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AGENDA

Committee: DEVELOPMENT CONTROL

Date and Time: Tuesday 29th July 2014 at 7.30 p.m.

Venue: Council Chamber

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

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

Canvey Island Town Councillors : Acott and Greig

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

Enquiries: 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 July 2014 is attached.

4. Public Speakers

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

5. Deposited Plans

Report of the Head of Regeneration and Neighbourhoods is attached.

	Application No.	Address	Page
1.	14/0001/FUL	335 London Road, Hadleigh (St James' Ward)	1
2.	14/0022/FUL	Land adjacent to 'Wealone', Wensley Road, Benfleet (Cedar Hall Ward)	11
3.	14/0090/FUL	Water Tower, 335 Benfleet Road, Benfleet (Boyce Ward)	18
4.	14/0091/LBC	Water Tower, 335 Benfleet Road, Benfleet (Boyce Ward)	23
5.	14/0174/FUL	5 Little Gypps Road, Canvey Island (Central Ward)	28
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DEVELOPMENT CONTROL COMMITTEE

1st JULY 2014

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

Councillor Sharp also attended.

Apologies for absence were received from Councillors Mrs King and Canvey Island Town Councillor Greig.

1. MEMBERS' INTERESTS

There were none.

2. MINUTES

The Minutes of the meeting held on 6th May 2014 were taken as read and signed as correct.

3. DEPOSITED PLANS

**(a) CPT/9/14/FUL – 14 ALBION ROAD, BENFLEET, ESSEX (APPLETON WARD)
– GARAGE CONVERSION AND RAMP TO FRONT – MR AND MRS PEAKE**

The application sought permission to convert a semi-integral garage to living accommodation and to install a front ramp. The works were required to provide wheelchair access to the property and essential facilities.

A further application had been submitted for this site as detailed at Minute No. 3(b).

The proposal would result in the property being reliant on the front garden of the site to provide for the parking needs of the dwelling. The Planning Officer advised that the front garden was of insufficient size to provide adequate parking facilities and would therefore be likely to result in cars being parked on the highway or partially on the site and partially on the highway, to the detriment of highway safety, and to the detriment of the visual amenity of the area, contrary to policies EC2 and T8 of the adopted Local Plan. The application was therefore recommended for refusal.

The Planning Officer reported that the application had been presented to the Development Control Committee at the request of Councillor Skipp in order for

the Committee to assess the effect of the proposals on car parking provision at the site and on-street car parking in the surrounding area.

Mrs Peake, the applicant, spoke in support of the application.

During discussion Members noted that there would be a reduction in parking provision on the site from two car parking spaces to one however it was considered that this did not outweigh the exceptional circumstances of the application. The Committee therefore:-

Resolved – That the application be approved subject to 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.
2. The proposed development shall be finished externally in materials to harmonise with the existing development.
3. 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.

(Councillor Varker joined the meeting during discussion of this item and accordingly did not take part in the vote to determine the application).

(b) 14/0131/FUL – 14 ALBION ROAD, BENFLEET, ESSEX, SS7 5PU (APPLETON WARD) – GARAGE CONVERSION WITH BOW WINDOW TO FRONT, ALTERATIONS TO FRONT BOUNDARY WALL, INSTALLATION OF RAMP, DECKING AREA TO REAR AND EXTERNAL ALTERATIONS – MR AND MRS PEAKE

The application sought permission for the conversion of the semi-integral garage to living accommodation, incorporating the installation of a bow window to front elevation and the installation of a front ramp, the alteration of the front boundary wall, the construction of a decked area to the rear and external alterations.

A further application had been submitted for this site as detailed at Minute No. 3(a).

The proposal would result in the property being reliant on the front garden of the site to provide for the parking needs of the dwelling. The Planning Officer advised that the front garden was of insufficient size to provide adequate parking facilities and would therefore be likely to result in cars being parked on the highway or partially on the site and partially on the highway, to the detriment of highway safety, and to the detriment of the visual amenity of the area, contrary to

policies EC2 and T8 of the adopted Local Plan. The application was therefore recommended for refusal.

The Planning Officer reported that the application had been presented to the Development Control Committee at the request of Councillor Skipp in order for the Committee to assess the effect of the proposals on car parking provision at the site and on-street car parking in the surrounding area.

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3. 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.

(Councillor Varker joined the meeting during discussion of this item and accordingly did not take part in the vote to determine the application).

(c) 14/0050/FUL – 8 BORROWDALE ROAD, BENFLEET, ESSEX, SS7 3HD (ST PETER'S WARD) – CONSTRUCTION OF SINGLE STOREY SIDE AND FRONT EXTENSION – MS JANE FESSEY

The proposal sought to construct a single storey side and front extension to a detached dwelling at No.8 Borrowdale Road. The extension was of an acceptable design and met the criteria as set out in the Residential Design Guidance and was therefore recommended for approval.

The application was reported to the Development Control Committee as the applicant was a close relative of a member of staff.

Following consideration of the report it was:-

Resolved – That the application be approved subject to the planning conditions set out in the report.

(d) 14/0061/FUL – WATER TOWER, 335 BENFLEET ROAD, SOUTH BENFLEET, ESSEX (BOYCE WARD) – INSTALLATION OF 1 NO. 900MM AND 1 NO. 600MM DIAMETER TRANSMISSION DISHES – AVIAT NETWORKS

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

An application for Listed Building Consent had also been submitted for this site, as detailed at Minute No. 3(e).

The installation of new dishes was required to improve network connectivity in the local area. The proposal would result in a net reduction in the level of telecommunications equipment on the Water Tower and as such would result in an improvement in its appearance.

During discussion Members indicated they were in favour of the proposal particularly as it would result in a reduction in the level of equipment currently installed on the Water Tower.

Following discussion it was:-

Resolved – That the application be approved subject to the planning conditions set out in the report

(e) 14/0062/LBC – WATER TOWER, 335 BENFLEET ROAD, SOUTH BENFLEET, ESSEX (BOYCE WARD) – INSTALLATION OF 1 NO. 900MM AND 1 NO. 600MM DIAMETER TRANSMISSION DISHES – AVIAT NETWORKS

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

An application for planning permission had also been submitted for this site, as detailed at Minute No. 3(d).

The installation of new dishes was required to improve network connectivity in the local area. The proposal would result in a net reduction in the level of telecommunications equipment on the Water Tower and as such would result in an improvement in its appearance.

During discussion Members indicated they were in favour of the proposal particularly as it would result in a reduction in the level of equipment currently installed on the Water Tower.

Resolved – That the application be approved subject to the planning conditions set out in the report.

- (f) **14/0155/FUL – 72 ROSEBERRY AVENUE, THUNDERSLEY, BENFLEET, ESSEX (ST PETER'S WARD) – RAISE RIDGE HEIGHT AND FORM LOFT CONVERSION WITH REAR DORMER AND ROOFLIGHTS TO FRONT AND CONSTRUCTION OF DETACHED GARAGE – MR C HARDMAN**

The application sought to raise the ridge of the property, provide two roof lights in the front elevation and a flat roofed rear dormer to a two storey, semi-detached house, in order to create two bedrooms in the roof space.

The Committee noted that a planning application involving the raising of the ridge and the provision of a rear dormer had been received in respect of the adjoining semi detached property, detailed at Minute No. 3(g).

For the development to be acceptable, it was considered necessary to ensure that the proposed works were carried out to the application dwelling and the adjoining semi detached property simultaneously. It was therefore necessary to require the applicants to enter into a Section 106 (S106) agreement to ensure that both halves of the pair were sympathetically altered. It was for this reason that the application was presented to Committee for determination.

Subject to the applicant being willing to enter into a S106 Agreement in order to carry out the proposed works simultaneously with the adjoining semi-detached property at No 74 Roseberry Avenue, the proposal was recommended for approval.

A Member questioned whether the extensions would be exactly the same and the Planning Officer confirmed there was a requirement that the same materials be used on both properties.

A Member commended the enforcement of symmetry between the two developments as it was noted that in applications for other sites this had not been a requisite of the planning permission granted and it was considered that this had been to the detriment of the visual amenity of those areas.

Following discussion it was:-

Resolved - That subject to the applicants entering into a Section 106 Legal Agreement requiring the works to be carried out simultaneously with the adjoining property at No. 74 Roseberry Avenue, the Head of Regeneration and Neighbourhoods be authorised to approve the application, subject to the planning conditions set out in the report.

(g) 14/0159/FUL – 74 ROSEBERRY AVENUE, THUNDERSLEY, BENFLEET, ESSEX (ST PETER'S WARD) – RAISE RIDGE HEIGHT AND FORM LOFT CONVERSION WITH REAR DORMER AND ROOFLIGHTS TO FRONT – P ANDRE

The application sought to raise the ridge of the property, provide two roof lights in the front elevation and a flat roofed rear dormer to a two storey, semi-detached house, in order to create two bedrooms in the roof space.

The Committee noted that a planning application involving the raising of the ridge and the provision of a rear dormer had been received in respect of the adjoining semi detached property, detailed at Minute No.3(f).

For the development to be acceptable, it was considered necessary to ensure that the proposed works were carried out to the application dwelling and the adjoining semi detached property simultaneously. It would therefore be necessary to require the applicants to enter into a S106 agreement to ensure that both halves of the pair were sympathetically altered. It was for this reason that the application was presented to Committee for determination.

Subject to the applicant being willing to enter into a S106 Agreement in order to carry out the proposed works simultaneously with the adjoining semi detached property at No 72 Roseberry Avenue, the proposal was recommended for approval.

Resolved - That subject to the applicants entering into a Section 106 Legal Agreement requiring the works to be carried out simultaneously with the adjoining property at No. 72 Roseberry Avenue, the Head of Regeneration and Neighbourhoods be authorised to approve the application, subject to the planning conditions set out in the report.

Chairman

ITEM 1

Application Number:	14/0001/FUL
Address:	335 London Road Hadleigh Benfleet Essex SS7 2BT (St. James')
Description of Development:	Demolition of existing building and construction of three storey building containing 6 no. flats and associated parking.
Applicant:	Mr Neidus
Case Officer	Mr Keith Zammit

Summary

The proposed development is a block of six flats with car parking. There are no significant conflicts that can be identified with either local or national policies and therefore it is recommended that permission be GRANTED.

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

Site Visit

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

Introduction

The application site is occupied by a single storey building on the north side of London Road, between its junctions with Oak Road North and Meadow Road. It is currently used for car sales. The yard to the rear of the site is hardsurfaced and used for car parking.

There are commercial premises either side of this site, with the premises to the west at 333 London Road also containing a residential use at first floor level. To the rear of the site is a car park serving flats in Oak Road North.

The Proposal

Permission is sought for the redevelopment of this site with a three storey, flat roofed building containing six self-contained flats. It is proposed to provide undercroft vehicular access at ground floor level through to the hard surfaced area at the rear of the site, where car parking is proposed.

The building would contain four two-bedroomed flats, one one-bedroomed flat and a bedsit.

The building would have a width of some 11.4m, depth of some 16.3m and flat roof with a parapet to a height of some 8.8m.

Supplementary Documentation

A design and access statement was submitted with this application which has been, and is, available to view on the Council's website.

Planning History

In 2008 an application was submitted to the Council for the redevelopment of the site known as 325-339 London Road, for the provision of 30 flats and 3 commercial units with basement parking. The site included that of the current application (CPT/99/08/FUL). This was approved subject to the applicant entering into a legal agreement for the provision of six affordable housing units and a contribution of £10,000 towards improvement of the recreational facilities at John Burrows Recreation Ground. This agreement was not completed.

Relevant Government Guidance and Local Plan Policies

The application site is allocated for shopping purposes within Hadleigh Town Centre on the Local Plan proposals map. The following policies are therefore of relevance.

National Planning Policy Framework

Para Nos: 17, 29 -41, 58, 109 and 120.

Current Local Plan

EC2 – Design
H9 – New housing densities
H10 – Mix of development
H12 – Piecemeal development
H13 – Location of development
S4 – Non retail development
T8 – Parking standards

Residential Design Guidance

RDG2 – Space around dwellings
RDG3 – Building lines
RDG5 – Privacy and living conditions
RDG6 – Amenity space
RDG11 – Landscaping
RDG13 – Refuse and recycling storage

Consultation

County Highways

No objection subject to conditions.

CPBC Refuse and recycling

Refuse storage area is of adequate size but the doors will need to open along the full length of the cupboard to enable bins to be removed.

Public Consultation

The application represents a departure from the Development Plan, requiring the provision of notice in the Press. The publicity period for this application expires on Friday 1st August 2014. At the time of the preparation of the Agenda, no responses had been received. Any comments received after the preparation of the Agenda will be reported in the Late Letter Schedule.

Comments on Consultation Responses

Refuse and recycling issues are discussed in the evaluation of the proposal.

Evaluation of Proposal

Principle

Policy S4 of the Local Plan states that within town centres, non-retail uses falling within Classes A2, A3, B1, D1 and D2 will be permitted beyond the primary shopping frontage, subject to compliance with other policies in the Plan. Development falling outside of these Classes will be refused.

The application is for a purely residential redevelopment of this site that prima facie is contrary to Policy S4. However, Policy S4 is inconsistent with the NPPF because it advocates a prohibition on uses falling outside of the classes specified. Paragraph 23 of the NPPF makes it clear that Local Planning Authorities should recognise that residential development can play an important role in ensuring the vitality of centres and set out policies to encourage residential development on appropriate sites. Whilst this statement is directed at site allocation as part of the plan making process, it is considered that it is also of relevance to decision making.

Paragraph 14 of the NPPF sets out that there is a presumption in favour of sustainable development which for decision-making means approving development proposals that accord with the Development Plan without delay and where the Development Plan is absent, silent or out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF as a whole.

The site is located within the Town Centre and in close proximity to social, health and shopping facilities and a public transport network. The site is therefore considered to represent a sustainable location. As such there would be a presumption in favour of the development, which is enhanced by the absence of an up to date Development Plan, unless any adverse impacts of the proposed development would significantly and demonstrably outweigh its benefits.

Assessment of the benefits and adverse impacts of the proposed development is made in the following sections. As will be demonstrated, it is not considered that the benefits of the proposal would be outweighed by harm. No objection is therefore raised to the principle of residential development on this site, in the context of the NPPF.

Policy H13 of the Local Plan requires proposals for flats to be located on or near a main road primarily because such locations are where there tends to be a greater level of noise and activity and a flatted development would be less likely to cause loss of amenity to existing residents through noise and disturbance.

Such an approach is generally consistent with paragraphs 29 to 41, 58, 109 and 120 of the National Planning Policy Framework (NPPF).

The site is located on London Road which is a main road and therefore the proposal is consistent with Policy H13.

Policies H13 and H9 require developments not to adversely affect the amenity of adjoining residents or have an adverse impact on the character or appearance of the area generally. Consideration of these aspects of the proposal is provided by assessment against the Council's adopted Residential Design Guidance which is discussed below.

Policy H12 states that where it appears to the Council that the comprehensive development of a larger site or development in depth would be prejudiced by piecemeal development, planning permission will be refused. This is consistent with the NPPF because it supports the delivery of the core planning principles set out in paragraph 17.

There has previously been an application submitted to this authority for 6 commercial units and 24 flats with parking to the rear (CPT/823/04/FUL) at 325-339 London Road. There has also been a more recent application for 30 flats and 3 commercial units with basement parking and access from Oak Road North (CPT/99/08/FUL). The former has now been entered on the planning register as withdrawn as the Section 106 Agreement was not completed. The latter is still a live application, on which the Section 106 Agreement could be signed. The application site falls within the boundary of this scheme.

It is clearly evident that the site has the potential to form part of a wider site which could accommodate a comprehensive form of development and that approval of the currently proposed development would prejudice the redevelopment of the larger site. However, it must be borne in mind that six years have elapsed since the resolution to grant planning permission for the 2008 scheme. Whilst in the first few years following the resolution to grant planning permission it could have been said that economic and market conditions could have prejudiced completion of the agreement and the commencement of development, that situation has now changed somewhat and the property market is recovering. In spite of this, the applicant has not expressed an interest in completing the Section 106 Agreement and implementing the planning permission. In the absence of any other proposals for comprehensive redevelopment of the site, it is not considered that an objection to the current proposal on the basis of Policy H12 would be sustainable on appeal.

Policy H10 states that in all proposals for residential development the Council will expect the provision of an appropriate range of dwelling types in order to satisfy a variety of housing requirements. This is, however, vague and inconsistent with the requirement of paragraph 50 of the NPPF which requires local planning authorities to plan for a mix of housing based on demographic and market trends and the needs of different groups in the community.

The most up to date evidence of housing need in Castle Point is the 2013 review of the Strategic Housing Market Assessment. This states that within Castle Point, the breakdown of new housing sizes within developments should be as follows:

1 bedroom	10%
2 bedrooms	25%
3 bedrooms	48%
4 bedrooms+	17%

It can be seen that the greatest need is for three bedroomed housing, with two bedroomed housing the next greatest need. The proposal would provide:

4 x 2-bedroom flats
1 x 1-bedroom flat
1 x bedsit

The proposal would provide mainly two bedroomed accommodation which would meet an identified need. It is recognised that on a small site it is not always possible to provide a mix of dwelling types and on this basis there is no objection to the proposal on the basis of the mix of dwelling types provided.

The proposed 29m² bedsit on the ground floor is considered to be a poor form of accommodation, however in the absence of any adopted supplementary planning guidance on minimum dwelling and room sizes, it is not considered that an objection to the proposal on this basis could be robustly defended at appeal.

Detailed matters of design and layout

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

Following revisions to the plans, the proposed building is considered to be of a satisfactory design that would be appropriate for the town centre location and would not be visually harmful to the surrounding area. There are three storey buildings within the local area, so a further building of three storeys would not look out of place. Accordingly there is no objection to the proposal on design grounds.

Within the Council's Residential Design Guidance RDG2 deals with space around dwellings. The space around all new development should be informed by the prevailing character of space around dwellings. Where there is a distinct character of development which creates an exceptionally strong pattern, development must not result in disruption to this pattern. In the case of buildings containing flats, isolation space equivalent to 25% of the width of the building should be provided.

The proposed building would be constructed approximately 0.3m from the boundaries of the site and in reality it would not be possible to tell that any isolation space existed. In some contexts this would not be appropriate, however, in Hadleigh Town Centre with its tight urban grain formed by terraced buildings and buildings located in close proximity to each other, it is considered that a further building with limited side isolation space would be in keeping with the established character and not detrimental to it. As such, no objection is raised on the basis of guidance at RDG2.

Guidance at RDG3 requires proposals to respect established building lines and not to cause excessive overshadowing or dominance to adjacent properties.

The building to the east of this site is in commercial use so it is not considered that there is potential for loss of residential amenity to be caused by way of overshadowing or dominance.

The building to the west appears to contain residential accommodation at first floor level. It is likely that this proposal would cause less light to be received by the window in the flank wall of that building at first floor level and also by the roof terrace above a ground floor rear extension. This

would have some impact on the amenity of the occupiers of the first floor residential accommodation. In the case of the window, however, this gains light across an adjacent site to which there is no right under planning law. In respect of the rear roof terrace, this would take on a more enclosed feel by the provision of a three storey building to the east of it, however it is considered that it would still have adequate outlook to and light from the rear. Furthermore town centre locations tend to exhibit buildings in close proximity to each other and occupiers of residential development within such locations must expect lower levels of privacy within any private outdoor space that residents might enjoy as a result. On this basis, it is not considered that the proposal would unreasonably harm the living conditions of occupiers of No.333.

Other neighbouring properties are too remote to be significantly affected by the proposed building. No objection is therefore raised on the basis of guidance at RDG3.

Guidance at RDG5 deals with privacy and overlooking. A distance of 9m is required to be provided between first floor windows and the boundary of the site, increasing to 15m for second floor windows.

The proposed rear windows would be located some 24m from the boundary of the site which satisfies this requirement. The front windows would overlook the street which is within the public realm and would not cause undue loss of privacy to properties opposite. No side windows are proposed. No objection is therefore raised on the basis of guidance at RDG5.

Guidance at RDG6 requires appropriate amounts of outdoor amenity space to be provided in proportion to the size of the dwelling. For flats, 8m² per habitable room should be provided, with a minimum of 25m² per flat. The development would not provide any outdoor amenity space for occupants. This is unattractive and goes against the design guidance requirements. However, the provision of outdoor space within town centres tends to be limited, given the nature of the built environment and whilst normally the Council would seek outdoor space provision, this is considered to be an environment where the lack of outdoor space could not be said to be uncharacteristic of the area. As such, an objection to the proposal on the basis of guidance at RDG6 would unlikely be supported on appeal.

Members may wish to note that in other schemes for the provision of flats within town centre locations, where permission has been withheld on the basis of lack of amenity space, this has not been subsequently supported on appeal.

Guidance at RDG11 requires developments of flats to be provided with hard/soft landscaping suitable for the type of accommodation provided. The proposed building would be provided with a small grassed and planted area behind railings to its front aspect. This is not a large amount of landscaping however there is limited space at the front of the site and it is uncommon for buildings within the town centre to be provided with substantial amounts of landscaping to the front. The proposed landscaping would mimic that provided at the three storey block of flats on the opposite side of the road, which in the context of the area could be said to have generous landscaping. Under these circumstances it is not considered that the proposal would be out of character with the area and no objection is therefore raised on the basis of landscaping provision.

Guidance at RDG13 requires appropriate provision to be made for the storage of refuse and recycling materials. The proposed development would provide a long, narrow storage cupboard in the vehicular access way for the refuse bins. The Council's Refuse and Recycling Service has commented that this is of adequate size but the doors will need to open along the full length of the cupboard to enable bins to be removed. It is also possible that the shape of the refuse room could

be changed to be squarer. Subject to a condition requiring details of suitable alternative refuse storage arrangements to be agreed, there is no objection on the basis of guidance at RDG13.

Car Parking

Local Plan Policy T8 requires the provision of off-street car 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 current standards require the provision of one space for one bedroomed properties and two spaces for properties with two or more bedrooms. Parking spaces should have dimensions of 2.9m x 5.5m. Unallocated visitor parking is to be provided at a rate of 0.25 spaces per dwelling, rounded up to the nearest whole space.

Within the Council's Residential Design Guidance RDG12 requires car parking not to be visually dominant.

The development requires the provision of 12 car parking spaces. 6 are provided which is half this requirement and equates to one space per flat (100% parking provision). However, the planning authority has consistently taken the view that in sustainable urban locations and town centres with good access to public transport, one space per flat is considered an appropriate level of parking provision and the need for visitor parking can be dispensed with.

In these particular circumstances, the application site is located on a main road and on the eastern fringe of Hadleigh Town Centre which provides opportunities to access the site by means other than the private car and good access to shops and services. The location is considered to perform well in terms of sustainability and a greater amount of car parking is not warranted. Under these circumstances, it is considered that parking arrangements for the site are acceptable and would not lead to excessive additional on-street parking in surrounding streets. No objection is therefore raised to the proposal on this basis.

The car parking spaces meet the required dimensions.

The location of the car parking to the rear of the building is not considered to cause it to be visually dominant in the streetscene.

It is noted that the Highway Authority has recommended that several conditions be imposed should planning permission be granted.

The first requires provision of visibility splays at the highway access which is considered reasonable in the interest of highway safety.

The second requires car parking spaces to meet minimum dimensions. The car parking spaces meet these dimensions so the condition is unnecessary.

The third requires 6m to be provided between rows of parking bays. The layout meets this requirement so the condition is unnecessary.

The fourth requires provision of appropriate vehicular access; this is considered a reasonable requirement in the interest of highway safety.

The fifth requires the redundant length of vehicle crossing to be closed. This is considered a reasonable requirement in the interest of highway safety.

The sixth requires that no unbound material be used within 6m of the highway boundary. It is recognised that loose material can be transferred to the highway leading to poor conditions on the highway, so such a requirement is considered reasonable in the interest of highway safety.

The seventh requires details to be submitted of the means to prevent the discharge of surface water onto the highway. The site is already hard surfaced so this requirement is not relevant.

The eighth requires details to be submitted of an area for the reception and storage of building materials within the site clear of the highway. It is considered that the Highway Authority has effective powers of enforcement to require removal of materials placed within the highway, so this condition is unnecessary.

The ninth requires the developer to provide Residential Travel Information Packs to occupiers which contain free public transport tickets and are designed to promote public transport usage. Whilst this may be justified in the case of a large development where the impact of new residents to an area could be significant, it is not considered to be justified in the case of the scale of development proposed here.

Conclusion

The proposed development is not considered to have any significant adverse effects on the locality and is consistent with Government guidance in the NPPF. The proposed development is therefore considered acceptable.

However, the consultation period for the proposal does not expire until 1st August 2014.

Under the circumstances the **RECOMMENDATION** is: that authority to approve the scheme be delegated to the Head of Regeneration and Neighbourhoods, in consultation with the Chairman and Vice-chairman, subject to there being no further objections received prior to the expiry of the publicity period, and the following conditions:

My Recommendation is Approval with the following conditions

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

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

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

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

- 3 Prior to the commencement of the development hereby approved a landscaping scheme shall be submitted to and formally approved by the Local Planning Authority. Such a scheme shall include planting plans, written specifications, including cultivation and other operations

associated with plant and grass establishment, schedules of plants, noting species, plant sizes and proposed numbers / densities.

REASON: To ensure a satisfactory development incorporating a degree of natural relief, in the interests of the amenities of the site and the surrounding area.

- 4 Prior to the first occupation of the development hereby approved all landscaping works shall be carried out in accordance with the approved landscaping scheme and such works shall be formally approved by the Local Planning Authority.

REASON: To ensure a satisfactory development incorporating a degree of natural relief, in the interests of the amenities of the site and the surrounding area.

- 5 Any tree or shrub contained within the approved landscaping scheme dying or being damaged, removed or becoming seriously diseased within 5 years of the date of this permission shall be replaced by a tree or shrub of a similar size and species by the applicant or the applicant's successor in title, or such other tree or shrub as may be formally approved by the Local Planning Authority.

REASON: To ensure a satisfactory development incorporating a degree of natural relief, in the interests of the amenities of the site and the surrounding area.

- 6 Prior to first occupation of the development, revised arrangements for the storage of refuse bins shall be submitted to and formally approved by the local planning authority.

REASON: The submitted arrangements are unsatisfactory because the refuse bins cannot be independently accessed or removed.

- 7 The refuse storage facilities shall be made available for use in accordance with details approved pursuant to condition 6 prior to first occupation of the building. Thereafter, these facilities shall be maintained for their specified purpose unless otherwise agreed in writing with the local planning authority.

REASON: To make and retain provision for the storage of refuse bins in the interest of visual amenity.

- 8 The building shall not be occupied until the car parking area has been marked out and made available for use in accordance with the approved plans. Thereafter the car parking area shall be retained for use by occupiers of and callers to the building and not used for any other purpose.

REASON: In order to retain satisfactory off-street parking in accordance with the Council's adopted standards.

- 9 Prior to occupation of the development, the car parking area shall be provided with provided with properly constructed dropped kerb vehicular access to the highway.

REASON: The existing vehicular access is of insufficient width on the western side to serve the proposed parking area and vehicles would overrun the footway to the detriment of pedestrian safety.

- 10 Prior to the vehicular access being brought into use, a 1.5m x 1.5m pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays shall not form part of the vehicular surface of the access.

REASON: To provide adequate inter-visibility between the users of the access and pedestrians in the adjoining public highway in the interest of highway safety.

- 11 Prior to occupation of the development, the redundant length of vehicular crossing shall be closed and the footway and kerbing reinstated.

REASON: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interest of highway safety.

- 12 No unbound material shall be used in the surface treatment of the vehicular access within 6m of the highway boundary.

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

ITEM 2

Application Number:	14/0022/FUL
Address:	Land Adjacent To Wealone Wensley Road Benfleet Essex SS7 3DS (Cedar Hall)
Description of Development:	Construction of 1 No. 1 bed bungalow with basement
Applicant:	Mr J Scarff
Case Officer	Mr Keith Zammit

Summary

The proposal is for development of one dwelling on land that forms part of the curtilage of an existing dwelling, 'Wealone', on Wensley Road. There are no adverse impacts on the local area that can be identified as a result of the proposed development, and the proposal is therefore recommended for APPROVAL

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

Site Visit

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

Introduction

The application site lies on the eastern side of Wensley Road, some 140m south of its junction with Swale Road. Wensley Road is unmade at this point and retains a rural character. Land on the western side of Wensley Road is heavily vegetated and is undeveloped. This area of land, and the land which forms the carriageway of Wensley Road, is allocated for Green Belt purposes in the adopted Local Plan.

The site of 'Wealone', however, lies within an area allocated for long term housing needs as defined by Policy H5 of the adopted Local Plan.

Land to the north of the site is subject to a Tree Preservation Order No.15/95 made on 26th October 1995 in respect of 10 Oak trees.

The Proposal

Permission is sought for the erection of a one bedroomed bungalow located to the north of the existing dwelling. The proposed bungalow would have basement accommodation providing a gym, home cinema, office and storage room and ground floor accommodation providing a kitchen, lounge, bedroom, study, bathroom, ensuite and garage.

The bungalow would have a width of 11.355m and depth of 13.4m. A pitched roof to a height of some 6.1m would be provided. Synthetic roof slates with a rendered wall finish are proposed.

The basement would have a floor area of some 7.6m by 13.7m.

Vehicular access from Wensley Road with a parking space on the site frontage is proposed.

Supplementary Documentation

The application is accompanied by a Planning, Design and Access Statement and an Arboricultural Report which have been, and are, available to view on the Council's website.

Planning History

There is no history of proposed development on the current proposal site.

Relevant Government Guidance and Local Plan Policies

National Planning Policy Framework –
Paragraphs 39, 56-58

Current Local Plan

EC2 - Design

EC22 – Retention of Trees, Woodland and Hedgerows

H5 – Safeguarding of Land for Long Term Housing Needs

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

RDG10 – Enclosure and Boundary Treatment

RDG12 – Parking and Access

Consultation

No statutory consultations undertaken

Public Consultation

No responses received to neighbour notification and site notice

Evaluation of Proposal

Principle

Policy H5 of the current Local Plan states that land south of The Chase and east of Wensley Road will be safeguarded for the long term provision of housing and until such time as local plan reviews show that the land needs to be released for housing, the land will be kept free of development which would prejudice later comprehensive treatment. Members will be aware that much of this land is currently under development with 150 dwellings pursuant to planning permission CPT/697/11/FUL. However, there are several plots of land fronting Wensley Road which are outside the current comprehensive development site, but within the Long Term Housing

allocation. The application site is one such parcel of land. Although the site is not capable of contributing to, or prejudicing the comprehensive scheme to the east, it is capable of providing for a single dwelling. The provision of such a dwelling would be consistent with the provisions of Policy H5 .

This part of Wensley Road is unmade and retains a rural character. Previous applications for the provision of additional dwellings elsewhere on Wensley Road have been refused on the basis that they would have led to unacceptable urbanisation and detriment to the Arcadian character of the area, partially due to pressure for the surfacing of the carriageway of Wensley Road. However, the completion of the development to the east of the application site will significantly alter the character of this part of Wensley Road as further dwellings are proposed to front that highway. Whilst these new dwellings would not gain vehicular access from Wensley Road the introduction of new dwellings into the streetscape will create a much more urban character than currently exists and in this context, subject to the achievement of appropriate design and access, it is not considered that an objection to the principle of an additional dwelling in this location could be sustained.

Design

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

The streetscene in Wensley Road is made up of sporadic development of bungalows, some of which, including the adjacent dwelling at 'Wealone', have been enlarged through the provision of accommodation in the roofspace. The proposed dwelling, insofar as it is visible above ground level, would be a bungalow with a roof light to the front roof slope. This would not be out of character with the surrounding properties. The adjacent dwelling at 'Wealone', has a roof height of some 6.6m; the proposed roof height of 6.1m would not appear excessively tall in relation to this. Overall there is no objection on design grounds.

Guidance at RDG1 requires plot sizes for new development to be informed by the prevailing character of plot sizes. The proposed plot would have a width of some 14.5m and depth of some 27m. It is considered that this is reflective of the character of nearby plots therefore no objection is raised to the proposal on this basis.

Guidance at RDG2 states that the space around new development should be informed by the prevailing character of space around dwellings. There would be approximately 1.5m provided between the proposed dwelling and the boundary on the southern side and 1m on the northern side. This reflects the setting of nearby dwellings and accordingly no objection is raised to the proposal on the basis RDG2.

It is, however, considered necessary to impose a condition on the grant of any planning permission withdrawing permitted development rights for future extensions to the side of the dwelling, in order that the character of the area is not further compromised.

Guidance at RDG3 requires proposals to respect established building lines. The proposed dwelling would respect the front building line formed by adjacent dwellings. No objection is therefore raised on the basis of guidance at RDG3.

Guidance at RDG6 requires the provision of 15m² of private amenity space for each habitable room. The property is considered to have six habitable rooms requiring an amenity area of 90m². A rear garden area of some 109m² would be provided which satisfies the requirement.

Guidance at RDG10 states that means of enclosure should be informed by the prevailing character of the area and surrounding forms of enclosure, both in terms of materials and positioning, without repeating poor forms of development.

There is currently 2m high close boarded fencing to the front boundary of the plot. This harms the semi-rural character of the area and will be removed as part of the proposal.

The high fencing to the side boundaries of the site, where it extends forward of the line of the front wall of the proposed dwelling, is also a dominant feature that is uncharacteristic of the area. No indication of proposed boundary treatments is given as part of the planning application, however, subject to a condition requiring the replacement of the front and side fences with some more suitable form of boundary treatment, there is no objection to the proposal on the basis of guidance at RDG10.

Policy EC22 of the current Local Plan states that existing trees, hedgerows and woodlands shall be retained wherever possible as part of development. This is consistent with paragraph 58 of the NPPF which states that planning policies and decisions should aim to ensure that developments are visually attractive as a result of appropriate landscaping.

There are preserved Oak trees adjacent to the northern boundary of the site, on adjoining land, which it is desirable to retain. Whilst the current scheme does not propose to remove the trees it does have the potential to adversely affect their root systems.

The proposed basement accommodation has been shown to be outside the root protection areas of the trees. The proposed ground floor accommodation would be constructed within the trees' root protection areas and therefore there is the potential for damage to be caused. In response the applicant has stated that the footings for the new building will be of pile and raft construction. The raft will be above ground to reduce the potential for damage to the root area and ground protection measures would be put in place to prevent compaction of the ground during construction. Following clarification by the applicant's arboricultural specialist, it is considered that such measures would minimise any damage to the tree root systems and therefore no objection is raised to the proposal on the basis of Policy EC22.

Neighbour impact

Guidance at RDG3 requires proposals not to cause excessive overshadowing or dominance of adjacent properties. The proposed dwelling would be constructed roughly level with the rear aspect of the existing dwelling at 'Wealone' and it is not considered that this would cause it to be unduly obtrusive or dominant in relation to that property.

The housing development on land to the rear does not include dwellings in such close proximity to this plot that they would be adversely affected by way of obtrusiveness or dominance.

No objection is raised on the basis of guidance at RDG3.

Guidance at RDG5 deals with privacy and living conditions. A distance of 9m is required to be provided between first floor windows and the boundary of the site. The proposed bungalow would have a front facing roof light. There is no indication of what room or space this would serve however it would overlook Wensley Road so would not cause loss of privacy to nearby residential occupiers. No objection is therefore raised on the basis of guidance at RDG5.

Parking and highway matters

Policy T8 of the current 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 are the 2009 Essex Vehicle Parking Standards which were adopted by this Authority on 1st June 2010. These require the provision of one off-street car parking space for one bedroomed properties and two spaces for properties with two or more bedrooms. Garages will only be counted as a parking space where they have internal dimensions of 3m by 7m and should have a forecourt of minimum 6m depth to allow cars to stand clear of the highway whilst garage doors are being operated.

Guidance at RDG12 requires parking not to be visually dominant.

The proposed dwelling has the capacity to provide two bedrooms and it is therefore considered that two off-street parking spaces should be provided. The proposal includes a 3m by 7m garage and a 6m deep forecourt parking space to the front. This is considered to constitute acceptable off-street parking provision and no objection is raised to the proposal on this ground.

It is not considered that one car parked on the site frontage would be unduly dominant in the streetscene. Subject to a condition requiring the retention of the remainder of the frontage as planted garden area, there is no objection to the parking arrangements on visual grounds.

Policy T7 of the current Local Plan states that in all applications for the intensification of development served by unmade roads, the Council will seek appropriate improvements to the highway. Such improvements would be at the developer's expense and include the provision of footpaths, drainage and lighting. The NPPF does not specifically address this matter, but paragraph 35 states that development should, inter alia, accommodate the efficient delivery of goods and supplies, create safe and secure layouts and give priority to pedestrian and cycle movements.

Previous applications for intensification of development on Wensley Road have attracted recommendations of refusal on the basis that they would have lead to pressure for the carriageway of Wensley Road to be surfaced, which it is considered would detract from the area's rural character. However, as previously mentioned, housing development under construction in the area will result in a change in the character of Wensley Road making it more urban in appearance. Consequently an improvement to or the making up of the surface of Wensley Road would not now be so injurious to local character, and is justified given that the introduction of further vehicular traffic to Wensley Road is likely to result in deterioration in its condition and the general character and appearance of the area.

Members may recall that when new dwellings have been permitted at various sites in the vicinity of Swale Road, the developers were required to enter into an Agreement under Section 106 of the Town and Country Planning Act to secure improvement in the condition of the roads. These improvements did not take the form of a conventional adoptable road but rather improvements involving the laying of new material and its compaction to provide a surface of greater quality than that which exists but which would maintain a non-urban character. This approach is also considered suitable for Wensley Road. Subject to the applicant being willing to enter into a S106 agreement to achieve this objective, no objection is raised to the proposal on this basis.

Conclusion

The proposed development of a single dwelling is considered to make a contribution, albeit modest, to housing supply and there are no areas of conflict with the National Planning Policy Framework or local policies that can be identified. The recommendation is therefore APPROVAL.

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

My **RECOMMENDATION** is: that subject to the applicant entering into an Agreement under Section 106 of the Town and Country Planning Act to secure improvements to the surface of Wensley Road insofar as it serves the site, the Head of Regeneration and Neighbourhoods be authorised to grant planning permission, subject to the following conditions:

My Recommendation is Approval subject to S106 with the following conditions

- 1 This permission should be read in conjunction with the Section 106 Legal Agreement dated contemporaneously with this permission.

Reason: To secure the provision of acceptable vehicular and pedestrian access.

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

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

- 3 Prior to the commencement of the development hereby approved details or samples of all materials to be used on the external surfaces of the building and on any driveway or forecourt shall be submitted to, and formally approved by 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.

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

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

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, as amended, no extensions or structures shall be erected beyond the flank walls of the dwelling without the formal consent of the Local Planning Authority.

REASON: In order to regulate and control further development in the interest of preserving the character of the area.

- 6 Any hard surfacing in advance of the principal elevation of the dwelling shall be provided in accordance with SuDS principles.

REASON: To ensure the hard surface limits the potential for increased surface water runoff from the site.

- 7 No unbound material shall be used in the surfacing of the vehicle parking area.

REASON: To prevent the transfer of loose material to the highway in the interest of highway safety.

- 8 Prior to the commencement of development, an accurately scaled plan showing the layout of the front forecourt of the site shall be submitted to and approved in writing by the local planning authority. The area hard surfaced shall be limited to that for car parking in front of the garage together with provision of pedestrian access to the dwelling. The remainder of the site frontage shall be retained as planted garden area.

REASON: In the interest of visual amenity and to ensure that the development is in character with its setting.

- 9 The dwelling shall not be occupied until the approved car parking area has been provided, surfaced and drained. Thereafter, the car parking space together with the garage shall be retained for the parking of vehicles and not used for any other purpose.

REASON: To ensure the provision and retention of appropriate on-site car parking in the interest of highway safety.

- 10 Prior to first occupation of the dwelling, the fencing to the front boundary of the site, and the fencing to the side boundaries of the site insofar as it is located in advance of the principal elevation of the dwelling, shall be replaced with boundary treatment(s) not exceeding 1m in height, the details of which shall first be submitted to and approved in writing by the local planning authority.

REASON: In the interest of visual amenity and to ensure that the development is in character with its setting.

Informatives

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

ITEM 3

Application Number:	14/0090/FUL
Address:	Water Tower 335 Benfleet Road South Benfleet Benfleet Essex (Boyce)
Description of Development:	Replacement of 3No. antennas with new antennas, installation of microwave dish antenna, removal of existing internal radio equipment cabinets and replacement with 3No. new cabinets and development works ancillary thereto
Applicant:	CTIL And Telefonía UK Limited
Case Officer	Mr Keith Zammit

Summary

The proposed development involves the installation of new and replacement telecommunications apparatus to an existing water tower.

It is not considered that the proposal would have an adverse impact on the appearance of the building and the wider area and it is recommended that the application be **APPROVED**.

An application for Listed Building Consent is at Item 4 of this agenda.

Site Visit

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

Introduction

The application relates to the Benfleet Water Tower, which no longer serves the purpose of water supply infrastructure and now hosts business uses and telecommunications apparatus.

The structure is located at the junction of Benfleet Road and Essex Way. It is a Grade II Listed Building, and located within the Green Belt.

The Proposal

Permission is sought for the replacement of three antennas with new antennas around the perimeter of the tower roof and the installation of a 300mm diameter microwave dish on an existing pole on the western side of the roof. Within the building, four equipment cabinets would be replaced with three equipment cabinets. These would not be visible from outside the building.

Supplementary Documentation

The application is accompanied by the following documents:

- a Design and Access Statement
- supporting information sheet

- ICNIRP declaration of conformity with public exposure guidelines

all of which have been and continue to be available to view on the Council's website.

Planning History

There is an extensive history of applications for telecommunications apparatus on this building, much of which is of no relevance to this case. It is worth noting, however, that two proposals for planning permission and listed building consent for the installation of antennas and equipment cabinets (CPT/467/05/FUL, 468/05/LBC, 442/06/FUL and 443/06/LBC) were refused and then subsequently dismissed on appeal, for eroding the building's special interest and being harmful to the openness, character and appearance of the landscape and the visual amenity of the surrounding area. In these cases the proposals included the provision of equipment on the face of the building and added considerably to the visual clutter of communications equipment on the structure which was considered unacceptable.

In January 2012, planning permission and listed building consent were granted for the replacement of 3 No. existing pole-mounted antennas with 3 No. new pole-mounted antennas and ancillary works, on the basis that the proposed installation would not have a significantly different visual impact on the area than the existing structure.

In April 2012, planning permission and listed building consent were refused for the replacement of 3 pole mounted antennas with 6 new pole mounted antennas and ancillary works, due to the detrimental impact on the special architectural interest of the water tower and the wider area.

In June 2012, planning permission and listed building consent were granted for a 600mm dish that was installed in place of what should have been a 300mm diameter dish. It was considered that the change from a 300mm to 600mm diameter dish did not give the tower or the equipment on it significantly greater prominence.

In April 2013, planning permission and listed building consent were refused for the replacement of three antennas with six antennas and the installation of a new 600mm diameter dish due to the detrimental impact on the special architectural interest of the water tower and the wider area.

In June 2013, planning permission and listed building consent were refused for the installation of 1 No. 1.2m diameter dish and 1 No. 0.6m diameter dish at a height of 30m and internal equipment cabinet (CPT/157/13/FUL, CPT/159/13/LBC) and granted for replacement of three antennas and installation of an internal equipment cabinet (CPT/186/13/FUL, CPT/187/13/LBC)

In December 2013, planning permission and listed building consent were granted for the installation of two 600mm diameter transmission dishes (CPT/550/13/FUL, CPT/551/13/LBC) subject to the condition that equipment identified on the application drawings was removed from the structure prior to installation of the approved equipment.

On 1st July 2014, planning permission and listed building consent were granted for the installation of 1 No. 900mm and 1 No. 600mm diameter transmission dishes (14/0061/FUL, 14/0062/LBC) subject to the condition that equipment identified on the application drawings was removed from the structure within six months of the installation of the approved equipment.

From the recent history it can be seen that proposals which have sought to increase the amount of equipment on the Tower have been resisted, whilst proposals for the replacement of equipment were generally considered acceptable, where the proposal had no greater impact on the character and appearance of the Tower. The Council's most recent decision also shows that proposals which included the removal of redundant equipment were likely to be considered more favourably.

Relevant Government Guidance and Local Plan Policies

National Planning Policy Framework (NPPF)

Paras 42-46

Current Local Plan

CF16 – Telecommunications

Consultation

No statutory consultation undertaken

Public Consultation

No responses received to neighbour notification, press and site notices.

Evaluation of Proposal

The main issue for consideration is the visual impact of the proposed installation, taking into account the site's location within the Green Belt.

Comment will also be made in respect of the health implications of the proposal.

Consideration of the implications of the proposal on the listed building can be found in the report attached to application 14/0091/LBC (item 4 on this agenda).

Visual impact

Paragraph 42 of the NPPF states that advanced, high quality communications infrastructure is essential for sustainable economic growth. The development of high speed broadband technology and other communications networks also plays a vital role in enhancing the provision of local community facilities and services.

Paragraph 46 of the NPPF states that local planning authorities must determine applications on planning grounds. They should not seek to prevent competition between different operators, question the need for the telecommunications system or determine health safeguards if the proposal meets International Commission guidelines for exposure.

Local Plan Policy CF16 states that in considering such proposals the Council will have regard to the visual impact of the structure on adjacent land uses, the impact on the landscape and the availability of alternative sites. Consideration will be given to the provision of large masts shared by several operators that would avoid the need for the erection of a multiplicity of smaller structures. This is generally consistent with paragraphs 43 to 46 of the NPPF.

The NPPF is silent on the provision of telecommunications apparatus in Green Belts.

The existing tower is viewed from the nearby highways and the surrounding area and is a prominent feature in the landscape. The proposed three replacement antennas would be more robust in appearance than the existing antennas, they would be approximately 400mm wide rather than 300mm. However when viewed from a distance this marginal difference in appearance would not be readily apparent. The proposed new microwave dish would represent a new item of telecommunications infrastructure, which would add to 'clutter' on the tower, however following negotiations the applicant has been able to identify a 300mm diameter dish currently located on the tower that is redundant and can be removed. Subject to a condition requiring the existing dish to be removed upon installation of the proposed new dish it is not considered that the proposed works would have an adverse impact on the building's appearance. The replacement of equipment cabinets would be an internal operation and would have no effect on the building exterior. Subject to a condition requiring the removal of existing equipment as described no objection is raised on visual grounds.

Health

Paragraph 46 of the NPPF states that local planning authorities should not seek to determine health safeguards if the proposal meets International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines.

The application is accompanied by certification that the installation is designed to be in full compliance with ICNIRP guidelines. Accordingly, there can be no objection to the proposal on the basis of its perceived health impacts.

Conclusion

The installation of new and replacement equipment is required to enable provision of new 4G services in the local area. Subject to a condition requiring the existing dish to be removed, it is not considered that the proposal would have an adverse impact on the appearance of the tower and no objection is raised to the proposal on the basis of visual amenity.

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 microwave dish antenna identified for removal on drawing number 201 rev E shall be removed from the structure upon installation of the microwave dish antenna hereby approved.

REASON: To prevent an excessive amount of telecommunications equipment being located on the building in the interest of the visual amenity of the area.

Informatives

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

ITEM 4

Application Number:	14/0091/LBC
Address:	Water Tower 335 Benfleet Road South Benfleet Benfleet Essex (Boyce)
Description of Development:	Replacement of 3No. antennas with new antennas, installation of microwave dish antenna, removal of existing internal radio equipment cabinets and replacement with 3No. new cabinets and development works ancillary thereto
Applicant:	CTIL & Telefonica UK Limited
Case Officer	Mr Keith Zammit

Summary

The proposed development involves the installation of new and replacement telecommunications apparatus to an existing water tower.

It is not considered that the proposal would have an adverse impact on the appearance and special interest of this listed building and it is recommended that listed building consent be GRANTED.

An application for planning permission is at item 3 of this agenda.

Site Visit

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

Introduction

The application relates to the Benfleet Water Tower, which no longer serves the purpose of water supply infrastructure and now hosts business uses and telecommunications apparatus.

The structure is located at the junction of Benfleet Road and Essex Way. It is a Grade II listed building and located within the Green Belt.

The Proposal

Listed Building Consent is sought for the replacement of three antennas with new antennas around the perimeter of the tower roof and the installation of a 300mm diameter microwave dish on an existing pole on the western side of the roof. Within the building, four equipment cabinets would be replaced with three equipment cabinets. These would not be visible from outside the building.

Supplementary Documentation

The application is accompanied by the following documents:

- a Design and Access Statement
- supporting information sheet
- ICNIRP declaration of conformity with public exposure guidelines

all of which have been and continue to be available to view on the Council's website.

Planning History

There is an extensive history of applications for telecommunications apparatus on this building, much of which is of no relevance to this case. It is worth noting, however, that two proposals for planning permission and listed building consent for the installation of antennas and equipment cabinets (CPT/467/05/FUL, 468/05/LBC, 442/06/FUL and 443/06/LBC) were refused and then subsequently dismissed on appeal, for eroding the building's special interest and being harmful to the openness, character and appearance of the landscape and the visual amenity of the surrounding area. In these cases the proposals included the provision of equipment on the face of the building and added considerably to the visual clutter of communications equipment on the structure which was considered unacceptable.

In January 2012, planning permission and listed building consent were granted for the replacement of 3 No. existing pole-mounted antennas with 3 No. new pole-mounted antennas and ancillary works, on the basis that the proposed installation would not have a significantly different visual impact on the area than the existing structure.

In April 2012, planning permission and listed building consent were refused for the replacement of 3 pole mounted antennas with 6 new pole mounted antennas and ancillary works, due to the detrimental impact on the special architectural interest of the water tower and the wider area.

In June 2012, planning permission and listed building consent were granted for a 600mm dish that was installed in place of what should have been a 300mm diameter dish. It was considered that the change from a 300mm to 600mm diameter dish did not give the tower or the equipment on it significantly greater prominence.

In April 2013, planning permission and listed building consent were refused for the replacement of three antennas with six antennas and the installation of a new 600mm diameter dish due to the detrimental impact on the special architectural interest of the Water Tower and the wider area.

In June 2013, planning permission and listed building consent were refused for the installation of 1 No. 1.2m diameter dish and 1 No. 0.6m diameter dish at a height of 30m and internal equipment cabinet (CPT/157/13/FUL, CPT/159/13/LBC) and granted for replacement of three antennas and installation of an internal equipment cabinet (CPT/186/13/FUL, CPT/187/13/LBC)

In December 2013, planning permission and listed building consent were granted for the installation of two 600mm diameter transmission dishes (CPT/550/13/FUL, CPT/551/13/LBC) subject to the condition that equipment identified on the application drawings was removed from the structure prior to installation of the approved equipment.

On 1st July 2014, planning permission and listed building consent were granted for the installation of 1 No. 900mm and 1 No. 600mm diameter transmission dishes (14/0061/FUL, 14/0062/LBC) subject to the condition that equipment identified on the application drawings was removed from the structure within six months of the installation of the approved equipment.

From the recent history it can be seen that proposals which have sought to increase the amount of equipment on the Tower have been resisted, whilst proposals for the replacement of equipment were generally considered acceptable, where the proposal had no greater impact on the character and appearance of the Tower. The Council's most recent decision also shows that proposals which included the removal of redundant equipment were likely to be considered more favourably.

Relevant Government Guidance and Local Plan Policies

National Planning Policy Framework (NPPF)

Paras 131, 133, 134 and 140.

Current Local Plan

EC33 – Alterations to Listed Buildings

Consultation

No statutory consultation undertaken

Public Consultation

No responses received to neighbour notification, press and site notices.

Evaluation of Proposal

The NPPF defines a heritage asset as a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage assets include designated heritage assets and assets identified by the local planning authority (including local listing).

A designated heritage asset is defined as a World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield or Conservation Area designated under the relevant legislation.

Paragraph 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to, or loss of, a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

Paragraph 133 states that where a proposed development will lead to substantial harm to, or total loss of significance of, a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- o the nature of the heritage asset prevents all reasonable uses of the site; and

- o no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- o conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- o the harm or loss is outweighed by the benefit of bringing the site back into use.

Paragraph 134 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Local Plan Policy EC33 states that additions or alterations to listed buildings will not be permitted if they would adversely affect the character, setting, architectural or historic interest of a listed building. This is generally consistent with paragraphs 131 to 134 of the NPPF.

There is already a significant level of telecommunications apparatus on the roof of this building. Previous decisions by this Authority and appeal decisions have highlighted that the existing telecommunications development on the building has eroded the building's special interest and that it would be undesirable to permit the installation of additional equipment that would further erode that interest.

The existing tower is viewed from the nearby highways and the surrounding area and is a prominent feature in the landscape. The proposed three replacement antennas would be more robust in appearance than the existing antennas, they would be approximately 400mm wide rather than 300mm. However when viewed from a distance this marginal difference in appearance would not be readily apparent. The proposed new microwave dish would represent a new item of telecommunications infrastructure, which would add to 'clutter' on the tower, however following negotiation the applicant has been able to identify a 300mm diameter dish currently located on the Tower that is redundant and can be removed. Subject to a condition requiring the existing dish to be removed upon installation of the proposed new dish it is not considered that the proposed works would have an adverse impact on the building's appearance. The replacement of equipment cabinets would be an internal operation and would have no effect on the building exterior. Subject to a condition requiring the removal of existing equipment as described no objection is raised on the basis of the impact of the proposal on the building's special interest as an item of water utility infrastructure.

Conclusion

The proposed installation of new and replacement equipment is not considered to have a significant impact on the building's appearance or its special interest as an item of water supply infrastructure subject to the removal of the existing microwave dish as shown in the application. No objection is therefore raised to the proposals.

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 works to which this consent relates must be begun not later than the expiration of five years beginning with the date on which the consent is granted.

REASON: This condition is imposed pursuant to Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 2 The microwave dish antenna identified for removal on drawing number 201 rev E shall be removed from the structure upon installation of the microwave dish antenna hereby approved.

REASON: To prevent an excessive amount of telecommunications equipment being located on the building in view of its special historic interest as an item of water supply infrastructure.

- 3 Upon completion of the works hereby approved, any damage caused to the building by the works shall be made good within three months in accordance with a scheme which shall first have been submitted to, and approved in writing by, the local planning authority.

REASON: In the interest of preserving the historic character of the building in accordance with Policy EC33 of the Borough Local Plan.

Informatives

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

ITEM 5

Application Number:	14/0174/FUL
Address:	5 Little Gypps Road Canvey Island Essex SS8 9HG (Canvey Island Central)
Description of Development:	Construction of single storey side extension
Applicant:	Mr Kenneth Chapman
Case Officer	Mrs Ishita Sheth

Summary

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

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

The proposal is therefore recommended for REFUSAL.

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

Site Visit

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

Introduction

The application site is a corner plot located on the southern side of Little Gypps Road at the junction with Church Close. The site is irregularly shaped with a frontage to Little Gypps Road of some 12.3m, reducing to some 7.5m at the rear boundary. The site has a return frontage to Church Close of some 25.7m.

The site is occupied by an end-terrace bungalow. The area to the front of the dwelling is used as a garden. Gates providing access to a hardsurfaced area for car parking purposes are located at the southern end of the site.

The Proposal

The proposal seeks to provide a single storey side extension to the western side of the dwelling. The proposed extension would have a maximum width of some 3m and a maximum depth of some 7.45m. The hipped roof of the existing dwelling is proposed to be extended above the proposed extension, providing the extension with a maximum height of some 4.7m.

The proposal would provide a bedroom and a shower room for a person with disabilities.

A new gate is also proposed to the western boundary which would provide access to the garden area and rear of the dwelling.

Supplementary Documentation

None

Planning History

None

Local Plan Allocation

Residential

Relevant Policies and Government Guidance

National Planning policy framework (NPPF)

Paragraphs: 7, 64.

Current Local Plan

EC2

T8

Residential Design Guidance

RDG2

RDG3

RDG6

RDG12

Consultation

Legal Services

No objection

Canvey Island Town Council

No response received

Public Consultation

No responses received

Evaluation of Proposal

Policy EC2 sets out the Council's expectation of a high standard of design in respect of new buildings. In particular regard is to be had to the scale, density, siting, design, layout and external materials of any development, which shall be appropriate to its setting and which should not harm the character of its surroundings.

Local Plan Policy H17 states that in assessing design aspects of the proposals for housing, the Local Planning Authority will have regard to its adopted design guidelines.

RDG2 states that the space around all new development should be informed by the prevailing character of space around dwellings.

RDG3 states that within the existing built up area all new development should be informed by the prevailing building lines to the public realm it faces, however, it must not repeat poor forms of development.

The proposed extension is of a hipped roofed design which reflects the character of the dwelling. Furthermore it is proposed to use materials to match the existing. This response is considered acceptable and in pure design terms, no objection is raised to the proposed development under Policy EC2. However the proposed extension is provided right up to the western boundary of the application site which raises particular concerns in respect of the setting of the building and the character and appearance of the area.

The general pattern of development on corner plots in the surrounding area exhibits varying degrees of isolation between the built structure and the highway boundary which creates attractive settings for the dwellings and a character of openness and views for such locations. In the vicinity of the application site, there are four corner plots; Nos. 5, 6, 7 and 8 Little Gypps Road; No. 5 being the application site.

The dwelling at No. 8 Little Gypps Road provides a distance of some 1.8m to the flank boundary fronting Little Gypps Close.

The dwelling at No. 6 Little Gypps Close provides a distance of some 2.3m to the flank boundary fronting Little Gypps Close.

These sites therefore retain an element of spaciousness and contribute to the particular character and appearance of the area, a character which would be marred if the proposed development were to be implemented. It is recognised that the property at No. 7 Little Gypps Road extends to the boundary of the site, however, the main wall of the dwelling at No. 7 Little Gypps Road is located some 1.8m from the highway boundary. A carport/garage has been provided at the side of the property, extending to the highway boundary with Church Close but this appears to be an unauthorised structure, no record of planning consent being identified. As such it is not considered that this structure, which in itself is of poor quality and appearance, provides a legitimate precedent for development to plot boundaries on other sites.

Even if the view could be taken that this structure did create a precedent for further development, it should be noted that it is an attached outbuilding to the dwelling of limited height which has a consequent limited impact on the streetscene. These same attributes cannot be credited to the proposed development at No.5 Little Gypps Road which represents a substantial enlargement of the dwelling.

Not only is it considered that the proposed development would have an adverse impact on the character and appearance of the wider area, it is also considered that the proposal would have an adverse impact on the character and appearance of the terrace of dwellings of which the application site forms part.

At the present time the dwelling at the eastern end of the terrace of which the application site forms part, is set some 2.5m from its side boundary. This is reflected in the isolation space currently achieved at the application site. The extension of the application property to the site

boundary will adversely impact on the balance of the setting of the terrace and detract from its character and appearance.

Overall, it is considered that the proposed side extension would reduce the spacious setting of the site and the open and attractive character of the area and result in a form of development which would have a significant adverse visual impact on the streetscene which would be harmful to the character and appearance of the surrounding area, contrary to Policy EC2 of the Council's Adopted Local Plan and RDG2 of the Residential Design Guidance. An objection is raised accordingly.

This stance is supported by Paragraph 7 of the NPPF which states that "good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people".

Paragraph 64 of the NPPF further confirms this position and states "permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area".

The proposal, by virtue of its relationship with the adjoining highway boundary, is considered to represent poor design and fails to take the opportunity for improving the character or quality of the area. An objection is therefore raised to the proposal under Government guidance as contained within the NPPF.

RDG6 is concerned with the provision of private amenity area so that the outdoor needs of the family are provided for. It states that all residential development involving individual dwellings should be provided with at least 15m² of amenity space per habitable room.

The proposed extended dwelling would have a provision of 5 habitable rooms and would require a provision of some 75m² of amenity area. The proposed development would seek to provide an amenity area of some 84m² (excluding the hardsurfaced area at the bottom of the rear garden). No objection is therefore raised to the proposal under RDG6.

Policy EC2 states that all proposals need to ensure that all modes of movement are made safe and convenient.

Policy T8 of the adopted Local Plan and the adopted County Parking standards seek to ensure that dwellings having more than one bedroom are provided with two parking spaces.

RDG12 states that the size and layout of all forms of parking should reflect current adopted vehicle parking standards.

The property as enlarged would have the provision of 3 bedrooms and would require a parking provision of some 2 spaces.

The application site has the provision of a hardsurfaced area to the rear having access off Church Close measuring some 3m by 7m and can accommodate one car parking space. The proposal would therefore result in a deficiency of 1 car parking space contrary to Policy.

It is noted that the current level of accommodation also requires the provision of two car parking spaces and that currently the application site has a deficiency of 1 car parking space. However, an increase in the number of bedrooms provides an opportunity for the more intensive use of the

dwelling and further parking pressure. This pressure cannot be accommodated within the layout proposed but could be accommodated with an alternative layout which sought to provide the required additional accommodation across the rear of the dwelling and an additional parking space at the side.

The proposed development therefore prejudices the provision of adequate on site parking provision and it is considered that the proposed development would lead to an increase in the amount of cars parked in the surrounding residential streets, to the detriment of highway safety and the free flow of traffic and would be likely to result in the creation of an unattractive and cluttered appearance to the streetscene, to the detriment of the character and appearance of the area, contrary to Policy EC2 and Policy T8 of the Council's Adopted Local Plan and RDG12 of the Residential Design Guidance.

Conclusion

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

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

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

My Recommendation is Refusal for the following reasons

- 1 The proposed development, by virtue of its proximity to the western boundary of the site represents a poor form of development lacking appropriate setting and resulting in the creation of a prominent and alien feature in the streetscene contrary to Policy EC2 of the Council's Adopted Local Plan, RDG2 of the Residential Design Guidance and the Government Guidance as contained in National Planning Policy Framework.
- 2 The proposal fails to provide adequate safe and convenient off-street parking commensurate with the level of accommodation proposed. It is considered that as a result vehicles would be likely to be left on the highway, to the danger and inconvenience of other highway users and to the detriment of traffic flow contrary to Policies EC2 and T8 of the Council's Adopted Local Plan and RDG12 of the Residential Design Guidance.

Informatives

1 The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. Unfortunately, it has not been possible to resolve those matters within the timescale allocated for the determination of this planning application. However, the Local Planning Authority has clearly set out, within its report, the steps necessary to remedy the harm identified within the reasons for refusal - which may lead to the submission of a more acceptable proposal in the future. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.

ITEM 6

Application Number:	14/0195/FUL
Address:	Rear Of 17 Downer Road South Benfleet, Benfleet Essex SS7 1BQ (Boyce)
Description of Development:	Erection of detached four bedroom house with attached garage
Applicant:	Essex Development
Case Officer	Mr Keith Zammit

Summary

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

It is considered that the proposal represents an acceptable form of development and accordingly no objection is raised to the current proposal.

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

Site Visit

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

Introduction

The site comprises land currently forming part of the rear garden to a house fronting Downer Road. The site would have a frontage to Rhoda Road of some 13m and a maximum depth of some 43m.

To the west of the site are dwellings that face Downer Road and to the north is the site at 396 London Road which is currently used for car sales, but which has been the subject of an application for residential development which was approved subject to the applicant entering onto a S106 agreement.

To the south and east of the site is an area of low density sporadic residential development.

Rhoda Road is an unmade road which runs south from London Road.

The Proposal

Permission is sought for the erection of a detached four bedroomed houses with an attached garage.

The dwelling is of fairly traditional design, but due to the depth of the proposed building would have a partially pitched and partially flat roof.

It is proposed to provide a forecourt area to each of the dwellings for car parking, with a landscaped front boundary.

The Design and Access Statement indicates that the external materials would be a mixture of brick, render and structural stone with traditional clay plain tiles for the roof.

Supplementary Documentation

The application is accompanied by a Design and Access Statement which can be viewed on the Council's website.

Planning History

In 1991 an outline application for two detached dwellings with garages was refused as the land was allocated for Green Belt purposes and was not served by an adequate means of vehicular access (CPT/1235/90).

In 1997 a Certificate of Lawfulness was granted for use of the land to the rear of 19 Downer Road as part of the rear garden to that property (CPT/294/97/CLE)

In January 2014 planning permission for the development the application site and adjoining land with two detached four bedroomed properties was considered acceptable subject to the applicant entering n to a S106 agreement to make up the road across the frontage of the site. (CPT/599/13/FUL). This agreement has yet to be concluded.

Relevant Policies and Government Guidance

The site is allocated as Green Belt on the proposals map accompanying the Borough Local Plan.

National Guidance

National Planning Policy Framework paras 17, 39, 56-58

Current Local Plan

EC2 – Design

H12 – Piecemeal development

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

RDG10 – Enclosure and boundary treatment

RDG12 – Parking and access

RDG13 – Refuse and recycling storage

Consultation

County Highways
No objection

Refuse and Recycling

No response received but previously advised that the development would use existing kerbside collection service.

Public Consultation

No comments received at the time of writing, the publicity period expires on 18th July 2014. An update on the receipt of responses will be made at the meeting.

Evaluation of Proposal

The main issues to be considered are:

- (i) Prematurity
- (ii) The principle of the development
- (iii) The existence of very special circumstances
- (iv) Other policy issues and matters of detail.

(i) Prematurity

The site is allocated for Green Belt purposes in the adopted Local Plan; however, the site falls within an area which was identified by Members as suitable for release for residential purposes as part of the Local Plan process at the meeting of the Full Council held in December 2012. The Local Plan has yet to be published for consultation purposes and it may therefore be argued that the proposed development is premature.

The National Planning Practice Guidance states that in the context of the Framework and in particular the presumption in favour of sustainable development, arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:

a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning; and

b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process'.

The Council's draft Core Strategy was withdrawn in September 2011. At the same meeting the Council resolved to commence work on the preparation of a new Local Plan.

The Council has completed its issues consultation and in 2012, undertook work to identify housing sites to meet the requirements of paragraph 47 of the National Planning Policy Framework and identify a five year housing land supply. It was clear from a review of the Strategic Housing Land Availability Assessment that there was insufficient land within the existing urban area to accommodate any significant increase in the provision of housing. At April 2012, the SHLAA identified a capacity of just 392 deliverable homes from the urban area compared to a requirement for at least 1,000 homes, plus an additional 20% allowance to provide flexibility in the supply. The Council therefore undertook an exercise to identify additional sites for housing.

The Green Belt in Castle Point is tightly drawn around the existing urban area, and as a consequence of the need to identify housing sites it was necessary to consider the appropriateness of bringing forward sites within the Green Belt to meet housing needs. This work culminated in the Council agreeing a list of 9 strategic sites for the accommodation of housing in December 2012, of which 4 were within the Green Belt. The capacity of these sites when combined with capacity within the existing urban area could accommodate in excess of 1,200 homes.

Land between Felstead Road and Catherine Road, including the site the subject of the current application, was included within this list of strategic sites.

In identifying this list of sites, the Council gave very careful consideration to the National Planning Policy Framework, which at paragraph 89 made it clear that the construction of new buildings in the Green Belt was not inappropriate where it involved the limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

They also gave consideration to the Ministerial Statement of the 6th September 2012 which promoted the redevelopment of previously developed land in the Green Belt as a means by which housing needs could be met. As a consequence of this national policy direction, the Council concluded that land between Felstead Road and Catherine Road was an appropriate location for housing development given the nature and extent of existing development on the site.

At this time, the Council's decision in respect of the inclusion of land between Felstead Road and Catherine Road within the five year housing land supply has not been subject to independent examination by a planning inspector, however the evidence base underlying the decision to identify this site for residential development purposes is considered robust and sustainable.

There is a very real need to identify and deliver sites for residential development within the Borough. Research undertaken in the preparation of the Core Strategy and the Local Plan has identified that opportunities for such delivery are extremely limited. Given the limited opportunities available and the nature of the evidence base it is not considered that the development of this site for residential purposes would prejudice the outcome of the Local Plan process.

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

It should be noted that this argument also underpinned the decision made in January of this year to grant consent for a dwelling on this site.

(ii) Principle

The application site lies within an area allocated for Green Belt purposes in the adopted Local Plan.

The NPPF states at paragraph 79 that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

Paragraph 80 sets out the five main purposes of Green Belts:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns from merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The Planning Authority is currently preparing a new Local Plan which, inter alia, will consider the Green Belt boundary and the status of the Green Belt within the borough. As part of this process the Council has carried out assessments of the function and landscape value of individual parcels of Green Belt land within the Borough.

The application site forms part of a wider parcel of Green Belt land which separates Benfleet and Thundersley. Within the Green Belt Functions Assessment, it has been concluded that at a local level this parcel of land fulfils four of the Green Belt functions identified at para 80 of the NPPF and at the strategic level, this parcel serves to provide a link from the Green Belt in the north west of the Borough.

However, existing development in this area has already compromised the strategic function of this part of the Green Belt. The landscape value of this part of the Green Belt has also been diminished. The Green Belt 'gap' between Benfleet and Thundersley would not necessarily therefore become less open in nature as a result of this land being developed, although the residential development of this site is contrary to the provisions of the NPPF.

Paragraph 89 states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. The exceptions to this are:

- buildings for agriculture and forestry;
- provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;

- limited infilling in existing villages and limited affordable housing for local community needs under policies set out in the Local Plan; or
- limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt or the purpose of including land within it than the existing development.

As can be seen, the last bullet point, indicates that complete or partial redevelopment of previously developed sites need not be inappropriate, provided that this would not have a greater impact on the openness of the Green Belt or the purpose of including land within it than the existing development.

Turning first to the issue of whether this site might be considered as previously developed land, it is acknowledged that the current application site forms part of the rear gardens attached to dwellings which are excluded from the definition of previously developed land in the NPPF; however, when considered as part of the larger parcel of land between Felstead Road and Catherine Road that has been identified as suitable for residential development, this does contain existing development and it is therefore considered that the proposal is within the scope of development envisaged by paragraph 89 of the NPPF.

The second part of the bullet point has a further test – the impact on openness of the Green Belt or the purposes of including the land, compared to the existing situation.

On the first element of the test, the replacement building would be larger than the existing domestic outbuildings on the site that it would replace and as a consequence the proposal will have an impact on openness; however, it is also fair to point out that the existing buildings on the site compromise the openness of the Green Belt and when considered as part of the larger parcel of land between Felstead Road and Catherine Road, existing development within this area already undermines the character and appearance of the Green Belt.

(iii) The existence of very special circumstances

The proposal does constitute inappropriate development in the Green Belt; however prior to the determination of any application it is incumbent upon the Planning Authority to consider whether there are any very special circumstances which would outweigh such harm and enable the provision of inappropriate development in the Green Belt.

The Council considers that a very special circumstance does exist.

As identified above, the Council has identified limited capacity within its urban areas to provide a five year housing land supply and has undertaken an extensive review of all opportunities for the provision of residential development. As a result of this process, the application site, along with other land, was identified as a site suitable for release from the Green Belt for residential development.

Although all of the identified sites would need to be formally identified within the new local plan, the decision taken by the Council in this respect is considered to represent a significant change in the circumstances of this site sufficient to represent a very special circumstance, the weight of which is sufficient to outweigh the harm to the Green Belt.

Support for this approach can be found in the Written Ministerial Statement from the Secretary of State dated 6th September 2012:

‘As has always been the case, councils can review local designations to promote growth. We encourage councils to use the flexibilities set out in the National Planning Policy Framework to tailor the extent of Green Belt land in their areas to reflect local circumstances. Where Green Belt is considered in reviewing or drawing up Local Plans, we will support councils to move quickly through the process by prioritising their Local Plan examinations. There is considerable previously developed land in many Green Belt areas, which could be put to more productive use. We encourage Councils to make best use of this land, whilst protecting the openness of the Green Belt in line with the requirements in the National Planning Policy Framework’.

On the basis of the very special circumstance which has now been identified by the Planning Authority, no objection is raised to the proposal on the basis of Green Belt Policy.

Policy H12 of the current Local Plan states that where the Council considers that the comprehensive development of large sites would be prejudiced by piecemeal development proposals, planning permission will be refused. This is consistent with the NPPF as it supports the delivery of the core planning principles set out in paragraph 17.

Although the current proposal could be viewed as piecemeal development of a large site as it would not occupy all of the parcel of land identified as being suitable for residential development, it is at the extreme north of that large site, does not compromise access to it in any way and accordingly is not considered to prejudice comprehensive development of that larger site, nor indeed the smaller site for two previously considered in January 2014. As such, there is no objection on the basis of Policy H12.

(iv) Other policy issues and matters of detail

Policy EC2 of the current Local Plan requires a high standard of design in all new buildings. This is consistent with paragraphs 56 to 58 of the NPPF. The proposed dwelling is not considered to be of particular architectural merit, however the surrounding area is characterised by sporadic development which does not exhibit a particularly strong character from which to draw reference in terms of dwelling form and style etc. and on this basis it is not considered that there can be an objection to the proposal on design grounds. It is, however, considered necessary to impose a condition that the development only be constructed in accordance with levels details that have been submitted, given that the ground level across the site is not uniform.

Within the Council’s Residential Design Guidance RDG1 requires the plot sizes for new development to be informed by the prevailing character of plot sizes, or where there is no clear pattern of plot sizes the size of the plot should be proportionate to the size of the dwelling occupying it. This is to be informed by guidance at RDG2 (Space around dwellings), RDG3 (Building lines), and RDG5 (Privacy and living conditions). Although development on Downer Road is quite regimented and has fairly consistent plot sizes, this development will be viewed in the context of Rhoda Road where development is sporadic and has no clear pattern of plot size. An assessment of the proposal against RDG2, 3 and 5 as described above is therefore appropriate, in order to determine whether or not the plot size is appropriate.

RDG2 requires the space around new development to be informed by the prevailing character of space around dwellings or where there is no clear pattern of development the space should be proportionate to the size of the dwellings. This is a location where there is no clear pattern of development. The proposal would provide a gap of approximately 1m between the dwelling and

the southern boundary but only some 0.3m between the proposed garage and the northern boundary. Whilst the dwelling's isolation from the southern boundary is considered acceptable, that to the north is somewhat limited. Whilst this is regrettable it must be noted that many of the dwellings located within this part of the Green Belt exhibit a similar setting and as such it is not considered that a reason for refusal based on the limited isolation space achieved between the dwelling and the northern boundary of the site would be supported on appeal. No objection is therefore raised to the proposal on this basis.

RDG3 requires development to be informed by the prevailing building lines to the public realm that it faces. There is no obvious building line to be adhered to in the vicinity of the site. The proposal would provide dwelling some 10m from the front boundary of the site, which is considered to provide an acceptable buffer from the highway and allow adequate space for parking. On this basis it not considered that there can be any objection to the proposal on the basis of building lines and setting.

RDG3 also states that development that will result in excessive overshadowing or dominance of adjoining properties will be refused. The proposed development is considered to be sufficiently well set from nearby properties, including those proposed at 396-408 London Road, that there would be no adverse impact on the amenity of adjoining occupiers in terms of obtrusiveness or dominance.

RDG5 deals with privacy and overlooking. For development at first floor level, a distance of 9m should be provided between windows and the boundary of the site they face, in order to avoid overlooking of adjacent sites.

The proposal would provide a minimum of 15m between first floor rear windows and the boundaries of adjacent sites which is considered acceptable.

The front aspects of the dwellings would be sited at least 10m from the front boundary. The first floor windows to the side aspects of the dwellings are not provided with such generous isolation distances however these windows serve bathrooms or provide secondary light to bedrooms. Under the circumstances it is considered that a condition could be imposed on the grant of any consent requiring these windows to be obscure glazed and fixed to 1.7m from floor level to avoid prejudicing any future redevelopment of adjacent sites. Subject to such a condition no objection is raised to the proposal on the basis of RDG5.

Compliance with the guidance at RDG2, 3 and 5 is considered to demonstrate the provision of appropriately sized plots and no objection is therefore raised to the proposal on the basis of RDG1.

Guidance at RDG6 requires proposals to provide appropriate amounts of outdoor amenity space in proportion to the size of the dwelling. 15m² of amenity space per habitable room is required to be provided. The proposed dwelling would have eight rooms requiring the provision of 120m² of amenity space and would provide an outdoor amenity area of around 225m² which is considered adequate for the size of dwelling proposed. No objection is therefore raised to the proposal on the basis of inadequate amenity area provision.

The amenity areas that would be retained for the existing dwellings at 17 & 19 Downer Road would exceed 300m² which is considered an acceptable level of amenity space provision and in keeping with other nearby dwellings in Downer Road. No objection is therefore raised to the proposal on the basis of guidance at RDG6.

Guidance at RDG10 deals with enclosures and boundary treatments, stating that means of enclosure and surfacing materials must be of high quality and means of enclosure should not dominate the public realm.

There is no indication of hard surfacing materials given, however a condition may be attached to the grant of any consent requiring submission of hard surfacing details for approval.

The application form states that boundary treatment will be close boarded fencing but the plan appears to show planting to the front boundary so it is assumed that the close boarding fencing reference relates to the side and rear boundaries. This would likely be visually acceptable in the streetscene; however details of boundary treatments and front boundary planting should be submitted for approval separately in order to ensure that the proposed treatment is in keeping with the rural character of Rhoda Road.

Policy T8 requires car parking to be provided 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 County parking standards require the provision of two car parking spaces for properties with two or more bedrooms. Garages will only be counted as a parking space where they have internal dimensions of 3m x 7m.

The property would be provided with a garage 3m wide and 8m deep with forecourt parking. Whilst the garage is considered acceptable the forecourt parking provision shown appears impractical and the proposed parking layout should therefore be excluded from the grant of any consent. Nevertheless sufficient space exists on the site to accommodate the appropriate level of parking provision and no objection is therefore raised to the proposal on that basis.

Guidance at RDG12 requires car parking not to dominate the public realm. The site would have a landscaped front boundary which is considered to provide sufficient visual softening for parking and hard surfacing and would help the development to blend into the rural street scene. There is consequently no objection to the proposal on the basis of guidance at RDG12.

Policy T7 of the current Local Plan states that in applications for the intensification of development served by unmade roads, the Council will seek appropriate improvements to the highway. This matter is not specifically addressed in the NPPF however paragraph 35 states that developments should inter alia, accommodate the efficient delivery of goods and supplies, create safe and secure layouts and give priority to pedestrian and cycle movements.

Rhoda Road is an unmade road. In such situations, where development relies for access upon an unmade road, the Council may seek a contribution from the developer for improvements to the road in accordance with the provisions of the Developer Contributions Guidance Supplementary Planning Document to ensure the provision of an appropriate means of pedestrian and vehicular access to the site. In this particular instance, the development proposed is for a single dwelling.

IN the previous proposal for the development of this site, the scheme had provided two dwellings. In that instance Officers were of the view that whilst it was likely that the development would give rise to some additional traffic movements along this section of Rhoda Road, given the scale of the development proposed and the proximity of the site to London Road it was not considered that the level of traffic and resultant impact on the road would be so great that a request for contributions

would be justified. However Members took the view that it would be inappropriate for new dwellings to be provided on an unmade road and granted consent only on the basis that the road across the frontage of the site should be made up to an appropriate standard.

Given these circumstances it is considered that the development of the application site with one dwelling should also attract a similar requirement. Subject to the applicant therefore being willing to make up the road to an agreed standard across the frontage of the site, no objection is raised to the proposal on the basis of Policy T7.

Guidance at RDG13 requires appropriate refuse and recycling storage facilities to be provided. As these properties would have gardens there is not considered to be an issue with storage of domestic waste. The Council's Refuse and Recycling Service has previously commented that the property will be able to be added to existing kerbside collection services in the area. No objection is therefore raised to the proposal on this basis.

Conclusion

The site is allocated for Green Belt purposes however it lies within an area which has been identified as previously developed land which is suitable for release for residential development.

The proposed development is considered to have an acceptable relationship with the surrounding area, both in visual terms and in terms of its impact on adjacent residents, however access to the site requires improvement. Accordingly it is recommended that subject to the applicant being willing to enter into a S106 agreement to make up the road across the frontage of the site, 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 that subject to the applicants entering into a Section 106 Legal Agreement requiring the road across the frontage of the site to be made up to an agreed standard, the Head of Regeneration and Neighbourhoods be authorised to APPROVE the application, subject to the following planning 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 Prior to the first occupation of the development hereby permitted, the approved surface water drainage scheme shall be implemented on site.

REASON: To ensure the hard surface limits the potential for increased surface water runoff from the site.

- 3 The surface water drainage scheme as implemented on site shall be permanently retained.
REASON: To ensure the retention of the hard surface and to limit the potential for increased surface water runoff from the site in the future.

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

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

- 5 The window(s) created above ground floor level in a wall or roof slope forming northern and southern 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.

- 6 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.

- 7 Prior to the commencement of the development hereby approved a landscaping scheme shall be submitted to and formally approved by the Local Planning Authority. Such a scheme shall include planting plans, written specifications, including cultivation and other operations associated with plant and grass establishment, schedules of plants, noting species, plant sizes and proposed numbers / densities.

REASON: To ensure a satisfactory development incorporating a degree of natural relief, in the interests of the amenities of the site and the surrounding area.

- 8 Prior to the first occupation of the development hereby approved all landscaping works shall be carried out in accordance with the approved landscaping scheme and such works shall be formally approved by the Local Planning Authority.

REASON: To ensure a satisfactory development incorporating a degree of natural relief, in the interests of the amenities of the site and the surrounding area.

- 9 Any tree contained within the approved landscaping scheme dying or being damaged, removed or becoming seriously diseased within 5 years of the date of this permission shall be replaced by a tree of a similar size and species by the applicant or the applicants successor in title, as formally approved by the Local Planning Authority.

REASON: To ensure a satisfactory development incorporating a degree of natural relief, in the interests of the amenities of the site and the surrounding area.

- 10 Prior to first occupation of the development hereby approved, the approved parking spaces shall be provided and made available for use.

REASON: To ensure adequate off-street parking provision.

- 11 Details of boundary treatments to be erected shall first be submitted to and approved in writing by the local planning authority.

REASON: To ensure that the development is in character with its setting.

- 12 The proposed parking layout shown on the submitted drawing shall be specifically excluded from this consent and prior to the occupation of the dwelling, details of the provision of at least one parking space, in addition to the proposed garage provision shall be submitted to and approved by the Local Planning Authority.

REASON: in order to ensure the provision of safe and practicable parking provision on the site, in accordance with Policy EC2 of the adopted Local Plan.

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.
- 3 The applicant's attention is drawn to the need to obtain the consent of the Highway Authority for the placement of any materials associated with the development within the highway limits.