



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



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

AGENDA

Committee: DEVELOPMENT CONTROL

Date and Time: Tuesday 5th April 2016 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), Anderson, Blackwell, Cole, Cross, Hurrell, Mrs King, Sharp, Varker, Mrs Wass, N. Watson and Wood.

Canvey Island Town Councillors : Greig and Tucker

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

Enquiries: Cheryl Salmon, ext. 2454

PART I (Business to be taken in public)

1. Apologies

2. Members' Interests

3. Minutes

A copy of the Minutes of the meeting held on 1st March 2016 is attached.

4. Public Speakers

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

5. Deposited Plans

Report of the Head of Regeneration and Neighbourhoods is attached.

	Application No.	Address	Page
1.	15/0865/FUL	37 Moreland Close, Benfleet (St George's Ward)	1
2.	15/1046/FUL	Carningle, The Common, Benfleet (St Peter's Ward)	7

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

DEVELOPMENT CONTROL COMMITTEE

1st MARCH 2016

PRESENT: Councillors Hart (Chairman), Smith (Vice-Chairman), Blackwell, Cole, Hurrell, Mrs King, Sharp, Varker, Mrs Wass, N. Watson and Canvey Island Town Councillor Greig.

Councillors Acott, Ladzrie and Riley also attended.

Apologies for absence were received from Councillors Anderson, Cross and Wood and Town Councillor Tucker.

31. MEMBERS' INTERESTS

Councillor Hurrell declared a non-pecuniary interest in Tree Preservation Order 4/2015 (Minute No. 32) as his property was in the same road as the application site, and remained in the Chamber during consideration of the item.

32. MINUTES

The Minutes of the meeting held on 2nd February 2016 were taken as read and signed as correct.

33. DEPOSITED PLANS

- (a) 15/0928/FUL – 271 RAYLEIGH ROAD, BENFLEET, ESSEX, SS7 3XF (CEDAR HALL WARD) – DEMOLITION OF EXISTING BUILDING AND CONSTRUCTION OF 2 STOREY BLOCK OF SIX SELF-CONTAINED FLATS WITH PARKING, ROOF GARDEN AND WIDENING OF VEHICULAR ACCESS TO RAYLEIGH ROAD – BELLE VUE HOUSE LTD**

The proposal was for residential development of a site within the Green Belt. Redevelopment of the site in the manner proposed would unacceptably intensify development on the site, would reduce the openness of the Green Belt and compromise its strategic function at this location. No very special circumstances necessary to justify inappropriate development in the Green Belt had been cited in this case. The proposal also provided a poor form of development with poor internal layout, inadequate amenity area, inadequate isolation between the proposed building and the boundaries of the site, resulting in potential overlooking of the neighbouring properties and potential noise and disturbance to the proposed flats at ground floor level.

The proposal was therefore recommended for refusal.

The application was presented to the Committee at the request of Councillor Riley, as the previous application had been determined by the Committee.

During the debate Members concurred with the Planning Officer's view that the proposal was of poor design but agreed to the principle of the site being developed, provided that an acceptable proposal could be achieved.

Resolved – That the application is refused for the following reasons and that officers meet with the agent to discuss the design objections to the current proposal –

- 1 The proposed development is situated within an area of Green Belt as defined in the Council's Adopted Local Plan. The proposed new building would result in an inappropriate form of development in the Green Belt, which does not benefit from the exceptions listed in the National Planning Policy Framework 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 proposal fails to provide adequate amenity space for the proposed flats and would result in a substandard form of development, to the detriment of the future occupiers of the flats, contrary to Policy H17 of the Council's Adopted Local Plan, RDG6 of the Residential Design Guidance and Government advice as contained in the National Planning Policy Framework
- 3 The proposal, by reason of the relationship between the proposed vehicular access into the rear of the site and the windows serving Flat 1, would, if implemented, result in the generation of noise and general disturbance to the detriment of the residential amenity of those occupiers, contrary to Policy EC3 of the Council's Adopted Local Plan and Government guidance as contained in the National Planning Policy Framework (NPPF).
- 4 The proposed bin store, by virtue of its location along the front boundary of the site would result in an obtrusive structure in a prominent location and would result in significant detriment of the character and appearance of the surrounding area, contrary to Policy EC2 of the Council's Adopted Local Plan and Government guidance as contained in the National Planning Policy Framework.

- (b) **15/0945/FUL – FOREST HOUSE, CATHERINE ROAD, BENFLEET, ESSEX SS7 1AR (BOYCE WARD) – LOFT CONVERSION TO CREATE 2 NO.1 BEDROOM APARTMENTS WITH REAR INTERNAL STAIRCASE, EXTERNAL LINK BRIDGE ACROSS DRIVEWAY AND EXTERNAL ACCESS STAIR –MR ERIC JACOB**

The application sought full planning permission for two additional flats at third floor level to an existing two storey block. The additional accommodation would be achieved by raising the roof of the existing building.

The Planning Officer reported that the National Planning Policy Framework stated that extensions to buildings within the Green Belt need not be inappropriate, provided that such works did not result in disproportionate additions over and above the size of the original building. This represented a change in policy since the determination of applications in 1990 and 1991.

This site had been identified as forming part of the Council's five year housing land supply and this was considered to amount to the very special circumstances needed to justify an otherwise inappropriate development.

Whilst no objection was raised to the principle of the provision of flats on this site, the Planning Officer reported that an objection was raised to the proposal on the basis of its design, poor parking provision and poor internal layout.

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

The application was presented to the Committee at the request of Councillor Sharp.

Following debate it was:-

Resolved – That the application is refused 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 on 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).

(c) 15/1045/FUL – LAND ADJACENT TO FORMER KING CANUTE PH, CANVEY ROAD, CANVEY ISLAND, ESSEX SS8 0QA (CANVEY ISLAND CENTRAL WARD) – DEMOLITION OF EXISTING RETAIL UNIT AND GARAGE AND CONSTRUCTION OF VETERINARY PRACTICE AND 2 NO. HOUSES WITH ASSOCIATED PARKING, CYCLE AND REFUSE STORAGE AND RECONFIGURATION OF CAR PARK – NOVELLUS (CANVEY ISLAND) LLP

This was an application for the demolition of a large detached garage and retail unit and the construction of a single storey veterinary practice and two detached houses with associated parking and cycle/refuse storage. The proposal included the reconfiguration of the parking area for the former King Canute Public House, which was to be retained.

The site was allocated for shopping purposes. The proposal incorporated residential development which would result in the loss of a retail unit. It therefore represented a departure from the Development Plan.

The proposal would however contribute to the Council's housing supply and provide a commercial unit which would support the day-to-day needs of the local community.

The proposal resolved the issues raised in respect of a previously submitted scheme and was therefore recommended for approval by the Planning Officer.

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

Members debated the application. Some Members expressed their concerns that it represented piecemeal development of a site on which stood an iconic building with a strong link to the history of Canvey Island. Members also voiced concerns about additional traffic congestion and the problems that would be caused by vehicles exiting the site onto Edith Road. Members were also concerned that the proposal might lead to the loss of a retail unit in a local shopping parade. Further concerns were also expressed about the provision for waste storage on and collections from the site.

Other Members considered that the application should be considered on the basis as submitted without regard to peripheral concerns or historic sentimentality: the proposal indicated that the former King Canute PH building would be retained it was noted.

Resolved – That the application is refused for the following reasons-

1. The proposed development represents unacceptable piecemeal development of the site, the implementation of which would result in the creation of a discordant and fragmented form of development, detrimental to the character and appearance of the area and the effective and efficient use of land, contrary to policy H12 of the Adopted Local Plan and Government guidance as contained in the National Planning Policy Framework.
2. The proposed development would result in the loss of a retail unit in a local shopping parade area allocated for shopping purposes in the Adopted Local Plan, and so would be likely to undermine the attractiveness, function and viability of this local shopping parade, contrary to Policy S9 of the Adopted Local Plan and Government guidance as contained in paragraph 23 of the National Planning Policy Framework.
3. The proposed development would result in unsatisfactory provision of waste storage and collection on site with difficulties in gaining access to and manoeuvring of bins, detrimental to visual amenity and contrary to Policy EC2 of the Adopted Local Plan.

34. TREE PRESERVATION ORDER 4/2015 – 25 HADLEIGH PARK AVENUE, BENFLEET (BOYCE WARD)

(Councillor Hurrell declared a non-pecuniary interest in this item)

The Committee considered a report on representations received in response to a provisional Tree Preservation Order (TPO) made on the above land in respect of a Sequoia tree.

The tree in question was located in the rear garden of a detached dwelling within an area of Benfleet allocated for residential purposes as defined in the Council's Adopted Local Plan.

On 9 December 2015 a Tree Preservation Order had been made in respect of the tree. Both the new owner and those neighbours entitled to carry out works to the tree were notified of the Order and advised that if they had an objection or other comments to make, their representation had to be received in writing by the Planning Authority on or before 29 January 2016.

The Committee noted five local residents had made representations in support of the new Order and a list of comments from eight local residents, compiled by the property owner, in opposition to the Order had been provided.

Following debate, it was -

Resolved – That the Tree Preservation Order 4/2015 is confirmed in its current form.

Chairman

ITEM 1

Application Number:	15/0865/FUL
Address:	37 Moreland Close Benfleet Essex SS7 4ER (St George's Ward)
Description of Development:	Construction of two storey side extension, conversion of garage to a disabled guest room, single storey rear extension, porch, addition of a sloping roof to 1st floor front elevation and Juliet balcony to rear (revision to CPT/394/13/FUL)
Applicant:	Mr G Edwards
Case Officer:	Ms Kim Fisher
Expiry Date:	04.02.2016

Summary

The application seeks planning permission for the construction of a two storey side extension, a porch, conversion of garage to a disabled guest room, single storey rear extension, the provision of a hipped roof to the front elevation and a Juliet balcony and rooflights to the rear.

The application is presented to the Committee at the request of Councillor Walter in order for the Committee to consider the effect of the development on the surrounding area and its comparability to the previously approved scheme.

The proposal satisfies all policy and guidance requirements and is recommended for APPROVAL, subject to appropriate conditions.

Site Visit

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

Introduction

The subject site is located at the northern end of Moreland Close. The site is irregularly shaped with a narrow frontage of some 3.1m increasing to a maximum of some 19m, and a depth of some 26m.

The site is occupied by a two-storey rendered and brown brick semi-detached house with a flat roofed front extension, semi-integral single garage and drive. The house is currently being extended with a two storey side extension and single storey front extension, approved under reference CPT/394/13/FUL.

These extensions are clad in shiplap UPVC panelling and white render. There is a flat roofed horizontally clad outbuilding located in the south-western corner of the site.

The surrounding streetscape consists mainly of two-storey semi-detached brick and rendered dwellings.

The Proposal

The proposal represents a revised version of the scheme approved under planning permission CPT/394/13/FUL, which is currently under construction. The current proposal differs from that approved in 2013 as it now presents a front porch, conversion of garage to a disabled guest room, a single storey rear extension, Juliet balcony and the formation of roof lights to the rear roof plane of the two storey side extension, the provision of alternative external facing materials to that used on the existing dwelling, a hipped roof to the front elevation, a soil vent pipe and alternative window styles/sizes.

The application consequently seeks, in part, to regularise variations undertaken to the 2013 application, which were alerted to the Planning Authority by local residents and subsequently investigated by the Planning Enforcement Officer (15/0100/ENF).

In detail the scheme comprises a two storey, gable ended, side extension with a depth of some 6m, a width of some 4m and ridge height of approximately 7.5m. There are two roof lights and a Juliet balcony proposed to the rear elevation.

The sloped roofed porch has a depth of 2.3m, a width of 1.8m and maximum height of 3.7m.

The part slope roofed, part flat roofed, rear extension has a depth of 3m, a width of 5.6m and a maximum height of 3.3m.

A sloped roof would be provided to the flat roofed front extension and part of the garage. This element has a maximum height of 3.6m.

The walls of the extensions would be externally finished in white render with shiplap UPVC panelling. The roof would be finished in grey coloured slates. The garage door would be replaced with a window to match the existing windows.

Supplementary Documentation

No additional information submitted; however the applicant has advised that the proposed ground floor bedroom is required for a relative in poor health.

Planning History

In 2013 planning consent was granted for a two storey side extension (CPT/394/13/FUL) subject to the following conditions:

- Development begun on or before three years from the date of the permission,
- Development shall be finished externally in materials to harmonise with the existing development,
- Garage and forecourt spaces retained for the parking of vehicles,
- Windows created above ground floor level in a wall or roof slope of a front and side elevation be obscure glazed and non-opening to a height of 1.7m

Members may also note that in January 2014, following a complaint from a local resident which alleged that the Planning Authority had not properly considered that resident's objection to the proposed two storey side extension, the Local Government Ombudsman found that the Planning Authority had acted properly in the consideration of the submitted objection and refused to uphold the complaint.

Local Plan Allocation

Residential

Relevant Local Plan Policies and Government Guidance

National Planning Policy Framework

Planning Practice Guidance

Current Local Plan (Adopted November 1998)

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

Residential Design Guidance

RDG5 – Privacy and Living conditions

Consultation

Public Consultation

Two responses have been received from local residents which raise the following objections:

- Extensions are too large
- Applicants have not complied with current planning permission.
- Inappropriate materials have been used on the extension
- Loss of privacy
- Insufficient parking provided
- Plans are misleading
- Property dominates every property in vicinity

Comments on Consultation Responses

All relevant comments will be responded to in the evaluation of the proposal.

Evaluation of Proposal

The proposal comprises four elements: a two storey side extension, a single storey porch to the side elevation, a single storey rear extension and the conversion of the garage to living accommodation. In the interests of clarity, each element will be considered individually.

The Two Storey Side Extension

This element of the proposal essentially replicates that granted consent under reference CPT/3494/13/FUL, being 5m wide, 6m deep with a maximum height of 7.5m. The original proposal sought to provide a hallway, WC utility room and dining room at ground floor level with a bedroom, ensuite and bathroom at first floor level.

During execution of the works, the applicant has revised the internal layout to achieve better use of the space. This has resulted in some minor alterations to the fenestration, none of which results in a change in the relationship between windows and boundaries. Given the presence of an extant consent for a policy compliant two storey side extension in this location, it is not considered that an objection can be raised to the provision of a two storey extension of the same size and style, proposed in the location identified.

Whilst it is acknowledged that the area of glazing to the rear elevation is larger than previously permitted, it is still located in excess of 9m from the boundary and as such would not result in undue overlooking or loss of privacy to adjoining residents. The proposal therefore complies with RDG5 and no objection is therefore raised to the proposal on this basis.

Windows provided to the side elevation remain high level and obscure glazed. No objection is therefore raised to this element of the proposal.

Two roof lights are proposed to the rear roof slop. These are a new feature and provide additional light to the proposed first floor bedroom. They are set some 3.3m above the finished floor level of the room they serve and do not therefore offer the opportunity for overlooking of the adjoining properties.

No objection is raised to the revised fenestration.

The Porch

The proposed porch is located to the side of the property. It is some 1.8m wide and 2.3m deep with a hipped roof to some 3.9m. This element of the proposal is of acceptable design and would have no adverse impact on the amenity of adjoining residents. No objection is therefore raised to this element of the proposal.

Single Storey Rear Extension

It is proposed to provide a rear extension some 3m deep and 5.6m wide to the rear elevation of the host dwelling. This extension would provide a mock hipped roof to a height to some 3.2m and would provide a dining room.

The proposed extension would immediately abut the party boundary; however the limited depth and height of the extension and the relative orientation of the properties mitigates the impact of the proposal to the extent that it is not considered it would have an injurious impact on the amenity or living conditions of the occupiers of the adjoining premises. All other dwellings are considered too remote to be adversely affected. No objection is therefore raised to this element of the proposal.

It should be noted that no objection has been raised to this part of the proposed development by the immediately adjoining residents.

Conversion of the Garage

It is proposed to convert the existing garage to provide a bedroom and bathroom and to convert the reduced kitchen to a utility room. The proposal would see the replacement of the existing garage door with a wall and window and the formation of a hipped roof over the existing flat roof. In terms of appearance and design the proposal is considered acceptable and the proposed roof is considered unlikely to result in any undue overshadowing or dominance of adjacent properties.

Conversion of the garage will result in the potential loss of a car parking space; however, it should be noted that the existing garage is below the minimum size garage now sought and as such cannot be included in the calculation of any parking provision on the site. Sufficient space is available elsewhere within the site to accommodate the two parking spaces required under the adopted parking standards and no objection is therefore raised to the proposal on the basis of inadequate parking provision.

Other matters

Local residents have drawn attention to the fact that the works permitted under planning permission CPT/394/13 FUL have not been carried out in accordance with the approved plan. This is acknowledged by the applicant and the current application seeks to regularise this situation.

Local residents have also been keen to point out that the works undertaken to date have been finished in materials which differ from those used on the host dwelling. The use of inappropriate materials would be contrary to condition 2 attached to planning permission CPT/394/13/FUL. However it is the intention of the applicant to change the materials in the host dwelling to those used in the extension. This would result in the extended dwelling appearing different from the other half of the pair of which the application site forms part; however, it is not considered that the impact of such change is so harmful that a reason for refusal on this basis could be sustained on appeal.

Conclusion

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

My Recommendation is Approval with the following conditions

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

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

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

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

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

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

Informatives

- 1 In undertaking the works hereby approved you are advised to satisfy yourself of your obligations to occupiers of adjoining properties in accordance with the Party Wall etc. Act 1996, details of which can be inspected at these offices or you may obtain details free of charge from the Planning Portal website (www.planningportal.gov.uk) under Building Regulations.
- 2 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

ITEM 2

Application Number:	15/1046/FUL
Address:	Carningle The Common Benfleet Essex SS7 3LH (St Peter's Ward)
Description of Development:	1No detached house with integral garage
Applicant:	Mr Alan Foster
Case Officer:	Mrs Ishita Sheth
Expiry Date:	02.03.2016

Summary

The site is allocated for residential purposes and, subject to appropriate conditions, can adequately accommodate the proposed dwelling without adverse impacts on biodiversity or the amenity of adjoining residents.

The achievement of the proposed access will require an easement as the land over which it is proposed to pass is within the ownership of this Authority.

The application has been brought before the Committee at the request of Councillor Sharp, to assess the impact of the proposal on the surrounding area.

The proposal is recommended for APPROVAL, subject to appropriate conditions.

Site Description:

The application relates to a site abutting the northwest part of Thundersley Common, some 16m east of Goldfinch Lane. A detached house that has vehicular access from an unmade road leading from Goldfinch Lane across the Common occupies the site which has a frontage to 'The Common' of some 28m, increasing to 41m at the rear and a depth of 35m.

There is a small area of scrub to the south east of the site and a fine mature oak to the south west which it appears will be removed to facilitate development. Further to the south are a number of mature trees before the Common opens out into a grass and heath land.

To the west, north and east is residential development characterised primarily by two storey development

The proposal relies for access on land within the control or ownership of the Local Authority.

Site Visit

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

Description of Proposed Development:

The proposed development comprises the redevelopment of the site of 'Carningle', immediately to the north of the Common with one detached five bedroomed house with integral garage.

The proposal includes the provision of a two access points and areas of hard standing to provide access to the dwelling and parking.

The dwelling has a maximum width of 24.5m, a maximum depth of 14.3m and a maximum height of 11.7m.

The building will be finished in white render with black 'Tudor' boarding and grey composite roof tiles and dark grey aluminium window frames.

Supplementary Documentation

A drainage and surfacing plan and materials document accompanied the application and are available to view on the Council's website.

Relevant History:

May 2006 – Outline planning permission granted for the demolition of the dwelling on the site and the construction of one detached house and one pair of semi-detached house. (CPT/184/06/OUT).

August 2009 - Outline planning permission granted for the demolition of the dwelling on the site and the construction of one detached house and one pair of semi-detached house. (CPT/225/09/OUT). This application was recommended for approval but this was overturned by the Committee. The subsequent appeal was allowed in January 2010.

November 2015 - Outline planning permission granted for the demolition of the dwelling on the site and the construction of one detached house and one pair of semi-detached house. (15/0766/OUT). Approved December 2015.

Local Plan Allocation:

Residential

Relevant Policies:

National Planning Policy Framework

Paragraphs: 58, 109 and 118

Current Local Plan

EC2 – Design

EC13 – Protection of wildlife and their habitats

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

RDG12 – Parking and access

Consultation Responses:**Statutory Consultees**

None undertaken

Neighbour notification

No responses received

Evaluation of Proposal:

Planning permission has previously been granted for the development of the site with a detached dwelling and a pair of semi detached dwellings. The principle of the use of the site for residential purposes has therefore already been established. No objection is therefore raised to the principle of the provision of a dwelling on this site.

Whilst the principle is established any proposal must still satisfy the detailed requirements of the adopted Local Plan and adopted Residential Design Guidance.

Policy EC2 of the Local Plan requires a high standard of design in all alterations to existing buildings. This is consistent with paragraphs 56 to 58 of the NPPF.

The submitted drawings show a large dwelling with what appears to be an attached two storey wing, providing a garage with bedroom over. Whilst the general design of the dwelling is acceptable, the garage and first floor accommodation over detracts somewhat from the overall form of the dwelling. Whilst this is regrettable, it is not considered that the proposal results in such poor design that a reason for refusal on this basis would be supported on appeal.

No objection is therefore raised to the proposal on the basis of Policy EC2.

The Council has adopted Residential Design Guidance as a Supplementary Planning Document in accordance with section 7 of the NPPF. Within this, guidance at RDG1 deals with plot sizes. It states that the plot sizes for all new development should be informed by the prevailing character of plot sizes.

The site has a width of some 28m. This is larger than the existing dwellings fronting the Common, but is consistent with the plot widths of other dwellings in the locality and indeed the plot width of the existing dwelling. As such is considered to be reflective of the character of the surrounding area. No objection is therefore raised to the proposal on this basis.

RDG2 requires the space around all new development to be informed by the prevailing character of space around dwellings. The layout shows the proposed dwelling to have a minimum isolation space of 1m between the structure and the eastern boundary of the site and some 3.7m between the structure and the western boundary of the site, which is considered generally reflective of the character of the surrounding area. No objection is therefore raised to the proposal on the basis of guidance at RDG2.

RDG3 requires proposals to respect established building lines. The submitted layout shows the proposed dwelling sited in accordance with the line established by existing dwellings fronting the Common. No objection is therefore raised to the proposal under RDG3.

RDG3 also requires proposals not to cause undue overshadowing or dominance of adjacent properties. The submitted layout indicates that the proposed dwelling can be accommodated on the site without adversely impacting on adjoining dwellings in terms of dominance or undue overshadowing. No objection is therefore raised the proposal on the basis of RDG3.

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

The layout shows that all rear facing windows at first floor level would be fully compliant with this requirement.

The first floor front windows would overlook the Common which is within the public realm and would not cause undue loss of privacy.

The submitted layout shows the provision of side windows at first floor level which would be located some 4m – 8.5m from the western boundary of the site. These windows however serve a bathroom, dressing room and provide secondary light to a bedroom and may therefore be obscure glazed and fixed in order to mitigate the potential for overlooking of the land to the west. Whilst it is acknowledged that this site is currently undeveloped, it has potential for development which would be prejudiced by the unrestrained development of the current site. Subject to a condition requiring the obscure glazing and fixing of the windows at first floor level in the western elevation, no objection is raised to the proposal under RDG5.

RDG6 requires appropriate amounts of outdoor amenity space to be provided in proportion to the size of the dwelling. 15m² per habitable room should be provided.

The proposal more than satisfies this requirement. No objection is therefore raised on the basis of RDG6.

Government guidance, as expressed in paragraphs 109 and 118 of the National Planning Policy Framework, seeks to limit adverse impact on, and where possible enhance biodiversity through, the development process.

EC13 states that the Council will refuse development which is prejudicial to the interests of wildlife and their habitats. This is inconsistent with national guidance as it does not advocate the use of a sequential process. Under the circumstances greater weight will be given to the provisions of the NPPF.

Policy EC12 is concerned about proposals likely to adversely impact on SSSIs. Natural England has previously confirmed that the proposal will not adversely impact on the adjoining SSSI. No further consideration will therefore be given to the proposal in the context of EC12.

Natural England has also previously advised that the proposal should be considered in the context of its Standing Advice.

There is no evidence to suggest the presence of Badgers on site and no record of ponds in the locality which may provide habitat for Great Crested Newts.

The removal of significant areas of vegetation within the site is considered likely to have an adverse impact on bird habitat and it is considered appropriate to impose conditions on the grant of any consent requiring the provision of alternative habitat within the site.

Subject to such a condition no objection is raised to the proposal on the basis of impact on biodiversity.

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

The proposal seeks to obtain a further access from the unmade road serving those dwellings fronting the Common, leading from Goldfinch Lane. The former dwelling obtained access over the road and in principle the acceptability of a single access has been established by the earlier consents granted for the development of this site. In planning terms the provision a second access is acceptable, although such provision will require a further easement over Council owned land.

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

The currently adopted standards require the provision of two off-street parking spaces for properties with two or more bedrooms. Garages will only be counted as a parking space where they have a floor area of 3m by 7m. Garages should be provided with a forecourt depth of 6m to allow vehicles to stand clear of the highway whilst garage doors are being operated.

The proposed garage has an internal width of some 7.6m and an internal depth of some 5.7m. The depth of the garage does not meet the requirements of the parking standards; however the garage is supplemented by a utility room and the width provides ample opportunity for the storage of bicycles. Under the circumstances it is not considered that an objection raised to the proposal on the basis of the inadequate depth of the garage would be supported on appeal.

Following the receipt of revised plans, the garage is now served by a 6m deep forecourt which is adequate to ensure that all vehicles using the garage will be parked clear of the adjoining public land whilst garage doors are opened. No objection is therefore raised to the proposal on the basis of the quantum of parking provision.

RDG12 requires parking not to be visually dominant. The proposed dwelling is to be provided with an extensive area of hard surfacing at the front of the site. This area of hard surfacing provides little opportunity for planting at the front of the site and resulting in a frontage likely to detract from the rural character and appearance of the area. However, it is noted that several other dwellings fronting the Common have a similar arrangement and under the circumstances it is not considered that an objection to the proposal based on the extent of hard surfacing would be supported on appeal.

The submitted drawings indicate that the hard surfaced area is to be drained into four soakaways. This would appear to be adequate to mitigate surface water runoff from the site.

Concern has previously been raised in respect of the impact of greater use of the access road by traffic attending the site, particularly post construction. Policy T7 of the adopted Local Plan states that in all proposals for the intensification of development reliant on unmade roads, the Council will seek improvements to the highway.

The site is served by an unmade track and this contributes to, and complements, the rural character of the area. Whilst it is acknowledged that increased traffic use may result in a deterioration of the road surface, it is not considered appropriate to require that section of the access road serving the application site to be made up to adoption standards. It is however considered appropriate to ensure that the proposed development does not lead to deterioration in the condition of the access track to the detriment of other users. It is therefore considered appropriate to impose a condition on the grant of any consent require the applicants to carry out improvements to the surface of the proposed and existing access points.

Subject to such a condition no objection is raised to the proposal under Policy T7.

Conclusion

The site is allocated for residential purposes and, subject to appropriate conditions, can adequately accommodate the proposed development without adverse an impact on biodiversity or the amenity of adjoining residents.

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

My Recommendation is Approval with the following conditions

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

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

- 2 The external surfaces of the development hereby approved shall be treated in accordance with the submitted scheme of finishes from which there shall be no departure without the prior formal consent of the Local Planning Authority.

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

- 3 No development shall be undertaken on the site until a scheme showing the provision of appropriate improvements to the track leading from Goldfinch Lane to the site has been submitted to and approved by the Local Planning Authority. Any such improvements shall thereafter be undertaken prior to the first occupation of the proposed development and thereafter appropriately maintained in order to serve the needs of the occupiers of the dwelling.

REASON: In order to ensure an appropriate and satisfactory means of vehicular access to the site.

- 4 Prior to the first occupation of the development hereby approved, details of the proposed boundary treatments shall be submitted to and approved by the Local Planning Authority.

Any such scheme approved shall thereafter be fully implemented prior to the occupation of the dwelling and thereafter permanently retained as such.

REASON: In order to ensure an appropriate boundary treatment, consistent with the character and appearance of the area and Policy EC2 of the adopted Local Plan.

- 5 Prior to the vehicular access being brought into use, within the confines of the site, a 1.5m x 1.5m clear to ground visibility splay shall be provided at the junction of the vehicular access and the highway which shall be maintained free of obstruction in perpetuity.

REASON: In the interests of highway and pedestrian safety.

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

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

- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, no development of the type specified in Classes B and C of Part 1 of the Second Schedule to that Order (or the equivalent provisions of any statutory instrument revoking, amending or re-enacting that Order) shall be carried out without the formal consent of the Local Planning Authority.

REASON: In order to ensure an adequate level of residential amenity for occupiers of the site and adjacent properties.

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

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

- 9 No vehicles, building materials, equipment, waste materials or debris arising from the works on the site are to be stored, assembled or deposited within or on the boundary of the Thundersley Great Common Site of Special Scientific Interest.

REASON: In order to protect the nature conservation value of the site.

- 10 Prior to the commencement of the development hereby approved a bat survey of the site, including any mitigating measures necessary to protect any roosts or feeding grounds identified on the site, shall be undertaken by an appropriately qualified consultant and shall be submitted to and formally approved by the Local Planning Authority.

REASON: In the interests of preserving the nature conservation value of the site.

- 11 Prior to the commencement of any development hereby approved any mitigating measures identified in the approved bat survey shall be implemented and such works shall be formally approved by the Local Planning Authority.

REASON: In order to protect the natural amenity of the site.

- 12 A detailed site survey, designed to identify the existence or potential for ground gas seepage into the property shall be undertaken by a suitably qualified person and the report, which shall include details of all necessary and appropriate mitigating measures shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of development.

REASON: In order to safeguard the health and safety of the occupants of the property from the effects of harmful ground gases.

- 13 Any mitigation measures approved shall be incorporated into the development scheme and shall be implemented, by an appropriately qualified person, to the satisfaction in writing of the Local Planning Authority, prior to the occupation of the development hereby approved and thereafter shall be permanently maintained as such.

REASON: In order to safeguard the health and safety of the occupants of the property from the effects of harmful ground gases

Informatives

- 1 In undertaking the works hereby approved you are advised to satisfy yourself of your obligations to occupiers of adjoining properties in accordance with the Party Wall etc. Act 1996, details of which can be inspected at these offices or you may obtain details free of charge from the Planning Portal website (www.planningportal.gov.uk) under Building Regulations.
- 2 The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.