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AGENDA

Committee: DEVELOPMENT CONTROL

Date and Time: Tuesday 7th June 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), Acott, Anderson, Blackwell, Mrs King, Mumford, Sharp, Sheldon, 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
Rob Davis – Planning Development and Enforcement Manager

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 3rd May 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
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DEVELOPMENT CONTROL COMMITTEE

3rd MAY 2016

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

Councillors Acott, Campagna, May, Howard, Palmer and Riley also attended.

Apologies for absence were received from Councillors Mrs Wass.

42. MEMBERS' INTERESTS

There were none.

43. MINUTES

The Minutes of the meeting held on 5th April 2016 were taken as read and signed as correct.

44. DEPOSITED PLANS

(a) 15/0994/OUT/ - LAND AT HOLLAND AVENUE, CANVEY ISLAND, ESSEX (CANVEY ISLAND WEST) – 27 NEW BUILD HOUSES; 7 DETACHED AND 20 SEMI DETACHED – GOLDEN CIRCLE LIMITED

The application sought outline permission for the erection of 7 detached and 20 semi-detached dwellings and associated works on the site, which was allocated for Green Belt purposes in the adopted Local Plan.

The proposal represented inappropriate development in the Green Belt in respect of which the Planning Authority had failed to identify very special circumstances or material considerations which might justify a departure from established Green Belt policy. The proposal was therefore contrary to Government guidance as contained in the National Planning Policy Framework (NPPF).

In addition within the context of Government guidance and in the light of the Secretary of State's decision of the 26th June 2013 in respect of a similar case at 'Glebelands' in Thundersley, it was considered that the proposal was premature in that it sought to determine the location of future residential development outside the confines of the Examination in Public of the New Local Plan. An objection was therefore raised to the proposal on the basis of prematurity.

The applicant had also failed to submit adequate information in respect of ecology, flood risk, noise, vibration and air quality to allow appropriate consideration of these matters.

Finally, it was considered that the proposal failed to optimise the use of land, contrary to Government guidance.

Mr Bracci, a local resident, spoke in objection to the application.

Councillor Howard, a Ward Member, spoke in objection to the application.

During discussion a Member stated that he was disappointed with the statement made by Anglian Water that they were unable to provide comment in relation to the suitability of surface water management because it did not relate to Anglian Water operated assets. Concern was also raised regarding the impact the proposal would have on the current drainage system in the area.

Some Members felt that the design of the proposal was poor. Generally the Committee felt that the scheme was inappropriate and premature due to its location in the Green Belt and concurred with the Planning Officer's recommendation for refusal.

Following discussion it was therefore:-

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

1. The site is allocated as Green Belt where national planning policy as set out in the National Planning Policy Framework states that development of this nature is not appropriate and will only be permitted if very special circumstances exist to justify its inappropriateness. It is not considered that any very special circumstances exist or have been demonstrated to justify the proposed development which would be detrimental to the openness, character and strategic function of this part of the Green Belt, contrary to national planning policy.
2. Within the context of Government guidance and in the light of the Secretary of State's decision regarding the Glebelands case in Thundersley, it is considered that the current proposal is premature in that it seeks to determine the location of future residential development outside the confines of the Examination in Public of the New Local Plan. The allocation of land for development on the basis of individual applications would lead to poorly planned growth and would fail to deliver housing in a managed way. To achieve sustainable growth within the borough the decision on which sites to allocate for development should be taken at a strategic level as part of the Local Plan process, which this application seeks to circumvent.

3. The proposal fails to assess the specific ecological value of the site and consequently fails to identify opportunities for the conservation and enhancement of biodiversity on the site, contrary to Policy EC14 of the adopted Local Plan, Government guidance as contained in the National Planning Policy Framework and Section 40 of the Natural Environment and Rural Communities Act 2006.
4. The submitted Flood Risk Assessment does not provide an adequate basis for an assessment of the flood risks arising from the proposed development. In particular the Flood Risk Assessment does not accommodate the most up to date climate change allowances or provide details of ground levels across the site in metres above Ordnance Datum, provide floor levels above flood levels or identify if landraising is to occur across the site. In the absence of such details, the flood risk associated with the development cannot be properly assessed, contrary to Government guidance as contained in the National Planning Policy Framework.
5. Insufficient information has been provided on pluvial flood risk, run off rates and surface water storage capacity to enable an assessment of the impact of off site flows onto the site. In the absence of such details it cannot be demonstrated that the development will be safe for its lifetime, taking account of the vulnerability of its users, without increasing flood risk elsewhere, or that the proposal will reduce flood risk overall, contrary to Government guidance as set out in the National Planning Policy Framework.
6. The proposed development, by reason of its reliance on the private and unclassified highways known as Dyke Crescent, Haarlem Road and Limburg Road, for access, fails to provide appropriate vehicular access to the site, to the detriment of future occupiers of the proposed development and to the detriment of the residential amenity and convenience of existing frontagers. The proposal would fail to contribute positively to making places better for people and is consequently inconsistent with Government guidance as contained in the National Planning Policy Framework.
7. The proposal seeks to achieve the provision of 27 dwellings. It is not considered that development of this scale would optimise the use of the land and consequently the proposal is considered to be inconsistent with Policy H9 of the adopted Local Plan and Government guidance as contained in the National Planning Policy Framework.
8. Insufficient information has been submitted to enable consideration of the impact of traffic noise generated by vehicles

using the A130 on the health, wellbeing and amenity of future occupiers of the proposed development. As a consequence, it is considered that the applicant has failed to demonstrate that the proposal would provide an acceptable living environment for future occupiers, contrary to Policy EC4 of the adopted Local Plan and Government guidance as contained in the National Planning Policy Framework.

9. Insufficient information has been submitted to enable consideration of the impact of vibration from vehicles and construction operations on the site. As a consequence, it is considered that the applicant has failed to demonstrate that the proposal would not adversely affect the health, wellbeing and general amenity of existing residents in the roads serving the site, contrary to Policy EC4 of the adopted Local Plan and Government guidance as contained in the National Planning Policy Framework.
10. Insufficient information has been submitted to enable consideration of air quality in the environs of the application site and its impact on the health, wellbeing and amenity of future occupiers of the proposed development. As a consequence, it is considered that the applicant has failed to demonstrate that the proposal would provide an acceptable living environment for future occupiers, contrary to Policy EC4 of the adopted Local Plan and Government guidance as contained in the National Planning Policy Framework.

(b) 16/0087/FUL – 4A CHAMPLAIN AVENUE, CANVEY ISLAND, ESSEX, SS8 9QL (CANVEY ISLAND WINTER GARDENS) – 1 NO. FOUR BEDROOM DETACHED HOUSE AND DETACHED GARAGE – MR LAURENCE LOVETT

Planning permission was sought for one four bedroom detached house. The proposal complied with all relevant Council policies and guidance and was recommended for approval.

The application was presented to the Committee at the request of Councillor N. Watson in order for the Committee to assess the effect of the development on surrounding properties.

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

Councillor Greig, Canvey Island Town Council representative, spoke in objection.

During discussion Members indicated their support for the proposal. A Member raised concern that an additional property would increase strain on the current drainage system within an area at risk of flooding however others felt that the proposal was appropriate in this location as the land was allocated for residential

purposes. The Committee agreed with the Planning Officer's recommendation of approval and it was therefore:

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

(c) 16/0138/FUL – BANKSIDE BRAMBLE CRESCENT, BENFLEET, ESSEX, SS7 2UZ – (VICTORIA WARD) – TWO STOREY REAR EXTENSION AND INTERNAL ALTERATIONS, NEW VEHICULAR ACCESS AND TURNING CIRCLE – MR JOHN EAST

Planning permission was sought for a two storey rear extension and internal alterations, canopies and new vehicular access and turning circle. The land was allocated for Green Belt purposes and whilst no objections had been raised in respect of any internal alterations or the vehicular access and turning area, it was considered that the proposed extension would result in what was considered to be a disproportionate enlargement of the property. In this context, it was considered that the proposed development would have a significant adverse impact on the visual amenity, openness, character and function of the Green Belt.

Furthermore, the applicant had failed to demonstrate any very special circumstances why the proposal might exceptionally be permitted. The proposed development would be harmful to the Green Belt, and it represented inappropriate development, the approval of which would be contrary to Government guidance as contained in National Planning Policy Framework. The proposal was therefore recommended for refusal.

The application was presented to Committee at the request of Councillor Riley in order for the Committee to consider the potential conflict of the development with Green Belt policy

Mr Kearney, a representative of the applicant, spoke in support.

Councillor Riley, a Ward Member, spoke in support of the application.

During discussion some Members concurred with the Planning Officer's view that the development was inappropriate within an area of land allocated for Green Belt purposes and they could not identify any exceptional circumstances in which the application should be permitted. Other Members expressed their support for the proposal as they felt the proposal was proportionate to the size of the site and did not represent a significant breach of policy.

Following the debate it was:-

Resolved – That the application be approved subject to conditions to be determined by the Head of Regeneration and Neighbourhoods in consultation with the Chairman and Vice Chairman.

(d) 16/0140/FUL – 6 BEACHWAY, CANVEY ISLAND, ESSEX, SS8 0BD (CANVEY ISLAND SOUTH) – DEMOLISH EXISTING DWELLING AND CONSTRUCT ONE DETACHED HOUSE WITH INTEGRAL GARAGE – MR SCOTT SMITH

The application sought to replace the existing dwelling on the site with a larger, replacement dwelling. It was felt that the proposal was of unsatisfactory design and it was recommended that permission be refused.

The application was presented to the Committee at the request of Cllr Palmer, in order for the Committee to assess the effect of the development on the surrounding area.

Mr Spalding, a local resident, spoke in objection to the application.

Mr Bowhill, the agent for the applicant, spoke in support.

Councillor Palmer, a Ward Member, spoke in objection.

Councillor Campagna, a Ward Member, spoke in objection.

During discussion Members stated that the current proposal would be overdominant and out of character with the surrounding area but felt that the site would benefit from some form of development.

Following discussion it was:-

Resolved – That the application be refused because the proposed dwelling, by reason of its height and the provision of large dormer windows to the front elevation, would be visually prominent and obtrusive in the street scene to the detriment of the character and appearance of the surrounding area, contrary to Policy EC2 of the adopted Local Plan, RDG7 and RDG8 of the Council's Residential Design Guidance and Government guidance as expressed in the National Planning Policy Framework.

(e) 16/0144/FUL – 573-581 AND REAR OF 583-585 LONDON ROAD, HADLEIGH, BENFLEET, ESSEX, SS7 2EB (ST JAMES') – DEMOLITION OF EXISTING BUILDINGS AND CONSTRUCTION OF PART 2/PART 4 STOREY BLOCK OF 14 SELF-CONTAINED FLATS WITH CAR PARKING, REFUSE AND CYCLE STORAGE AND ALTERATION OF VEHICULAR ACCESS – SPRINGFIELD RESIDENTIAL LTD

Permission was sought for the redevelopment of the site with a part two storey, part four storey block of 14 self-contained flats. This was a revised application for 14 flats on this site following refusal of a scheme last year. Whilst the proposal represented an improvement over the previous scheme it did not overcome all reasons for refusal and therefore was again recommended for refusal.

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

During discussion Members indicated they were supportive of the proposal and whilst they noted the Planning Officer's comments they felt that the development was a good design in keeping with the surrounding area and would be an asset to Hadleigh.

In light of Members comments the Head of Regeneration and Neighbourhoods advised that should the Committee wish to approve the application a set of conditions should be added to the consent in relation to the materials to be used, car and cycle parking, landscaping, refuse and recycling and should also incorporate the conditions suggested by Essex County Council Highways.

Following discussion it was:-

Resolved – That the application be approved subject to the conditions as suggested by the Head of Regeneration and Neighbourhoods and that they be determined by him in consultation with the Chairman and Vice Chairman.

(f) 16/0168/FUL – CANVEY ISLAND FOOTBALL CLUB PARK LANE, CANVEY ISLAND, ESSEX, SS8 7PX – (CANVEY ISLAND EAST) – PROVIDE 21 NO. VEHICLE PARKING SPACES ADJACENT TO EXISTING CAR PARK – MR RODNEY HALL

The proposal sought to expand the existing car parking area serving the football club. In all the circumstances it was not considered that there were any adverse impacts that would arise as a result of the proposal, and it was recommended that permission be granted.

The application was presented to the Committee because the Council was the owner of the land.

Councillor Acott, a Ward Member, spoke in support of the application.

During discussion Members indicated that they were in favour of the proposal and it was:-

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

45. VOTE OF THANKS FOR COUNCILLOR TUCKER

As Councillor Tucker was retiring as a Member of the Borough Council the Chairman expressed his thanks for all his hard work over the years.

Chairman

ITEM 1

Application Number:	16/0146/FUL
Address:	Land West Of Silver Birch Lake Drive Thundersley Benfleet Essex (St Peter's Ward)
Description of Development:	Replace fencing to boundary
Applicant:	Mr Mark Evans
Case Officer	Mr Keith Zammit

Summary

The application seeks to erect fencing around a privately owned piece of land within Coombe Wood. It is considered that this would be harmful to the visual amenity and character of the woodland and it is therefore recommended that planning permission be REFUSED.

The item is presented to Committee because the Council owns some of the land within Coombe Wood and it has made a Direction under Article 4(1) of the Town & Country Planning (General Permitted Development) Order on the land preventing the erection of gates, fences, walls or other means of enclosure.

Site Visit

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

Introduction

The application relates to an area of land within Coombe Wood, an area of Woodland to the west of the built up area of Thundersley. The area in question adjoins residential curtilages to the east and the main body of the woodland to the west.

The Proposal

Permission is sought for the erection of 1.6m high wooden post and rail fencing around the perimeter of the land the subject of this application. The applicant states that he wishes to erect this fencing to prevent vandalism to structures on the land. In a supporting letter, the applicant explains that he used keep horses on the land but had to move them to paid-for stables elsewhere as the fencing around the land was repeatedly taken down, leading to the escape of the horses.

Supplementary Documentation

The application documents that were originally received are a plan showing the proposed fence positions and an example photo of the fencing from the internet. Amended plans have now been received to show an amended fence line. Photos have been submitted to suggest the land was previously used for keeping horses and a letter explaining in more detail the reasons for the proposal.

Planning History

In 2006 a report was presented to Committee recommending an Article 4 Direction be made, removing certain permitted development rights in respect of land at Coombe Wood, because of evidence of persons installing fences within the woodland on land which had previously been accessible to the public. It was also considered that given the fragmented ownership of the land the erection of fences throughout the woodland would be harmful to its integrity.

The recommendation was adopted and in 2007 the Council used its powers as Local Planning Authority to make the Article 4 Direction, which was subsequently approved by the Secretary of State. This removed permitted development rights for the erection of any further fencing without its express permission.

In June 2007 Essex County Council granted Village Green Status on land adjoining the application site.

In 2009 a further Article 4 direction was made and approved by the Secretary of State in respect of a further smaller parcel of land to the east of St Peter's Church Graveyard.

Local Plan Allocation

Green Belt

Relevant Government Guidance and Local Plan Policies

National Planning Policy Framework

Section 9 – Protecting green belt land

Current Local Plan

RE12 – Public rights of way

Consultation

Essex County Council – Highways (on original plans)

No objection subject to conditions to ensure the public's rights and ease of passage over restricted byway No.86 and bridleways 58, 87 and 88.

Essex County Council – Public Rights of Way (on original plans)

The route of bridleway 88 would be obstructed.

Public Consultation

Neighbour notification and site notice – 11 letters of objection received making the following comments:

- o applicant does not own the land
- o would undermine Council efforts to preserve the woods
- o contravention of Village Green
- o proposed fencing is too tall
- o would lead to closure of bridleway 88
- o have never seen evidence of the grazing of horses
- o area is used by local schools for appreciation of the natural world and nature conservation

Comments on Consultation Responses

The County Council's comments are noted, along with those of surrounding residents relating to obstruction of rights of way; however as the maintenance of free public passage over rights of way is a matter within the remit of Essex County Council as the Highway Authority; it is not for Castle Point Borough Council as Local Planning Authority to duplicate this function.

It should be noted, however, that following receipt of amended plans, the proposed fencing would not necessarily obstruct the bridleway.

Evaluation of Proposal

The main issues with this application are the loss of access to the land from the provision of fencing, and the visual impact of the fencing on the woodland.

Loss of access to land

In 2007 land in Coombe Wood was registered as a Town or Village Green (TVG) with Essex County Council. The area that was originally applied for was larger than that which was ultimately registered; the applicant's land, with the exception of area 5 as shown on the submitted plans,

was excluded as there was insufficient evidence relating to it. The applicant has amended his application and no longer proposes to enclose area 5 with fencing. The proposal would therefore not result in any fencing off of land designated as a TVG.

Access to private land in this case is not a planning consideration. Members of the public that have objected on this basis are entitled to make an application to Essex County Council to extend the TVG if they have evidence to support their case. However, Mr Evan's land was excluded from the TVG application granted in 2007. The proposed fencing does not therefore enclose any land to which there appears to be legitimate public access.

It should be noted that the proposal would not affect the area of Coombe Wood that is designated as open space in the New Local Plan.

Visual impact

The main issue here is the visual impact of the proposed fencing on the appearance and character of the woodland and the Green Belt.

Coombe Wood, both those parts that are registered as a TVG and other non registered parts, are a valued local (visual) amenity. The woodland is within the Green Belt and performs a strategic function of separating the areas of built development in Thundersley and Benfleet. The provision of fencing undermines the open character of the woodland, a principle which led the Council to make an Article 4 Direction on this land to require planning permission for the erection of fences.

The applicant has indicated that the proposed fencing would be either 1.5m or 1.6m in height and its construction would be such that the passage of small animals would not be obstructed. It would not therefore have a detrimental impact on wildlife.

However, the provision of such fencing would nonetheless be an incongruous feature visually in this context, harming the visual amenity of the wood as a natural landscape feature and be detrimental to its open character and appearance.

Conclusion

In view of the harmful visual impact that the provision of this fencing would have on the woodland it is recommended that planning permission should be refused.

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 fencing would be an incongruous feature in the context of the woodland which would be harmful to its visual amenity and open character, and reduce the contribution that the woodland makes in providing undeveloped natural relief between the built areas of Thundersley and Benfleet, contrary to the Government objective of maintaining the openness of Green Belt 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

Application Number:	16/0147/FUL
Address:	Whitegates Goldfinch Lane Thundersley Benfleet Essex (St Peter's Ward)
Description of Development:	Replacement front wall and entrance gates, new vehicle crossover and drive
Applicant:	Mr & Mrs Allen
Case Officer	Mr Keith Zammit

Summary

The application seeks permission for a new boundary wall and railings together with a new vehicular access to Goldfinch Lane.

Whilst there would be some loss of landscaping to the area as a result of the proposal it is not felt that this would be of such detriment to the area as to warrant refusal of planning permission. It is therefore recommended that permission be GRANTED.

The application is presented to the Committee because it involves work on Council owned land.

Site Visit

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

Introduction

The property is located on the west side of Goldfinch Lane. It is accessed across a piece of Council-owned land, approximately 110m north of the junction with Highview Road.

The site is currently being redeveloped with a replacement dwelling pursuant to planning permission 14/0660/FUL.

The Proposal

The application seeks planning permission for a replacement wall and railings to the front boundary together with a new vehicular access to Goldfinch Lane.

The proposed vehicular crossing of the footway would be in asphalt, with a block paved surface to cross the Council-owned grassed area, connecting to the block paved forecourt area approved as part of the permission for the replacement dwelling.

The proposed wall would have piers to a height of 1.8m, in brick to match the house, with black wrought iron railings in between.

Although not part of this planning application, the applicants have advised (via their agent) that the southern access to the land has now been reinstated with top soil and seeded with grass, having previously been surfaced with loose material.

Supplementary Documentation

An extract from the block paving manufacturer's website has been submitted for consideration, which is available to view on the Council's website.

Planning History

April 2015 – permission granted for demolition of existing house and outbuildings and construction of detached chalet bungalow and detached double garage (14/0660/FUL)

Relevant Government Guidance and Local Plan Policies

National Planning Policy Framework

Paragraphs 56 to 58

Current Local Plan

EC2 Design

Residential Design Guidance

RDG10 – Enclosure and boundary treatment

RDG12 – Parking and access

Consultation

Highways

No objection subject to conditions

Legal Services

A new easement would be required to cross the Council-owned land

Public Consultation

No response to neighbour notification

Comments on Consultation Responses

A new easement was provisionally approved by the Council subject to planning permission being granted.

The Highway Authority has requested that a number of conditions be imposed on any permission granted. Where appropriate, these would be incorporated into any permission; however a planning condition requiring the applicant to close the existing vehicular access would be unnecessary as this would be a condition of any new easement.

Evaluation of Proposal

The main issue with this application is the impact of the proposal on the visual amenity and character of the area.

Policy EC2 of the Local Plan requires the space around buildings to be enhanced by appropriate hard and soft landscaping. This is considered to be consistent with paragraphs 56 to 58 of the NPPF.

The Council's Residential Design Guidance, which has been prepared in accordance with section 7 of the NPPF, contains guidance at RDG10 on the provision of means of enclosure and boundary treatment. This states that means of enclosure and surface material should be informed by the prevailing character of the area and surrounding forms of enclosure, without repeating poor forms of development. Means of enclosure should not dominate the public realm.

Guidance at RDG12 states that parking provision should not have an adverse impact on visual or residential amenity.

The relocation of the vehicular access is not considered to adversely impact upon the amenity of any nearby residential properties.

The proposed boundary wall and railings would essentially be a replacement for what is already there, with the opening in a different position (the existing railings are currently obscured by hoarding). It is not considered that this element of the work would have a significant impact on the character or appearance of the area.

The new vehicular access, which would consist of an asphalt crossing of the footway and a block paved area providing access to the opening in the new wall, may be said to represent something of a change from the current situation. Due to the shape of the Council-owned land that the access is required to cross, it would necessarily require a larger area of hard surfacing than the current access point, and would result in the loss of a larger area of grass, even taking into account that the former access would be restored to grass.

Furthermore, the provision of a larger amount of hard surfacing for vehicular access would result in greater urbanisation of the street scene at this point, particularly taking into account that block paving is very domestic in character, compared to other finishes such as grasscrete or tarmac. These are factors that count against the proposal.

However, the urbanising impact of the block paving can be mitigated by requiring this area to be constructed in asphalt to match the pavement. Furthermore, whilst the route of the new vehicular access would break up the grassed area into discrete sections, it is not considered that the visual impact of this would be so detrimental to the surrounding area that an objection on this basis would be sustained on appeal.

The relocation of the vehicular access is not considered to have a significant effect on highway safety in Goldfinch Lane at this point.

The proposed works are considered too remote from the Thundersley Great Common SSSI to have any significant impact on the ecology of that area.

Conclusion

There is no objection to the provision of a new wall and railings.

The new vehicular access over the Council-owned land is considered to be regrettable, but no strong reason for refusal can be found which would be capable of being robustly defended were the applicant to make an appeal against any refusal of planning permission.

It is therefore recommended that planning permission be granted.

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

My Recommendation is Approval with the following conditions

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

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

- 2 The hard surface between the back edge of the footway and the boundary of Whitegates shall be constructed with an asphalt finish to match the adjacent pavement and laid with a fall away from the highway.

REASON: In the interests of the character and appearance of the surrounding area and to ensure the hard surface limits the potential for increased surface water runoff from the site.

- 3 No unbound material shall be used in the surface treatment of the vehicular access within 6m of the back edge of the footway.

REASON: To avoid displacement of loose material onto the highway in the interest of highway safety.

Informatives

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

ITEM 3

Application Number:	16/0216/FUL
Address:	Forest House Catherine Road Benfleet Essex SS7 1AR (Boyce Ward)
Description of Development:	Second floor extension to create a 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
Applicant:	Mr Eric Jakob
Case Officer	Mr Keith Zammit

Summary

The application is a revised scheme for an additional flat to Forest House, following a refusal of planning permission earlier in the year.

It is considered that this revised scheme satisfactorily addresses the reasons for refusal and as a consequence it is recommended that planning permission be GRANTED.

The application is presented to the Committee at the request of Cllr Sharp, as a previous application was considered by the Committee, and also to assess the impact of the development on the surrounding area.

Site Visit

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

Introduction

The site forms part of an area of Green Belt, with significant changes in topography. The area contains a general scattering of buildings. There is residential development under construction to the north fronting London Road and 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. Whilst there are four garages in this location, there is no hard surfaced access, the area being grassed, which does not show signs 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

Permission is sought for a revised scheme of an additional flat to the roof of the existing building. This would be three bedroomed and flat roofed with a grey render finish. The existing building would also be refreshed in terms of its appearance with changes to the appearance of the windows and main entrance.

The roof height of the building would be increased from some 9.4m currently to 9.6m. To provide access to the flat, an enclosed staircase would be provided above the existing single storey rear extension, with an open stair leading from first to ground floor.

The existing single storey rear extension would be re-roofed with a dark grey standing seam roof with 15° pitch, which is shallower than the current roof pitch of 25°. The overall height of this single storey rear extension would be made lower, reducing from a height of 4.8m currently to 4.4m.

Supplementary Documentation

The application is accompanied by a Design and Access Statement and an Energy Report which are 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 11th 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 12th 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 1st 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).

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

Consultation

No statutory consultees notified of this application

Public Consultation

Neighbour notification and site notice – No representations received

Evaluation of Proposal

The main issue with this application is whether it overcomes the previous reasons for refusal, together with any new issues raised.

Reason 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.

Although there have been draft proposals to allocate this land for housing development, the latest version of the New Local Plan published in 2016 no longer includes the site of Forest House and adjoining land to the south for proposed residential development. The land is likely to be retained as Green Belt for the foreseeable future and therefore normal policies on development in the Green Belt should apply to it.

The National Planning Policy Framework states at paragraph 89 that the extension or alteration of a building in the Green Belt should not be viewed as inappropriate development provided that it does not result in disproportionate additions over and above the size of the original building.

The previously refused scheme 15/0945/FUL proposed an increase in the overall roof height of the building by 2m from 9.4m to 11.4m. This proposal seeks to increase the overall height by only 0.2m. Whilst this would result in a flatter, squarer structure than that which currently exists, it is considered that the apparent mass and bulk of the proposed structure is much reduced by this revision, in comparison to the refused scheme.

Although the building would still be increased in size as a result of the proposal, it is not considered that it may be said that the proposed enlargement would result in disproportionate additions, even taking into account the new rear staircase enclosure. The proposal is therefore not felt to amount to inappropriate development within the Green Belt and would be consistent with Government guidance in the NPPF on this matter. It is considered that the amended proposal overcomes refusal reason 1.

Reason 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.

The amended design is quite different to the previous scheme. It is more modern in appearance. The previous deficiencies of contrived design and poor fenestration alignment are judged to have been overcome. Whilst this cannot be said to reflect the design characteristics of the sporadic residential development on the eastern side of Catherine Road, the existing block of flats is read as a separate feature in the street scene, being located on the west side of the road, with no neighbouring buildings to the south and proposed flats to the north.

Given the above, the change in style is not thought to be harmful to the general character of the area, as there is no overarching style of building in the vicinity. Overall, the design changes are considered to represent a substantial improvement and no further objection is raised to the proposal on design grounds.

Reason 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.

The external staircase design has now been altered. Rather than spanning the gap on the north side of the building, it would now be a more compact structure, located to the rear aspect of the building. This would be visible from existing bedroom windows in the ground and first floor rear elevations of the building; however the staircase would not be directly in front of those windows. It is not felt that an unacceptable loss of privacy or undue loss of light or outlook to those occupiers would occur.

The staircase would be sited further away from the northern boundary of the site at a distance of some 6.5m. This compares favourably to some 2.3m in the case of the previous scheme. Given that use of the staircase would be transient, it is not felt that an objection on the basis of overlooking of land to the north of the site from the staircase in this position would be supported on appeal.

Unlike the previous scheme the elevated portion of the staircase is now located to the rear of the building and will much less obtrusive when viewed from the highway.

Subject to such a condition, there is no further objection on the basis of RDG5 and refusal reason 3 is considered to be overcome.

Reason 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).

A consequence of relocation of the external stair is that the car parking spaces would be sited further away from the rear aspect of the building. This additional separation is felt to provide an adequate buffer so that car parking activity would not cause undue loss of amenity to ground floor

rooms at the rear of the building. Accordingly, there is no further objection on the basis of Policy EC3 and refusal reason 4 is deemed to be overcome.

Other matters

The proposed car parking has been rearranged but there is still felt to be adequate parking on site. In fact there would now be 11 spaces, two more than the previous scheme.

The layout of the new flat at second floor features two bedrooms with windows only in the side elevations. A notation on the plans states that all side windows at second floor level would be obscure glazed, as the proposal quite clearly cannot provide the required distance of 15m between the windows and the side boundaries. Obscure glazing is not considered satisfactory for bedrooms; it would result in no outlook and poor living conditions for the occupiers.

However, as this would be the only potential reason for rejecting the application, and it would be open to occupiers of the new flats to assess the living conditions offered before making any decision to buy or rent the flat, it is not felt that this would be capable of forming a robust reason for refusal.

The new first floor stairs window in the north side elevation would be some 8m from the north boundary. This represents a slight deficiency where 9m is required; however given the transient use of the staircase it is not felt that undue overlooking to the north would be caused by the provision of this window.

There are no other matters raised by the amended proposal.

Should permission be granted, it is considered that a condition is necessary to require the provision of an obscure screen to the southern side of the rear staircase to prevent any loss of privacy caused by its use being suffered by the occupiers of the existing flats. Although the plans are notated to show the second floor side windows as obscure glazed, a condition to this effect is required to ensure that this situation is maintained. A condition requiring the provision and retention of car parking is also necessary, in addition to a requirement for the car parking to be drained in accordance with Sustainable Drainage Systems (SuDS) principles.

The materials shown on the drawings are considered satisfactory, so a condition requiring submission and approval of samples or further details of these is not necessary.

Conclusion

The amended application is considered to satisfactorily address the previous reasons for refusal and consequently it is recommended that planning permission be granted.

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

My Recommendation is Approval with the following conditions

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

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

- 2 The development shall be constructed in accordance with the approved materials.

REASON: In the interest of visual amenity.

- 3 Prior to first occupation of the second floor apartment, a 1.8m high obscure glazed screen shall be installed along the southern flank edge of the proposed external stair. This shall thereafter be retained at all times that the apartment is occupied.

REASON: To prevent overlooking and loss of privacy to existing occupiers of the building.

- 4 The windows to the north and south elevations at second floor level shall be

(i) obscure-glazed; and

(ii) non-opening (unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed)

and permanently retained as such thereafter.

REASON: To protect the privacy of occupiers of the site to the north and to ensure that any future redevelopment of the land to the south is not prejudiced.

- 5 Prior to first occupation of the second floor apartment, the approved car parking areas shall be provided, hard surfaced and drained in accordance with SuDS principles. Thereafter, these spaces shall be reserved for the parking of vehicles and not used for any other purpose.

REASON: To ensure that adequate on-site parking is available so that Catherine Road does not become obstructed by parked vehicles, in the interest of the amenity and convenience of surrounding residential occupiers and in the interest of sustainable drainage.

Informatives

- 1 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 2 Please note that a site notice was displayed in a publicly visible location at the site. Castle Point Borough Council would appreciate your co-operation in taking the site notice down and disposing of it properly, in the interests of the environment.

ITEM 4

Application Number:	16/0283/NMA
Address:	7 Kollum Road Canvey Island Essex SS8 7TU (Canvey Island East Ward)
Description of Development:	Non-material amendment to planning permission 14/0465/FUL to create an additional bedroom in each property
Applicant:	Mrs Alicia Blackwell
Case Officer	Mr Keith Zammit

Summary

This application seeks consent for a non-material minor amendment to alter the layout of a pair of approved link detached chalets from two bedrooms to three bedrooms.

This would not have any greater impact on the surrounding area than the approved two-bedroomed scheme and as such it is recommended that the amendment be accepted.

The application is presented to the Committee as the applicant is a relative of Councillor Blackwell.

Site Visit

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

Introduction

The application relates to a site on the western side of Kollum Road, approximately 18m wide and 18m deep. To the north of the site is a detached bungalow at 11 Kollum Road and to the south is a detached house at 75 Point Road. On its western edge, the plot has a boundary to Stella Maris Close.

The Proposal

Planning permission exists for the demolition of the existing bungalow and the erection of a pair of link-detached two-bedroomed chalets with car port parking. This application seeks a non-material amendment to the existing planning permission to allow the creation of a third bedroom to each dwelling at first floor level.

Supplementary Documentation

There is none.

Planning History

October 2014 – permission granted for construction of two link-detached two-bedroomed chalets (14/0465/FUL)

Relevant Government Guidance and Local Plan Policies

The proposed amendment to the existing planning permission raises no issues of principle and no Government guidance or Local Plan policies are applicable to the proposed alteration.

The Council's Residential Design Guidance will be of relevance in evaluating this amendment, particularly:

RDG5 – Privacy and living conditions

RDG6 – Amenity space

Consultation

This application has not been the subject of consultation as it would not affect surrounding residents.

Evaluation of Proposal

The change of first floor layout to provide an additional bedroom does not raise any issues of design or car parking as the exterior of the dwellings would not change and there would be adequate parking on site.

It would not require the provision of any additional windows as the approved large bedroom, which is now proposed to be subdivided, had windows to the front and rear elevations already. The rear window overlooks Stella Maris Close and the front window faces Kollum Road, so there would not be any greater loss of privacy from providing three bedrooms at first floor than providing two. No objection is therefore raised on the basis of RDG5.

Although the number of bedrooms is being increased by one, downstairs the separate lounge and kitchen are now proposed to be one open plan large room, so the number of habitable rooms would not change, and there is no greater amenity space requirement as a result of the amendment. Therefore there is no objection on the basis of RDG6.

Conclusion

The change from two- to three-bedroomed properties is not considered to have any material effect on the living conditions of the surrounding residents or future residents of the proposed dwellings. There are therefore no objections to the proposal.

My Recommendation is Approval with the following conditions

- 1 APPROVAL of the non material amendments to Planning Permission 14/0465/FUL as shown on drawing Nos. CAD/PP/16033/001 & 002, dated 13th April 2016 and received by the Planning Authority on the 18th April 2016.

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.