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**Chief Executive**

## AGENDA

**Committee:** DEVELOPMENT CONTROL

**Date and Time:** Tuesday 4<sup>th</sup> July 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.

Canvey Island Town Councillors : Greig and Tucker

**Officers attending:** Rob Davis – Planning Development and Enforcement Officer  
Kim Fisher - Special Projects Officer  
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 6<sup>th</sup> June 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

Report of the Head of Regeneration and Neighbourhoods is attached.

	Application No	Address	Page No
1	17/0299/FUL	Land adjacent and to the rear of Forest House, Catherine Road, Benfleet (Boyce Ward)	1
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**DEVELOPMENT CONTROL COMMITTEE**

**6<sup>th</sup> JUNE 2017**

**PRESENT:** Councillors Hart (Chairman), Smith (Vice-Chairman), Acott, Anderson, Blackwell, Cole, Mumford, Sharp, Taylor, Varker, Walter, Mrs Wass, and Canvey Island Town Councillor Greig.

Councillors Campagna, Palmer, Riley and Sach also attended.

No apologies for absence were received.

The Chairman stated that the order of the agenda was being changed so that Agenda Item 5(4) 14/0620/FUL – Thorney Bay Park was considered first.

**1. MEMBERS' INTERESTS**

Councillor Sharp disclosed a Non-Pecuniary interest in Agenda Item 5(1) as shown under Minute No. 3(a) as the applicants were known to him and left the Chamber during consideration of this item.

Councillor Cole also took opportunity to state that he used to live in Jasmine Close which backs onto the site at Thorney Bay Park but that he no longer lived at that property.

**2. MINUTES**

The Minutes of the meeting held on 4<sup>th</sup> April 2017 were taken as read and signed as correct.

**3. DEPOSITED PLANS**

- (a) 14/0620/FUL – THORNEY BAY PARK LTD, THORNEY BAY ROAD, CANVEY ISLAND, ESSEX SS8 0DB (CANVEY ISLAND SOUTH WARD) – RESIDENTIAL DEVELOPMENT COMPRISING OF 89 DETACHED DWELLINGS AND 24 FLATS, INCLUDING ACCESS, LANDSCAPING AND ASSOCIATED FACILITIES – THORNEY BAY PARK LTD**

The development site comprised some 5.2ha of land within a wider application site extending to some 9.3ha located on the south side of Thorney Bay Road, within the Thorney Bay Camp site, on Canvey Island.

The application sought consent for the provision of 113 dwellings and associated infrastructure and in effect represented Phase 1 of a larger residential

development on some 27ha which was considered by Members in February 2013, and approved subject to the applicant entering into a S106 agreement, which had yet to be completed.

The Planning Officer reported that the current proposal satisfied all adopted spatial and policy requirements and subject to appropriate conditions and a further S106 Agreement to secure appropriate contributions towards, inter alia, affordable housing, open space provision and relevant infrastructure, the proposal was recommended for approval

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

During debate some Members raised concerns about the proposal due to the lack of infrastructure on Canvey Island, the impact on local services such as schools and the NHS, increase in traffic congestion, the proximity of the site to a hazardous installation, flood risk, and the detrimental effect it would have on wildlife in the area. A Member also questioned why there had been no pre-arranged visit to the site for the Committee.

In response the Planning Officer reported that it was considered that the site was well known by Members and therefore a site visit had not been necessary. A lack of infrastructure on Canvey Island was not a valid reason for refusal as the application was only required to meet its own needs. With regard to hazardous installations, the Health and Safety Executive (HSE) were the relevant expert body and they had raised no objection to the proposal. Natural England were the consultee with regard to wildlife and again had raised no objection.

Other Members felt that the proposal would be an improvement to the current site. It was noted that there had been no objection from the HSE and it was considered that the completion of Roscommon Way would help with traffic movement on the Island. A Member commented that whilst he was not particularly in favour of the design of the flats the proposal did maximise the space on the site.

Following the debate it was:-

**Resolved** – That the application be approved subject to the completion of a satisfactory S106 Agreement ensuring the provision of:

- (i) an appropriate level of affordable dwelling units on the site,
- (ii) improvements to local bus infrastructure,
- (iii) a Residential Travel Information Pack and Travel vouchers for each dwelling,
- (iv) indoor sports and recreation facilities and measures to ensure their future maintenance and management
- (iv) open space and landscaped areas and measures to ensure their future maintenance and management
- (vi) CCTV cameras and measures to ensure its future maintenance and management
- (vii) public realm works and public art, consistent with the provisions of

'Percent for Arts'

- (viii) an Apprentices Scheme and a Scheme for the employment of Local Businesses , and:

financial contributions towards:

- (ix) the improvement of flood defences,
- (x) improvements to the Inland Esplanade and Thames Estuary Waterside,
- (xi) the provision of appropriate educational facilities
- (xii) the provision of appropriate Adult social care & day care provision for adults
- (xiii) the provision of appropriate Youth services
- (xiv) the provision of appropriate library facilities

and that the Head of Regeneration and Neighbourhoods be authorised to grant permission subject to the conditions as set out in the Planning Officer's report.

Councillors Anderson and Blackwell requested that their vote be recorded against the decision.

Councillor Cole left the meeting after this item.

**(b) 17/0249/FUL – 30 HELLENDORRN ROAD, CANVEY ISLAND, ESSEX, SS8 7JA (CANVEY ISLAND EAST) – DEMOLISH EXISTING PROPERTY AND CONSTRUCT 1 No. DETACHED HOUSE WITH INTEGRAL GARAGE – MR TOM SANDERS**

The proposed development sought to replace an existing chalet bungalow with one 4 bedroomed chalet with attached part pitched part flat roofed garage. The proposal was considered to comply with the Council's adopted policies and design guidance and was recommended for approval.

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

Mr Hill, a local resident, spoke in objection to the application

Cllr Mrs Sach, a Ward Member, spoke in objection to the application.

During discussion Members noted the resident's concerns regarding privacy and overlooking and agreed that any approval should be conditional upon a requirement for obscure glazing to the first floor windows created in the roof of the rear elevation of the dwelling. In response to concerns regarding the height of the fence across the rear boundary it was suggested that the applicant be advised that the erection of a fence in excess of 2 metres above ground level would require the formal consent of the Local Planning Authority.

Following discussion it was:-

**Resolved** – That the application be approved subject to the conditions as set out in the Planning Officer's report and to include an informative the effect of which will prevent the applicant from erecting a fence, wall or other means of enclosure in excess of 2 metres without the formal consent of the local planning authority.

**(c) 17/0284/FUL – 20 OUIDA ROAD, CANVEY ISLAND (CANVEY ISLAND SOUTH WARD) – DEMOLISH EXISTING PROPERTY AND CONSTRUCT A PAIR OF SEMI-DETACHED HOUSES – LORD RESIDENTIAL LTD**

The applicant sought permission for the replacement of the existing bungalow on the site with a pair of semi-detached houses.

The proposal complied with all relevant residential design guidance. There were no objections from statutory consultees and it was not considered that there was a sustainable reason for refusing planning permission. It was therefore recommended that planning permission be granted.

The application was presented to the Committee at the request of Councillor Campagna, so that the Committee could consider whether the proposal would increase surface water flooding in the area.

Councillor Campagna, a Ward Member, spoke on the application to raise concerns about the impact the development would have on the surface water drainage system in the area.

During discussion Members recognised the issues with drainage in the area around the site and it was suggested that a condition be added to any approval the effect of which was that a surface water drainage scheme be submitted to the local authority for approval prior to the commencement of the development

Following discussion it was:-

**Resolved** – That the application be approved subject to the conditions as set out in the Planning Officer's report and an additional condition that a surface water drainage scheme be submitted to the local authority for approval prior to the commencement of the development

**(d) 17/0143/OUT – WAREHOUSE 54 BEECH ROAD, HADLEIGH, BENFLEET, ESSEX (ST JAMES' WARD) – DEMOLISH EXISTING BUILDINGS AND CONSTRUCT THREE/FOUR STOREY BUILDING COMPRISING OF 14 NO. 2 BEDROOMED APARTMENTS AND COMMERCIAL UNIT TO GROUND FLOOR – MR AND MRS R J HILL**

The application sought outline consent for the provision of 14 two bedroomed flats arranged across three floors above a commercial unit at ground floor. The

proposal provided three parking spaces to serve the commercial element and 15 spaces to serve the residential development. Amenity space for the flats was provided at first floor level.

The scheme constituted a departure from the Development Plan as the site was allocated for shopping purposes in the Adopted Local Plan.

The proposed development, by reason of its excessive scale, prominent siting, poor relationship with the adjoining development, obtrusive, dominant and cramped setting, adverse impact on the privacy and amenity of adjoining residents and lack of servicing facilities for the proposed commercial development, represented overdevelopment of the site, contrary to Government guidance as set out in paragraphs 58 and 60 of the NPPF, Policies S5, H9 and EC2 of the adopted Local Plan and RDG3 and 5.

In addition the proposal failed to make an appropriate contribution towards the provision of affordable housing, contrary to Policy H7 of the adopted Local Plan. The proposal was therefore recommended for refusal.

The application was presented to the Committee as the Agent was a relative of an elected Member.

Mrs Woodrow, a local resident, spoke in objection to the application.

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

During discussion Members stated that whilst they were in favour of development on the site and the principle of residential and commercial use in this area the current proposal was not suitable and agreed with the reasons set out in the Planning Officer's report. It was suggested that the applicant be invited to meet with the Chairman, Vice Chairman, Ward Members and officers to discuss a suitable scheme on this site.

Following discussion it was:-

**Resolved** – That the application be refused for the following reasons:

1. The proposed development, as shown on the submitted illustrative drawings, by virtue of its mass, scale and prominent siting would present an overdominant and incongruous feature in the street scene, alien to the character and appearance of Beech Road contrary to the provisions of paragraphs 56 -58 of the NPPF and policies EC2 and H9 of the adopted Local Plan.
2. The proposed development, as shown on the submitted illustrative drawings, by virtue of its mass and proximity to the western and southern boundaries of the site, fails to achieve an appropriate setting for the building and results in a building of cramped appearance, out of character with the setting of adjoining development, including adjoining flatted development.

The inability of the scheme to demonstrate an appropriate setting for the quantum of development sought demonstrates that the scheme represents overdevelopment of the site contrary to paragraph 58 of the NPPF, Policy EC2 of the adopted Local Plan and RDG2 and 3.

3. The proposed development, by reason of the provision of a first floor garden terrace and windows and balconies in the eastern elevation at second and third floor level and a window in the western elevation at second floor level, would result in significant overlooking of the adjoining properties to the detriment of the privacy and amenity of the adjoining residents, contrary to Policy EC2 and RDG5. It is considered that the need to rely on a significant number of windows and balconies in the side elevations of the proposed building, overlooking adjoining properties demonstrates that the proposal represents overdevelopment of the site.
4. The proposed development fails to make adequate provision for on-site servicing of the commercial element of the proposed scheme. As such it is considered that commercial vehicles visiting the site would be likely to stop on the highway, to the danger and inconvenience of local residents and the detriment of traffic flows, contrary to Policy EC2 of the adopted Local Plan. The inability of the proposal to satisfactorily accommodate servicing arrangements is considered to demonstrate that the scheme represents overdevelopment of the site.
5. The proposal fails to demonstrate the provision of adequate, safe and convenient refuse and recycling storage facilities for the residential and commercial elements of the proposal, contrary to RDG13.
6. The proposed scheme is clearly capable of providing 15 units which would attract a requirement for a contribution towards affordable housing provision in accordance with Policy H7 of the adopted Local Plan. The applicant has however amended the scheme through the device of removing a number of internal walls to secure 14 units on the site. Such amendment is considered to be an attempt to avoid the payment of an appropriate contribution. The lack of affordable housing provision is contrary to Policy H7 of the adopted Local Plan.

Chairman

**ITEM 1**

<b>Application Number:</b>	<b>17/0299/FUL</b>
<b>Address:</b>	<b>Land Adjacent And To The Rear Of Forest House Catherine Road Benfleet Essex SS7 1AR (Boyce Ward)</b>
<b>Description of Development:</b>	<b>6No. detached dwellings with garages, access road and associated amenity space</b>
<b>Applicant:</b>	<b>JP And MJ Gatrell Partnership</b>
<b>Case Officer</b>	<b>Mr Keith Zammit</b>
<b>Expiry Date:</b>	<b>28.06.2017</b>

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**Summary**

The application seeks permission for the erection of six houses on this undeveloped site. It is considered that this would be an unacceptable development due to the site being located in the Green Belt and also because of the impact on local ecology. The application is therefore recommended for REFUSAL.

The application is presented to the committee at the request of Councillor Hart.

**Site Visit**

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

**Introduction**

The application relates to a site with frontages to Catherine Road and Rhoda Road, within an area of sporadic residential development. The site was until quite recently wooded. However, during 2016 tree clearance took place on the site so it now has the appearance of a meadow rather than woodland. The trees on the site were not covered by a preservation order but a felling licence from the Forestry Commission should have been obtained before undertaking the works. The landowner has now been served with a restocking notice. The site retains its inclusion on the list of Local Wildlife Sites within Castle Point District (CPT9 – Kents Hill Wood).

The site is on sloping ground, with the land sloping down from Catherine Road in a westerly direction towards Rhoda Road.

**The Proposal**

Permission is sought for the erection of six dwellings on the land. Four of these have access from Catherine Road and two from Rhoda Road. The dwellings would have between four and six bedrooms. Detached garages and external car parking areas are provided for each of the dwellings.

The dwellings would be finished externally with a mixture of red face brickwork and render under a slate roof. Vehicular access would be constructed with a permeable surface.

**Supplementary Documentation**

The application is accompanied by a preliminary ecological appraisal which is available to view on the council's website.

## **Planning History**

None

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

### National Planning Policy Framework

Paragraphs 56-58 (Requiring good design), 87-89 (Protecting Green Belt land) 118 (Conserving and enhancing the natural environment)

### Current Local Plan

EC2 – Design  
T7 – Unmade roads  
T8 – Parking standards

### Residential Design Guidance

RDG1 – Plot size  
RDG2 – Space around dwellings  
RDG3 – Building lines  
RDG5 – Privacy and living conditions  
RDG6 – Amenity space  
RDG7 – Roof development  
RDG8 – Detailing  
RDG13 – Refuse and recycling storage

## **Consultation**

### Natural England

No bespoke comments offered, although advises that the proposal is unlikely to affect any statutorily protected sites.

### Environmental Health

Comment offered relating to noise and dust suppression measures during construction.

### Forestry Commission

A restocking notice has been issued on this site following the unlicensed felling of trees.

### Highways

No objection subject to conditions

### Refuse and Recycling

In respect of plots 1 to 4, either the developer will need to give the Council permission to drive into the private road to collect the waste, or waste will need to be presented at the junction of the private road and Catherine Road. Plots 5 and 6 can be by kerbside collection.

### Essex Wildlife Trust

No comments received

## **Public Consultation**

The objection comments that have been received cover the following points:

- o Land has been illegally cleared of trees

- o Impact on badgers – the police were involved when the site was cleared
- o Unmade road
- o Green Belt
- o Impact on traffic on Bread & Cheese Hill
- o The houses will not be affordable
- o Loss of trees and woodland
- o Disruption from construction traffic
- o Impact on infrastructure such as schools, doctors and hospitals
- o Detrimental to the condition of private road
- o Overbearing to neighbouring property
- o Overlooking neighbouring property
- o Proposed properties not in keeping with the road

### **Comments on Consultation Responses**

- o The proposed development is not of a scale where there would be a requirement to provide or make a contribution to the provision of affordable housing
- o Disruption from construction is transient and cannot form a reason for refusal otherwise no new development would take place
- o The development is minor in scale therefore the planning authority would not consult providers of education and healthcare
- o Catherine Road is a private street rather than a private road. A private street is a non-maintainable public highway and vehicles cannot be prevented from driving along it.
- o The refuse collection issue is noted, but it does not appear that the collection of refuse will be an impediment to this development.
- o The developer can be required by planning condition to make good any damage to the highway should the proposal be approved.
- o Other planning matters are discussed in the evaluation of the proposal.

### **Evaluation of Proposal**

The main issues with this application are the principle of residential development, ecological issues, the design, impact on surrounding residential occupiers and highway issues.

#### *Principle*

The application site formed part of a larger allocation of housing land in the Council's Draft New Local Plan of 2014. This allocation was amended in the New Local Plan of 2016, which was submitted for examination, so that the application site was no longer included. Although the New Local Plan has been withdrawn the site retains its existing Green Belt designation.

The National Planning Policy Framework (NPPF) states at paragraph 89 that the construction of new buildings within a Green Belt is to be viewed as inappropriate development unless it is for a limited number of specified purposes. These exceptions include limited infilling in villages and limited affordable housing for local community needs under policies set out in the Local Plan.

The site is located in an area of sporadic development between the urban areas of Benfleet and Thundersley. It is not considered to be in a village. A village is a community in a rural area that is smaller than a town. In more recent times, it has also come to refer to a self-contained district within a town or city. The application site is not considered to be located within either such area. It is located in a green gap that is bordered by urban areas.

Another exception is limited infilling (not in villages) or the partial or complete redevelopment of previously developed sites. Neither the NPPF nor the Local Plan set out what might be

considered to be limited infilling. In the Council's view, however, infill development is generally regarded as the completion of an otherwise substantially built up frontage of several dwellings that are visible within the street scene, by the filling of a narrow gap.

With frontages of some 40m and 28m, it is not considered that this site could be described as narrow.

Although there are buildings to the north of this site, to the south is woodland. The site does not have the appearance of having a built up frontage either side of it. It is not considered that the development amounts to "limited infilling" as provided for in the NPPF.

The site is not previously developed land.

The application is not accompanied by any undertaking to transfer the property to a Registered Provider of Affordable Housing, nor are there any policies in the Local Plan for the provision of affordable housing on this site.

In the light of the above the proposal does not satisfy any of the exceptions set out under paragraph 89 and is considered to amount to inappropriate development within the Green Belt.

Paragraph 87 states that inappropriate development should not be approved except in very special circumstances. Those circumstances will not exist unless the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations.

The applicant has made a late-stage submission of a supporting statement which puts forward two very special circumstances:

- o The absence of a five-year housing land supply
- o The site is geographically well-associated with an existing settlement and not remote

With reference to the presence or otherwise of a five-year housing land supply, which councils are required to be able to demonstrate by paragraph 47 of the NPPF, it should be noted that in a recent appeal decision from the Secretary of State relating to a new housing development on land south of Jotmans Lane (CPT/122/13/OUT) whilst Castle Point Borough Council could only demonstrate a housing land supply of between 0.4 and 1.1 years, this, together with other considerations weighing in favour of the scheme, was not thought to outweigh the harm to the Green Belt, and did not amount to very special circumstances. This is consistent with the Written Ministerial Statement confirming the Government's policy that subject to the best interests of children, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt, and any other harm, so as to establish very special circumstances.

The applicant's argument of unmet need does therefore not constitute a very special circumstance.

The premise that the site is geographically well-associated with an existing settlement and not remote is an interesting one, however, in the view of officers it is urban fringe sites such as this which are particularly vulnerable to development but which are important to retain in fulfilling the purposes of the Green Belt as set out in the NPPF, e.g. to check the unrestricted sprawl of large built-up areas and to assist in safeguarding the countryside from encroachment.

It is not considered that the geographical location of the site in close proximity to an existing settlement amounts to a very special circumstance. Quite the contrary.

The local planning authority is not aware of any other circumstances which might be capable of providing justification for the development.

Although there is a scattering of buildings in this area, the general character of the area is open and the application site performs well in terms of preventing the further coalescence of the built up areas of Benfleet and Thundersley, to the west and east respectively. The provision of dwellings on this land, no matter how sensitively designed, would result in the further coalescence of settlements and therefore be clearly at odds with the purposes of the Green Belt as set out at paragraph 80 of the NPPF.

### *Ecology*

Paragraph 118 of the NPPF sets out a hierarchical approach to considering the impact of development on biodiversity. If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

Paragraph 118 goes on to say that planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.

The ecological appraisal that has been submitted with the application acknowledges that tree clearance took place early in 2016 and goes on to assess the site on the basis of its current state (February 2017). It draws the conclusion that the development could proceed with minimal impacts to wildlife and habitats, provided that various mitigation measures are followed. This approach is considered flawed.

The trees were removed without the necessary licence from the Forestry Commission, and the site is subject to a restocking notice. In time, the site is therefore capable of returning to woodland. As noted in the foreword to the NPPF, Green Belt land that has been depleted of diversity can be refilled by nature. The denuded state of the land should not therefore be a factor in assessing the impact of the proposed development on the site's potential for biodiversity.

Much of the former woodland is part of a designated local wildlife site CPT9 Kents Hill Wood. This designation also covers the remaining woodland to the south. The applicant's planning statement erroneously asserts at 4.26 that the Council sought to designate the site as a Local Wildlife Site in its Draft New Local Plan and the site is "not designated at present and not covered by any other problematic environmental restrictions". That is not correct; the Local Wildlife Site designation existed before preparation of the Draft New Local Plan.

The Castle Point Borough Council Local Wildlife Sites Review 2012 states that there is good evidence that this wood has existed since at least the mid-18<sup>th</sup> Century, although it cannot categorically be proven to be ancient. Whatever the outcome of any debate about whether the woodland is ancient, it is clear that it is of value to wildlife, notwithstanding the loss of approximately one-third of its area to the aforementioned tree clearance.

The wider locality is a patchwork quilt of wooded areas which are considered beneficial to the ecology of the area. The loss of part of Kents Hill Wood resulting from the proposed development has not been considered by the applicant's ecological appraisal. The site should be appraised from the starting point of it being wooded as the site is subject to a restocking notice and will in time return to its former condition.

The Council's Local Wildlife Sites Review 2012 noted that the woodland as it then stood was pressed on all sides by housing and suffered from typical misuse such as the dumping of garden waste from adjoining properties. There is no reason to suppose that the construction of new housing development on part of the woodland would not intensify this pressure on it.

It has been alleged that there is badger activity on the site. The local badger protection group has submitted a representation in which they say that active badger setts were interfered with when the tree clearance took place, with the police being called. However, no charges were brought.

Whilst badgers and their setts are protected by the Protection of Badgers Act, their wider foraging grounds are not. Although badgers may have been seen on the site this does not mean that there is a sett there.

This is confirmed by the applicant's ecological appraisal, prepared by a qualified ecologist, who had full access to the site unlike the local badger protection group and did not find evidence of badger setts.

The local community are clearly concerned about the impact of the proposed development on badgers in the area, but the evidence available to date does not support the presence of badger setts on the site. As such, it is not considered that a reason for refusing permission on this basis could be robustly defended on appeal.

Nevertheless, officers remain opposed to the development on the basis of the loss of woodland and its ecological value, which has not been properly assessed, and the additional pressure that this would place on the remaining woodland.

### *Design*

In design terms, were this site not located within the Green Belt, the general appearance and layout of the development is considered to be sympathetic to the surrounding area. The dwellings would be closer to Rhoda Road than the existing property at Hawthorn Cottage, but as there is no strong building line in the area, it is not considered that this would be intrinsically harmful. The proposed building line to Catherine Road is satisfactory. There are therefore no objections to the proposal on the basis of Policy EC2, RDG1, 2, 3, 6, 7 or 8.

### *Impact on surrounding residential occupiers*

The proposed dwellings are not considered to be situated in such close proximity to existing properties that they would be unduly dominant or obtrusive. Therefore there is no objection on the basis of RDG3.

The dwellings are located on a sloping site which might give rise to a perception of overlooking by the occupiers of Hawthorn Cottage because of the elevated position of the dwelling on plot 4. However, the depth of the rear garden meets the Council's design guidance and as sloping ground is a feature of this area generally, not something unique to the site, is not considered that a refusal of the application on this basis could be sustained on appeal.

Plot 1 and 3 fail to fully comply with the minimum standards set out for privacy and living conditions under RDG5 but given that these windows are orientated towards undeveloped land to the south of the application site there would be no actual loss of privacy to any adjoining neighbours.

At plot 2, it has been noted that roof lights at second floor level facing north may give rise to loss of privacy to occupiers of Forest House. However, were Members minded to approve the application

this is easily resolved by moving the roof lights to the south facing roof slope. This is a matter that could be dealt with by condition.

No objection is therefore raised to the proposal on the basis of RDG5.

### *Highway issues*

The proposed development is considered to make satisfactory off-street parking provision so there is no objection on the basis of Policy T8.

The development would require access over unmade roads. In the case of Catherine Road, this is a private street which is a non-maintainable public highway. Vehicles cannot be prevented from driving along it, notwithstanding the sign at the junction with London Road which suggests that only residents' vehicles are allowed.

The situation with Rhoda Road is a little different, this part of Rhoda Road is a private road where there is no right of driving vehicles. It would therefore be for the developer to ensure that occupiers of the new dwellings on plots 5 and 6 have access to their properties.

It is noted from the representations received that some local residents feel that the proposal would further worsen existing highway conditions on Bread and Cheese Hill by introducing further traffic movements. It must be noted that the highway authority has raised no objection to the proposal on this basis. In the absence of such an objection from the highway authority, the local planning authority could not support an objection to the proposal on this basis at an appeal.

It is not considered that there may be an objection to the proposal on the basis of its impact on the highway network.

Policy T7 states that in all applications for the intensification of development served by unmade roads the Council will seek appropriate improvements to the highway.

Should Members be minded to approve the proposal it would inappropriate for the highway fronting the development to be made up to adopted highway standards as this would urbanise the appearance of this part of the Green Belt where the existing roads are far more rural in character. A more suitable approach would be to require the highway outside the application frontages to be upgraded to match the existing appearance of Catherine Road and Rhoda Road only where it is necessary. This is a matter that can be dealt with by condition.

### **Conclusion**

The proposal has been found to have no significant adverse impact on the amenity of neighbours and is acceptable in terms of parking provision and highway issues. However, the ecological report has not taken into account the tree replanting notice issued by the Forestry Commission and therefore does not represent a sound basis by which to assess the impact of the development on the ecology of the area. Furthermore there is an objection in principle to the development on Green Belt policy grounds.

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 proposed development is situated within an area of Green Belt as defined in the Council's Adopted Local Plan, where inappropriate development is allowed only in very special circumstances. The proposal constitutes an inappropriate form of development which, if allowed, would be likely to have an adverse impact on the character, openness and strategic function of the Green Belt. The applicant has failed to demonstrate any very special circumstances to justify why the proposal might exceptionally be permitted and the proposal is therefore contrary to Government guidance as contained in the National Planning Policy Framework.
- 2 The applicant's assessment of the ecological impact of the development has not taken into account the tree replanting notice issued by the Forestry Commission following the loss of woodland arising from unlicensed tree felling. It therefore does not represent a sound basis on which to judge the ecological impact of the proposal. Accordingly it has not been demonstrated that the development would not result in significant harm to the ecology of the area in accordance with Government guidance as set out in the National Planning Policy Framework.

### **Informatives**

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

**ITEM 2**

<b>Application Number:</b>	<b>17/0333/FUL</b>
<b>Address:</b>	<b>Forest House Catherine Road Benfleet Essex SS7 1AR (Boyce Ward)</b>
<b>Description of Development:</b>	<b>Second floor extension to create 2No apartments including front extension to form new lobby and stairwell and other external alterations</b>
<b>Applicant:</b>	<b>Mr E Jakob</b>
<b>Case Officer</b>	<b>Mr Keith Zammit</b>
<b>Expiry Date:</b>	<b>05.07.2017</b>

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**Summary**

Although the latest scheme provides an acceptable level of parking provision and would not result in any unacceptable loss of privacy to neighbours its design is considered to be out of character with its surroundings. The proposal is also unacceptable in Green Belt policy terms. The application is therefore recommended for REFUSAL

The application is presented to the committee in view of the site's planning history and consideration of earlier schemes by the committee.

**Site Visit**

It is not considered necessary for Members to visit the site prior to considering this application.

**Introduction**

The site forms part of an area of Green Belt with significant changes in topography where there is a general scattering of buildings. There are new blocks of flats to the north fronting London Road, which are in the latter stages of construction. There is existing residential development to the east. To the south and west of the site is undeveloped land.

The site takes direct access from Catherine Road, an unmade road, and is currently occupied by a two storey, dual-pitched roofed building with a single storey rear extension, providing four flats. Garages and amenity space are located to the rear of the site. The garages have no hard surfaced access, the area being grassed, and show no sign of wear from vehicles. Furthermore the presence of rotary clothes airers in this location would suggest that the garages are not used for the purpose of car parking at the present time.

**The Proposal**

This application is a revised scheme seeking consent for an additional two one-bedroomed flats to the roof of the existing building. The height of the building would be increased from 9.4m to 12.7m through the addition of a new higher roof containing dormer windows and roof lights. Dark anthracite coloured cladding is proposed to the new external walls and the existing roof tiles would be re-used. An enclosed stairwell addition to the front of the building is shown largely glazed and finished with white render to match the existing property.

A hard surface using Envirotrack plastic paving with gravel infill is to serve the existing garages at the rear of the site and 6 new parking spaces.

The existing four flats at ground and first floor level would remain unaltered.

## Supplementary Documentation

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

## Planning History

CPT/753/91 – Addition of two bedroomed flat by formation of pitched roofed third storey with balcony, and a first floor rear extension to provide additional bedrooms. Refused on 11<sup>th</sup> September 1991 on Green Belt and design grounds.

CPT/753/90 – First floor flat roofed rear extension and pitched roofed second floor extension to provide additional bedrooms to existing first floor flats and the formation of a new penthouse flat. Refused on 12<sup>th</sup> September 1990 on Green Belt grounds.

15/0945/FUL – Loft conversion to create 2No. 1 bedroom apartments with rear internal staircase, external link bridge across driveway and external access stair. Refused 1<sup>st</sup> March 2016 for the following reasons:

1. The proposed development is situated within an area of Green Belt as defined in the Council's Adopted Local Plan. The proposed works would result in an inappropriate form of development in the Green Belt and if allowed would cause harm to the Green Belt, and have an adverse impact on the openness, character, appearance and strategic function of the Green Belt. The applicant has failed to demonstrate any very special circumstances why the proposal might exceptionally be allowed and the proposal is therefore contrary to guidance as set out in the National Planning Policy Framework.
2. The proposed development, by reason of the contrived design of the proposal and the poor alignment of the fenestration on the front elevation, represents a poor form of development, detrimental to the character and appearance of the building and the surrounding area and inconsistent with the aims of the National Planning Policy Framework in respect of achieving high quality design in all housing proposals.
3. The proposed development, by virtue of the proximity of the proposed staircase and bridge to the northern boundary of the site and the windows serving bedrooms at ground and first floor level in the northern elevation of the building, would result in significant adverse overlooking of the occupiers of the adjoining land and the existing flats, to the detriment of the privacy and amenity such occupiers should reasonably expect to enjoy, contrary to RDG5 of the adopted Residential Design Guidance and Government advice as contained in the National Planning Policy Framework.
4. The proposed development, by reason of the proximity of the proposed car parking bay to the rear of the existing building to the bedroom window serving Flat 1, would be likely to result in undue noise and disturbance to the occupiers of that property, contrary to Policy EC3 of the Council's Adopted Local Plan and Government guidance as contained in the National Planning Policy Framework (NPPF).

16/0216/FUL – second floor extension to create new three bedroom apartment with the inclusion of a rear access staircase and external access stair. Replacement roof to single storey lean to and alterations to fenestration. Refused 8<sup>th</sup> June 2016 for the following reasons:

1. The proposal, by reason of its design and modern appearance is considered to be out of character with the existing building and the surrounding area to the detriment of the visual

amenity of neighbours and passersby, contrary to Policy EC2 of the Council's Adopted Local Plan and guidance contained in the National Planning Policy Framework.

2. The proposed external staircase is considered to provide a poor form of access for future occupiers of the new dwelling, and be a poor design feature added to the existing building which would result in overlooking and a loss of privacy to other occupiers of the building and be detrimental to the character and visual amenity of the surrounding area contrary to RDG5 of the Council's Adopted Residential Design Guidance, Policy EC2 of the Council's Adopted Local Plan and guidance as contained in the National Planning Policy Framework.
3. The windows to the bedrooms on the north and south elevations of the proposed development fail to provide adequate isolation to the adjoining boundaries of the site and would result in neighbours being overlooked and suffering a loss of privacy.

This matter could not be overcome by reasonable planning conditions regarding the obscure glazing and fixing shut of the windows as this would provide no outlook from these bedrooms and provide them with limited natural light and ventilation, resulting in the creation of poor living conditions for the occupiers of the proposed development, contrary to RDG5 of the Council's Adopted Residential Design Guidance and Government Guidance as expressed in the National Planning Policy Framework.

An appeal was lodged and subsequently dismissed, however the inspector only agreed with the Council on reasons 1 and 2. It was not felt that any undue overlooking would occur from the provision of side windows.

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

### National Planning Policy Framework

#### Paragraphs

47 to 52 (Delivering wide choice of homes)

87 to 89 (Green Belt)

56 to 68 (Good Design)

### Current Local Plan

EC2 – Design

EC3 – Residential amenity

### Residential Design Guidance SPD

RDG5 – Privacy and Living Conditions

RDG6 – Amenity Space

RDG7 – Roof development

RDG8 – Detailing

## **Consultation**

No statutory consultees notified of this application.

## **Public Consultation**

Objections have been received that cover the following points:

- o The distance between Forest House and adjoining land has been misrepresented, it is approximately 2m and not 6m as shown on the plans. Furthermore the proposal will overlook the adjoining land, which is currently the subject of an application for residential development.
- o Loss of outlook from and light to nearby property
- o Design not in keeping with the surroundings
- o Would tower above neighbouring trees and properties
- o More parking problems
- o Additional traffic using the junction onto Bread and Cheese Hill
- o Further noise and disruption from construction – nearby flats have been under construction for a number of years
- o Noise and disruption for existing residents of Forest House who will be living here while the building work takes place
- o Loss of light to existing flats from stair construction
- o Parking will be right outside the window of flat 4 (*assume this is meant to say flat 1, as flat 4 is a first floor flat*)
- o Unclear whether existing garages are proposed to be rebuilt or left as open parking spaces

Comments have also been received in support as follows:

- o Will improve the building structure and surrounding communal area as the site has been in continued decline for a number of years
- o The plans for the additional flats and parking facilities are well-thought out
- o Would bring Forest House up to par with the new flats being built at the bottom of Catherine Road

### **Comments on Consultation Responses**

- o The comment relating to the boundary is noted, however this proposal does not seek to increase the footprint of Forest House in a southerly direction, so it is not considered to be material to the consideration of this case. The impact of the proposal on neighbouring residents is considered in the evaluation of the proposal.
- o Whether the existing occupiers of Forest House remain in their flats during the building work is a matter between the flat occupiers or owners and the freeholder of the building. Officers advise that this would not be capable of forming a strong reason for refusal of the application.
- o The front staircase construction would likely be visible from the windows of the existing flats but it is not felt that this would have such a significant adverse effect on light to or outlook from existing flats that it would amount to grounds to refuse this application.
- o The expanded car parking facilities may result in extra traffic accessing the site, but it is not considered that this traffic would be so heavy that ground floor flats would suffer severe detriment from additional activity. It must also be remembered that existing flat dwellers will benefit from the upgraded parking facilities. If the parking space closest to the back of the building was allocated to flat 1, it is considered that this would suitably address the issue of parking being close to that flat, but how the parking is allocated (if it is allocated) is ultimately a matter for the building owner.

### **Evaluation of Proposal**

The main issues with this application are whether it would be appropriate development in the Green Belt, whether it would be of a satisfactory design, the impact on existing residential properties in the area, and whether satisfactory car parking provision would be made.

## *Whether appropriate development in the Green Belt*

The first application (of recent times) in 2015 for an additional storey of accommodation to the building increased the height of the building by 2m from 9.4m to 11.4m and was deemed to be inappropriate development in the Green Belt.

The second application in 2016 was reduced in size and only increased its height by 0.2m, from 9.4m to 9.6m. However, the development was refused for design reasons.

The current scheme seeks an increase in height of 3.3m from 9.4 to 12.7m, which is higher than the first scheme.

The change of roof design from a twin to single gabled building together with an increase in eaves height from 6.7m to 7.8m adds bulk to the appearance of the building which, together with the previous single storey rear extension, is felt to amount to a disproportionate enlargement of it and thus inappropriate development in the Green Belt. Very special circumstances to outweigh the harm by reason of inappropriateness, and any other harm, must therefore be demonstrated in order for the development to be permitted.

No very special circumstances have been put forward by the applicant. The Council's officers are unaware of any circumstances that might be described as special, let alone the very special circumstances necessary to justify inappropriate development. There is therefore an objection to the proposal on Green Belt policy grounds.

## *Design*

At 12.7m in height the proposed scheme is highest of all three schemes that have been put forward on this site.

Although the site to the north at 408 London Road has now had blocks of flats built on it, the ones immediately adjacent to Forest House (blocks four and five in that scheme – 15/0696/FUL) have a height of only 10.5m, which is the highest on that site. A building with a height of 12.7m and three storeys is likely to be a dominant and obtrusive feature in relation to the surrounding area, particularly as it is located on rising land. It would also be in sharp contrast to the more modestly proportioned dwellings on the opposite side of Catherine Road.

The raising of the eaves height would also exacerbate the bulkiness of the roof form and cause the dwelling to appear awkwardly proportioned, an effect magnified by the use of the proposed materials on the external elevations. The use of a single gabled rather than a twin gabled roof is considered to create a disproportionately large, bulky and obtrusive roof, which would make the building top heavy in appearance.

This proposal has done away with the open rear staircase that featured in previous schemes in favour of an enclosed staircase addition to the front. Whilst this overcomes the second reason for refusing the previous scheme this is considered to introduce an alien feature which would be out of character with the existing building and dwellings in the surrounding area, which are of a more traditional appearance. It is not felt that this proposal overcomes the concern raised by the previous appeal inspector in this regard.

Accordingly the proposal is not considered to meet the high standard of design required by either Policy EC2 of the Council's Adopted Local Plan, RDG7 or RDG8 of its Residential Design Guidance or guidance contained in the National Planning Policy Framework.

## *Impact on existing residential properties*

The previous scheme raised an issue of overlooking, which formed a reason for refusal related to the side windows in the new second floor accommodation. This was not supported at the appeal. The inspector felt that there would be adequate isolation space between the new accommodation and the development to the north that excessive overlooking would not occur, and to the south was an open site, where loss of privacy would not be caused.

The situation has now changed in that there is a planning application for development of the site to the south. Plot 2 house type B of that scheme (17/0299/FUL) has two bedrooms with north facing roof lights which may suffer overlooking from the proposed additional accommodation at second floor level in Forest House. The proposer of that scheme has raised this point in a submission to the Council.

However, that scheme is only an application for planning permission. It cannot be assumed that any such development will be built so an objection based on the loss of privacy of a possible future dwelling is not considered to be capable of forming a robust reason for refusal.

There is therefore no objection to this scheme on the basis of its impact on existing residential properties.

### *Parking*

The applicant is proposing to either retain the four existing garages at the rear of the site or demolish and convert them to surface parking spaces. These spaces do not conform to the current standard of 2.9m by 5.5m for surface parking spaces and certainly do not conform to the standard of 3m by 7m internal dimensions for a garage. However as this parking provision is an existing situation it would be unreasonable to raise an objection to their retention (either as garages or surface parking). The same may be said of the existing parking space at the front of the site.

The applicant also proposes six new parking spaces in addition to the retention of the existing parking spaces at the rear of the site. In numerical terms, this is sufficient for the two extra flats, which only require another three spaces. However, were permission granted, the layout will need to be modified to remove space 3 as this would inhibit the use of space 11. This could be secured by way of a planning condition.

The provision of a new reinforced surface to provide access to the existing garage spaces is welcomed. Whilst gravel is not a desirable surface due to its tendency to migrate onto the highway, there is no new gravel proposed within about 8m of the highway boundary as the gravel in this area is notated as to be retained as existing, so this would not be grounds to refuse the application. Furthermore, Catherine Road is unsurfaced and by its nature has loose material, so any migration of gravel out of the application site would not likely have a significant effect on highway conditions.

The possible additional traffic associated with two one-bedroomed flats is not considered likely to have a significant impact on Catherine Road.

### **Conclusion**

Whilst the latest scheme provides an acceptable level of parking provision and would not result in any unacceptable loss of privacy to neighbours its design is considered to be out of character with its surroundings and unacceptable in Green Belt policy terms. The proposal is therefore recommended for REFUSAL.

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 proposed development is situated within an area of Green Belt as defined in the Council's Adopted Local Plan where inappropriate development is only permitted in very special circumstances. The proposal, together with the previous extension, represents a disproportionate and inappropriate enlargement of the original building which, if allowed, would have an adverse impact on the openness, character, appearance and strategic function of the Green Belt. No very special circumstances have been shown to exist and the proposal is therefore contrary to guidance as set out in the National Planning Policy Framework.
- 2 The proposed extension of the building would result in an excessively tall and poorly proportioned structure, with a bulky, obtrusive roof, out of character with surrounding buildings and detrimental to the appearance and character of the area, contrary to Policy EC2 of the Adopted Local Plan, RDG7 and RDG8 of the Council's Residential Design Guidance and guidance in the National Planning Policy Framework.
- 3 The proposed front stair enclosure would appear as a discordant modern intervention on a building of otherwise traditional appearance, out of character with both the host building and surrounding dwellings, to the detriment of the visual amenity and character of the area and contrary to Policy EC2 of the Adopted Local Plan and RDG8 of the Council's Residential Design Guidance.

### **Informatives**

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

**ITEM 3**

<b>Application Number:</b>	<b>17/0379/FUL</b>
<b>Address:</b>	<b>25 Marine Approach Canvey Island Essex SS8 0AL (Canvey Island South Ward)</b>
<b>Description of Development:</b>	<b>Garage conversion to games room and store. Proposed car port and store</b>
<b>Applicant:</b>	<b>Mr Roger Blackwell</b>
<b>Case Officer</b>	<b>Mr Keith Zammit</b>
<b>Expiry Date:</b>	<b>29.06.2017</b>

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**Summary**

The application seeks permission for the conversion of the property's integral garage to habitable accommodation and the erection of a new car port and store structure in the front garden.

The proposal is consistent with the Council's adopted policies and design guidance and it is therefore recommended that planning permission be GRANTED.

The application is presented to committee because the applicant is a relative of Councillor Blackwell.

**Site Visit**

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

**Introduction**

The application relates to a detached property on the southern side of Marine Parade. It has an integral garage and a largely hard surfaced frontage providing off-street parking for several vehicles.

**The Proposal**

Permission is sought for the conversion of the integral garage to a store room and games room, and the erection of a new store and car port structure in the front garden, which would have a footprint of some 8.15m by 3.55m and a pitched roof of some 3.7m in height. The carport would be served by permeable block paving and an extended dropped kerb.

**Supplementary Documentation**

There is no supplementary documentation with this application.

**Planning History**

None

**Relevant Government Guidance and Local Plan Policies**

National Planning Policy Framework  
Paragraphs 39, 56-58

Current Local Plan  
EC2 – Design

## T8 – Parking standards

### Residential Design Guidance

#### RDG3 – Building lines

#### **Consultation**

##### Canvey Town Council

No comments received

##### Highways

No objection subject to conditions.

#### **Public Consultation**

No representations received

#### **Evaluation of Proposal**

The proposal raises no significant issues in terms of neighbour impact. The main issues with this application are the impact of the proposal on the street scene and any parking implications.

##### *Impact on the street scene*

Policy EC2 of the Local Plan seeks a high standard of design in all new buildings and alterations to existing ones. This is consistent with the National Planning Policy Framework (NPPF), particularly paragraphs 56 to 58.

The Council has adopted Residential Design Guidance as a supplementary planning document. Within this, guidance at RDG3 requires proposals to respect established building lines. This guidance has been prepared in accordance with section 7 of the NPPF.

The proposed window to the integral garage is sympathetic in terms of size and style to the fenestration of the existing dwelling and its conversion to habitable accommodation does not raise any design issues.

The proposed car port and store is of a functional design of little or no architectural merit. However, due to the recessed setting of the application dwelling the car port would, for the most part, be set behind the front wall of the garage to the adjacent property at No.23, so would not be heavily viewed from the east.

From the west, there would be greater views of it available. However, the design of the gabled roof to the car port reflects the projecting front gable of the adjoining dwelling and provided the materials used in the construction of the proposal is sympathetic to that of the existing dwelling it is not felt that the development would be so prominent that an objection on design grounds could be robustly defended at appeal.

No objection is therefore raised on the basis of Policy EC2 or RDG3.

##### *Parking implications*

Policy T8 of the Local Plan requires the provision of parking in accordance with adopted standards. The currently adopted standards are the 2009 County Parking Standards which require the provision of two off-street parking spaces for properties with two or more bedrooms.

The application of these standards is consistent with paragraph 39 of the NPPF because they have been set taking into account local circumstances.

The conversion of the property's garage would result in the loss of a parking facility, however, there would still be adequate space for the off-street parking of two vehicles in front of the converted garage in accordance with the Council's adopted standards. The widening of the existing vehicular crossover to facilitate the use of the car port would provide two additional parking spaces. No objection is therefore raised on parking grounds under Policy T8.

## **Conclusion**

The proposal is consistent with the Council's adopted parking standards and whilst the proposed car port is located in front to the front of the application dwelling no unacceptable impact on the amenity of neighbours or the character of the streetscene can be demonstrated. It is therefore recommended that planning permission be granted.

There are no other matters raised by interested parties.

## **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.

- 3 Prior to use of the car port, the vehicular access to the highway shall be widened as shown on drawing RB/2. Any new hard surfacing within the curtilage of the dwelling shall be constructed in accordance with SuDS principles and shall not be formed of any unbound material within 6m of the highway boundary.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner, in the interest of sustainable drainage and to avoid displacement of loose material onto the highway.

## **Informatives**

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