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**Chief Executive**

## AGENDA

**Committee:** DEVELOPMENT CONTROL

**Date and Time:** Tuesday 3<sup>rd</sup> October 2017 at 7.30 p.m.

**Venue:** Council Chamber

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

**Membership:** Councillors Hart (Chairman), Smith (Vice Chairman), Acott, Anderson, Bayley, Blackwell, Cole, Mrs King, Mumford, Sharp, Taylor, Varker and Walter.

**Substitutes:** Councillors Ladzrie, Palmer, Mrs Sach and Mrs Wass

**Canvey Island Town Councillors :** Greig and Tucker

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

**Enquiries:** Cheryl Salmon, ext. 2454

### PART I (Business to be taken in public)

#### 1. Apologies

#### 2. Members' Interests

#### 3. Minutes

A copy of the Minutes of the meeting held on 5<sup>th</sup> September 2017 is attached.

#### 4. Public Speakers

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

## 5. Deposited Plans

The reports are attached.

|    | Application No | Address  | Page No |
|----|----------------|--|---------|
| 1. | 17/0639/FUL    | Land North West of Thorney Bay Field, Thorney Bay Road, Canvey Island (Canvey Island South Ward) | 1       |
| 2. | 17/0744/FUL    | 298 Rayleigh Road, Thundersley, Benfleet (Victoria Ward)   | 5       |

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**DEVELOPMENT CONTROL COMMITTEE**

**5<sup>th</sup> SEPTEMBER 2017**

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

Councillors Campagna, Palmer and Sach also attended.

Apologies for absence were received from Councillors Sharp and Walter.

**28. MEMBERS' INTERESTS**

There were none.

**29. MINUTES**

The Minutes of the meeting held on 1<sup>st</sup> August 2017 were taken as read and signed as correct.

**30. DEPOSITED PLANS**

**(a) 17/0555/FUL – LAND ADJ 81 MAY AVENUE, CANVEY ISLAND (CANVEY ISLAND SOUTH WARD) – ERECTION OF DETACHED DORMER BUNGALOW – MR DEAN BULLOCK**

The application sought permission for the provision of a single dwelling on part of a larger site that had previously been refused permission for two. It was considered that the scheme overcame the reasons why the previous appeal had been dismissed and did not raise any significant new issues. The proposal was therefore recommended for approval.

Consideration of the application had been deferred at the meeting on 1<sup>st</sup> August 2017 so that Members could view the appeal decision letter for a previous application (16/0336/FUL) on the site, receive a full report on the sequential test and consider the impact of the precedent that would be set by allowing this proposal on other similar areas of green space around Canvey Island.

Members had undertaken a site inspection prior to consideration of the application and a copy of the Planning Inspector's decision letter for 16/0336/FUL was attached to the report.

With regard to the sequential test the Planning Officer explained that the aim of the sequential test was to steer new development to areas with the lowest probability of flooding. Before an application could be sequentially tested the catchment area for the test must be decided. Whilst Members had previously

suggested that this should include Benfleet there were a number of reasons why this was not a suitable approach.

Firstly, as the whole of Canvey Island was in Flood Zone 3a (with the highest probability of flooding) and the only areas that were in Flood Zones 1 and 2 were on the “mainland” it would require Benfleet, Hadleigh and Thundersley to meet all of Castle Point’s housing growth needs. This was not suitable as there were limited opportunities for new housing in these areas due to various constraints such as the Green Belt. Furthermore, Canvey Island was a self-contained community with its own housing needs and if these were not met it could force residents to move off of the Island. Lastly, a lack of housebuilding on Canvey could have a detrimental effect in economic terms and reduce opportunities for employment.

The Planning Officer stated that taking these factors into account the boundaries of Canvey Island were considered to represent an appropriate catchment area for the sequential test. As the whole of Canvey Island was located in Flood Zone 3 there were no sequentially preferable sites for this development and the sequential test was considered to be passed.

With regard to the impact of the precedent that would be set if the proposal was allowed, the Planning Officer explained that some 15 other pieces of land with similar characteristics to the application site had been identified on Canvey Island. Those pieces of land had pedestrian access through them however they were not amenity green spaces and were not considered to be sufficiently commonplace across the Island to be described as a defining feature. The loss of this area could not therefore be said to set a precedent that would adversely affect the character and appearance of Canvey Island as a whole.

Furthermore, following an assessment of the locality, the Planning Inspector had stated in his appeal decision for the previous application that he did not consider these parcels of land to be a characteristic feature of the area and would not therefore amount to a valid reason for refusal.

With regard to previous concerns regarding the lighting of the adjacent footpath, the Planning Officer reported that the applicant proposed to install lighting bollards to illuminate the area. Whilst the applicant would be responsible for the installation of the lighting it was expected that the ECC Highways Agency would take over responsibility for the on-going maintenance. It was suggested that if the application was approved conditions should be added requiring details of the lighting to be submitted in writing to the local planning authority together with details of on-going maintenance for approval.

Mr Oliver and Mr Lee-Sang, local residents spoke in objection to the application.

Mr B Bullock, a representative of the applicant, spoke in support of the application.

Councillor Campagna, a Ward Member, spoke in objection to the application. In light of comments previously made by Members regarding surface water drainage the applicant had now submitted details for the provision of an

underground attenuation tank. The Planning Officer explained that if installed on public land this would need approval from Anglian Water. He further explained that the calculation in regard to the capacity of the tank would differ depending on if it was to be installed on public or private land. If on public land Anglian Water required the capacity of water storage to accommodate a 1 in 30 year flooding event, if on private land it would be a 1 in a 100 year event. The Chairman suggested that if approved a condition be added to ensure that the attenuation tank was provided on land within the applicant's control as this would result in a larger capacity for water storage.

During discussion some Members still felt that the application was not appropriate for this area and were concerned about the impact of the development on flooding locally even with the provision of an attenuation tank. It was also felt that despite the comments of the Planning Officer and Planning Inspector the loss of this area of greensward would be detrimental to the character and amenity of the area and would lead to future applications on similar pieces of land across the Island which would have a detrimental effect on the character of the Island as a whole.

Other Members stated that whilst they were also concerned that approval of the application would set a precedent for similar green space areas on Canvey Island they noted the comments of the Planning Inspector and Planning Officer that those parcels of land were not considered to be characteristic of the area and therefore the loss of this area of greensward would not be a justifiable reason for refusal. In light of this and that the Committee's previous concerns regarding flooding had been addressed they did not consider there was any other planning reason to refuse the application.

Following debate a vote was taken and there was an equality of votes for and against the recommendation of approval in the report. The Chairman used his casting vote in favour of the recommendation and it was:-

**Resolved** – That the application be approved subject to the following:

1. That conditions 4 and 5 in the Planning Officer's report regarding surface water drainage be amended to ensure that the proposed attenuation tank is built on land within the applicant's control and that the approved surface water details are implemented.
2. That additional conditions be added to ensure that details of the installation and on-going maintenance of the lighting to the footpath are submitted to the local planning authority for approval.

(Councillor Anderson requested that his vote be recorded against the decision)

Chairman

## ITEM 1

|                                    |   |
|------------------------------------|---|
| <b>Application Number:</b>         | <b>17/0639/FUL</b>  |
| <b>Address:</b>                    | <b>Land North West Of Thorney Bay Field Thorney Bay<br/>Road Canvey Island Essex<br/>(Canvey Island South Ward)</b> |
| <b>Description of Development:</b> | <b>Storage container</b>  |
| <b>Applicant:</b>                  | <b>Councillor Barry Alan Palmer</b>   |
| <b>Case Officer:</b>               | <b>Mr Keith Zammit</b>  |
| <b>Expiry Date:</b>                | <b>26.10.2017</b>   |

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### Summary

The application seeks permission for the siting of a storage container on the land. In all the circumstances it is considered that the proposal is acceptable and it is recommended that permission be GRANTED.

The application is presented to the committee because it involves development on Council-owned land and also because the applicant is Councillor Barry Palmer.

### Site Visit

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

### Introduction

The application relates to an area of Council-owned land at the edge of the area of parkland adjacent to Thorney Bay Car Park. It is within a belt of trees covered by TPO 22/96, which covers groups of Oak and Willow trees.

### The Proposal

Permission is sought for the siting of a storage container for use by Canvey Bay Watch, which is a local group of volunteers that look after and do work to Thorney Bay Beach so it can be enjoyed by all. Recent examples of this work include the painting of murals and the siting of benches. The application states that a facility for the storage of tools and equipment is needed, as these currently have to be stored at volunteers' homes.

The container would be 20' by 10' (6.096m by 3.048m) with a height of 8'6" (2.591m).

### Supplementary Documentation

None

### Planning History

None

### Local Plan Allocation

The site is allocated as Public Open Space in the Adopted Local Plan

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

National Planning Policy Framework

### Current Local Plan

EC2 – Design

EC7 – Natural and semi-natural features in urban areas

## **Consultation**

### Canvey Island Town Council

No comments received

### Highways

No objection subject to the condition that the public's rights and ease of passage over footpath No.5 shall be maintained free and unobstructed at all times.

### Legal Services

The application is on Council land however it is believed that it will be hidden from sight behind bushes. The placement of the container could cause an issue in relation to future proposals for the extension of Roscommon Way. Landowner consent has also not yet been sought which will need to be granted prior to the works.

## **Public Consultation**

No representations received

## **Comments on Consultation Responses**

The condition suggested by the highway authority is unnecessary because the Council, as the land owner, can incorporate such a requirement within any lease it grants to the applicant.

The proposed location for the container lies within the projected alignment of the extension to Roscommon Way as shown on the Policies Map in the New Local Plan 2016. This is indicated as a "Transport Improvement Area". Policy T5 of the withdrawn plan states that development proposals within or adjacent to Transport Improvement Areas will not be approved where they would prevent the delivery of, significantly reduce the effectiveness of or significantly increase the cost of delivering transport projects within the Transport Improvement Area.

This plan has now been withdrawn and therefore the extension of Roscommon Way from Haven Road to Western Esplanade is an aspirational goal rather than an adopted policy position of the Council.

That said, should the land be required for road construction in the future the Council, as land owner, could require the removal of the container without too great a degree of difficulty provided a suitable termination clause is incorporated in the lease.

The siting of the container is not, therefore, considered to represent significant hindrance to the delivery of the extension to Roscommon Way should this aspiration be realised, and would not represent a reason to refuse planning permission.

## **Evaluation of Proposal**

The main issues with this case are the visual impact of the container, together with any impact that it might have on the trees adjacent to it.

### *Visual impact*

Policy EC2 of the Local Plan requires a high standard of design in all new buildings. Whilst a container is not strictly a building, they can be relatively permanent structures with a comparable impact to a building therefore there is some logic in assessing the container in the same way as a building.

Policy EC2 is consistent with paragraphs 56 and 58 of the National Planning Policy Framework.

The container would have views of its ends screened to some degree by the existing vegetation. The container sides would, however, be visible from the adjacent park and from Thorney Bay Road across The Fleet. This is unattractive and there are limited opportunities for additional screening with vegetation, due to the proximity of the container to the path on one side and the fencing separating the park from The Fleet on the other. Views of the container are therefore something that would have to be accepted were permission granted.

It would be possible, however, to minimise the visual impact of the container by requiring it to be painted or coloured dark green, in a similar manner to the nearby housing for electrical infrastructure a short distance to the south west of the proposed container. This is a matter that can be made a requirement of the lease. Accordingly it is not considered that the visual impact of the container would be so detrimental that a refusal of planning permission would be warranted.

It would also be open to the Council as landowner to carry out additional planting to the south of the path to screen the container, if it so wished. This could not be made the subject of a condition as the land would fall outside of the application site. However, such requirements could, if considered necessary, also be made a requirement of the lease.

There is therefore no objection to the proposal on the basis of Policy EC2.

### *Impact on trees*

Policy EC7 of the Local Plan requires the retention and enhancement wherever possible of natural and semi-natural features within urban areas. The trees adjacent to the proposed container are considered to fall within this definition and are features which it is desirable to retain as they are some of the limited number of trees in an otherwise open and flat landscape. This has been recognised by the Council through the fact that they are covered by a Tree Preservation Order.

The site has been measured and it is apparent that the 6.1m long container will fit within the gap between the trees without requiring any branches to be removed however care will need to be taken when delivering the container to ensure that damage is not caused to the trees.

As the surrounding land is undeveloped it is not considered that any compaction of the soil arising from the siting of the container will have any significant effect on the health and longevity of the adjacent trees.



There is therefore no objection to the proposal on the basis of Policy EC7.

## **Conclusion**

The proposal, which is to be used to further the public's enjoyment of Thorney Bay Beach, is considered to be consistent with the land's allocation on the Proposals map of the 1998 Adopted Local Plan and, subject to the container being painted a suitable colour, felt not to be unduly harmful to the area in visual terms. Its siting by the protected trees is unlikely to have any adverse effect on the existing vegetation and it is therefore considered to be acceptable.

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

## **My Recommendation is Approval with the following conditions**

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

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

## **Informatives**

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

## ITEM 2

|                                    |   |
|------------------------------------|---|
| <b>Application Number:</b>         | <b>17/0744/FUL</b>  |
| <b>Address:</b>                    | <b>298 Rayleigh Road Thundersley Benfleet Essex SS7 3XB<br/>(Victoria Ward)</b>             |
| <b>Description of Development:</b> | <b>Single storey side &amp; rear extension and conversion of loft including rear dormer</b> |
| <b>Applicant:</b>                  | <b>Mrs Murrell</b>  |
| <b>Case Officer:</b>               | <b>Mr Robert Davis</b>  |
| <b>Expiry Date:</b>                | <b>17.10.2017</b>   |

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### Summary

The application seeks planning permission for the construction of a side and rear extension.

The proposal satisfies all policy and design guidance requirements and is recommended for APPROVAL.

The application is presented to the Committee at the request of Councillor Varker who has been approached by residents about how it may affect the street scene and surrounding area.

### Site Visit

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

### Introduction

This application relates to a site located on the eastern side of Rayleigh Road north of its junction with Balmerino Avenue. The site is regular in shape having a frontage width of some 14 metres and depth of approximately 36 metres. It is occupied by a semi-detached hipped roofed bungalow that has previously been extended to the rear.

The front garden is largely hard surfaced with vehicular access taken from Balmerino Avenue. The immediate side and rear of the dwelling are currently not landscaped but provide an area of potential amenity space. At the rear of the garden brick piers and a retaining wall have replaced the former garage and boundary fence. The applicant has advised that a pergola structure over the parking space is proposed to the area previously occupied by the garage.

### The Proposal

Permission is sought for construction of a single storey side extension, conversion of loft space to habitable accommodation with the addition of a flat roofed rear dormer, and a rear extension to the existing conservatory.

At ground floor the proposal provides a new bathroom, utility room and enlarged dining/kitchen area with roof lights above and an enlarged conservatory. At first floor the proposal provides a third bedroom and en-suite.

The side extension measures a maximum of 3.03m wide by 10.526m deep and the rear extension extends the depth of the existing conservatory by 1 metre. The rear dormer measures 5.7m wide. The external walls of the proposal are to be finished in white painted render with face brickwork

detailing to the bathroom window. The roof is to be constructed using concrete pantiles with felting to the dormer. Windows will be white UPVC.

## **Supplementary Documentation**

No additional information was submitted with the application

## **Planning History**

None of relevance

## **Local Plan Allocation**

The site is allocated for residential purposes in the Adopted Local Plan.

## **Relevant Policies and Government Guidance**

### National Planning Policy Framework

### Current Local Plan (Adopted November 1998)

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

### Residential Design Guidance

|      |                        |
|------|------------------------|
| RDG2 | Space Around Dwellings |
| RDG3 | Building Lines         |
| RDG4 | Corner plots           |
| RDG6 | Amenity Space          |
| RDG7 | Roof Development       |
| RDG8 | Detailing              |

## **Consultation**

No statutory consultees were notified of this application.

## **Public Consultation**

One response has been received which makes the following comments and observations:

- o Strongly object to dormer window in loft as this would look directly into bathroom and result in a loss of privacy to both parties
- o Would accept a Velux type window
- o Would accept a single storey side extension

## **Evaluation of Proposal**

### Design

Policy EC2 of the adopted Local Plan seeks a high standard of design in all proposals for alterations and extensions to existing buildings. Policy H17 states that in assessing the design

aspects of proposals for housing, the Local Planning Authority will have regard to its adopted Residential Design Guidance (RDG). This guidance is considered to be in compliance with the National Planning Policy Framework (NPPF).

RDG2 states that space around all new development should be informed by the prevailing character of space around dwellings. Where there is no clear pattern of development the space around a dwelling should be proportionate to the size of the dwelling, with at least 1m provided between the property and the boundary.

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

RDG4 requires all extensions and alterations to dwellings on corner plots to be articulated with fenestration.

RDG7 requires the design of any development to be compatible primarily with the dwelling but also to be informed by the prevailing character of development within the surrounding area and surrounding forms of roof development.

RDG8 states that the provision of detailing elements must be consistent with the overall architectural approach of the dwelling and their design and siting should be an integral part of the dwelling. They must not result in prominent, dominant, alien or incongruous features which detract from the visual appearance of the dwelling or the public realm. The design of all development should result in well-proportioned and balanced properties.

The side extension has been designed with a hipped roof and front window that is consistent with the overall architectural approach of the dwelling and is sympathetic in terms of its detailing. The new flank wall is shown to have two windows and a door, which is satisfactory in terms of RDG4.

Whilst the enlargement of the roof over the side extension would technically result in a loss of symmetry to the pair of semi-detached dwellings the overall profile of the roof shape would not be disrupted and as such its impact would not be readily noticeable or detrimental to the character and appearance of the pair of semi-detached dwellings.

The rear dormer is not unduly bulky and is provided with adequate roof verges to ensure that it does not dominate the rear roof plane of the dwelling.

In terms of space around the side extension it should be noted that the isolation spaces to the sides of the properties at 300 and 302 Rayleigh Road have already been infilled. As such there is no objection in principle to the application dwelling being extended in a similar fashion subject to its impact on the street scene in Balmerino Avenue.

The proposed side extension leaves some 2.5m of isolation space between its flank wall and Balmerino Avenue whereas the properties further east are set back between 8m to 9m from this highway.

However, it should be noted that the flank wall of the existing dwelling is already set forward of this building line by some 2.5m. Furthermore, the orientation of the application dwelling towards Rayleigh Road and existence of a hedge on the northern side of the access road behind the site means that its flank wall is not really viewed as part of this frontage. A mature hedge on the southern side of Balmerino Avenue already provides a sense of enclosure to this part of the street and the proposed side extension would not disrupt the character of this part of the street.

### Impact on neighbours

RDG5 deals with privacy and overlooking. A distance of 9m should be provided between first floor windows and the boundaries of the site.

An objection has been raised to the proposed based on the potential for overlooking and a loss of privacy. The proposed rear dormer contains two windows, one serving a bathroom and the other a bedroom.

These windows are located in excess of 13m from the rear boundary of the site, which is bound by a private access serving garages to the rear of 300-304 Rayleigh Road. Taking this access into account the proposed first floor windows would therefore be set back some 15.5m from the nearest neighbour.

Whilst it is noted that the window in the neighbour's flank wall serves a bathroom where a high degree of privacy is required the proposed dormer windows nonetheless significantly exceed the minimum requirements set out in RDG5. It is therefore considered that no unacceptable loss of privacy will occur to this neighbour and that the proposal is satisfactory in terms of this guidance.

Members' attention is drawn to the existing dormer to the rear of 290 Rayleigh Road, which has a similar relationship with its adjoining neighbour to that of the proposal.

With regard to the impact of the proposed extension to the conservatory on the adjoining neighbour, this dwelling has an existing conservatory on its rear elevation and it is estimated that the proposal would extend past this by no more than 2m, which is acceptable in terms of RDG3.

### Parking and amenity space

Policy T8 of the Local Plan requires the provision of parking in accordance with adopted standards. This is consistent with paragraph 39 of the NPPF which requires local planning authorities to set such standards to reflect local circumstances.

The adopted standards require the provision of a minimum of two parking spaces for properties with two or more bedrooms.

The proposal increases the number of bedrooms from two to three, however this does not result in a requirement for any additional parking provision to be made. Consequently the proposal raises no parking implications.

RDG6 states that individual dwellings should be provided with at least 15m<sup>2</sup> of amenity space per habitable room.

The proposal increases the number of habitable rooms from four to five, which requires a provision of at least 75m<sup>2</sup> of amenity space.

The application site, after implementation of the proposal would provide approximately 140m<sup>2</sup> of amenity space. This figure, which excludes the area at the end of the garden where parking provision is proposed, exceeds the minimum requirements set out in the Council's Residential Design Guidance in respect of amenity space.

## **Conclusion**

The proposal can be shown to be fully consistent with national and local policy. The design and appearance of the proposal is sympathetic to the host dwelling and its surroundings and considered to be satisfactory in all respects.

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

## **My Recommendation is Approval with the following conditions**

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

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

- 2 The materials used in any exterior work shall be of similar appearance to the materials used in the construction of the exterior of the existing dwellinghouse.

REASON: In the interest of visual amenity.

## **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.