require the provision of a S106 agreement in respect of the provision of appropriate made access to the site.

During discussion Members raised concern that the proposal was within a site allocated for Green Belt and some Members considered the application was premature as the New Local Plan had not yet been agreed. The Committee did not feel that any special circumstances existed to justify a departure from the current adopted Local Plan and if the development was permitted it would be detrimental to the openness, character and strategic function of this part of the Green Belt, contrary to National Planning Policy.

Following discussion it was:-

Resolved – That the application be refused as it would represent inappropriate development and be detrimental to the openness, character and strategic function of this part of the Green Belt, contrary to National Planning Policy.

Chairman

Committee	DEVELOPMENT CONTROL
Date	2nd September 2014
Subject	Deposited Plans
Report of the	Head of Regeneration and Neighbourhoods
Report Author	Kim Fisher

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Site Visits

Members are advised that site inspections are recommended in respect of Items 1, 2,3, 6 and 7 attached to this agenda. The site visits will occur on Monday 1st September 2014.

Members are asked to confirm their attendance on the site visit by contacting Ann Horgan on 01268 882545 by 5pm on Wednesday 27th August 2014.

Members are asked to assemble in the Members Room at 1:50pm.

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

ITEM 1

Application Number:	14/0014/FUL
Address:	Acres Way Great Burches Road Thundersley Benfleet Essex (St Peter's)
Description of Development:	Construction of kennel building (retrospective application)
Applicant:	Mr And Mrs Clarkson
Case Officer	Mr Robert Davis

Summary

The proposal represents the retention of an Isolation Block, used for the housing of stray dogs, brought to the site as a consequence of the operation of the Stray Dogs Collection and Kennelling Service undertaken on behalf of Basildon, Castle Point, Southend on Sea and Rochford Councils.

The building constitutes inappropriate development in the Green Belt and is, by definition, harmful to its openness, character and strategic function. However it is considered that in this particular case there are very special circumstances that outweigh the harm to the Green Belt and therefore it is recommended that planning permission be GRANTED.

Site Visit

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

Introduction

This application relates to a building located within a site used for boarding and re-homing of dogs located to the north east of Great Burches Road. The site measures some 1.3ha in area and contains a number of kennel blocks, storage and office facilities as well as a residential dwelling occupied by the owners of the kennels.

The Proposal

Permission is sought for the retention of an existing kennel block measuring some 24m wide by 6.9m deep with a maximum height of 2.9m. The building is an isolation kennels block used to house stray dogs received as a result of a Stray Dogs Collection and Kennelling Service operated on behalf of Basildon, Castle Point, Southend-on-Sea and Rochford Councils.

The application is retrospective in nature and is presented to the Committee in view of the contractual interest the Authority has in this proposal.

Supplementary Documentation

Further information regarding the use of the kennel block and numbers of dogs housed can be found in correspondence received on 10th July and 7th August, 2014. This can be viewed on the Council's website.

Relevant Planning History

CPT/181/08/FUL – Demolition of old kennels and construction of two new units of kennels and runs, refused June 2008 on the basis that the proposal would result in an oversized, inappropriate form of development which would have an adverse impact on the Green Belt.

CPT/403/08/FUL – Replacement kennels, approved September 2008. This proposal represented a reduction in the volume of buildings on the site and was considered likely to result in a net improvement to the character and appearance of the Green Belt.

In June 2012 it came to the attention of the Council that the kennels constructed were materially larger than shown on the approved plans. Investigation of the matter revealed that the kennels constructed resembled in appearance and scale the earlier kennel block that had been refused consent under application CPT/181/08/FUL.

The investigation also revealed that an isolation kennel block, the subject of this application, had been constructed and that a further building was being used for residential purposes without the benefit of planning consent.

Following discussion application CPT/536/12/FUL for the retention of the unauthorised kennel building was received in September 2012. This application was however held to be invalid and was returned to the applicant. No subsequent application has been submitted and no enforcement action in respect of this unauthorised building has been taken as following investigation it was concluded that it was not expedient to do so on the merits of the case. It was further determined that due to the passage of time the building is now immune from action.

An enforcement notice requiring the cessation of the residential use and the removal of various structures and internal fixtures and fittings was issued in August 2013. The requirements of the notice have now been fully met.

The isolation kennel block, which is the subject of this application, is believed to have been constructed in September 2011.

Local Plan Allocation

The site is located within the Green Belt and the Great Burches Landscape Improvement Area.

Relevant Policies and Government Guidance

Relevant Government Guidance and Local Plan Policies

The following policies are applicable:

National Planning Policy Framework:
Para 89.

Local Plan Policies:

EC2 - Design

EC3 - Residential Amenity

EC20 - Landscape Improvement Area

T8 - Parking Standards

Consultation

Natural England

No objection.

Environmental Health

No objection

Public Consultation

In addition to neighbour consultations a site and press notice was undertaken. The period of consultation expired on representations 1st August 2014.

One response in support of the application has been received, which makes the following comments and observations:

- o The kennels have been there for many years providing a vital service to the area collecting, caring and re-homing stray dogs.
- o With the welcome development of the adjacent Braeside Equestrian Centre I see no reason why planning permission should be denied.

Comments on Consultation Responses

The provision of kennelling services is discussed in the evaluation of this proposal.

The presence of an equestrian centre adjacent to the application site is not considered to be material to the determination of this proposal.

Evaluation of Proposal

The main issue here is whether the provision of the isolation block constitutes inappropriate development in the Green Belt and, if so determined, whether the harm by reason of its inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify inappropriate development in the Green Belt.

Appropriate or inappropriate development

There is no specific policy provision within the Council's Local Plan for the provision of kennels within the Green Belt.

Paragraph 89 of the NPPF states that local planning authorities should regard the construction of new buildings as inappropriate in Green Belt. There are a limited number of exceptions to this but none of these include the development of land for buildings used for kennelling dogs.

However the NPPF does confirm that the replacement of buildings within the Green Belt may be considered appropriate, provided the building is not materially larger than the building it replaces and retains the same use.

The applicant states that the isolation block has been built on the footprint of a previous building in this location. As such the building should be considered as a replacement building. However, no evidence to support the presence of a previous building on the same footprint, or information in respect of the size or use of this building, has been provided by the applicant. Aerial photographs in the Council's possession indicate that any such building or buildings on the site of the isolation block were not present when the nearby boarding kennels were constructed in late 2008, some three years before the isolation kennel block was constructed in the autumn of 2011.

Given the period of time that elapsed between the demolition of any previous buildings and the erection of the isolation block, it is not considered that this building can be treated as a replacement building.

The construction of the isolation block must therefore be considered as the provision of a new building in the Green Belt and by definition, inappropriate development. Prima facie therefore the proposal for its retention should attract a recommendation of refusal. However, prior to determining the application, it is incumbent on the Planning Authority to consider whether any very special circumstances exist which would justify a departure from Green Belt policy.

In discharge of this obligation, consideration has initially been given to the location of the proposal.

'Acres Way' comprises an operational kennels use which is long established and relatively isolated from densely developed residential areas. Such a location is considered suitable for the establishment of kennels which by their very nature are likely to generate noise from barking dogs and require land for the proper and secure exercise of the animals housed. Such a use could not be easily accommodated within the urban area. In a borough such as Castle Point it is considered that such a facility may only reasonably be provide in the Green Belt.

The absence of alternative locations for such a facility is considered to represent a particular consideration in the determination of the application, however in isolation this is not considered sufficient to constitute the very special circumstances needed to justify inappropriate development in the Green Belt.

Consideration has also been given to the need for such a facility and the opportunities available within the site to provide such a facility without increasing site coverage.

At the present time the site contains, in addition to the Isolation Block, a large Kennel Block and the wooden building which was the subject of enforcement action in 2013.

The applicant has advised that the building used for boarding kennels cannot be used for housing stray dogs because of the risk of cross infection, hence the requirement for a separate Isolation Unit. The Council's Environmental Health Officer has confirmed this to be correct.

The only other building of a similar size to the isolation block that might possibly be used as an alternative is the large wooden building which became the subject of enforcement action in 2013.

The Environmental Health Officer has confirmed that current boarding regulations require isolation kennels to be constructed of non porous materials so that kennels can be thoroughly cleaned and disinfected. The building referred to above is constructed primarily of wood and would therefore be unsuitable for this use.

There would therefore appear to be no opportunity for the use of alternative buildings on the site.

In terms of need, the Environmental Officer has confirmed that there are no other kennelling establishments within the geographical area of Castle Point that either meet the Council's needs in terms of size or suitability of accommodation, or that have expressed an interest in undertaking the provision of a stray dog collection and kennelling service.

Basildon Borough Council advises that in the past it has struggled to find any boarding kennels that are interested in this type of work or meet its criteria for providing this type of service. In response to its latest tender only the applicant submitted a bid.

Southend Borough Council also advised that it does not have suitable kennelling facilities available within its boundaries to discharge its duties for the kennelling of stray dogs. Acres Way was the only suitable establishment to provide a service when the Council recently invited tenders.

Rochford District Council advised that there were no suitable alternative facilities for dealing with stray dogs in the Rochford area. At the last tender process the only other alternative facility was located in Dunton and this was deemed too far a distance for collection.

In terms of identifying alternative kennels, consideration has been given to the new facility provided by the Dogs Trust at Wickford. This facility opened in May 2014

The Trust has a non destruction policy which is central to its ethos. Some stray dogs are never claimed by their owners, cannot be re-homed and consequently have to be put down. Consequently any involvement by the Trust in stray dog collection and kenneling contracts came to an end some years ago. The Trust also has an intake selection criterion which prevents it from accepting all types of dog. The presence of this facility clearly has to be discounted in the identification of opportunities for the discharge of the particular needs met by the proposal.

It is considered that a clear need for an isolation block on this site has been identified. It is considered that this need, the absence of any alternative provision in the locality and the absence of other suitable sites in the Borough, constitute the very special circumstances required to justify inappropriate development in the Green Belt.

No objection is therefore raised to the proposal on the basis of Green Belt policy.

Landscape Impacts

Policy EC2 of the Local Plan seeks a high standard of design in all new buildings and alterations to existing ones.

Policy EC20 states that within the Great Burches Landscape Improvement Area, encouragement will be given to measures that would aid restoration and enhancement of the landscape. The Council will refuse proposals that would lead to the further deterioration of the landscape and require new development to be appropriately screened.

Due to the retrospective nature of this application it is difficult to say with any certainty what the condition of the land was like prior to the erection of the isolation kennels. However, on the basis of images obtained from aerial photographs it would appear that the site comprised a concrete hard standing in a poor state of repair occupied by the odd small shed. A larger derelict structure without any roof is shown located nearby. The earlier appearance of the site may therefore be described as poor.

With regard to the design of the isolation building, this is rather rudimentary and has little to commend it. However, it has been constructed with the same external finish as the boarding kennels and does not therefore look out of place or harm the character of its surroundings.

The building is heavily screened by vegetation and together with its low profile is not visually prominent in the landscape.

No objection is raised to the proposal under Policy EC2 or EC20.

Impact on adjacent land uses

Policy EC3 of the Local Plan states that proposals that would have a significant adverse effect on residential amenity by reason of traffic, noise, fumes or other forms of disturbance, will be refused.

The lack of facilities within the urban area, together with the obvious conflict that kennelling services in close proximity to residential properties creates, has meant that such uses have tended to locate in the Green Belt and other less developed areas.

The proposed use would be located in a sparsely populated area. Other than the applicant's dwelling only Great Burches Riding School and Braeside Farm are located in close proximity to the vicinity of the site. These properties are located no nearer to the isolation kennels than the boarding kennels and no comments have been received in respect of noise emanating from the building. No objection is therefore raised to the proposal on this basis.

Access to the site is off Great Burches Road and sufficiently isolated from adjoining buildings not to be an issue in respect of traffic movements.

No objection is therefore raised to the proposal under Policy EC3.

Parking

Policy T8 requires the provision of off-street parking in accordance with the Council's adopted parking standards, which are currently the 2009 Essex Parking Standards. These standards do not make specific provision for parking for kennels and the proposal therefore falls to be considered on its own merits. The applicant has advised that the isolation block handles, on average, approximately 65 to 70 stray dogs per month. These dogs sometimes arrive individually and sometimes in groups of two or three. Once follow up visits by wardens and collections by owners are taken into account the applicant has advised that the stray dog collection and kennelling service results, on average, in some 80 visits a month to the site.

The site has a large hard surfaced parking area measuring some 20 by 25 metres to accommodate visitors. The boarding service is by the very nature of its use unlikely to generate many visits by dog owners and therefore the parking area would be primarily available for staff and visitors in relation to the provision of the stray dog collection service.

It is considered that there is ample parking on the site to cater for this and no likelihood of vehicles parking on the highway as a result.

No objection to the proposal is raised under Policy T8.

Conclusion

The proposal constitutes inappropriate development in the Green Belt. However there is clear evidence to demonstrate that the facility provides a much needed service for several local authorities which would otherwise be unable to fulfil their statutory duty. Given the absence of alternative suitable sites within the urban area, the need for the facility as demonstrated by the comments of adjoining local authorities and the lack of any visual harm on the surrounding area arising from this development it is considered that the harm by reason of its inappropriateness is outweighed by these considerations which cumulatively amount to the very special circumstances necessary to justify the development.

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

My Recommendation is Approval with the following conditions:

1 The building hereby approved shall be used solely for the provision of a stray dog collection and kennelling service and for no other purposes whatsoever without the written permission of the Castle Point Borough Council.

REASON: To order to regulate and control further development at the site in the interest of preserving the character and strategic function of the Green Belt.

Informative

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

ITEM 2

Application Number:	14/0209/FUL
Address:	Kings Park Village Creek Road Canvey Island Essex SS8 8GX (Canvey Island North)
Description of Development:	Erection of new building to form cafe/bar, construction of bowling green, associated works and landscaping.
Applicant:	Kings Park Village LLP
Case Officer	Mr Keith Zammit

Summary

This application is the third from Kings Park Village to construct a new bar/café facility on the site. Following amendments to the scheme to overcome issues of noise disturbance to adjacent residents it is considered that the proposal now represents an acceptable form of development and the recommendation is that permission be GRANTED.

The application is presented to the Committee at the request of Cllr Tucker in order to assess the effect of the development on local residents and the Park Village.

Site Visit

It is recommended that Members visit the site prior to determination of the application.

Introduction

The application site is located within Kings Park Village, a park homes site at the eastern end of Canvey Island. It is an irregular shaped site having a maximum width of some 390m and length of some 950m. This application concerns land towards the centre of the park.

This parcel of land is currently laid out as a grassed area and car parking with an access road traversing the site and residential park homes to the north. An open air swimming pool and a building housing the existing bar on the site is located to the south. To the west are additional mobile homes. A convenience store and social club are located to the east. Between the site and the residential dwellings to the north is a hedge.

The Proposal

Permission is sought for the erection of a single storey building to provide a cafe/bar and storage for a proposed adjacent bowling green. The building would have a footprint of some 35.3m by 25.3m with a roof incorporating various pitched elements to a height of some 6.9m.

A brick plinth is proposed to the exterior of the building with render and various cladding panels used to the walls and Kingspan Kingzip panels for the roof in Merlin Grey colour.

The road that currently runs through this part of the site, along the southern side of the lake and to the supermarket, would be diverted to the south of the proposed bar and bowling green.

The bowling green comprises four lanes and occupies an area of land some 32m by 20m.

The bowling green is proposed to be constructed in accordance National Bowls guidelines both in terms of size and finish. The Green will be drained with shingle gravel to the edges and a perimeter path of permeable paving will be provided.

No further details of the bowling green or associated shelters have been provided.

A landscaped area is also proposed.

The letter accompanying the application explains that it is the client's intention to construct a 2.5m high fence between to the rear of the existing hedge in order to provide noise attenuation to the nearby residents.

The design and access statement explains that the intention of the owners is to create a pedestrian friendly pleasant central area housing all the park facilities.

The design and access statement explains that the facility is intended for residents and their invited guests only. Parking provision is therefore minimal as users will already be on site. Provision is made for scooter parking to reflect the demographic characteristics of the residents.

Supplementary Documentation

The application is accompanied by a Design & Access Statement, Acoustic Report with addendum and further addendum and Flood Risk Assessment. All of these documents can be viewed on the Council's website.

Relevant Planning History

August 2012 – permission refused for construction of building to be used as a cafe and bar and proposed storage container (CPT/362/12/FUL) for the following reasons:

- o The proposal, by reason of the design of the proposed container to be used as a store would result in an alien and incongruous feature within the attractive setting of the chalet and mobile home park, to the detriment of the character and appearance of the area contrary to Policy EC2 of the adopted Local Plan and Paragraph 56 of the National Planning Policy Framework.
- o The proposal, by reason of its proximity to residential properties would result in undue noise and disturbance to those residents, to the detriment of the amenity of the occupiers of the surrounding properties, contrary to Policy EC3 of the adopted Local Plan and Paragraph 123 of the National Planning Policy Framework.

This application was the subject of an appeal. In dismissing the appeal the Inspector stated: "Although there has been wide support from park residents for the principle of the new facility it would be located only some 9 metres from the nearest mobile home units. The appellants' own acoustics report identifies this but indicates that subject to a number of conditions requiring sound insulation of the proposed building, particularly the roof, and controlling door opening etc., it would be possible to achieve external noise levels which would be unlikely to disturb nearby residents.

However, such measures are practicable only in relation to noise attenuation from the cafe-bar building itself. The proposal also involves the provision of external decking about 3.5 m. wide at the front and somewhat over 7 m. wide on the eastern side where it would lead to a grassed area described as a beer garden. The use of those areas is not explicitly stated but they would be the only accessible areas for smokers and others who might wish to spend some time outside. That is a common feature of most licensed premises and it might be expected that such a facility would be well used, especially on warm summer evenings.

I accept that the proposed social facility would be provided primarily for park residents, although the position with regard to guests is not stated. The appellants contend that as all residents are aged over 50 they are unlikely to create noise and disturbance, especially as they would be considerate of other residents. Notices could be put up reminding customers to be quiet.

Although it may be possible to restrict use of the beer garden to, say, before 21.00 hrs, it would not be possible to restrict access to the decked areas during the opening hours of the bar because that would be the only area for smokers. As the Council suggest it might reasonably be expected that customers would congregate outside to drink and smoke. I do not accept that those over 50 would be any less likely to do that than younger age groups.

The decked area on the eastern side of the building is shown on the submitted plan to be directly opposite mobile home unit R444 at around 11 m. from it. A little further away R445 would also be close to the beer garden and R443 would be only partially screened from the decked area. The thick leylandii hedge and trellis behind, which would be retained, would screen the units visually but they would be less effective in attenuating noise (voices, laughter etc.) from people on the decked area. The submitted plans show no additional acoustic screening around the side decked area.

For these reasons I consider that, even with a condition to limit opening hours to those sought in the application (until 23.00 hrs. Sundays to Fridays and midnight on Saturdays), the noise disturbance to those living in the nearby mobile homes, especially No. R444, would be likely to seriously diminish their peaceable enjoyment of their homes and so have a significantly adverse effect on their living conditions. The proposal is, therefore, contrary to CPBLP policy EC3 which, in this regard, is consistent with paragraph 123 In the Framework.

Although there would be an adverse impact on only a small number of residents it is serious enough not to be outweighed by the wider community benefit".

May 2013 – permission refused for erection of new building to form café/bar, construction of bowling green, associated works and landscaping (CPT/73/13/FUL) for the following reasons:

1. The applicant has failed to demonstrate that the impact of the proposed use on the amenity of adjoining residents is acceptable. In the absence of such demonstration it is considered that the proposed cafe/bar, by reason of its proximity to residential properties and the potential for use of external areas of the premises by patrons during unsocial hours, would be likely to result in undue noise and disturbance to residents of the adjoining park homes, to the detriment of the amenity of the occupiers of those properties, contrary to Policy EC3 of the adopted Local Plan and Paragraph 123 of the National Planning Policy Framework.
2. The proposed development requires the realignment of one of the service roads serving the site. As shown the new road is likely to be within 2m of the adjoining residential units. The applicant has failed to demonstrate that the impact of the realigned road on the

amenity of adjoining residents is acceptable. In the absence of such demonstration it is considered that the use of the road would result in undue noise and disturbance, to the detriment of the amenity of the occupiers of those adjacent units, contrary to Policy EC3 of the adopted Local Plan and Paragraph 123 of the National Planning Policy Framework.

Local Plan Allocation

The site is allocated for long term housing purposes.

Relevant Government Guidance and Local Plan Policies

National Planning Policy Framework

Paras: 56 – 58, 120 -125

Local Plan Policies:

H4 – Safeguarding of Land for Long-Term Housing Needs

EC2 – Design

EC3 – Residential Amenity

T8 – Parking Standards

Consultation

Environment Agency

No objection

Refuse and Recycling

No comments received. Previously commented that 2 x 1100 litre bins would be required.

Environmental Health

No objection

Canvey Town Council

No comments received

Public Consultation

8 objections received making the following comments:

- o how about a launderette?
- o will there be a disabled toilet?
- o bowling green would be waste of money and space.
- o new facilities could be provided to east of swimming pool.
- o Noise.
- o money should be spent on roads and drains.
- o do not think it will be economically viable.
- o should be for residents only, not visitors so residents can have adequate use of the facility, also strangers on site are a security risk.

422 letters of support have been received.

Comments on Consultation Responses

- the issues of cost, viability, site security and alternative uses and facilities are not material planning considerations in the determination of this application.
- the issue of noise is dealt with in the evaluation.

Evaluation of Proposal

Principle

Kings Caravan Park is allocated as a long term residential site in the 1998 Local Plan. Policy H4 states that the land will be safeguarded for long-term provision of housing. However, whilst the site was included in the May 2012 Strategic Housing Land Availability Assessment (SHLAA) update as having land with the potential to provide around 78 housing units in addition to the 600+ park homes on the site, it was noted that as the site had been developed with park homes aimed at the over 50s it was unlikely to come forward as a traditional development site. It was therefore deleted from the assessment in the October 2013 update on the basis that the Council could not be confident that the additional units would be provided.

In view of the fact that the site is no longer being actively considered as a traditional housing site it is not considered that the proposal would conflict with the site's allocation in the Local Plan. No objection is therefore raised to the proposal on the basis of Policy H4.

Design

Policy EC2 of the Local Plan seeks a high standard of design in respect of all new buildings. This is consistent with paragraphs 56 to 58 of the NPPF.

The style of building proposed is of a modern appearance using high quality materials. This type of building is not typical of those present in the surrounding area, however those adjacent to the site are not considered to be of any particular architectural merit or worthy of replication. The proposed building is considered to be of a satisfactory standard of design in its own right and no objection is therefore raised to this element of the proposal.

A condition will however need to be attached to the grant of any consent to ensure the submission of details of smoking shelters and cycle or mobility scooter parking areas as such elements are not sufficiently detailed in the submissions.

Impact on neighbours

Policy EC3 of the Local Plan requires proposals not to have a significant adverse impact upon the residential amenity of the surrounding area by way of, inter alia, noise or other forms of disturbance. This is consistent with paragraphs 120 to 125 of the NPPF.

Previously, planning permission for a bar/café in this location has been refused on the basis that the noise from the use of the external areas of the building would be likely to cause detrimental loss of amenity to nearby residents.

This latest application seeks to overcome this issue by arranging accommodation around the external decking area in order to create a buffer between areas of activity and residential homes. A store room is to be provided on the northern side of the decking, which would project some 2m

beyond the decking area. In addition a 2.5m high acoustic fence will be erected to the rear of the existing hedge on the northern side of the proposed Bowling Green. The acoustic report accompanying the application asserts that such measures would reduce the impact of noise on nearby residential units to an acceptable level. The Council's Environmental Health team have reviewed the submissions and raised no objection on the basis of noise. On this basis it is not considered that an objection to the proposal based on noise and disturbance could be sustained on appeal.

The acoustic report makes a number of recommendations.

- The decking area should not be used after 23:00
- The doors onto the decking area should be linked to a noise limiter so that in the event of the doors being opened the music volume will reduce
- Doors should have automatic door closers
- Smoking shelters should be rotated away from noise sensitive facades
- Signage should be displayed on the decking area requesting that patrons give due consideration to local residents.

It is considered that conditions relating to noise limiters for any sound system would be difficult to monitor and enforce and therefore would not be suitable planning limitations.

Regarding smoking shelters, there are two proposed, the one near the bar would not be located in close proximity to residential properties so would be unlikely to cause a nuisance. The one to the east of the landscaped area would be near to dwellings and it is possible that its use could become a source of nuisance to nearby residents. A condition requiring this shelter to be for the purpose of cycle storage only is considered reasonable to prevent such nuisance occurring.

Automatic door closers to the doors to the decking are considered a reasonable response to the need to mitigate noise impact on adjoining residents: however, there is some doubt that such a device could be used in association with the style of door proposed to the eastern elevation. It is therefore considered appropriate to impose a condition on any consent granted, requiring demonstration of the provision and retention of appropriate door closing mechanism on the doors to the decking. Subject to such a condition, no objection is raised to the proposal on this basis.

It is also considered that a condition requiring the decking area not be used after 23:00 should also be imposed in order to ensure the amenity of adjoining residents.

It is noted that the proposed bar/cafe is intended to form part of a wider scheme of works including a bowling green and water feature area. The provision of these facilities is likely to attract more people to the area; however it is not considered that the use of these areas would result in greater levels of noise and disturbance than are currently experienced in this area. No objection is therefore raised to the principle of the provision of such facilities at this location. A consequence of such provision however, is that the road which currently serves this area is to be realigned to link to an existing access road to the south. It is possible that such realignment could result in more traffic passing park homes to the east of the proposed bar/café.

The submitted plans indicate that at the present time a road is already present in this location, set some 2m from the nearest mobile home. Realignment of the route across the application site will result in the reprofiling of the existing access road to achieve an isolation distance of some 5m between the road and the adjacent park home. To this extent therefore the proposal represents

some betterment for the adjoining residents. However, the documentation accompanying the application is silent on the potential for increased traffic on this realigned route and no consideration appears to have been given to the likely impact of such increased traffic on the amenity of those occupiers adjacent to it.

It is the view of the planning authority that the realignment of the road to accommodate the proposed cafe/bar could have some adverse consequences for the occupiers of those dwelling units to the south east of the application site.

It is noted that throughout the site park homes are located in close proximity to roads. It is also noted that traffic speeds are slow and enforced by cameras and that the level of internal traffic is relatively light. Given these considerations it is not considered that the noise and disturbance generated by any diverted traffic would be so significant as to provide a robust reason for refusal. No objection is therefore raised to the proposal on this basis.

It should further be noted that the layout of the access roads within the site and indeed the positioning of the park homes is, ultimately, a management issue for the park operators and they may choose to change the layout of parts of the park irrespective of the outcome of this planning application.

In terms of dominance of the building, the northern edge of the proposed building would be sited about 9m from the chalet homes to the north of the site. This part of the building would have a shallow pitched roof to a maximum height of approximately 5m. Other parts of the building have pitched roof elements rising to a height of some 6.9m; however these are set some 16m from adjoining residences. Given this level of isolation and the heights proposed, it is not considered that the building would have an adverse impact on any nearby residents by way of obtrusiveness or dominance.

It is noted that a new car parking area is proposed to the west of the bar building. The provision of car parking can give rise to issues of disturbance to residential occupiers in the area. In this instance, however, car parking already takes place in this location and the number of spaces would not be increased to such a degree that a perceptible impact on residents' amenity would be likely to occur. No objection is therefore raised to this element of the proposal.

Parking implications

The building would have a floor area of approximately 700m² and should be provided with a maximum of 140 parking spaces. A total of 18 parking spaces are proposed.

There are currently some 46 parking spaces in the area and the proposal therefore significantly reduces the parking facilities currently available within this part of the site.

Prima facie therefore the proposal should attract a recommendation of refusal. However, this facility is intended for use by site occupants and their invited guests only. These patrons would already be present on the wider site and would be likely to access the facilities by foot, or given the demographic profile of the occupiers of the site, by mobility scooter. Provision has been made for scooter parking so that less mobile residents have somewhere to leave a mobility scooter. Parking spaces for people with disabilities would also be available should travel by car be necessary. Given the particular context of this site it is considered that the level of parking provision proposed is acceptable.

It is of course possible that the low level of parking provision could lead to increased roadside parking. If such parking occurred it would be on the private roads within the park and not on adopted highways. This would therefore be a management issue for the park operator rather than a planning issue.

Flood risk

The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Where development is necessary, it should be made safe without increasing flood risk elsewhere. When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, (informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test), it can be demonstrated that:

- Within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
- Development is appropriately flood resilient and resistant and provided with safe access and escape routes where required and that any residual risk can be safely managed. New development should also give priority to the use of sustainable drainage systems.

The Technical Guidance to the NPPF deals with flood risk in more detail and states that development proposals in Flood Zone 3a which has a high probability of flooding should be accompanied by a site-specific flood risk assessment (FRA). The FRA should identify and assess the risks of all forms of flooding to and from the development and demonstrate how these flood risks will be managed so that the development remains safe throughout its lifetime, taking climate change into account.

The proposed use as a bar/cafe is a more vulnerable use. The technical guidance states that in Flood Zone 3a, when more vulnerable uses are proposed the Exceptions Test must be applied.

The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. The application seeks to provide a cafe/bar to the residents of Kings Park on Canvey Island. For such a use to serve this community it is considered that it needs to be located within that community. The community of Kings Park, and indeed the whole of Canvey Island is located within Flood Zone 3a, consequently it is not considered that there are any reasonably available alternative sites with a lower probability of flooding that could accommodate the proposed development. As such, it is considered that the proposal passes the sequential test.

For the Exception test to be passed:

- It must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment
- A site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

The Environment Agency has confirmed the finding of the FRA that during a breach event flood waters would inundate the site within 1-4 hours to a depth of up to 2m. Floor levels within the building would be 0.525m above the surrounding ground level. The proposed bar therefore

provides no safe refuge above modelled flood levels. However, the design and access statement indicates that the bar is designed for use by residents of Kings Park only, whilst there is a possibility that the site could be used by others, the primary users will be current Park residents. The existing mobile homes and chalets at Kings Park are currently below the modelled flood levels and it is not considered that the proposed bar which is a service for these residents would result in more people at risk or any additional risk to the occupiers of the area. It should also be noted that the current mobile homes are a highly vulnerable use, whereas the proposed use carries a lower level of risk.

The proposed use would provide some sustainability benefits in terms of providing an additional facility to the residents on Kings Park which is accessible and therefore more likely to be utilised. Given this, the fact that the proposed use is unlikely to result in additional people at risk of flooding, would not increase flooding elsewhere and given that the Environment Agency has not objected to the proposal in principle, it is considered that the proposal also passes the Exception test.

Although the proposed use has been judged not to increase the number of persons at risk of flooding, it should nevertheless maintain a flood response plan so that, in the event of a flood, staff and occupants react in an appropriate manner.

The applicant has submitted a flood response plan with the application. It is somewhat elementary in nature however it is considered that it serves the basic purpose of ensuring that staff, management and customers become aware of the risk and know what actions to take. No objection is therefore raised to the proposal on the basis of flood risk.

Conclusion

The proposed use is considered to represent an improvement on previous schemes and it is now considered that it could be carried out without significant detriment to the amenity of surrounding residents or the wider area.

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

My Recommendation is Approval with the following conditions

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

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

2 The development hereby approved shall be built wholly in accordance with the approved materials.

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

3 Prior to first use of the building, the acoustic fence, details of which shall be submitted to and approved by the Local Planning Authority prior to the occupation of the building, shall be

erected in accordance with drawing No. ABD/1053/06 E and thereafter permanently maintained.

REASON: To ensure an appropriate form of development and to minimise the transmission of airborne noise to nearby residential units.

4 Prior to the first use of building hereby approved, details of appropriate door and window closers, to be fitted to all external doors and window openings shall be submitted to and approved by the Local Planning Authority.

REASON: To protect the amenity of surrounding residents in respect of noise breakout.

5 The external terrace area shall not be used between the hours of 23:00 and 07:00 and prior to its first use shall be provided with signage, which shall have been previously approved by the Local Planning Authority to indicate that use is prohibited during this time. Such signage shall be thereafter permanently maintained

REASON: To protect the amenity of surrounding residential occupiers.

6 Prior to their installation on site, design details of any shelters for the purpose of smoking or cycle/mobility scooter parking shall be submitted to and approved in writing by the Local Planning Authority. The shelter on the eastern side of the landscaped area and notated for the purpose of smoking and cycle storage on drawing No. ABD/1053/06 E shall be for the purpose of cycle storage only and shall be provided with signage to indicate that smoking is not permitted. Details of such signage shall be submitted to and approved by the Local Planning Authority.

REASON: In the interest of visual amenity and in view of the proximity of the shelter to residential accommodation and the potential for nuisance to be caused to nearby residential occupiers.

7 Following their provision, any approved shelters shall be used for their specified purpose only with signage in accordance with such details as may be approved pursuant to condition 6 and not used for any other purpose.

REASON: To protect the amenity of surrounding residential occupiers.

8 Upon first use of the building, the approved Flood Response Plan shall be enacted and thereafter maintained at all times that the building is occupied. Any revisions to the Plan shall be submitted to and formally approved by the Local Planning Authority.

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

Informative

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

ITEM 3

Application Number:	14/0308/FUL
Address:	388 High Road South Benfleet Essex SS7 5HL (St. Mary's)
Description of Development:	Construction of vehicular access to front of property
Applicant:	Mr Scott Giddens
Case Officer	Mrs Ishita Sheth

Summary

The proposal represents the creation of a new access point on a stretch of secondary distributor where the principal function is that of carrying traffic freely and safely between centres of population. The slowing and turning of vehicles associated with the use of the access would lead to conflict and interference with the passage of through vehicles to the detriment of that principal function and introduce a further point of possible traffic conflict to the detriment of highway safety.

Furthermore, the applicant has failed to demonstrate that a vehicle may be safely and conveniently turned within the site.

Under the circumstances, and in the light of the Highway Authority's outstanding objection to the proposal, the proposal is recommended for REFUSAL.

This application is presented to the Development Control Committee at the request of Cllr Sheldon.

Site Visit

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

Introduction

The site is located on the northern side of High Road some 13.4m west of its junction with Wincoat Drive. It is an L-shaped site with a maximum width of some 27.7m and a maximum depth of some 32.9m.

The site is occupied by a semi-detached chalet. The site currently has access from Wincoat Drive to a detached garage provided to the rear of the site.

The streetscene in this part of High Road is a mix of detached bungalows, detached and semi-detached houses and a garage/filling station.

The Proposal

The applicant seeks consent for the provision of a new vehicular access onto High Road and the formation of a hardsurfaced area to the front of the dwelling to provide further parking facilities. The hardsurfaced area will be finished in Brindle' colour Omega Flow permeable blocks.

Supplementary Documentation

A letter from the applicant accompanied the application. This can be viewed on the Council's website.

Relevant Planning History

CPT/61/14/FUL – Construction of vehicular access to front of the property. Refused, following the recommendation of the Highway Authority, on 12th May 2014 for the following reasons:

1. The proposal would result in the formation of an additional access point on a busy stretch of classified road, the principal purposes of which is to facilitate the free and uninterrupted passage of vehicles between urban centres. The formation of a further crossing on this stretch of road, and the slowing and turning of vehicles associated with it, would introduce a further point of conflict and interference with the passage of through traffic and pedestrians, to the detriment of highway safety and traffic flows, contrary to Policy T2 of the Council's Adopted Local Plan.
2. A vehicular access already exists for this property from an unclassified rear access road, which is more suitable for accommodating the vehicular movement associated with residential dwellings. The provision of an access from High Road which is a classified road is therefore unnecessary and detrimental to traffic flows and highway safety and efficiency, contrary to Policy T2 of the Council's Adopted Local Plan.
3. The width of the side is not adequate to accommodate movements of the car so as to have the ability to turn and exit in forward gear from the site to prevent reversing onto High Road; resulting in safety issues on this classified road, contrary to Policy T2 of the Council's Adopted Local Plan.

Local Plan Allocation

The site is allocated for residential purposes.

Relevant Policies and Government Guidance

National

National Planning Policy Framework. Para 103.

Local Plan Policies:

T2 – Intensification of Access Use.

Consultation

Highway Authority

The Highway Authority has advised that there has been no change in circumstances since its response to the previous application and would wish to uphold its earlier recommendation as follows:

Recommend Refusal for the following reasons:

- The proposal would lead to the creation of an access on a stretch of secondary distributor where the principal function is that of carrying traffic freely and safely between centres of population. The slowing and turning of vehicles associated with the use of the access would lead to conflict and interference with the passage of through vehicles to the detriment of that principal function and introduce a further point of possible traffic conflict to the detriment of highway safety.
- It has not been demonstrated on the submitted plans that the applicant will be able to turn and exit in forward gear to prevent reversing onto High Road.
- The applicant already appears to have a dedicated access to the rear of the property providing parking for at least 2 vehicles.
- This proposal would therefore be contrary to the aims and objectives of policy DM1, DM3 & DM5 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

Public Consultation

No neighbour responses received

Comments on Consultation Responses

Highway Authority comments will be discussed in the evaluation.

Evaluation of Proposal

Policy T2 is concerned with the intensification of access use. It states that when considering applications that would affect the use of existing accesses or the creation of new accesses onto any classified road, the Council will consult the Highway Authority and will take the advice received into account when determining applications for planning permission.

The Highway Authority has recommended that the proposal be refused as the proposal seeks to create an additional access point on a busy stretch of classified road/secondary distributor, the principal purposes of which is to facilitate the free and uninterrupted passage of vehicles between urban centres. The formation of a further crossing on this stretch of road, and the slowing and turning of vehicles associated with it would introduce a further point of conflict and interference with the passage of through traffic to the detriment of highway safety and traffic flows, contrary to Policy T2 of the Council's Adopted Local Plan.

It is noted that the other properties in the vicinity have access onto High Road. However, the Highway Authority has also commented that the site currently has parking facilities at the rear of

the property and has vehicular access from Wincoat Drive, an unclassified road, which is more suitable for accommodating the vehicular movements associated with residential dwellings. An access from High Road is therefore unnecessary and detrimental to traffic flows, highway safety and efficiency, contrary to Policy.

Furthermore, the Highway Authority has commented that it has not been demonstrated on the submitted plans that the applicant will be able to turn a vehicle and exit in forward gear.

The applicant having read the Highway Authority comments has submitted some additional information to try and demonstrate that cars would be able to turn within the site and exit in forward gear. However, the site is some 6.3m wide only and it is not considered that there is adequate space for the convenient manoeuvring of vehicles within the site.

Should multiple movements be necessary, which appears likely, such activity is likely to result in noise and disturbance to adjoining residents, particularly those resident at No. 386 High Road which is adjoined to the application property, or the deterrence of the occupiers making such manoeuvres because of the inconvenience involved.

In support of his application, the applicant makes reference to other sites in the area which obtain access from High Road. It is noted that the other sites in the vicinity of the application site have been provided with access onto High Road. In most cases these sites do not benefit from the opportunity for alternative access and are in many cases on wider plots and are therefore more able to accommodate vehicular movement in a safe and convenient manner.

It is not considered that the presence of other access points onto High Road creates a precedent for the provision of a new access at this site.

The applicant has also stated in the submitted additional information that the car parking space to the rear is of an inadequate width; resulting in difficulty for the driver to exit the car and further difficulty in the driver's 14 month old daughter being removed from her car seat.

Whilst the Authority has sympathy with the applicant's personal reasons for seeking permission for the development, it is not considered that these outweigh the planning and highway objections to the development.

The proposal is considered to be in conflict with Policy EC2 of the adopted Local Plan and an objection is raised accordingly.

Paragraph 103 of the NPPF states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere. To this end the Planning Authority requires all areas of hardstanding to be designed in a manner to limit surface water runoff. The proposal seeks to provide hardsurfacing to the front of the dwelling to accommodate the parking of the cars. It is proposed to use 'Omega Flow' permeable blocks in 'Brindle' colour. This would be laid on a 50mm thick permeable laying course comprising of 2-6mm aggregates from 'Brett', which would be laid on a 100mm thick sub-base comprising of 4-20mm aggregates and a geo-textile sheet underneath.

The applicant has done a basic soil permeability test which demonstrated that the permeability of the soil is 'fair'. In these circumstances the use of permeable paving is considered acceptable. However, without more information on the strength of the soil, it is not considered that the requisite thickness of the sub-base can be determined. These details can be required to be submitted by condition.

Subject to the provision of adequate sub-base, it is considered that the permeable paving system would be acceptable on this site and no objection is raised to the proposal on this basis.

Conclusion

The proposal represents the creation of a new access point on a stretch of secondary distributor where the principal function is that of carrying traffic freely and safely between centres of population. The slowing and turning of vehicles associated with the use of the access would lead to conflict and interference with the passage of through vehicles to the detriment of that principal function and introduce a further point of possible traffic conflict to the detriment of highway safety.

Furthermore, the applicant has failed to demonstrate that a vehicle may be safely and conveniently turned within the site.

Under the circumstances, and in the light of the Highway Authority's outstanding objection to the proposal, the proposal is considered unacceptable.

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

My Recommendation is Refusal for the following reasons

- 1 The proposal would result in the formation of an additional access point on a busy stretch of classified road, the principal purpose of which is to facilitate the free and uninterrupted passage of vehicles between urban centres. The formation of a further crossing on this stretch of road and the slowing and turning of vehicles associated with it, would introduce a further point of conflict and interference with the passage of through traffic and pedestrians, to the detriment of highway safety and traffic flows, contrary to Policy T2 of the Council's Adopted Local Plan.
- 2 A vehicular access already exists for this property from an unclassified rear access road, which is more suitable for accommodating the vehicular movement associated with residential dwellings. The provision of an access from High Road which is a classified road is therefore unnecessary and detrimental to traffic flows and highway safety and efficiency, contrary to Policy T2 of the Council's Adopted Local Plan.
- 3 The width of the side is not adequate to accommodate movements of the car so as to have the ability to turn and exit in forward gear from the site to prevent reversing onto High Road; resulting in safety issues on this classified road, contrary to Policy EC2 of the Council's Adopted Local Plan.

Informative

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.

ITEM 4

Application Number:	14/0316/FUL
Address:	17 And 19 Moorcroft Avenue Hadleigh Benfleet Essex SS7 2UH (Victoria)
Description of Development:	Loft conversion with hip to gable roof extension and front dormers to both 17 and 19 Moorcroft Avenue. Extension of rear dormer to 17 Moorcroft Avenue. Construction of rear dormer, two storey side and single storey rear extensions to 19 Moorcroft Avenue.
Applicant:	Mr & Mrs Tippett & Mr and Mrs Burnett
Case Officer	Mrs Sophie Adams

Summary

The application seeks consent for hip to gable roof extensions and the formation of front dormers to both No.17 and No.19 Moorcroft Avenue.

At No.17 the applicants also intend to extend the existing rear dormer.

At No.19 the applicants also intend to construct a part two storey, flat roofed side and rear extension.

In order to avoid the works resulting in the creation of an asymmetrical pair of dwellings when viewed from the street it is considered necessary to ensure that the proposed works are carried out to both No.17 and No.19 Moorcroft Avenue simultaneously. It will therefore be necessary to require the applicants to enter into a Section 106 Agreement to ensure that both halves of the pair are sympathetically altered. It is for this reason that the application is presented to Committee for determination.

Subject to the applicants entering into a Section 106 Agreement to ensure the works are carried out simultaneously 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 site consists of Nos.17 and No.19 Moorcroft Avenue, a pair of hipped roofed semi-detached bungalows, located on the eastern side of Moorcroft Avenue some 75.6m northeast of its junction with Fairmead Avenue and 88.5m southwest of its junction with Bramble Road. The application site has a frontage of 22m and a depth of some 46m.

No.17 Moorcroft Avenue has been previously extended with a side extension, flat roofed rear extension and flat roofed rear dormer with Juliet balcony. The front of this property has been hard surfaced.

No.19 Moorcroft Avenue has been previously extended with a lean-to conservatory and has a detached summerhouse to the rear of the garden. The front of this property is part laid to grass and part hard surfaced.

The properties within Moorcroft Avenue are a mixture of semi-detached and detached bungalows. The application site sits within a group of eight pairs of semi-detached bungalows that have predominately hipped roof forms. Within the group however some of have extended the roofspace, including the pair at Nos.15 and No.11 Moorcroft Avenue which have pitched roofed front porch/canopies, pitched roofed front dormers and suppressed gable ended roofs. Semi-detached bungalows fronting Lansdown Avenue back onto the application site.

The Proposal

The applicants seek consent for the extension of the roofs from hipped to gable and conversion of the extended roofspace to provide living accommodation at first floor level including the provision of front dormers to both properties, the provision of a larger rear dormer to No. 17 and the provision of pitched roofed two storey side extension, a single storey, flat roofed, rear extension and a flat roofed first floor extension to No. 19.

The front dormers project some 3m from the roof are 1.75m wide and 1.9m high. There is a front rooflight proposed to each of the properties.

The proposal will enlarge the dormer to No.17 by 0.1m in height, 3.05m in width and 0.1m in depth, to a 7.85m wide, 2.5m high and 3.5m deep flat roofed rear dormer. The works will enable a rearrangement of the accommodation to provide a dining room at ground floor level, and larger bedrooms and en-suite at first floor level. An additional Juliet balcony is proposed to the extended rear dormer.

The two storey side extension at No.19 would increase the width of the dwelling by 1.8m on the southern side. The new rear extension would be between 1.9m and 4m deep, and would be 9.75m wide and 2.9m high with a flat roof. Two roof lanterns are proposed within the roof of the rear extension, these are a maximum of 0.6m higher than the rear extension. The proposed flat roofed first floor extension will project some 4.5m from the ridge, be 7.85m wide and 2.65m high. Two Juliet balconies will be provided to the rear elevation. The works will result in the provision of a larger lounge, kitchen and W.C and creation of dining room, utility room, breakfast area, at ground floor level an additional bedroom, a bathroom and ensuite at first floor level.

The proposed extensions would be finished in concrete interlocking tiles and exterior render to match the existing dwellings.

Supplementary Documentation

No additional documentation has been submitted.

Relevant Planning History

No.17 Moorcroft Avenue

CPT/133/08/FUL – Single storey side extension with hipped roof and loft conversion with rear dormer – Approved 23rd April 2008

CPT/318/07/FUL – Roof extension and side dormer window to form rooms in the roof – Refused 2nd July 2007 on grounds of loss of symmetry. The subsequent appeal was dismissed. On dismissing the appeal the Inspector stated that:

“The proposal would noticeably disrupt the symmetry of the semi-detached pair of which it is part and further erode the remaining cohesion in the streetscene”, and that

“substantial adverse effect on the symmetry of the pair of bungalows represents poor design and thus conflicts with the objective of Policy EC2 of the Castle Point Local Plan 1998. More particularly it would conflict with SPG28 of the Council’s Design Guidelines for Dwellings (incorporated as Appendix 12 of the Local Plan) which states that proposals which would destroy the symmetry of a semi-detached pair will be refused”.

BN/122/92 – Proposed single storey rear extension – 7th April 1992

No.19 Moorcroft Avenue

No relevant planning history

Local Plan Allocation

The site is allocated for residential purposes.

Relevant Policies and Government Guidance

The site lies within an area allocated for residential purposes. The following policies and guidance are applicable.

National

National Planning Policy Framework (NPPF) and Planning Practice Guidance

Local Plan Policies

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

Residential Design Guidance (Adopted January 2013)

RDG3	Building Lines
RDG5	Privacy and Living Conditions
RDG6	Amenity Space
RDG7	Roof Development
RDG8	Detailing
RDG12	Parking and Access

Essex County Parking Standards (Adopted June 2010)

Consultation

No statutory consultation undertaken.

Neighbour Notification

No response received from the neighbour notification

Evaluation of Proposal

Policy EC2 of the adopted Local Plan states that a high standard of design will be expected of all alterations and extensions to existing buildings. Policy H17 states that in assessing the design aspects of proposals the Local Planning Authority will have regard to its adopted Residential

Design Guidelines (RDG). These policies are considered compliant with the National Planning Policy Framework (NPPF).

RDG8 requires the provision of detailing elements to be consistent with the overall architectural approach of the dwelling and RDG7 requires roof development to be proportionate to the roof of the existing dwelling and not appear top heavy, prominent or dominant. It also requires fenestration to be vertically aligned.

RDG7 also requires that proposals for any form of roof development which results in the detrimental disruption or loss of symmetry to a pair or group of dwellings both in respect of roof planes and/or roofscape, will be refused.

The proposal intends to alter the roofscape of a pair of semi-detached bungalows. At present the dwellings are slightly asymmetrical by reason of the side extension to No.17, but the hipped roofscape has been retained to the pair. The proposal intends to balance the width of the dwellings with a side extension to No.19. Gable end extensions are also proposed to both ends of the pair and since both hips will be converted this will ensure the profile of the roof remains balanced and symmetrical.

There are two dual pitched roofed front dormers proposed to each of the dwellings, and these are evenly spaced within the roofscape, although not entirely vertically aligned with the windows at ground floor level. Although the ridge tile of the dormer will extend to the ridge tile of the main dwelling, there are substantial roof verges retained to the sides and below the dormers, and the lack of alignment is limited and not likely to create an unduly jarring appearance in the street scene. The proposed dormers by reason of their position and scale are considered to represent ancillary features within the roofscape. There are two rooflights also proposed to the front roofslope. Whilst the provision of dormers and rooflights should not normally be provided on the same roof plan, it is considered that due to the proposed design of the proposal and the character and style of the dwellings the roof can accommodate these features without harm to its appearance.

As a standalone pair the proposed gable extensions and front dormers are considered acceptable, provided the work is carried out to both properties. In order to ensure that the proposed works are carried out to both parts of the structure, should consent be granted, it will be necessary to require the applicants to enter into a legal agreement to ensure that both halves of the pair are simultaneously altered.

In terms of the wider street scene, the pair are part of a group of eight semi-detached dwellings that were originally built as hipped roofed bungalows. Within this group several have carried out roof alterations, including half hips with fairly large front pitched roofed dormers, as at Nos.11 and 15 (a pair) and side dormers to No.23 and No.16. In this context provided the symmetry of the

host pair is retained, it is considered that the proposal will have a limited detrimental impact to the group of semi-detached properties to which it forms part.

The proposal will enlarge the existing flat roofed rear dormer to No.17 within the new gable. There are other large flat roofed rear dormers within the vicinity, and the rear dormer would not be visible in the street scene. This part of the proposal is therefore considered acceptable.

The proposal will provide a flat roofed first floor extension to No.19. This extension would be of the same width as the extended dormer proposed to No.17, but would project over part of the proposed single storey rear extension, and therefore has a greater projection and is taller than No.17s' dormer. Whilst larger, there are examples of similar sized rear projections, particularly to the rear of No.15. This element of the proposal would not be visible in the street scene. Furthermore, by reason of the positioning of the fenestration, the provision of Juliet balconies and the width of the proposed extension, it reasonably reflects the scale and character of the adjoining proposed dormer. No objection is therefore raised to this part of the proposal.

The proposed new single storey rear extension to No.19 is of rudimentary design, and would be similar in height to the existing single storey rear extension to No.17. Additional interest is provided by the two roof lanterns. The extension would not be visible in the street scene. It is considered that the proposed extension would have a limited impact to the design of the dwelling, the pair of dwellings and the local area.

The proposed extensions would be finished in concrete interlocking tiles and exterior render to match the existing dwellings. Subject to the materials harmonising and the legal agreement to ensure that both halves of the pair are sympathetically altered, no objection is raised to the proposal under Policies EC2 and H17 of the adopted Local Plan RDG7 and RDG8 of the Residential Design Guidance.

RDG2 is concerned with space around buildings and requires new development to reflect the prevailing character of the area. All schemes should seek to provide at least 1m between the properties and the boundary.

The proposal will retain the existing level of separation to the northern side of the pair, 0.9m and will reduce the level of space to the southern side from 2.5m to 1m as shown on the submitted drawings. The proposal is therefore considered to provide adequate space around the building to meet the requirements of RDG2.

RDG3 states that proposals which would result in excessive overshadowing or dominance will be refused.

The pair of dwellings on the application site is generally in line with the adjacent neighbours, and the proposed front dormers, side extension to No.19 and rear dormer extension to No.17 would not extend deeper or further forward than the existing and adjacent properties. The proposed first floor rear extension to No.19 does extend beyond the existing rear roof slope by some 0.9m. However given the limited depth of the projection it is considered unlikely to result in excessive overshadowing or dominance to adjacent properties.

The proposal will replace the lean-to conservatory to No.19 with a larger extension. The new extension will be the same depth as No.17s' extension at the party boundary and then will increase in depth by 2.1m some 3.25m away from No.17. Based on the level of separation, combined with the limited projection and height, the rear extension is unlikely to impact

detrimentally on the amenities of No.17. In relation to the southern neighbour, this neighbour has extended into the rear, and the proposed rear extension would only extend some 0.1m beyond this neighbour. The proposal is therefore considered unlikely to result in excessive overshadowing or dominance to immediately adjacent properties. All other properties are considered too remote to be affected by overshadowing or dominance, and no objection is raised under RDG3 of the Residential Design Guidance.

RDG5 requires a distance of 9m to be provided between first floor windows and the boundary of the site.

The proposed rear dormer and first floor rear extension are located a minimum of 30m from the rear boundary and are therefore unlikely to result in a detrimental level of overlooking. The proposed front dormers and rooflights are a minimum of 7.5m from the boundary they directly face. Whilst below 9m, these are unlikely to result in a loss of privacy as the windows would overlook the public highway.

There are first floor side windows proposed to the en-suites. These are significantly less than 9m from the boundaries they directly face, and therefore have the potential to detrimentally impact on the adjacent properties. However, in this situation it is necessary to consider whether such an impact could be overcome with the use of conditions. Since these windows would serve rooms that would expect a high degree of privacy and would not be occupied for significant periods, it is considered that the use of obscure glazing and non-opening windows to a height of 1.7m would be appropriate. Subject to such a condition being attached to any consent granted, no objection is raised to the proposal under RDG5 of the Residential Design Guidance.

RDG6 states that amenity space should cater for all the outdoor needs of all occupiers and that development involving individual dwellings should be provided with at least 15m² amenity space per habitable room. The dwellings benefit from deep rear gardens that would provide sufficient amenity space to cater for all the outdoor needs of the occupiers of the extended dwellings. No objection is therefore raised under RDG6.

RDG12 states that the size and layout of all forms of parking should reflect current adopted vehicle parking standards. The current proposal seeks to increase the level of living accommodation on the site. Consideration must therefore be given to the provision of parking on the site.

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

The proposal would increase the number of bedrooms to four to each of the extended dwellings, and a minimum of two spaces will be required per dwelling.

No.17 Moorcroft Avenue has hard surfaced the whole of the front of the property. This hard surface is of sufficient size to accommodate the parking of at least two vehicles.

The front of No.19 Moorcroft Avenue is part grassed and part hard surfaced. In order to provide sufficient width for the parking of two vehicles the hard surfaced area for No.19 would need to be increased slightly. Subject to appropriate conditions, no objection is raised to the parking provision for the extended dwellings.

Conclusion

The application seeks consent for the extension and conversion of roofspace to provide greater living accommodation at first floor level at Nos.17 and No.19 Moorcroft Avenue.

At No.17 the applicants also intend to extend the existing rear dormer.

At No.19 the applicants intend to construct a first floor flat roofed rear extension and two storey side and single storey rear extensions.

Carried out in isolation, each scheme would result in the loss of symmetry of the pair when viewed from the street, contrary to Policies EC2, H17 and RDG7 of the adopted Local Plan. In order to avoid this possibility, and ensue an appropriate and acceptable form of development it is necessary to ensure that the proposed works are carried out to both No.17 and No.19 Moorcroft Avenue, in their entirety and simultaneously. It will therefore be necessary to require the applicants to enter into a legal agreement to ensure that both halves of the pair are sympathetically altered.

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 subject to the applicants entering into a Section 106 Legal Agreement requiring the works to be carried out in their entirety and simultaneously to No.17 and No.19 Moorcroft Avenue, the Head of Regeneration and 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 ensure a satisfactory form of development in sympathy with the existing development and the character of the surrounding area.

2 The development hereby permitted shall be begun on or before the expiration of five 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.

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

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

4 The window(s) created above ground floor level in a wall or roof slope forming a side elevation shall be obscure glazed to at least Level 3 on the Pilkington Scale and non-opening to a height of 1.7m above the finished floor level of the room in which the window(s) is installed and permanently retained as such thereafter.

REASON: In order to protect the privacy of the occupiers of the adjoining properties.

5 The hard surface to No.19 Moorcroft Avenue shall be increased in size to provide two 2.9m by 5.5m parking spaces. The extended hard surface shall be designed and constructed in accordance with SuDS principles and installed prior to the first occupation of the development hereby approved.

Following installation the extended hard surfacing shall be maintained in accordance with SuDS principles.

REASON: In order to ensure the provision of adequate on site parking facilities, commensurate with the level of accommodation provided and to limit the potential for increased surface water run off from the site.

6 Where forecourt spaces are provided on the site these facilities shall be retained solely for that use and for no other purpose whatsoever without the formal consent of the Local Planning Authority.

REASON: To ensure the retention of adequate on site car parking facilities to meet the Councils adopted standards for the amount of accommodation to be provided on the site.

Informatives

1 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

2 In undertaking the works hereby approved you are advised to satisfy yourself of your obligations to occupiers of adjoining properties in accordance with the Party Wall etc. Act 1996, details of which can be inspected at these offices or you may obtain details free of charge from the Planning Portal website (www.planningportal.gov.uk) under Building Regulations.

ITEM 5

Application Number:	14/0321/FUL
Address:	8 Knightswick Centre Furtherwick Road Canvey Island Essex SS8 7AD (Canvey Island South)
Description of Development:	Extension to temporary change of use from retail (A1) to community engagement and exhibition space (sui generis) for a period of 3 years
Applicant:	Castle Point Borough Council
Case Officer	Mr Keith Zammit

Summary

Permission was granted in July 2009, February 2010, August 2010, August 2011 and September 2012 for the change of use of a retail unit in the Knightswick Centre to use for exhibition and community engagement purposes for a temporary period, in the latter case for a period of two years.

This application seeks permission to extend the temporary use of the unit for exhibition and community engagement purposes for a period of three years.

As this is submitted on behalf of the Council it is presented to this Committee for determination.

Members should note that the proposed use is contrary to the provisions of the adopted Local Plan as it does not retain a retail or service use within 'Class A' of the Use Classes Order on the site. However, in view of the overriding local circumstances and relevant past history, the proposal for continued use of the unit for these purposes on a temporary basis is considered acceptable. The proposal is therefore recommended for APPROVAL.

Site Visit

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

Introduction

The application relates to No.8 Knightswick Centre, a unit in the indoor shopping centre within Canvey Island Town Centre.

The Proposal

Permission is sought to continue to use the retail unit as a community and exhibition space.

Supplementary Documentation

A Flood Risk Assessment has been submitted with the application which can be viewed on the Council's website.

Relevant Planning History

- July 2009 – permission granted for change of use from retail to community engagement and exhibition space for a period of 6 months (CPT/272/09/FUL).

This consent expired on the 7th January 2010.

- February 2010 – permission granted for an extension to the period of the temporary change of use from retail (A1) to community engagement and exhibition space for 6 months (CPT/8/10/FUL).

This consent expired on the 2nd August 2010.

- August 2010 – permission granted for an extension to the period of the temporary change of use from retail (A1) to community engagement and exhibition space for one year (CPT/390/10/FUL)

This consent expired on 3rd August 2011.

- August 2011 – permission granted for an extension to the period of the temporary change of use from retail (A1) to community engagement and exhibition space for one year (CPT/330/11/FUL)

This consent expired on 16th August 2012.

- September 2012 – permission granted for an extension to the period of the temporary change of use from retail (A1) to community engagement and exhibition space for two years (CPT/403/12/FUL)

This consent expires on 3rd September 2014.

Local Plan Allocation

The site is allocated for shopping purposes in the Local Plan and is within a primary shopping frontage.

Relevant Government Guidance and Local Plan Policies

National Planning Policy

National Planning Policy Framework – Para 23 and Flood Risk.

Local Plan Policies:

S3 – Primary Shopping Frontages

S5 – Parking and Servicing

T8 – Parking Standards

Consultation

Canvey Town Council

No comments received

Public Consultation

Notification of adjoining occupiers did not give rise to any responses.

Evaluation of Proposal

Policy S3 of the Local Plan states that, within primary shopping frontages, development not falling within Class A will be refused

The proposed use does not fall within Use Class A and as such the application should attract a recommendation of refusal. However, the use has operated from the site with no harm to the retail function of the Centre for several years now. This circumstance, coupled with the previously identified need for the provision of a town centre venue for the dissemination of information to local residents, speaks strongly in favour of the continuation of the use on this site.

Government guidance as contained in National Planning Policy Framework states that Local planning authorities should plan positively, to support town centres to generate local employment, promote beneficial competition within and between town centres, and create attractive, diverse places where people want to live, visit and work. The Regeneration Shop represents a key element in the Council's plans for the achievement of these Government supported objectives.

Furthermore, the proposal is for a temporary period only, after which the use of the unit would revert to a retail use. It is acknowledged that this proposal seeks to extend the period previously consented; however provided that the use continues on a temporary basis only, it is not considered that the proposal would have an adverse impact on the long term viability of the town centre.

The proposal will of course deprive the Knightswick Centre of a retail unit for a further period of three years and consideration must therefore be given as to whether such use would be damaging to the economic viability or vitality of the town centre during this period.

Of the units within the Knightswick Centre, 3 out of the 16 are currently in non-retail use, (one being the application site) which equates to approximately 14% of the frontage, far below the 45% threshold for non-retail uses set out in Policy S3. It is not therefore considered that the continued use of this unit for non-retail purposes would undermine the shopping function of the centre or the Council's aim of keeping retail uses dominant within the centre. No objection is therefore raised under Policy S3 of the current Local Plan.

Policy S5 of the Local Plan requires the provision of adequate car parking facilities for all new development proposals. Policy T8 of the Local Plan requires the application of the parking standards published by Essex County Council. The 2009 County Parking Standards require the provision of three on site car parking spaces to serve the proposed use. Retention of the unit in Class A1 use would require the provision of four spaces. No dedicated parking provision is made on site although the unit does benefit from the communal parking provision made for the entire centre.

It should also be noted that the temporary use for exhibition and community engagement purposes has less of a parking requirement than the substantive retail use. The proposed use would not therefore have an adverse impact on parking provision.

It should also be borne in mind that the location of the site within Canvey Town Centre is served by local public transport and public car parking facilities. No objection is therefore raised on this basis.

The NPPF sets out that flood risk is a material consideration in the determination of planning applications.

The site is located within Flood Zone 3 which has the highest probability of flooding and as a consequence consideration must be given to any increased risk likely to arise to users of the premises as a result of its continued use for the proposed purpose.

The NPPF defines shops as a 'less vulnerable' use. It also defines buildings used for the purposes of assembly as a 'less vulnerable' use. There is therefore no increased risk arising from the use of the unit for the purposes proposed and such uses are identified within the NPPF as appropriate in Flood Zone 3 areas. No objection is therefore raised to the proposal on the basis of flood risk.

Conclusion

The proposed use, whilst representing a form of development which is contrary to the provisions of the Local Plan is considered to have wider local benefits that justify the granting of permission for a further temporary period.

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

My Recommendation is Approval with the following condition:

1 This permission shall be for a temporary period expiring three years from the date of this decision. Thereafter, the use shall cease and the premises shall revert to their former use within Class A1 of the Town and Country Planning (Use Classes) Order 1987 (as amended).

REASON: The use is not acceptable on a permanent basis having regard to the location of the unit within a primary shopping frontage and the need to protect the prime retail function of the shopping centre in accordance with Policy S3 of the Council's Adopted Local Plan.

Informative

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

ITEM 6

Application Number:	14/0331/FUL
Address:	Five Acres Great Burches Road Thundersley Benfleet Essex (St Peter's)
Description of Development:	Replacement Dwelling
Applicant:	Mr D Laver
Case Officer	Mrs Sophie Adams

Summary

The applicant seeks consent to demolish the existing property and construct a replacement dwelling within the Green Belt.

The proposed replacement property is materially larger than the original dwelling and would consequently constitute an inappropriate form of development, which if allowed would be likely to have an adverse impact on the openness of the Green Belt contrary to Policy GB4 of the Adopted Local and national policy as set out in the National Planning Policy Framework (NPPF). The applicant has advised that the dwelling may be extended, under permitted development and prior approval allowances, to create a larger building than that proposed. However, whilst it is acknowledged that the applicant could take advantage of the available permitted development rights it is the view of the Planning Authority that the unattractive nature of the dwelling thus extended would preclude this from occurring. It is not therefore considered that such a proposal is a realistic prospect.

Furthermore, it is not considered that the applicant's ability to utilise permitted development rights constitutes a very special circumstance, such rights being available to most occupiers.

No other very special circumstances have been provided to overcome the policy objection. The application is therefore recommended for REFUSAL.

The application is being presented to the Committee at the request of Councillor Dick in order for the Committee to assess the proposal in terms of its impact on the Green Belt.

Site Visit

It is recommended that Members visit the site prior to determination of the application.

Introduction

The application site is located on the western side of Great Burches Road some 132.5m north of its junction with Grange Road. The site is unusually shaped with a maximum width of 59m and maximum depth of 53.4m.

A detached chalet bungalow with flat roofed side and rear dormers, a rear conservatory and a single storey side extension occupies the site. The site rises towards the west, away from the road, and south west. The bungalow is located deep within its plot, some 21m from the highway boundary. There are several trees to the front of the site.

The surrounding area is characterised by a variety of dwelling styles, all set within relatively spacious plots.

The Proposal

Consent is sought for demolition of the existing property and construction of a replacement dwelling.

The proposed detached replacement dwelling would be three storeys in height with the third storey contained within the roofspace. The dwelling has a maximum width of some 15.8m (including the chimney breast), a maximum depth of some 9.3m and a maximum height of some 10.1m, with the chimney reaching some 12m in height.

The existing dwelling is set up to 1.6m below natural ground level. The proposed new dwelling would also be set up to 1.6m below natural ground level.

The proposed dwelling would provide a lounge, kitchen, dining room, study and W.C. at ground floor level with three bedrooms and a bathroom at first floor level and two further bedrooms with ensembles within the roof.

Supplementary Documentation

- Planning Support Statement
- Drawings showing what could be achieved without planning permission under the current permitted development allowances.
- Volume comparison plan between the proposal and the dwelling if extended using the current permitted development and prior approval allowances

Relevant Planning History

1951 – Approved application for bungalow for agricultural purposes (BEN/98/51)

1972 – Approved application for bedroom and WC in roof space (BEN/12528)

1975 – Approved application for demolition of conservatory and erection of utility room (CPT/875/75)

2001 – Approved application for removal of agricultural condition to allow occupation by person or persons not cultivating adjoining land at “Five Acres” Great Burches Road, Thundersley (BEN/98/51/VAR)

2013 – Refused application for demolition of existing property and erection of four bedroomed detached dwelling with new vehicular crossover (CPT/3/13/FUL) for the following reasons:

1. The proposed development is situated within an area allocated for Green Belt purposes as defined in the Council's Adopted Local Plan, where development is only allowed in the most exceptional circumstances. The proposal, by reason of its scale, mass, form and substantial alterations to ground levels across the site, would result in the creation of a dwelling materially larger than the original dwelling which is an inappropriate form of development, which if allowed would be likely to have an adverse impact on the openness, character and appearance of the Green Belt. The applicant has failed to demonstrate any very special reasons why the proposal might exceptionally be permitted and in the absence of such very special circumstances approval of the proposal would be contrary to local policy as set out in the Adopted Local Plan and national policy as set out in the National Planning Policy Framework (NPPF).

2. The proposed development, by reason of its reliance on an extensive flat roofed side and rear extension represents a poor form of design which fails to make a positive contribution to the visual amenity of this part of the Green Belt, contrary, contrary to Policy EC2 of the adopted Local Plan and Government guidance as contained in the National Planning Policy Framework.

2014 – Pre-application advice on provision of a replacement dwelling (PE/00012/2014) with following recommendation:

'In the absence of any very special circumstances, the Officer recommendation in respect of a non policy compliant proposal for a replacement dwelling on the site is likely to be one of refusal'.

Local Plan Allocation

The site is allocated for Green Belt purposes in the adopted Local Plan.

Relevant Policies and Government Guidance

National Planning Policy

National Planning Policy Framework (NPPF) and Planning Practice Guidance

Local Plan

Appendix 2	Development in the Green Belt
GB4	Rebuilding of Existing Dwellings in the Green Belt
EC2	Design
H17	Housing Development – Design and Layout
T8	Car Parking Standards

Residential Design Guidance

RDG2	Space around Dwellings
RDG3	Building Lines
RDG6	Amenity Space

Consultation

No statutory consultation undertaken.

Public Consultation

No replies from neighbours.

Evaluation of Proposal

The site is located within the Green Belt.

The National Planning Policy Framework (NPPF) states that the fundamental aim of Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and permanence.

Paragraph 87 of the NPPF states that inappropriate development within the Green Belt is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 goes on to state that very special circumstances will not exist unless the harm to the Green Belt by inappropriateness and any other harm is clearly outweighed by other considerations.

Paragraph 89 of the NPPF specifies that a Local Planning Authority should regard the construction of new buildings as inappropriate in Green Belt. It goes on to state that exceptions to this include the replacement of a building, providing the new building is in the same use and not materially larger than the one it replaces.

The Council's adopted Local Plan clarifies what is considered materially larger. Policy GB4 of the adopted Local Plan states that proposals for the rebuilding of existing dwellings in the Green Belt will satisfy the following criteria:

1. The replacement dwelling shall be sited in the same position as the existing or former dwelling unless its resiting would be less obtrusive and would improve the appearance of the Green Belt
2. The size, general lines and form of the replacement dwelling are similar to that of the previous dwelling. Additional cubic volume up to that of the maximum of the unimplemented permitted development rights of the original dwelling may be included
3. Gaps shall be maintained between the flank walls of any structure and the boundaries of the curtilage which coincide with the gaps around the structures to be replaced or provide minimum gaps of 3m, whichever is the greater
4. A scheme of landscaping, including, where appropriate, substantial strips along curtilage boundaries, shall be provided, implemented and appropriately maintained
5. The replacement dwelling shall be sympathetic in scale, form, design, height and materials to the rural character of its surroundings and nearby buildings

Appendix 2 of the adopted Plan elaborates on the phrase "size, general lines and form".

Paragraph A2.23 clarifies that the "size" of the dwelling is the gross cubic volume of the dwelling to be replaced. The cubic volume will include that of the existing roof, porches and conservatories as well as the main body of the dwelling. It will not include the cubic volume of any garages, sheds, barns or other outbuildings within the curtilage of the dwelling, nor the cubic volume of any accommodation provided to the existing dwelling below natural ground level.

Paragraph A2.24 further states that the cubic content of any accommodation provided below natural ground level shall not be included in the calculation of the gross cubic volume of the replacement dwelling.

Paragraph A2.25 clarifies the reference to “general lines and form” and states that in order to protect the character of the Green Belt, it is essential that any new development reflect that which is replaced. Single storey dwellings only will be acceptable where a single storey dwelling is replaced; similarly a two storey dwelling is only acceptable where a two storey dwelling is replaced. The insertion of dormer windows into the roof of a bungalow, or the provision of a chalet style dwelling will be held to be a two storey dwelling and will not be considered an acceptable replacement for a single storey dwelling.

Paragraph A2.13 clarifies the gross cubic volume allowed. In respect of proposals to rebuild dwellings (except for development in accordance with paragraphs A.2.14 to A.2.20) no additional provision beyond that available from redevelopment of the original dwelling plus permitted development right (70 cubic metres or 15%, to a maximum of 115 cubic metres) plus 25 cubic metres shall be considered acceptable.

On the 1st October 2008 new Permitted Development regulations came into force which removed the volume limitation attached to extensions and replaced it with a series of dimensional criteria designed primarily to limit the impact of proposals on adjoining residents. Whilst it is recognised that the General Permitted Development Order no longer refers to volume, the guidance in respect of extensions to, or the replacement of, dwellings in, the Green Belt still refers to the size of the original dwelling and it is considered reasonable to consider volume in any assessment of the size of the dwelling and proportionate increases in size.

It is considered that this approach coincides with the advice in the NPPF.

Paragraph A2.14 clarifies that flat roofs can appear unattractive and detract from the appearance of the Green Belt. In appropriate cases the Planning Authority will encourage the provision of pitched roofs over existing flat roofed extensions, however such roofs must be of a low pitch, such as to render them incapable of providing additional floor space in accordance with the principle of limiting the number of persons resident in the Green Belt and to minimise the impact on the openness of the Green Belt.

Paragraph A2.15 specifies that any roof space in accordance with the provisions in A2.14 shall be considered an acceptable provision above that provided as a result of the utilisation of permitted development rights (as defined in 1995) plus 25 cubic metres.

Paragraph A2.28 of the adopted Local Plan clarifies the term ‘original dwelling’ and states:

“In the case of a proposal to extend or rebuild a dwelling in the Green Belt any reference to the ‘original’ dwelling shall be construed as that building existing on the 1st July 1948, as existing on that date, or in relation to a building constructed on or after 1st July 1948, the building as first built.”

The proposed building should be in the same use as the former building in accordance with paragraph 89 of the NPPF.

The original dwelling is considered to be the dwelling approved in 1951 (BEN/98/51). The volume of the bungalow (minus the extensions) is some 364m³. It is noted that some 72m³ is below natural ground level. In accordance with paragraph A2.23 the 72m³ is not included within the calculation of the volume of the original dwelling. The original dwelling is therefore considered to have a reusable volume of some 292m³. On this basis, in principle, the Council could accept an extended dwelling on this site to a maximum volume of 387m³ above natural ground level.

The proposed dwelling has a volume of some 1126.5m³.

The application site exhibits a change in levels across the site. The applicant has chosen to position the new dwelling at the same level in the ground as the existing property, with the result that the dwelling will be located up to 1.6m below natural ground level. As a consequence some 90.7m³ of residential accommodation will be provided below natural ground level.

Paragraph A2.24 of the adopted Local Plan makes it clear that volume below ground level is not included within any calculation of the volume of the replacement dwelling. By making use of this provision within the guidance the applicant has achieved a very large dwelling on the site which has an above natural ground level volume of some 1035.9m³. This is greater than the figure established as a reasonable enlargement of the dwelling as established above, as it would be some 744m³ or 254% larger than the original dwelling above natural ground level.

Government guidance on the provision of replacement dwellings in the Green Belt is that the replacement of a building should not be materially larger than the one it replaces. In this instance, the dwelling proposed is physically in excess of two and half times the volume of the original dwelling and nearly twice the volume of what the Planning Authority would consider a reasonable replacement. It is considered that in its current form the proposed development is not consistent with Government guidance as set out in the NPPF. An objection is therefore raised to the proposal on this basis.

The applicant has submitted information to demonstrate that the dwelling could be extended under permitted development and prior approval allowances. This information shows an enlarged dwelling with a volume of 1117m³ (volume provided by the applicant). The enlarged dwelling shows significant flat roofed side and rear extensions. It is considered that the poor design and layout achieved by such extensions severely limits the likelihood of these being carried out.

The limited likelihood for such works being undertaken is considered to be further demonstrated by the lack of any demonstrated commitment to the provision of such extensions. There has been no application for prior approval of a proposed larger home extension nor any application for a lawful development certificate for the works. It is considered therefore that whilst the applicant may be able to extend the dwelling to a size larger than the proposed replacement dwelling, under the permitted development and prior approval allowances, the likelihood of this happening is limited. Under such circumstances, it is considered that the applicant's assertions provide insufficient weight to overcome the objection raised on Green Belt grounds.

It may further be noted that whilst being unattractive the provision of a series of flat roofed extensions to the existing dwelling would be unlikely to have the same adverse impact as the current proposal by virtue of the limited height of the works and their essentially single storey nature.

The proposed dwelling would be in the same general position on the site as the existing dwelling and would provide in excess of 3m isolation spaces between the structure and the site boundary. No objection is therefore raised to the setting of the dwelling.

The existing dwelling is a bungalow with small flat roofed rear and side dormers. Following the guidance of A2.25 of the adopted Local Plan the existing dwelling is considered to be a two storey property.

The proposed dwelling offers accommodation over three floors. The proposal therefore is considered not to respect the scale or form of the dwelling it is replacing. The provision of an

additional storey, and indeed the alteration to the mass of the building on the site, will result in the creation of a materially larger building than the existing building contrary to the provisions of the Local Plan and the guidance provided in the NPPF.

In determining any application for development in the Green Belt it is incumbent upon the Planning Authority to consider whether there are any very special circumstances that would justify a departure from Green Belt Policy. The Planning Authority defines a special circumstance as something that is unique to the application site and not capable of frequent repetition elsewhere. No special circumstances have been provided.

The proposal is for a replacement of an existing dwelling. Whilst the planning authority recognises the applicants desire to provide a larger dwelling on the site, such desire is not unique or incapable, if permitted, of frequent repetition. It is therefore the view of the Planning Authority that there are no special circumstances to justify this inappropriate development in the Green Belt.

As a matter of principle therefore an objection is raised to the proposal in Green Belt terms under the NPPF.

Other Matters

Policy EC2 states that the Council will expect a high standard of design in relation to new buildings and extensions and alterations to existing buildings having regard to scale, density, siting, design and layout and materials of any development which shall be appropriate to its setting and which should not harm the character of its surroundings. Policy H17 states that in assessing the design aspects of the proposals for housing, the Local Planning Authority will have regard to its adopted design guidelines, Residential Design Guidance (RDG). These policies are considered to be in compliance with the NPPF.

RDG8 requires the design of all development should result in well proportioned and balanced properties.

The main dwelling has an acceptable gabled roof design with two front hipped turret features. The design results in a well proportioned and well balanced property in line with the provisions of Policy H17 RDG8 and Policy EC2 of the adopted Local Plan.

RDG2 is concerned with space around buildings and requires new development to reflect the prevailing character of the area. As discussed previously the proposal provides beyond 3m between the proposed dwelling and the surrounding boundaries. The area is characterised by dwellings with substantial space around buildings. The setting of the proposed dwelling is considered to reflect the prevailing character of the area and no objection is raised under Policy H17 RDG2 of the adopted Local Plan.

RDG3 states that development which would result in excessive overshadowing or dominance to any elevation of an adjoining property will be refused. The proposed dwelling is some 90m from the boundary of the nearest residential property and therefore considered unlikely to result in excessive overshadowing or dominance to any elevation of surrounding residents. No objection is raised to the proposal under Policy H17 RDG3 of the adopted Local Plan.

RDG6 states that amenity space should cater for all the outdoor needs of all occupiers and that development involving individual dwellings should be provided with at least 15m² amenity space per habitable room. The property benefits from a retained amenity area beyond that required under Policy H17 RDG6 of the adopted Local Plan.

Policy T8 of the adopted Local Plan requires off-street parking to be provided in accordance with county parking standards which require a minimum of two spaces to be provided for properties with two or more bedrooms.

The proposal property requires a minimum of two parking spaces, and the site provides sufficient parking for the property.

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

Conclusion

The applicant seeks consent to replace the existing property on the application site.

The proposed replacement property is materially larger than the original dwelling and would consequently constitute an inappropriate form of development, which if allowed would be likely to have an adverse impact on the openness of the Green Belt contrary to Policy GB4 of the Adopted Local Plan and national policy as set out in National Planning Policy Framework (NPPF). The applicant has submitted that the dwelling may be extended, under permitted development and prior approval allowances, to a size larger than that proposed. However whilst that opportunity may exist the resultant poor design and layout strongly suggest that such a proposal is not a real prospect and this suggestion has therefore been afforded little weight. No special circumstances have been provided to overcome the policy objection.

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 reason:

1 The proposed development is situated within an area allocated for Green Belt purposes as defined in the Council's Adopted Local Plan, where development is only allowed in the most exceptional circumstances. The proposal, by reason of its scale, mass and form would result in a dwelling materially larger than the original dwelling and would consequently constitute an inappropriate form of development, which if allowed would be likely to have an adverse impact on the openness of the Green Belt. The applicant has failed to demonstrate any very special reasons why the proposal might exceptionally be permitted and in the absence of such very special circumstances approval of the proposal would be contrary to Policy GB4 of the Adopted Local Plan and national policy as set out in the National Planning Policy Framework (NPPF).

Informative

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

ITEM 7

Application Number:	14/0388/FUL
Address:	1st Canvey Sea Scouts Compound Adjacent Canvey Heights Country Park Canvey Heights Way Canvey Island Essex (Canvey Island North)
Description of Development:	Disabled toilet facility
Applicant:	Mr Ronald Wilding
Case Officer	Mrs Ishita Sheth

Summary

The proposal seeks to provide a disabled toilet facility building within the 1st Canvey Sea Scouts Compound, of Canvey Heights Way. The application is presented to the Committee as the land is within the control and ownership of the Council.

The principle of the provision of a toilet to a small storage facility associated with 1st Canvey Sea Scout is considered acceptable. The proposed development would satisfy Local Plan requirements in respect of design and the proposal is therefore recommended for APPROVAL.

Site Visit

It is recommended that Members visit the site prior to the determination of the application.

Introduction

The application relates to a site to the southwest of the Canvey Heights Country Park, adjacent to the boundary with Kings Park Homes Site. The site is currently used by the 1st Canvey Sea Scouts and is enclosed by a 2m to 4m high hedges and barbed wire.

The Proposal

It is proposed to provide a disabled toilet facility to serve the 1st Canvey sea scouts who use the site for storage purposes and as a base for other activities. . The proposed toilet block would be 1.7m wide and 2.6 m deep with a maximum height of some 3m. It would be located to the north/west of the existing building and constructed of rendered blockwork with a corrugated steel roof.

An 'L-shaped' ramp having a maximum width of some 2.6m and a depth of some 3.4m is proposed to the front of the proposed toilet to facilitate disabled access.

The facility would incorporate a 'portapotti' chemical toilet with a sink fed by an overhead water tank, housed within the structure.

Waste water from the sink is proposed to be fed into a receptacle, which is proposed to be emptied into the existing soakaway. The chemical toilet is proposed to be emptied off site.

Relevant Planning History

Planning permission for the siting of a storage container and the erection of a 2m high fence was granted on the application site in January 1989. This permission was granted for a temporary period of two years after which period both the container and the fence were to be removed from the site unless consent for a further period had been obtained. A temporary consent only was granted as it was considered that the proposal was an unsuitable use of land in the long term.

In 1991 temporary permission for a further two years was granted. In 1993, 1995 and 1997 permission was renewed again.

Following discussions with the applicant, it was determined that a further temporary consent would not be granted for the retention of the storage container and the applicant was encouraged to submit an application for a pitched roofed building on the site. Planning consent (Ref: CPT/214/99/FUL) for this structure was granted on the 25 May 1999.

An extension to this building was granted consent (Ref: CPT/459/07/FUL) in on 4th September 2007.

Local Plan Allocation

The site is located within an area allocated for Public Open Space and Green Belt purposes on the Council's Adopted Local Plan.

Relevant Government Guidance and Local Plan Policies

National Planning Policy

National Planning Policy Framework (NPPF)
Paragraphs: 73, 87, 88, 89 and 114

Local Plan Policies

EC2 – Design

Consultation

Environmental Health

No objection

Legal Services

The Council is the freehold owner of the site, unless the applicant has already done so it must obtain the formal consent of the Council as landlord to the proposed works. This is a separate requirement to that in relation to the application for planning consent.

Canvey Island Town Council

No comments received

Environment Agency

No objection. However advises that effluent must not be discharged from a chemical toilet into a watercourse, surface drain, the ground or groundwater.

Natural England

No comments received

Public Consultation

No responses received

Comments on Consultation Responses

None

Evaluation of Proposal

Paragraph 87 of National Planning Policy Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 88 of the NPPF states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Paragraph 89 states that the construction of new buildings inside a Green Belt is inappropriate unless it is for the following purposes:

- o buildings for agriculture and forestry
- o provision of appropriate facilities for outdoor sport and outdoor recreation, for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.
- o the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- o the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- o limited infilling in and limited affordable housing for local community needs under policies set out in the Local Plan; or
- o limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

One of the forms of development considered appropriate in the Green Belt is the provision of appropriate facilities for outdoor sport and outdoor recreation. The Sea Scouts have been located on this site for many years, it being an appropriate location given the need for the Sea Scouts to be located close to the lake on the Smallgains recreation ground. This need is retained. Given the context of the site and the guidance provided in the NPPF, the proposed toilet facility is considered to constitute a small scale facility essential to the execution of an outdoor sport and recreation and as such may be considered an appropriate form of development in the Green Belt. As such no objection is raised to the principle of such development on this site.

Policy EC2 seeks a high standard of design in order to ensure that any proposal is appropriate in its setting and does not harm the character and appearance of the area.

Paragraph 114 of the NPPF states that local planning authorities should maintain the character of the undeveloped coast, protecting and enhancing its distinctive landscapes and improving public access to, and enjoyment of, the coast.

The proposed toilet structure is of rudimentary design and simple materials however it reflects in style and design of the existing storage structures on the site. The proposed 'disabled' toilet would be screened by the existing building from the east and from views from the north and west by the hedges enclosing the site, as a consequence it would not harm the character and appearance of the area. Nor is it considered, given the limited scale of the building that it would adversely impact on the openness or rural character of the area or the coast. No objection is therefore raised to the proposal on the basis of Policy EC2 or the NPPF.

Paragraph 73 of the NPPF states that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.

The proposal clearly facilitates the use of land for sport and recreational purposes and as such is consistent with the spirit of Paragraph 73 of the NPPF. No objection is therefore raised to the proposal on this basis.

Whilst no objection is raised in respect of the provision of this toilet facility; concerns are raised in respect of the manner in which the disposal of foul water is proposed. It is not considered that the disposal of foul water by emptying it into a soakaway is an appropriate method of disposal, particularly given the proximity of the site to areas of ecological importance. Furthermore, whilst the applicant has stated that the chemical toilet would be emptied off site, no details of how this will be achieved have been provided. However, subject to a condition requiring the submission, approval and implementation of an appropriate means of disposing of waste water on the site and the disposal of other waste off site no objection is raised to the proposal.

Conclusion

The principle of the provision of a disabled toilet facility in connection with the existing recreational facility is considered acceptable in the context of Green Belt Policy and recreational policies.

Whilst the appearance of the building is somewhat rudimentary, it would be adequately screened from adjoining views and would have little harm on the character and appearance of the area.

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

My Recommendation is Approval with the following conditions

1 The development hereby permitted shall be begun on or before the expiration of five 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 Details of a suitable means of discharge of foul water from the toilet shall be submitted to, and approved by, the Local Planning Authority prior to the commencement of the development hereby approved. Any such scheme approved shall thereafter be implemented from first use of the proposed facility and permanently maintained as such thereafter.

REASON: To ensure that the proposal is provided with an adequate and appropriate means of foul water disposal.

3 All discharge of waste from the chemical toilet shall be undertaken off site and there shall be no disposal of waste or chemicals on the site whatsoever.

REASON: In the interests of the amenity of the site and surrounding area.

Informative

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

ITEM 8

Application Number:	14/0406/FUL
Address:	74 High Street Hadleigh Benfleet Essex SS7 2PB (St. James')
Description of Development:	Extension to temporary change of use from retail (A1) to community engagement and exhibition space (Sui Generis) for three years
Applicant:	Castle Point Borough Council
Case Officer	Mrs Ishita Sheth

Summary

Permission was originally granted in November 2010 for the change of use of a vacant retail unit in the Hadleigh Town Centre to use as an exhibition and community engagement venue associated with public consultation on the regeneration of Hadleigh. The use was proposed for a period of one year, to provide information to, and obtain the views and comments of, the general public, regarding the emerging Master Plan proposals for Hadleigh Town Centre; this consultation being carried out on behalf of Castle Point Borough Council. Consent to extend the period of use for a further three years was granted in October 2011.

This application seeks permission to extend the temporary use of the unit for exhibition and community engagement purposes for a period of three years.

As this application has been submitted on behalf of the Council it is presented to this Committee for determination.

Members should note that the proposed use is contrary to the provisions of the adopted Local Plan as it does not retain retail or service use within 'Class A' of the Use Classes Order on the site. However, in view of the overriding local circumstances and relevant past history, the proposal for continued use of the unit for these purposes on a temporary basis is considered acceptable. The proposal is therefore recommended for APPROVAL.

Site Visit

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

Introduction

The site is located on the southern side of High Street, some 36.7m west of its junction with Homestead Road. The site is 'L-shaped' having a frontage of some 6.2m and a maximum depth of some 20.7m. It is located within a terrace of two storey premises and was formerly used as a hairdresser's shop with residential flat above. The subject of this application is the ground floor shop.

The Proposal

Permission is sought by Castle Point Borough Council to continue to use the retail unit as a community and exhibition space in connection with regeneration proposals for Hadleigh Town Centre for a further period of three years.

Supplementary Documentation

No supplementary documentation was submitted in support of the application.

Relevant Planning History

CPT/464/11/FUL – Extension to temporary change of use from retail (A1) to Community Engagement Space (Sui Generis) for an additional three years. Approved on 6th October 2011.

CPT/560/10/FUL – Change of use to a regeneration shop.

CPT/1633/78 – Change of use from Launderette to shop was approved on 12th December 1978.

Local Plan Allocation

The application site is located within the Hadleigh Town Centre and is allocated for shopping purposes.

The site does not fall within a Primary Shopping Frontage.

Relevant Government Guidance and Local Plan Policies

National Planning Policy

National Planning Policy Framework: Paragraph 23 and Flood Risk

Local Plan Policies

S4 – Non-retail development

S5 - Parking and servicing

T8 – Parking Standards

Essex Car Parking Provision

Consultation

Neighbour Responses – None received

Evaluation of Proposal

The current proposal seeks consent for the use of the premises for a community and exhibition space in connection with regeneration proposals for Hadleigh Town Centre.

Such use is not consistent with the allocation of the site and should attract a recommendation of refusal. However, before determining the application it is incumbent on the Planning Authority to consider whether there are any circumstances which would justify a departure from the provisions of the Development Plan.

Government guidance as contained in National Planning Policy Framework states that Local planning authorities should plan positively, to support town centres to generate local employment, promote beneficial competition within and between town centres, and create attractive, diverse places where people want to live, visit and work. The Regeneration Shop represents a key element in the Council's plans for the achievement of these Government supported objectives.

The temporary use of the shop for consultation purposes in connection with the regeneration of Hadleigh is therefore entirely consistent with Government policy in respect of the regeneration of Town Centres.

Policy S4 of the adopted Local plan states that proposals for non-retail development falling within Classes A2, A3, B1, D1 and D2 of the Town and Country Planning (Use Classes) Order 1987, or any subsequent amendment of that order, will be permitted within town centres, outside primary shopping frontages.

The proposed use constitutes a sui generis use which does not fall within any of the Classes identified within Policy S4. The proposal is therefore contrary to policy and should therefore attract a recommendation of refusal. However consideration must be given to whether the proposal would compromise the purpose of the policies which seek to achieve a balance of uses within the Town Centre, supporting the shopping function of the area and extending the period of activity within the centre.

In the achievement of this objective the policies discuss the development of particular non-retail uses considered acceptable within the Town Centre.

The application site is not located within a Primary Shopping Frontage and non-retail activities within such secondary locations are considered acceptable in principle. Although it is recognised that sui generis uses are not specifically identified as acceptable within such areas, it should be noted that the use has operated from the site with no harm to the retail function of the Centre for some four years. This circumstance coupled with the previously identified need for the provision of a town centre venue for the dissemination of information to local residents in respect of the Council-supported initiative for the revitalisation of the town centre and consequent regeneration of Hadleigh, for which the application site is ideally located, speak strongly in favour of the continuation of the use on this site.

It should also be noted that the application premises is located in one of the quieter areas of the Town Centre where impact on existing shopping patterns would be limited and where additional pedestrian traffic may enhance local businesses.

Furthermore, the proposal is for a temporary period only, after which the use of the unit would revert to its former use. It is acknowledged that this proposal has been before the Committee before, and the proposal seeks to extend the time previously consented to; however provided that the use continues on a temporary basis only, it is not considered that the proposal would have an adverse impact on the long term viability of the Town Centre.

On the basis of these considerations, whilst acknowledging that the proposal represents a departure from the Development Plan it is not considered that a refusal on the basis of Policy S4 of the adopted Local plan could be successfully sustained at appeal. No objection is therefore raised under Policy S4 to the proposed change of use.

Policy S5 of the adopted Local Plan is concerned with providing adequate parking and services and states that in determining the extent of customer car parking provision to be made on site, consideration will be given to the proximity and usage of publicly accessible car parks.

Policy T8 requires the use of Essex Planning Officers Association Vehicle Parking Standards.

The existing unit has a floor area of some 103.3m² and has no available on site parking provision.

An A1 use on the site would require the provision of 6 car parking spaces. The proposed use for a community and exhibition space does not attract a specific standard for car parking and an assessment must therefore be made to determine a reasonable level of parking provision.

The proposed use offers an exhibition area where the members of public can come and view the proposals for the Hadleigh Town Centre and comment on them. This is considered to be not too dissimilar to a public exhibition hall in terms of level of activity. It is therefore considered reasonable to require the same level of car parking provision for the application site which is 1 parking space per 25m² of floor space. The proposal will therefore attract a requirement for 5 car parking spaces.

Although parking provisions in this location are limited, it should be noted that the site is located in the town centre, which has good public transport links and public car parks in close proximity. It should be also noted that the proposed use reduces the requirement from the retail use by 1 car parking space. Under these circumstances and in light of Government guidance which seeks to encourage the use of alternative modes of transport, it is not considered that a refusal on the basis of inadequate parking provision could be successfully sustained at appeal. No objection is therefore raised under Policy S5 and Policy T8 of the adopted Local Plan.

Conclusion

The proposed use, whilst representing a form of development which is contrary to the provisions of the Local Plan is consistent with Government guidance in respect of the regeneration of Town Centres and is considered to have wider local benefits that justify the granting of permission for a temporary period.

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

My Recommendation is Approval with the following condition:

1 This permission shall be for a temporary period of three years from the date of this decision, after which date the permitted use shall cease and the premises shall revert to their former use within Class A1 of the Town and Country Planning (Use Classes) Order 1987 (as amended).

REASON: The use is not acceptable on a permanent basis having regard to the location of the unit within a Town Centre where the need is to protect the retail function of the Centre in accordance with Policy S4 of the Council's Adopted Local Plan.

Informative

1 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.