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AGENDA

Committee: DEVELOPMENT CONTROL

Date and Time: Tuesday 2nd July 2013 at 7.30 p.m.

Venue: Council Chamber

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

Membership: Councillors Brunt (Chairman), Ladzrie (Vice Chairman), Anderson, Barrett, Blackwell, Cross, Mrs Govier, Hart, Mrs King, Mrs Liddiard, Skipp, Smith, and Mrs Wass.

Canvey Island Town Councillors : L. Swann and one other to be confirmed.

**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 4th June 2013 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.

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	The report of the Head of Regeneration and Neighbourhoods is attached.		

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DEVELOPMENT CONTROL COMMITTEE

4TH JUNE 2013

PRESENT: Councillors Brunt (Chairman), Ladzrie (Vice Chairman), Barrett, Blackwell, Cross, Mrs Govier, Mrs Liddiard, Skipp, Smith and Mrs Wass.

Councillors Mrs Challis OBE, Dick, Mrs Goodwin and Sheldon also attended.

Apologies for absence were received from Councillors Anderson, Hart and Mrs King.

1. MEMBERS' INTERESTS

Councillor Ladzrie disclosed an interest in Agenda Item No. 5(4), as shown under Minute No. 4(d).

2. VOTE OF THANKS

That a vote of thanks be accorded to Councillor Dick for his service as Chairman of the Development Control Committee.

3. MINUTES

The Minutes of the meeting held on 2nd April 2013 were taken as read and signed as correct.

4. DEPOSITED PLANS

(a) CPT/847/93/VAR/G – 77 HIGH ROAD, BENFLEET (ST MARY'S WARD) – VARIATION OF CONDITION 3 OF CPT/847/93 TO ALTER OPENING HOURS TO 01.00HRS FRIDAY-SATURDAY AND TO 22.00 SUNDAYS – MR YUSUF GILGIL

The application sought planning permission to extend the opening hours of the premises on Friday and Saturdays evenings to 01.00hrs the following morning and on Sundays to 22.00hrs.

Whilst allocated for shopping purposes and located within a local shopping parade, it was considered that the unit was sensitively located in close proximity to residential dwellings and in recognition of this fact a condition had originally been imposed on the use.

There had been a number of previous applications to vary this condition which had been unsuccessful both on application and appeal, it being considered that an extension of the hours would result in undue noise and disturbance to adjoining residents.

There had not been a material change in the circumstances of this site and as such it remained the case that an extension of the hours of operation in the manner suggested would be likely to result in detriment to the amenity of adjoining residents. The proposal was therefore recommended for refusal.

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

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

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

During discussion, whilst Members sympathised with the business need put forward by the applicant they were concerned about the impact an extension to the opening hours would have on the amenity of nearby residents due to increased noise and disturbance in the vicinity.

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

An extension to the opening hours of the premises from 12.00hrs to 01.00hrs the following morning on Friday and Saturdays and 12.00hrs to 22.00hrs on Sundays would, by reasons of the extension of activity in and around the premises during these quieter periods of the day, be likely to result in an increase in noise and disturbance associated with the use during unsociable hours, to the detriment of the amenity of the occupiers of surrounding residential properties, contrary to Policy EC3 of the adopted Local Plan.

(b) CPT/72/13/FUL – 581 DAWS HEATH ROAD, BENFLEET (VICTORIA WARD) – ERECTION OF SUMMERHOUSE – MISS CLARE FINCHAM

The application sought retrospective planning permission for a detached summerhouse in the rear garden of the application dwelling. The application had been submitted following the receipt of complaints in respect of unauthorised development on the site.

The application was presented to the Committee at the request of Councillor Riley in order that the effect of the development on the amenity of the adjoining residents and surrounding area could be assessed.

It was considered that the summerhouse was of an acceptable design and unlikely to significantly impact on the amenity of the residents at No. 27 Sherwood Crescent such that refusal on this basis could be sustained on appeal. The proposal was therefore recommended for approval.

Mr Nathanson, on behalf of local residents, spoke in objection to the application.

Miss Fincham, the applicant, spoke in support of the application.

During discussion Members considered that the summerhouse was an acceptable form of development in its context. It was therefore:

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

(c) CPT/160/13/FUL – WOODSIDE PARK, MANOR ROAD, THUNDERSLEY, (ST PETER'S WARD) – CONTINUED SITING OF STORAGE CONTAINER – MR DERYCK POVEY

The proposal sought permission for the retention of a steel storage container on land adjacent to the Woodside Cricket nets at Woodside Park. The application was presented to the Committee as the land was within the control and ownership of the Council.

Planning permission for the siting of the container on the site had been granted for a temporary period in 2007 in order to allow temporary storage of cricket equipment whilst a more permanent and aesthetically satisfactory form of development was sought. At the time of the original consent it was considered that an opportunity existed to achieve a better form of development in this area which would meet the requirements of both the Cricket Club and the Planning Authority. It was considered that the achievement of this improved form of design would require time to bring to fruition. However the applicant had failed to identify an appropriate solution and a further application for temporary consent was subsequently received.

In granting another temporary consent, the applicant was granted an opportunity to provide a more appropriate and attractive storage solution. However, the applicant had failed to take this opportunity in so far as the replacement of the storage container was concerned and it was considered inappropriate to permit the continued retention of the container particularly where concerns had previously been raised by the Authority over the proliferation of unattractive storage containers located in Green Belt on other sites. The proposal was therefore recommended for refusal.

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

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

Councillor Mrs Challis OBE, a Ward Member, spoke in support of the application.

During consideration of the item Members commented that the container was a necessary storage facility and they did not feel that it was detrimental to the character, appearance, openness or strategic function of the Green Belt. Some

Members felt that screening of the container with shrubbery etc. would benefit its appearance however others felt this was not necessary and that a condition that the container should be painted dark green at all times would be sufficient.

Following discussion it was:-

Resolved – That the application be granted permanent consent subject to the following conditions:

1. This permission shall enure for the benefit of the Benfleet Cricket Club only, and for no other person or organisation whatsoever. Reason: The proposal represents an unsatisfactory form of development in the Green Belt, the long term retention of which would be injurious to the character, appearance and strategic function of the Green Belt.
2. The steel container shall be used for the storage of equipment and items used in the training and playing of cricket and for no other purposes whatsoever, without the former consent in writing of the Planning Authority. Reason: In the interest of preserving the amenity and character of this part of the Green Belt.
3. The retained storage container shall be painted dark green and shall thereafter be repainted on an annual basis (unless otherwise required to obscure graffiti or other damage to the structure) unless formal consent to cease such repainting has been obtained in writing from the Local Planning Authority. Reason: In the interest of preserving the amenity and character of this part of the Green Belt.
4. Any markings drawings, messages, obscene scribbles or other disfigurement of the painted surface of the freight container shall be over-painted by the applicants, or by persons appointed by the applicants, within 28 days of the drawings, messages, obscene scribbles or other disfigurement first appearing on the structure. Reason: In the interest of preserving the amenity and character of this part of the Green Belt.
5. CON101 - Application Approved Without Amendment.

(d) CPT/156/13/FUL – ‘RALSTAN’, CATHERINE ROAD, BENFLEET (BOYCE WARD) – ERECTION OF SINGLE STOREY REAR EXTENSION – MR AND MRS ALLEN

(Councillor Ladzrie disclosed a non-pecuniary interest in the above item, as Mrs Allen was known to him as she was the Headteacher of the Hadleigh Junior School Academy where Councillor Ladzrie had been a Director until recently, and he remained in the Chamber during consideration of the item).

The proposal was for a single storey rear extension to the property. Although there was no objection to the proposal on the grounds of design or impact on adjoining properties, the extension was contrary to the Council's guidance in the Local Plan in respect of the provision of reasonable extensions to dwellings in the Green Belt. Accordingly the proposal was recommended for refusal.

The application had been presented to the Committee at the request of Councillor Ladzrie, in order that the effect of the development on the surrounding area could be assessed.

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

During discussion some Members felt that although the proposal was contrary to guidance in the Local Plan the application should be considered on its individual merits. It was considered that it was a small extension on a large plot of land and would therefore not have an adverse impact on adjoining residents or the character, appearance or strategic function of the Green Belt.

However, some Members disagreed and felt it was important to adhere to the Council's current policy regarding inappropriate development in the Green Belt. Concern was raised that a precedent would be set if the application was approved and it should therefore be refused as per the Planning Officer's recommendation.

Following detailed discussion the majority of Members felt that the application should be approved but that conditions should be added to ensure that the materials used to build the extension should match those of the existing building and that no further extensions should be permitted in the future. It was therefore:-

Resolved – That the application be approved as there is no adverse impact on local residents or the character, appearance or strategic function of the Green Belt and that the following conditions be imposed:

1. CON2 – Full application time limit.
2. CON16 – Materials to harmonise with existing.
3. No development of the type specified in Classes A and B of Part I of Schedule 2 of the Town and Country Planning General Permitted Development Order 1995, as amended, shall be carried out without the written consent of Castle Point Borough Council.
4. CON100 – Party Wall Etc. Act Note.
5. CON101 - Application Approved Without Amendment.

- (e) **CPT/105/13/FUL – BENFLEET WATER TOWER, BENFLEET ROAD, BENFLEET (BOYCE WARD) – INSTALLATION OF TWO NO 1200mm AND TWO NO. 300mm DIAMETER MICROWAVE DISHES – COMMUNICATION INFRASTRUCTURE UK LTD**

This application was withdrawn by the applicant.

- (f) **CPT/106/13/LBC – BENFLEET WATER TOWER, BENFLEET ROAD, BENFLEET (BOYCE WARD) – INSTALLATION OF TWO NO 1200mm AND TWO NO. 300mm DIAMETER MICROWAVE DISHES – COMMUNICATION INFRASTRUCTURE UK LTD**

This application was withdrawn by the applicant.

- (g) **CPT/157/13/FUL – BENFLEET WATER TOWER, BENFLEET ROAD, BENFLEET (BOYCE WARD) – INSTALLATION OF 1 NO. 1.2m DIAMETER DISH ANTENNA, 1 No. 0.6m DIAMETER DISH ANTENNA AT A HEIGHT OF 30m AND 1 No. INTERNAL EQUIPMENT CABINET – VIGILANT GLOBAL LIMITED**

The proposed development involved the installation of new telecommunications apparatus to an existing water tower. It was 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 refused.

The application was presented to the Committee at the request of Councillor Mrs Goodwin and in accordance with the Council's Schedule of Delegation.

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

The Committee considered that the installation of further apparatus would have a cumulative impact with the existing equipment and would be visually detrimental to the character and appearance of the water tower and the wider area.

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

The proposed smaller dish would have a cumulative impact with the existing equipment causing incremental visual harm. The larger dish would be much larger than any of the equipment on the periphery of the roof and would be mounted entirely above the parapet level and project partially forward of this. The focussed and strong forms of the dishes would be extremely prominent, contrast with the verticality of the building and other equipment and would alter the silhouette of the top of the tower. These would be detrimental to the external appearance of the tower, both in their own right and cumulatively with other equipment mounted on the roof of the tower, to the detriment of the character and appearance of the water tower, the street scene and the wider area contrary to Policy CF16 of the Adopted Local Plan

and Government guidance as set out in the National Planning Policy Framework.

(h) CPT/159/13/LBC – BENFLEET WATER TOWER, BENFLEET ROAD, BENFLEET (BOYCE WARD) – INSTALLATION OF 1 NO. 1.2m DIAMETER DISH ANTENNA, 1 No. 0.6m DIAMETER DISH ANTENNA AT A HEIGHT OF 30m AND 1 No. INTERNAL EQUIPMENT CABINET – VIGILANT GLOBAL LIMITED

The proposed development involved the installation of additional telecommunications apparatus to an existing water tower. It was considered that the proposal would have an adverse impact on the appearance and special interest value of this listed building and it was recommended that consent be refused.

The application was presented to the Committee at the request of Councillor Mrs Goodwin and in accordance with the Council's Schedule of Delegation.

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

Resolved - That the application be refused for the following reason:

The proposed equipment would lead to a further proliferation of telecommunications apparatus on the building, detracting from its special architectural interest as a piece of water utility infrastructure and harming its significance as a heritage asset. The proposal would therefore be contrary to Policy EC33 of the Adopted Local Plan and Government guidance as set out in the National Planning Policy Framework.

(i) CPT/186/13/FUL – BENFLEET WATER TOWER, BENFLEET ROAD, BENFLEET (BOYCE WARD) – REPLACEMENT OF THREE ANTENNAS AND INSTALLATION OF NEW INTERNAL EQUIPMENT CABINET – EE & H3G UK LTD

The proposed development was the installation of replacement telecommunications apparatus to an existing water tower. In all the circumstances it was considered that the proposal represented an acceptable form of development and it was recommended that permission be granted.

The application was presented to the Committee at the request of Councillor Mrs Goodwin and in accordance with the Council's Schedule of Delegation.

During discussion Members considered that the replacement apparatus would not have a significantly different visual impact on the area than the existing structures.

It was requested that the Planning Officer ensure that the replacement items were the same as that proposed and that the existing equipment was removed. Members also requested a full audit of the equipment on the site.

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

(j) CPT/187/13/LBC – BENFLEET WATER TOWER, BENFLEET ROAD, BENFLEET (BOYCE WARD) – REPLACEMENT OF THREE ANTENNAS AND INSTALLATION OF NEW INTERNAL EQUIPMENT CABINET – EE & H3G UK LTD

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

The application was presented to the Committee at the request of Councillor Mrs Goodwin and in accordance with the Council's Schedule of Delegation.

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

Chairman

Item 1

Application Number: CPT/127/13/FUL

Address: 192 HIGH ROAD, BENFLEET
(BOYCE WARD)

Description of development: TWO PAIRS OF ONE BEDROOMED
BUNGALOWS TO PROVIDE 4 SHELTERED
HOUSING UNITS

Applicant: PULLAN & HUNT

Case Officer: I.SHETH

Summary

This application seeks to provide two pairs of one bedroomed semi-detached sheltered bungalows within the curtilage of an existing sheltered housing complex.

It is considered that the proposal represents overdevelopment of the site, resulting in the creation of a mean and cramped feature within the larger site, detrimental to the setting of the existing flats and detrimental to the amenity of the existing occupiers of the site.

The proposal is considered to be contrary to Policies EC2 and EC3 of the adopted Local Plan, RDG5 and RDG13 of the Residential Design Guidance and the provisions of the National Planning Policy Framework and is therefore recommended for REFUSAL.

The proposal is presented to the Development Control Committee at the request of Councillor Mrs Wendy Goodwin and Councillor Smith.

Site Visit

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

Introduction

This application relates to a site on the eastern side of High Road, some 65m south of its junction with Brook Road. The site is irregular in shape, having a frontage to High Road of some 11.4m and a maximum depth of some 72m. The application site forms part of the larger site which is occupied by a three storey building providing 27 sheltered flats. The application site is located to the north of these flats on land that currently forms part of the amenity area of the scheme.

The site lies within the South Benfleet Town Centre boundary and is allocated for shopping purposes in the Council's Adopted Local Plan.

The Proposal

This is a full application for four one bed roomed semi-detached dwellings to provide sheltered accommodation. The development comprises of two blocks; Block A being located towards the western boundary of the site at the side of the existing building and Block B being located towards the eastern boundary of the site, behind the existing building.

Block A has a maximum depth of some 6.9m and a maximum width of some 16m. A hipped roof is proposed above this block having a maximum height of some 4.8m.

Block B has a maximum depth of some 10m and a maximum width of some 15.7m. Owing to the topography of the site some aspects of this block are proposed to be set below the existing ground level. This block would also have a hipped roof with a maximum height of some 3.75m above ground level.

Each dwellings would provide a lounge, kitchen, bedroom, airing cupboard, bathroom and hallway.

Materials for the dwellings are proposed to be facing brick for the elevations and tiles for the roof to match the existing block of sheltered flats.

The vehicular roads and accesses, and hardstanding are illustrated to be block paving and tarmac.

Supplementary Documentation

The application is accompanied by a Design and Access Statement and Ecological assessment and Badger Survey, both of which are available to view on the Council's website.

Relevant Planning History

The current application site forms part of a wider site, which has been subject to numerous planning applications for a variety of sheltered housing schemes.

Of particular relevance to this application is an approval for 27 sheltered housing units in a three storey block (reference CPT/776/03/FUL), which was approved in 2003 subject to a Section 106 Legal Agreement. This consent was implemented and is represented by the existing development on the site.

A subsequent application was made for 2 pairs of semi-detached sheltered bungalows (reference CPT/108/12/FUL), which was refused in June 2012 for the following reasons:

1. The proposal by reason of the proximity of the proposed dwellings to the northern boundary and its poor relationship to the existing block of flats would result in the creation of a mean and cramped form of development, out of scale and character with, and detrimental to, the character and visual amenity of, the surrounding

area and the setting of the main building on the site, contrary to Policy EC2 of the adopted Local Plan and Government guidance as stated in paragraph 64 of the National Planning Policy Framework (NPPF).

2. The proposed dwellings are located to the north of the existing block of flats; the access to the proposed dwellings and the amenity area to the rear of the site being located between the proposed new dwellings and the existing flats. Such access, whilst pedestrian, is extremely restricted in terms of its width and use will force occupiers to pass in very close proximity to the living accommodation served by windows in the northern elevation at ground floor level. In this context, it is considered that the access to the proposed new dwellings would result in a loss of privacy to the occupiers of those flats, contrary to Policy EC3 of the adopted Local Plan and Government guidance as contained in paragraph 64 of the National Planning Policy Framework (NPPF).
3. By virtue of the relationship created between Block A and the main building on the site, it is considered that the proposed development would dominate the outlook from the existing ground floor flat on the northern elevation to the detriment of the amenity the occupiers of that flat should reasonably expect to enjoy, contrary to Policy EC3 of the adopted Local Plan and Government guidance as contained in paragraph 64 of the National Planning Policy Framework (NPPF).
4. The proposed car parking area to the north of the northern flank wall of the block of flats, by virtue of its proximity to the bedroom window of the existing ground floor flat at the front of the site, would be likely to result in undue noise and disturbance to the occupiers of that property, contrary to Policy EC3 of the Council's Adopted Local Plan and Government guidance as contained in paragraph 64 of the National Planning Policy Framework (NPPF).
5. The two car parking spaces provided along the northern flank wall of the existing building and adjacent to the southern boundary of the site measure only some 2.2m by 4.8m and are therefore contrary to the Essex County Council Parking Standards (September 2009), and as a consequence of their sub-standard size, would be likely to result in an increase in indiscriminate kerbside car parking at and in the vicinity of the site, detrimental to the amenity of the locality, and contrary to Policy T8 of the adopted Local Plan.

Relevant Government Guidance and Local Plan Policies

National

National Planning Policy Framework (NPPF) paras 56 and 64.

Castle Point Borough Council Adopted Local Plan 1998

H13 – Location of Development

S4 – Non Retail Development

EC2 – Design

H17 – Housing Development – Design & Layout

EC3 – Residential Amenity
EC13 – Protection of Wildlife & their Habitats
T8 – Car Parking Standards

Residential Design Guidance

RDG5 – Privacy and Living Conditions
RDG6 – Amenity Space
RDG12 – Parking and Access
RDG13 – Refuse and Recycling Storage

Essex Planning Officers Association Vehicle Parking Standards – C3 (September 2009).

Consultation

Essex County Council – Highways Observations

No objection subject to the following condition:

1. Prior to the commencement of the development, the areas within the curtilage of the site for the purpose of loading/unloading/reception and storage of building materials shall be identified clear of the highway, submitted and approved in writing by the Local Planning Authority.

Reason: To ensure that appropriate loading/unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety.

Refuse and Recycling Officer

The bin area for this site is already too small for all the recycling bins etc, causing them to overflow. With an additional 4 properties it is necessary for the bin area to be extended. For the whole site they require enough room to accommodate the following bins:

- 2 x 240 litre glass bin
- 1 x 100 litre green/food bin
- 3 x 1280 pink sack/recycling bin
- 3 x 1100 refuse bin

The bin area is required to be an enclosed area to house the bins; each of these needs to be able to be removed individually without the need to remove other bins.

Historic Environment Officer

No recommendation in respect of archaeological work

Public Consultation

45 responses have been received from the following addresses:

- Crescent Road: Nos. 10,12,16
- The Fairways, 192 High Road: Flat Nos. 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20 24, 25, 26, 27and 28
- Grove Road: 39
- 1 petition with 91 signatures has been received

which make the following comments and objections:

- There are trees and hedges on the proposed development site and yet the 'No' box has been ticked in the application form.
- Flooding in the bottom of their garden.
- By virtue of their location between the existing block of flats and 22 trees, the proposed dwellings would have little natural light.
- 4 more dwellings on the plot would bring the total number of residential units to 31.
- Loss of amenity area for existing residents of the flats.
- Plans do not accurately show the distance between the main building and the proposed dwellings.
- No patios or flower beds are shown to the east of the building- are they being taken away?
- Electricity substation and outbuilding located on the southern boundary not shown.
- Concerns about refuse space as the bins are already overflowing. Refuse facility not adequate.
- Loss of the area of washing lines (outdoor drying area); no replacement area proposed and therefore more use of electricity.
- Block A would be too close to the boundary fence of No. 12 Crescent Road and the garden at No. 10 Crescent Road.
- This is at least the fourth application which the residents are opposed to. Someone of authority must put a halt to these situations.
- The proposed parking spaces outside the gates are not secured. Also general public can have access to this which they will not be able to control.
- Certificate B is incorrect as the lease holders of the flats have not been notified.
- Site area is actually smaller than shown on the submitted plans. Would request officers to carry out an urgent and thorough site analysis to establish the exact dimensions of the application site.
- Errors in respect of the name of the block of flats in the Design and Access statement, is called 'Heath Lodge' instead of 'The Fairways'.
- This application has only been minimally changed from the previously refused application and all the previous reasons for refusal still apply.
- Privacy and overlooking issues.
- The proposed bungalows are too close to the existing sheltered housing block.
- Insufficient room for the proposed bungalows which are being built on the current landscape gardens; this will take away lot of existing open space.
- Proposed work will cause upheaval to the residents.

- Proposed works will reduce the car parking.
- Access issues for emergency vehicles.
- Overdevelopment of the site.
- Issues in respect of parking, as existing parking not adequate for the existing accommodation.
- Two of the parking spaces are inappropriately placed as they restrict access to the shed where mobility scooters are kept; also with one space behind the other, it will be impossible for the car to the front to exit.
- Loss of access to electrical points to charge their mobility scooters.
- Loss of garden seating areas.
- There is not sufficient width for the two car parking spaces proposed at the southern boundary.
- Some existing apartments have no balconies; the existing open spaces and patio areas therefore very important.
- Owners have bought properties taking into account the current layout and communal areas.
- New buildings will take away established badger walkways.
- No measurements on the plans and inaccurate details.
- Difficulty to access to Block B for emergency vehicles
- Suggests a visit by officer of the Planning Department to clarify the situation.
- New dwellings represent poor relationship to current building.
- Current car parking allocation no longer meets the current requirements, although these were acceptable at the time the original consent was granted.
- Requests that personal effect on lives to be taken into account.
- Few previous applications refused on basis of overdevelopment, cramped site, poor design and layout, inadequate space; same issues in respect of this proposal.
- Health and safety issues.
- Planning applications that directly disrupt the lives of the elderly residents was not what was expected when these residents sought retirement.
- Noise and disruption during construction works.
- Design of development has a cramped and unacceptable form and layout.
- Overloaded and unsafe junction with High Road in respect of traffic movements from the proposal.
- Having to place three spaces outside the gated entrance demonstrates that there is lack of space within the primary curtilage.
- The proposal would fail to provide adequate quantity and quality of outdoor amenity space.
- Residential amenity will be lost for the sake of personal gain of the landlord.
- They have a manager who comes in 20 hours a week, they do not have a warden; the current use is therefore not sheltered accommodation.
- Detrimental impact on wildlife.

Comments on Consultation Responses

- Health and safety issues are dealt under a separate legislation.
- The submitted plans are drawn to scale. There is no requirement to dimension the drawings.

- Noise during construction works is considered to be transient and is not in these circumstances a valid planning objection. Noise is, in any case, controlled under other legislation.
- The agent has clarified that initially the application premises was named 'Heath Lodge' and later changed to 'The Fairways', hence the misnomer in the submitted report.
- Amendments to Certificate B were requested; the application was validated after the appropriate notices were served.
- The site measurements are accepted as submitted.
- The condition recommended by the Highway Authority can be attached to any consent granted.
- All other relevant planning matters are discussed within the evaluation of the proposal.

Evaluation of Proposal

Policy H13 is concerned with the appropriate location of flats and sheltered accommodation which is identified as being on, or near, a main road. The application site is on a main road frontage and within an area allocated for shopping purposes. It provides easy access to local facilities and public transport and is a good location for this type of development. A block for sheltered flats already exists on the wider site. The acceptability of the provision of sheltered accommodation on this site has therefore already been established.

The site is located within an area allocated primarily for shopping purposes in the Adopted Local Plan. Policy S4 seeks to retain such areas for shopping purposes. As such residential development on this site would be contrary to Policy. However, the wider site has already been redeveloped for residential purposes and the application site currently forms part of the amenity area for that development. The site does not therefore represent a suitable retail site and in the context of the existing use and development it is not considered that a refusal on the basis of Policy S4 could be successfully sustained on appeal.

Policy EC2 of the Adopted Local Plan relates to design and requires a high standard of design in relation to new buildings. It requires development to be of a scale, density, siting, design, layout and of external materials which are appropriate to its setting and which does not harm the character of its surroundings. It further requires the appearance and treatment of spaces around buildings to be enhanced by appropriate hard and soft landscaping.

Local Plan Policy H17 requires proposals to have regard to design guidelines which are contained within Appendix 12 to the current Local Plan.

The Council has recently published new Residential Design Guidance which became effective on the 1st January 2013.

The proposal seeks to provide two pairs of semi-detached bungalows within the amenity area to a flatted complex of sheltered accommodation. The proposed bungalows are of generally good design providing hipped roofs and being finished in materials to harmonise with the existing development.

However, whilst no objection is raised in respect of the design of the proposed development, the location of the dwellings is considered unsatisfactory.

The proposed bungalows are located adjacent to the northern boundary of the site, one pair being located to the side of the main building and the other being located to the rear. In these positions the bungalows appear mean and cramped, being set in close proximity to both the boundary of the site and the building and detracting from the pleasant setting and character of the main block. It is noted that the proposed blocks are slightly reduced in size when compared to the previous proposal; however these alterations are minimal and do not result in changes that would make the proposal acceptable. An objection is therefore raised to the proposal under Policy EC2 of the adopted Local Plan.

This approach is reinforced by Government guidance as contained in the NPPF which attaches great importance to the design of the built environment and states that it is indivisible from good planning and should contribute to making places better for people. High quality design should be sought and all developments should add to the overall quality of the area. At para. 64, the NPPF states that permission should be refused for buildings or infrastructure which fails to take the opportunities available for improving the character and quality of the area and the way it functions.

It is not considered that the current proposal, by reason of its poor relationship with the boundaries of the site and the main building improves the character and quality of the area and the way it functions. An objection is maintained accordingly.

Concern has been raised by residents of the site that the proposed development would result in a significant diminution of open space on the site. RDG6 states that all buildings containing general residential development and containing specialist residential development should be provided with 8m² of amenity space per habitable room, either privately or communally. Where three or less habitable rooms are provided the minimum amenity space should be 25m².

When originally approved the sheltered housing scheme on this site required the provision of 675m² of amenity area, some 1239m² was provided, significantly more than was required.

The proposal now seeks to provide 4 one bedroomed dwellings within the site. Each of these dwellings would have the provision of 3 habitable rooms. Based on the amenity space requirement, each of the proposed dwelling would attract a further amenity space requirement of some 100m², bringing the total requirement to 775m².

The proposed development would result in the diminution of the amenity area attached to the complex to some 1029m². The retained amenity area would be in excess of the required amenity area for the existing block of flats and the proposed bungalows. Furthermore, it should be noted that it is intended that the proposed bungalows would not be provided with individual curtilages and as such the occupiers would have the opportunity to take advantage of the communal space.

It is noted that there is a triangular area to the rear of Block B which would not be a very useable communal space. However, even if this space, which has an area of some 24m², was not included in the amenity area calculations, the proposal could still comply with the requirements in respect of amenity area provision.

Whilst the objections raised in respect of the loss of the wider amenity area are acknowledged, under the circumstances it is not considered that a reason for refusal based on inadequate amenity area would be supported on appeal. No objection is therefore raised to the proposal under RDG6.

Policy EC3 is concerned with residential amenity. It states that development proposals which would have a significant adverse effect upon the residential amenity of the surrounding area by reason of traffic, noise, fumes or other forms of disturbance will be refused.

The proposed dwellings are located to the north of the existing block of flats; the access to the proposed dwellings being located between the proposed new dwellings and the existing flats. Such access, whilst pedestrian, is extremely restricted in terms of its width and its use will force occupiers to pass in very close proximity to the living accommodation served by windows in the northern elevation at ground floor level. In this context, it is considered that the access to the proposed new dwellings would result in a loss of privacy to the occupiers of those flats.

Whilst the access in the previously refused application was proposed right along the northern flank wall of the existing block of flats, it is noted that the proposal now seeks to provide the access further away from the block of flats, closer to the proposed bungalows. However, even with the proposed alterations, it is not considered that the isolation achieved between the access and the existing flats access is adequate to overcome the issue of loss of privacy to existing residents.

Furthermore, the access being located almost right up to the front walls of the proposed dwellings will result in an issue of privacy and overlooking for the proposed dwellings.

An objection is therefore raised to the proposal on this basis.

Furthermore it is considered that the proximity of the westernmost bungalows (Block A), to the northern wall of the existing building is such that the outlook from those flats would be significantly harmed. Whilst loss of view is not a valid planning consideration, domination is. By virtue of the relationship between this particular pair of bungalows and the main block it is considered that the outlook from the flats in the ground floor northern area of the main block would be dominated by the proposed development to the detriment of the amenity the occupiers of those flats might reasonably expect to enjoy. An objection to the proposal is therefore raised on this basis.

It is noted that the proposal seeks to now provide a minimum distance of some 2.7m between Block A and the existing building in comparison to some 0.8m provided in the previously refused application. However, it is not considered that this minimal

increase in the space would result in a reduced level of dominance for the occupiers of the flats in the northern area of the main block.

An objection is therefore maintained to the proposal under Policy EC3 of the Council's Adopted Local Plan.

Objections and concerns in respect of the loss of the drying area have been noted. However, it is not considered that the loss of the existing drying area is a robust reason for refusal in planning terms.

In respect of car parking provision, Policy T8 requires the use of Essex Planning Officers Association Vehicle Parking Standards.

Policy EC2 seeks to ensure that all modes of movement are made safe and convenient.

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

When consent for the existing sheltered accommodation was granted, a provision of 16 car parking spaces was required; 20 car parking spaces were provided.

Taken as a whole, the development of this site following the provision of the bungalows would require the provision of 20 car parking spaces to serve the needs of residents (including those occupying the bungalows) and 1 visitor parking space, thus 21 spaces are required in total.

The current proposal seeks to reorganise parking provision within the wider site in order to demonstrate the achievement of 23 car parking spaces on the site. Whilst it is recognised that one of these spaces would be impractical to use, the provision of 22 spaces would satisfy the parking standards in respect of this site.

No objection can therefore be raised in respect of the quantity of parking provided.

Although it is noted that the new car parking spaces provided along the northern and western boundaries measure some 5m in length, it is considered that a condition can be imposed on the grant of any consent requiring the enlargement of these spaces to 5.5m deep. It is considered that this can be accommodated on site.

Furthermore, the two car parking spaces proposed along the southern boundary are also of inadequate size, measuring some 2.2m by 4.8m. Whilst the width of these spaces may be increased, the depth cannot without prejudicing the use of other parking facilities. It is not therefore considered that two parking spaces may be provided in this area as shown.

However, it is considered that with alternative layouts, the provision of adequate car parking is possible on the site. A condition can be imposed on any consent granted requiring the submission of a revised car parking layout.

It is noted that objections have been received in respect of the three car parking spaces shown towards the front of the site outside the access gates. However, it should be noted that these spaces were proposed and approved as a part of the original consent (CPT/776/03/FUL).

Subject to conditions as described above, no objection is raised to the proposal under Policy T8 of the Council's Adopted Local Plan or RDG12 of the Residential Design Guidance.

Policy EC13 states that the Council will refuse development which is prejudicial to the interests of all wildlife and the retention and management of important habitats.

An Ecological Assessment & Badger Survey has been submitted with the application. The report concludes that there is no active outlying badger sett within the site. It is noted however that badgers utilise the application site to access the adjacent gardens and occasionally for foraging. A single disused sett entrance was found located in the north-eastern corner of the application site. 5 outlying setts which have occasional use were also found in the south-eastern corner of the wider application site. It is not considered that the proposed works would destroy, damage or disturb this sett or access to and from this sett. Subject to a condition requiring the retention of clear pathway for the badgers, no objection is raised to the proposal under Policy EC13.

RDG13 requires all forms of residential development to be provided with safe, adequate and suitable means of refuse and recycling storage to cater for all occupiers. It states that storage facilities should be provided with adequate space to allow for waste receptacles to be removed and emptied independently of each other, should provide adequate space to navigate around the receptacles, and should be of adequate height internally to allow for lids to be opened for filling.

The proposed development seeks to provide four additional residential units on the site. The applicant has stated that the existing refuse area would be used by the occupants of the proposed dwellings.

However, the refuse and recycling officer has commented that the existing facilities are inadequate even for the existing block of flats. Whilst the planning authority is unable to require this to be extended, it is considered that the proposed four dwellings would intensify the use of the refuse area. Under the circumstances, it is not considered that the proposal results in the provision of adequate refuse area to serve the needs of the enlarged development.

As stated above the existing parking layout requires amendment in order to ensure the provision of adequate parking facilities on site. It is not clear that within this revised layout adequate additional refuse storage facilities could be provided

An objection is therefore raised under RDG13 of the Residential Design Guidance.

Conclusion

The application seeks to provide four additional sheltered dwelling units on the site. Whilst the use of the site for sheltered accommodation is acceptable in principle, deficiencies within the scheme, particularly in terms of the impact of the proposal on the setting of the existing building and the amenity and privacy of existing residents make the scheme unacceptable.

The proposal, by reason of its cramped setting, adverse impact on the setting of the main building, adverse impact on the amenity and privacy of the existing residents and inability to demonstrate the provision of adequate on site refuse storage facilities, is considered to represent overdevelopment of the site and therefore attracts a recommendation of refusal.

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

My **RECOMMENDATION** is that this Committee REFUSE the application for the following reasons:

1. The proposal by reason of the proximity of the proposed dwellings to the northern boundary and its poor relationship to the existing block of flats would result in the creation of a mean and cramped form of development, out of scale and character with, and detrimental to, the character and visual amenity of, the surrounding area and the setting of the main building on the site, contrary to Policy EC2 of the adopted Local Plan and Government guidance as stated in paragraph 64 of the National Planning Policy Framework (NPPF).
2. The proposed dwellings are located to the north of the existing block of flats; the access to the proposed dwellings and the amenity area to the rear of the site being located between the proposed new dwellings and the existing flats. Such access, whilst pedestrian, is extremely restricted in terms of its width and use will force occupiers to pass in close proximity to the living accommodation served by windows in the northern elevation at ground floor level. In this context, it is considered that the access to the proposed new dwellings would result in a loss of privacy to the occupiers of those flats, contrary to Policy EC3 of the adopted Local Plan and Government guidance as contained in paragraph 64 of the National Planning Policy Framework (NPPF).
3. By virtue of the relationship created between Block A and the main building on the site, it is considered that the proposed development would dominate the outlook from the existing ground floor flat on the northern elevation to the detriment of the amenity the occupiers of that flat should reasonably expect to enjoy, contrary to Policy EC3 of the adopted Local Plan and Government guidance as contained in paragraph 64 of the National Planning Policy Framework (NPPF).
4. The proposed development fails to demonstrate the provision of adequate refuse storage facilities contrary to Policy H17, RDG13 of the adopted Local Plan.

ITEM 2

Application Number: CPT/179/13/FUL

Address: LAND ADJACENT TO 'WHITEGATES',
GOLDFINCH LANE, BENFLEET
(St. Peter's Ward)

Description of development: 2 No. 3 BED SEMI DETACHED DWELLINGS
AND 3 No. 3 BED TERRACED DWELLINGS
WITH INTEGRAL GARAGES AND ASSOCIATED
PARKING

Applicant: SOUTH EASTERN CONSTRUCTION

Case Officer: K. ZAMMIT

Summary

The proposal is for the erection of five dwellings on land currently allocated for Green Belt purposes and within the Great Burches Landscape Improvement Area. In principle the proposal is considered to be an inappropriate form of development. The proposal is therefore recommended for REFUSAL.

The proposal is presented to the Development Control Committee as the application site includes land within the control or ownership of the Local Authority.

Site Visit

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

Introduction

The application site currently forms part of the curtilage of the property 'Whitegates', on Goldfinch Lane. It has a width of between 40m and 50m and a depth of approximately 50m. It is currently grassed and contains, in part, a stable block and two storage containers.

The site has no direct frontage to Goldfinch Lane; however, the applicant has an easement over adjoining Council owned land providing vehicular access over an unsurfaced track to the highway. The land to the front of the site, between the boundary of the application site and the highway is common land and controlled by the Council. This area has extensive tree cover.

The Proposal

Planning permission is sought for the erection of five dwellings in the form of a pair of semi detached dwellings and a terrace of three dwellings. The architect describes the proposed dwellings as 'cottages'. They would each have accommodation over two storeys and an integral garage. The development would have varying roof heights, the maximum of which would be 8m.

The Design and Access statement states that the external materials would be brick, render, boarding and hanging tiles, with plain concrete tiles and slates for the roofs.

Vehicular access from Goldfinch Lane is proposed via the existing vehicular access.

Supplementary Documentation

The application is accompanied by a Design and Access Statement, Sustainability Statement and Security Report, all of which are available to view on the Council's website.

Planning History

In November 2011 an outline application was submitted for four dwellings (CPT/625/11/OUT). This was refused by the Development Control Committee on 7th February 2012 for the following reasons:

- The proposal is situated within an area of Green Belt, as defined in the Council's Adopted Local Plan, where development of this nature is only permitted in exceptional circumstances. No circumstances which would allow the development to be exceptionally permitted have been cited and as such the proposal represents an inappropriate form of development in the Green Belt which if permitted would be detrimental to the character, appearance and openness of the Green Belt contrary to the guidance contained in national policy as set out in Planning Policy Guidance Note No. 2 (PPG2).
- Although the Strategic Housing Land Availability Assessment indicates that there is an insufficient supply of housing land in the existing urban area of Castle Point to ensure a five year housing land supply, it is considered that the release of small parcels of land on a piecemeal basis, in the absence of consideration of all of the opportunities available to meet housing needs would be premature in the context of the new Local Plan. Furthermore it is not considered that the application site is a strategic housing site and as such it is not considered that the release of this site would contribute significantly to the overall housing supply in Castle Point or to the achievement of other objectives of the Council such as the provision of affordable housing and improved infrastructure. Reliance on small parcels of land for the achievement of housing provision would place undue pressure on the periphery of the Green Belt and would be likely to lead to incremental small scale losses which are likely to be cumulatively harmful to the strategic function, character and appearance of the Green Belt, contrary to the provisions of PPG2.

An appeal against the refusal of planning permission was made and subsequently dismissed. The Inspector commented that the proposal would harm the openness of

the Green Belt but did not concur with the Council's case in respect of prematurity in relation to preparation of the Local Plan or failure to deliver other objectives such as affordable housing.

Relevant Government Guidance and Local Plan Policies

National Planning Policy Framework

Paragraphs 79-92 (Green Belts)

Paragraphs 109-125

Local Plan Policies

EC2 - Design

EC20 – Landscape Improvement Area

H9 – New Housing Densities

H10 – Mix of Development

H17 – Housing Development – Design and Layout

T8 – Parking Standards

Residential Design Guidance

RDG1 – Plot size

RDG2 – Space around dwellings

RDG3 – Building lines

RDG5 – Privacy and living conditions

RDG6 – Amenity space

RDG7 – Roof development

RDG10 – Enclosure and boundary treatment

RDG12 – Parking & access

RDG13 – Refuse & recycling storage

Consultation

County Highways

No objection subject to conditions.

County Archaeology

No recommendation to make.

CPBC Legal Services

A new easement will be required for access and possibly utilities. The developer should therefore contact Legal Services accordingly.

CPBC Refuse and Recycling

As these houses are on a private road, not accessible by refuse collection vehicles, the development will require a concrete pad (2m x 2m) to be built at junction of the private road and Goldfinch Lane, to present waste.

CPBC Strategic Planning

The proposed development site is undeveloped with the exception of a stable block in one corner, and is located within the Metropolitan Green Belt as defined on the Proposals Map. Paragraph 89 of the NPPF is clear that local planning authorities should regard the construction of new buildings as inappropriate in the Green Belt. Various exceptions to this general principle are listed, however it is not considered that this development meets any of these exceptions.

The NPPF is very clear at paragraph 87, that inappropriate development is, by definition harmful to the Green Belt and should not be approved except in very special circumstances. The application for development of this site is not accompanied by any form of planning statement seeking to set out very special circumstances for exceptionally permitting development of this site, and therefore it is not clear on what basis the applicant is seeking the Council to depart from the well established national policies related to development in the Green Belt.

The development of this site was previously the subject of an appeal for outline permission to construct 4 houses (application CPT/625/11/OUT). The Inspector in that case concluded that the serious harm the development would cause to the Green Belt could not clearly be outweighed by other considerations. Given that the scale of this proposal is broadly similar to the scale of the proposal considered at that time, and no very special circumstances have been set out for taking an alternative view in relation to the current proposal, the Inspector's report and conclusions in relation to the appeal for application CPT/625/11/OUT should clearly be a material consideration in the determination of the current application.

I have reviewed the appeal decision in relation to the previous application for this site, and the Inspector gave consideration to meeting the need for housing in her determination. The Council's evidence submitted for that appeal comprised the original officers report for the application prepared in February 2012. At February 2012, the Council had recently embarked on work on a New Local Plan, and was at that time unable to demonstrate a five year housing land supply. At its meeting of December 2012, the Council agreed a five year housing land supply comprising a list of nine strategic sites. Therefore, the five year housing land supply situation is substantially improved compared to February 2012, and it is not considered that the lack of supply would provide sufficient justification for exceptionally permitting housing development on this Green Belt site.

I had hoped that the appeal decision in relation to land at Glebelands would have been with us in order to inform my response to this application, as many of the issues raised in my response above were considered during the Inquiry for that site. It is recommended that should the appeal decision in relation to Land at Glebelands be received before a decision is taken on this application, its implications are fully considered as part of the decision-making process.

Public Consultation

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

Comments on Consultation Responses

The refuse collection issues surrounding the development are discussed in the evaluation of the proposal.

Evaluation of Proposal

The main issues here are whether the proposal is appropriate development in principle, housing supply, the design and layout of the scheme, ecological considerations and parking implications.

Principle

The NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. 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 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 and the purpose of including land within it than the existing development.

Whilst a stable block and storage containers are located along part of the western boundary of the site, the proposed dwellings would have a substantially greater footprint, bulk and scale than these structures. The site is essentially open in nature and the provision of five dwellings on the site would harm the openness of this part of the Green Belt. The proposal cannot therefore benefit from the exception provided for replacement buildings in the Green Belt.

Similarly the site is not within a defined village therefore the proposal cannot be considered to be infilling within a village. The proposal is also not accompanied by any statement or undertaking that the housing will be affordable housing for local community needs.

The proposal is therefore inappropriate development in the Green Belt.

The Framework advises that inappropriate development is, by definition, harmful to the Green Belt. It goes on to say that substantial weight should be given to any harm to the Green Belt. Accordingly, the harm by reason of inappropriateness and the harm to openness attract substantial weight against the development.

Although the Council previously raised objections to the development of this land on the basis that it would isolate Green Belt land to the east from other parts of the Green Belt and lead to the Green Belt's fragmentation, the Inspector who determined the previous appeal did not share this view and considered that the land to the east would still be linked to the wider Green Belt to the north east and that the Green Belt would not become substantially more fragmented as a result of the development. Under these circumstances it is not considered that an objection to the proposal on this basis could be sustained should the matter again be taken to appeal. No further objection is therefore raised to the proposal on this basis.

It is however still considered that the proposal represents inappropriate development in the Green Belt which is harmful to the Green Belt and an objection to the proposal is therefore maintained on this basis.

Housing Supply

The Framework states that housing applications should be considered in the context of the presumption in favour of sustainable development. The Framework also places a requirement at paragraph 47 on local planning authorities to maintain a deliverable five-year supply of housing sites. The local planning authority, at the present time, has undertaken work as part of the preparation of a new local plan that has identified land that can provide a five year supply of deliverable sites for housing. There is consequently no need for this site to be developed at the present time. Consideration of housing land supply for years 6 to 10 and 11 to 15 of the plan will take place as part of the local plan process.

Although the Framework makes a presumption in favour of sustainable development, the Framework also states that harm to the Green Belt will carry significant weight. Inappropriate development should not be approved except in very special circumstances. Given that the local planning authority can demonstrate a five year supply of housing land, it is not considered that the need for housing can be said to amount to the very special circumstances necessary to justify inappropriate development in the Green Belt. The applicant has not advanced any other circumstances which might be considered to amount to very special circumstances.

Design and Layout

Policy H9 of the current Local Plan seeks the optimum housing density for any site; this is defined as the number of dwellings that can be accommodated, whilst ensuring that the development is not harmful to the character of the site and its surroundings, whilst being functional and attractive with adequate building lines, landscaping and setting and being in compliance with all other relevant policies in the plan. This is broadly consistent with bullet 3 of paragraph 58 of the NPPF;

however this paragraph also states that developments should also support local facilities and transport networks.

It is considered that compliance with Policy H9 can only be achieved by demonstrating compliance with other policies within the Local Plan, which will be discussed.

Policy H10 of the current Local Plan seeks a mix of development with an appropriate range of dwelling types. This is, however, not considered to be entirely consistent with paragraph 50 of the NPPF which requires local planning authorities to plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community.

The most up to date local evidence of need in respect of the mix of development on sites is the 2008 Strategic Housing Market Assessment. This identified that in Thames Gateway South Essex the focus of demand was on entry-level and mid market family housing (2/3 bed), particularly to the south of the A127. The proposal would provide three bedroomed housing which is considered to meet an identified need.

Policy EC20 states that within the Great Burches Landscape Improvement Area, the Council will encourage measures that would aid restoration and enhancement of the landscape, refuse proposals that would lead to the further deterioration of the landscape and require, where necessary, new development to be appropriately screened. This is consistent with bullet 1 of paragraph 109 of the NPPF.

The site is currently close mown grassed. Two storage containers and a stable block would be removed as part of the proposal to construct five dwellings. The items that would be removed are the type of development that has, in some instances, harmed the appearance of the Landscape Improvement Area and this aspect of the proposal is therefore positive. However their replacement with five dwellings would have a greater negative impact on the landscape than the structures they replace. In absolute terms therefore the proposal would have a negative impact on the landscape. However, it must be recognised that the site is screened by a substantial belt of trees and vegetation which would substantially mitigate the harm. As such it is considered that the proposal is more likely to have a neutral impact on the appearance of the Landscape Improvement Area and therefore no objection is raised to the proposal on the basis of Policy EC20 of the current Local Plan.

Policy EC2 of the current Local Plan requires a high standard of design in relation to all proposals. This is consistent with paragraphs 56 to 58 of the NPPF. Policy H17 requires regard to be had to design guidance. Policy H17 is consistent with the NPPF because the residential design guidance to which it links has been prepared in accordance with section 7 of the NPPF.

Within the Council's Residential Design Guidance Supplementary Planning Document, guidance at RDG7 deals with roof development, requiring roof features such as dormers to be ancillary features in the roofscape and not dominate it. Roofs should be proportionate to the rest of the dwelling and must not appear top heavy, prominent or dominant.

The design of the proposed dwellings is not particularly reflective of nearby housing development; however the Framework makes it clear at paragraphs 59-60 that local planning authorities should not seek to impose architectural styles or tastes but should concentrate on guiding the overall layout, form and massing of development. It is considered that the general scale of the development and its layout would be acceptable in relation to the surrounding area and as a consequence there is no objection to the proposal on design grounds under Policies EC2 and H17 or guidance at RDG7.

Guidance at RDG1 deals with plot size. It states that within the existing built up area, the plot sizes for new development should be informed by the prevailing character of plot sizes. Where there is a distinct character, development should not result in disruption to this pattern. 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.

The application site is located between an area of low density detached housing to the north, where plot widths can be as great as 30m, and an area of detached and semi-detached dwellings to the south that has been developed at a higher density, on plots of some 9m to 12m in width. The plot widths of 8.5m to 12m proposed as part of the development would be more reflective of the residential area to the south than of the area to the north; however it is considered that as there is no strong overall character to the area, the transition would be acceptable and would not appear discordant or otherwise out of character with the area. No objection is therefore raised on the basis of plot width. The visual impact of the proposal on the streetscene would be further minimised by the woodland in front of the dwellings.

Guidance at RDG2 deals with space around dwellings and states that the space around all new development should be informed by the prevailing character of space around dwellings. The proposal would provide approximately 2m between dwellings and plot boundaries, where they do not adjoin other dwellings. This is considered to be reflective of the character of the development to the south of the application site and therefore no objection is raised on this basis.

Guidance at RDG3 requires development to respect the established building lines of the street. This applies to both front and rear building lines.

The proposed dwellings would be in keeping with the general building line of properties to the north of the application site. It would be set well behind the building line of development to the south of the site, although given the limited views of the development it is not considered that this would be a visually jarring relationship.

Given that the proposed dwellings would be located roughly in line with the development to the north, it is not considered that there is the potential for loss of amenity through obtrusiveness or dominance to be caused to dwellings to the north of the site. The proposed development would be too remotely set in relation to other dwellings to have a significant impact on residential amenity. No objection is therefore raised to the proposal on this basis.

Guidance at RDG5 deals with privacy and living conditions. It states that primary windows should be located on the principal elevations of dwellings. At first floor level, a distance of 9m should be provided between windows and the boundary of the site. Where this is not achieved, the use of obscure glazed or high level windows can mitigate overlooking concerns, but only where the windows involved are not primary windows.

The proposed development would provide some first floor side windows; however these serve bathrooms and ensuites so were permission granted a condition could be imposed requiring these windows to be obscure glazed and fixed to a height of 1.7m from floor level. There are no dwellings to the front or rear of this site so no overlooking would occur in these directions. No objection is therefore raised to the proposal on the basis of overlooking.

Guidance at RDG6 requires proposals to provide amenity space that is proportionate to the size of the dwelling. The guidance states that 15m² of amenity space should be provided per habitable room, with a minimum of 50m².

Most dwellings would have five habitable rooms except for plot 1 which would have six. Plot 1 therefore requires 90m² of amenity space and the other plots require 75m². The proposed rear garden areas exceed these requirements therefore the dwellings are considered to have adequate outside space.

Guidance at RDG10 deals with enclosure and boundary treatments. It requires means of enclosure not to dominate the public realm or repeat poor forms of development. The application form indicates 1.8m high close boarded fencing. It is assumed that this would be to rear and side boundaries to which there is no objection. The proposed layout does not indicate any front boundary enclosures; however in the context of the area with the woodland screening to the front it is considered that this would have a satisfactory appearance. Indeed, hard forms of front boundary enclosure would have a distinct urbanising effect and would be undesirable. Were permission granted, a condition could be imposed requiring approval of details of any proposed boundary treatments and their location on the site. Subject to such a condition there is no objection to the proposal on the basis of boundary treatments.

Guidance at RDG13 deals with refuse and recycling storage. The applicant has indicated an area where occupiers may place their refuse for collection. However, the Council's Refuse and Recycling service has stated that the development will not be accessible to their vehicles so an area of some 2m x 2m will need to be provided at the junction of the private road and Goldfinch Lane where occupiers can place refuse for collection. This would be on Council-owned land outside the boundary of the application site. The Planning Authority could impose a Grampian style condition requiring the provision of a suitable refuse storage area adjacent to the highway prior to the commencement of development on the site, however, this is likely to result in the provision of refuse storage in an area of woodland which is attractive and would be damaged by the introduction of built structures. Such action is not therefore recommended.

There is therefore no means to provide acceptable refuse collection facilities at the present time and it is likely that refuse bags and containers would end up being placed on the highway to the detriment of the amenity of the area. Were the applicant to make a revised application this would need to be addressed.

Whilst it is acknowledged that in design terms no objections are raised to the proposal, this does not mitigate the objection raised to the principle of such development on this site in the Green Belt.

Ecology

The main aim of the NPPF is that planning decisions should avoid significant harm to biodiversity and geological conservation interests.

The application is accompanied by a Phase 1 Survey. This does not identify any habitats on the site that are likely to support protected species and does not find any evidence of protected species being active on the site.

Whilst the site is in close proximity to a number of SSSIs, it has been highly managed and provides little if any quality wildlife habitat. On this basis it is not considered that development of the site would have an adverse impact on any protected species as a result of the proposal. No objection is therefore raised to the proposal on this basis.

Parking

Policy T8 requires off-street parking to be provided in accordance with adopted standards. These require a minimum of two spaces for properties with two or more bedrooms. Parking spaces are required to have dimensions of at least 2.9m x 5.5m. Garages will not be counted as a parking space unless they have dimensions of 3m x 7m internally. Guidance at RDG12 requires parking not to dominate the public realm.

Each dwelling would have a garage and driveway parking in front. There is also visitor parking proposed on the east side of the private road. It is not considered that this would appear unduly prominent or dominant in the surroundings as it would be well screened by the existing woodland. Some of the proposed garages are slightly deficient in width at 2.9m rather than 3m however it is not considered that this would significantly prejudice their use for parking and subject to a condition requiring the garages to be retained and not converted to living accommodation, there is no objection to the proposal on the basis of parking provision.

It is noted that the Highway Authority has requested that a number of conditions be imposed should planning permission be granted. Included amongst these is a condition requiring the developer to be responsible for the implementation of a Travel Information and Marketing Scheme for sustainable transport. This usually consists of a pack of county-wide bus travel tickets to encourage occupants to make use of bus services in the area. 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 that the provision of five dwellings would justify requiring the developer to

undertake to provide such a pack for occupiers. This recommendation will not therefore be adopted in the determination of the application.

Conclusion

In principle, this proposal is considered unacceptable as the site is within the Metropolitan Green Belt where development of this nature is only acceptable if very special circumstances can be demonstrated. No very special circumstances have been identified in this case.

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 proposal is situated within an area of Green Belt, as defined in the Council's Adopted Local Plan, where development of this nature is only permitted in exceptional circumstances. No circumstances which would allow the development to be exceptionally permitted have been cited and as such the proposal represents an inappropriate form of development in the Green Belt which if permitted would be detrimental to the character, appearance and openness of the Green Belt contrary to the guidance contained in national policy as set out in the National Planning Policy Framework.
2. The proposed development would not have a suitable location for the occupiers to present refuse for collection and as a result it is likely that refuse bags and containers would be placed on the highway or other public land, to the detriment of the amenity of the area, contrary to Policy H17 of the Castle Point Borough Local Plan and guidance at RDG13 within the Council's Residential Design Guidance Supplementary Planning Document.

ITEM 3

Application Number: CPT/192/13/FUL

Address: 84 WARREN ROAD, LEIGH-ON-SEA
(St. James Ward)

Description of development: DEMOLISH EXISTING CONSERVATORY AND CONSTRUCT A PART SINGLE STOREY, MONOPITCHED ROOFED PART TWO STOREY, HIPPED ROOFED REAR EXTENSION AND RAISE RIDGE AND FORM THREE PITCHED ROOFED DORMERS TO REAR

Applicant: MRS. A MACNAUGHTAN

Case Officer: I.SHETH

Summary

This application represents a revision and enlargement to a series of works which have been the subject of a number of applications over the past two years. Whilst permission has previously been granted for part single storey and part two storey extensions to either side of the dwelling, the applicant now seeks to incorporate these approved works with further works comprising a part single storey, part two storey, rear extension, the raising of the ridge height by some 0.5m and the provision of three hipped roofed rear dormers to provide accommodation in the roof space.

It is considered that the proposal satisfies all relevant policies as contained within the Council's Adopted Local Plan and the provisions of the Residential Design Guidance and is therefore recommended for APPROVAL.

This application is presented to the Committee because the applicant is related to a member of staff.

Site Visit

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

Introduction

The application site is located on the southern side of Warren Road, at its junction with Sanctuary Road. It is a fairly regular shaped site with a width of some 18.5m and a depth of some 34.5m.

A detached house which has been extended fairly substantially since its construction including side and rear extensions currently occupies the site. The rear of the site is

partly grassed and partly hardsurfaced with a swimming pool and screening comprising approximately 1.8m high boundary treatments with a fence to the west, wall to the south and hedge to the east. The front of the site is mostly hardsurfaced for parking with a small wall surrounding the front of the site with a high hedge behind.

The surrounding area is characterised by fairly large detached houses of varying designs.

The Proposal

The proposal seeks to demolish the existing 'P'-shaped conservatory to the rear of the dwelling and provide a part single storey part two storey rear extension. The single storey aspect of the extension is proposed to be mono-pitched roofed having a maximum depth of some 3.7m, a maximum width of some 14.3m and a maximum height of some 3.6m. Five roof lights are proposed in the roof of the proposed extension. The first floor aspect of the extension would have a maximum depth of some 1m and a width of some 9.3m. The enlarged roof will extend over it.

Three rear dormers are proposed to provide accommodation within the roof. Each of the dormers would have a maximum width of some 1.6m, a maximum height of some 1.7m and a maximum depth of some 2.2m.

The proposal would provide an extension to the existing lounge and kitchen diner at ground floor level. At first floor level the proposal seeks to provide extensions to three bedrooms. It is proposed to convert one of the existing bedrooms to a bathroom. The previously approved games room at first floor level, above the existing garage, is proposed to be provided as a bedroom. The proposed extended loft would accommodate a games room.

The proposal also seeks to convert the area to the rear of the existing garage to a utility room.

Supplementary Documentation

None required.

Relevant Planning History

- CPT/695/11/FUL - First floor side/rear extension over existing garage – approved on 15th February 2012 – not implemented
- CPT/462/11/FUL – Front canopy over front entrance and rear first floor extension – approved on the 10th October 2011 – not implemented

Relevant Government Guidance and Local Plan Policies

Castle Point Borough Council Adopted Local Plan 1998

EC2 – Design

H17 – Housing Development – Design & Layout
T8 – Car Parking Standards

Residential Design Guidance

RDG3 – Building Lines
RDG5 – Privacy and Living Conditions
RDG7 – Roof Development
RDG12 – Parking and Access

Essex Planning Officers Association Vehicle Parking Standards – C3 (September 2009).

Consultation

- No statutory consultations undertaken.
- No neighbour responses received

Evaluation of Proposal

Policy EC2 of the Adopted Local Plan requires a high standard of design in new buildings. It requires development to be of a scale, density, siting, design, layout and of external materials which are appropriate to its setting and which does not harm the character of its surroundings. It further requires the appearance and treatment of spaces around buildings to be enhanced by appropriate hard and soft landscaping.

Local Plan Policy H17 requires proposals to have regard to design guidelines which are contained within Appendix 12 to the current Local Plan.

The Council has recently published new Residential Design Guidance which became effective on the 1st of January 2013.

RDG7 requires that the roof design of any development should be compatible primarily with the dwelling, but should also be informed by the prevailing character of the area and the surrounding forms of roof development. It states that the roof of a dwelling either built as new or extended or altered, should be proportionate to the remainder of the dwelling; it must not be top heavy, or appear prominent or dominant.

The proposal seeks to raise the roof of the dwelling and provide rear dormers to provide second floor accommodation.

It is noted that the proposed ridge height of 8.2m is some 0.5m higher than the existing ridge. The dwellings in the vicinity of the application site are of different styles and character and of varied heights. Raising the ridge by 0.5m would not result in a significant increase in the height of the building and in the context of the surrounding development, which is all of substantial scale, it is not considered that the proposed increase in height would look out of place or detrimental to the character of the area. No objection is therefore raised to the proposal on this basis.

The proposed dormers are located to the rear of the dwelling and could be seen from Sanctuary Road; however the dormers are well proportioned with pitched roofs and sit comfortably in the rear roof elevation. As such it is considered that the dormers are well designed and would have no adverse impact on the character and appearance of the dwelling or the surrounding area. No objection is therefore raised to this element of the proposed development.

The proposed part single part two storey rear extension would be partially visible in the streetscene; however this element of the proposal is also well designed and would have no adverse impact on the character or appearance of the area.

No objection is therefore raised to the proposal under Policy EC2 of the Council's Adopted Local Plan.

RDG3 states that proposals which would result in excessive overshadowing or overdominance will be refused.

The proposed single storey aspect of the rear extension extends by a maximum of some 3.7m beyond the rear wall of the existing dwelling. However, it does not extend beyond the rear wall of the existing conservatory. By virtue of its location some 4.5m from the eastern boundary, it is not considered that this aspect of the proposal would have any detrimental impact in respect of overdominance or overshadowing to the neighbouring dwelling to the east No. 82 Warren Road.

The proposed first floor aspect of the extension would be screened by the previously approved (although not yet implemented) extensions at first floor level; one located above the existing garage and one located above the lounge area providing extension to the existing master bedroom. Under the circumstances, it is not considered that the proposal will result in any undue overshadowing or overdominance to the neighbouring dwelling to the east No. 82 Warren Road.

The other properties in the area are too remote to be affected. No objection is therefore raised to the proposal under RDG3.

RDG5 states that for all development above ground floor level a distance of 9m shall be provided between windows, edges of balconies or raised amenity space and the boundary it directly faces at first floor level, 15m at second floor level and 18m at third floor level or above.

The proposed development seeks the provision of windows in the rear elevation at first and second floor level.

The proposed first floor windows provide a distance of some 16.7m to the rear boundary and the proposed second floor windows provide a distance of some 17.6m to the rear boundary. The proposal is therefore in compliance with RDG5 and no objection is raised to the proposal on the basis of loss of privacy and overlooking.

Policy T8 requires adopted parking standards to be taken into account. In this case, the current standards are the Essex Planning Officers' Association vehicle parking standards.

Policy EC2 seeks to ensure that all modes of movement are made safe and convenient.

RDG12 states that access to all forms of development must be safe and convenient for all users, and the design, size, orientation and location of parking spaces should enable the spaces to be utilised conveniently and must not deter vehicles from using them. The size and layout of all forms of parking should reflect current adopted vehicle parking standards.

In this case, the current standards are the Essex Planning Officers' Association vehicle parking standards 2009. These require a minimum of 2 spaces for properties with two bedrooms or more. The current car parking standards require the car parking bay sizes to be some 5.5m by 2.9m and garage sizes to be some 3m by 7m.

The extended dwelling would require the provision of 2 car parking spaces. Currently the dwelling has the provision of one car parking space, the garage, and two on the hardsurfaced area to the front of the dwelling. Although the proposal seeks to convert the rear area of the existing garage into a utility room, the retained garage would be some 3.2m by 7.3m, thus in compliance with the requirement.

Subject to a condition requiring the retention of the parking spaces, no objection is raised to the proposal under Policies T8 and EC2 of the Council's Adopted Local Plan and RDG12 of the Residential Design Guidance.

Conclusion

This application seeks to provide a part single storey, part two storey rear extension, raise the ridge height by some 0.5m and provide three rear dormers to provide accommodation in the roof.

The proposal complies with all relevant policies of the Council's Adopted Local Plan and the Residential Design Guidance and is therefore recommended for APPROVAL.

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

My **RECOMMENDATION** is that this Committee APPROVE the application subject to the following conditions:

1. CON2
2. CON16
3. CON28
4. CON100
5. CON101

ITEM 4

Application Number: CPT/243/13/FUL

Address: CALOR GAS LTD, CANVEY TERMINAL,
THAMES ROAD, CANVEY ISLAND (West Ward)

Description of development: INSTALLATION OF 1 No. 1.8m DIAMETER DISH
AND 1 NO 0.6m DIAMETER DISH AT 55.65m ON
EXISTING TOWER, REPOSITIONING OF 2 No.
0.3m DIAMETER DISHES AT 55m AND 57.1m
AND INSTALLATION OF 1 No. EQUIPMENT
CABINET AND ASSOCIATED WORKS

Applicant: VIGILANT GLOBAL LIMITED

Case Officer: K. ZAMMIT

Summary

The proposed development involves the installation of additional telecommunications apparatus to an existing 60m tall lattice tower.

In all the circumstances it is considered that the proposal represents an acceptable form of development and it is recommended that permission be granted.

The application is presented to the Committee in accordance with the Council's scheme of delegation.

Site Visit

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

Introduction

The compound containing the tower is located within the confines of the Calor Terminal site on Thames Road. It is located some 140m west of the main site entrance and some 300m from the nearest residential properties which are to the north of the site.

The Proposal

Permission is sought for the provision of two new dish antennas of 0.6m and 1.8m in diameter at a height of 55.65m on the existing tower. In addition, two 0.3m diameter dish antennas at heights of 55m and 57.1m respectively would be repositioned.

A new outdoor equipment cabinet of some 2m in height on a 1m x 1m concrete base is proposed at the base of the tower.

The application documentation explains that the proposal is needed to provide a link between sites for the Vigilant Global network.

Supplementary Documentation

The application is accompanied by a Design, Access & Supporting statement and an ICNIRP (International Convention on Non-Ionising Radiation Protection) declaration of conformity with public exposure guidelines, which can be viewed on the Council's website.

Planning History

The current 60m tower was granted permission in 1988 (CPT/1115/88).

In December 2011, permission was granted for twelve antennae mounted on two head-frames and three 0.6m dishes fixed to the existing lattice tower (CPT/577/11/FUL).

Relevant Government Guidance and Local Plan Policies

National Planning Policy Framework

Paragraphs 42-46 (Supporting high quality communications infrastructure)

Current Local Plan

CF16 – Telecommunications

Consultation

Canvey Town Council

No comment

Public Consultation

No responses received to neighbour notification and site notice.

Evaluation of Proposal

The main issue for consideration is the visual impact of the proposed installation.

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

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 public exposure.

Local Plan Policy CF16 states that in considering telecommunications 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 approach is considered to be consistent with the provisions of the NPPF.

The existing lattice tower is viewed from the nearby highway and surrounding area and is a fairly prominent feature in the landscape. The relocation of the existing 0.3m diameter dishes would have no significant impact on the tower's appearance and there can therefore be no objection to this aspect of the proposal. The proposed dishes, particularly the 1.8m diameter dish, would give the tower slightly greater prominence in local views; however it is not considered that the impact of the additional dishes on the visual amenity of the area would be so great as to constitute a robust reason for refusal of planning permission.

The proposed ground level equipment cabinet would be screened by existing vegetation and would have little visual impact on the area.

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. Dish antennas do not generate electromagnetic fields; therefore no ICNIRP certificate is required. One has nevertheless been submitted confirming that the site is fully compliant. Accordingly there can be no objection to the proposal on the basis of its perceived health impacts.

Conclusion

The proposed installation is not considered to have a significantly greater visual impact on the area than the existing structure and accordingly no objection is raised to the proposal.

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, subject to the following conditions:

1. CON2

Standard Conditions

CON1	Outline Time Limit and Reserved Matters
CON2	Full Application Time Limit
CON3	Vehicular Access Visibility Splay
CON4	Junction Visibility Splay
CON5	Screen Wall / Fencing
CON6	Submission of Evergreen Hedge details
CON7	Implementation of Evergreen Hedge
CON8	Retention of Trees
CON9	Submission of Landscaping Scheme
CON 10	Implementation of Landscaping Scheme
CON 11	Maintenance of Landscaping Scheme
CON 12	Submission of Tree Planting Scheme
CON 13	Implementation of Tree Planting Scheme
CON 14	Maintenance of Tree Planting Scheme
CON 15	Schedule of External Surfaces
CON 16	Materials to Harmonise With Existing
CON 17	Submission of Materials
CON 18	Implementation of Materials
CON 19	Submission of Hardsurfacing Details
CON 20	Implementation of Hardsurfacing
CON 21	Pd Rights Removed Small Site
CON 22	Pd Rights Removed Relationship With Other Buildings
CON 23	Pd Rights Removed Green Belt
CON 24	Demolition of Existing Dwelling
CON 25	Forecourt Depth Unclassified Roads
CON 26	Forecourt Depth Classified Roads
CON 27	Protection of Trees
CON 28	Retention of Parking Spaces
CON 29	Obscure Glazed Non Opening Windows
CON 30	Luminance Control Highway Safety
CON 31	Luminance Control Residential Amenity
CON 32	Levels Submission
CON 33	Levels Implementation
CON 34	Filter Details Submission
CON 35	Filter Details Implementation
CON 36	Ecological Survey Submission
CON 37	Ecological Survey Implementation
CON 38	Badger Survey Submission
CON 39	Badger Survey Implementation
CON 40	Bat Survey Submission
CON 41	Bat Survey Implementation
CON 42	Balcony Terrace Screen
CON 43	Annexe Only Not Independent Dwelling
CON 44	Extension Only Not Independent Dwelling
CON 45	Vehicular Crossover Widening
CON 46	New Vehicular Crossover

CON 47	Tree Works In Accordance With British Standards
CON 48	Tree Works Supervision
CON 49	Environment Agency Desktop Study
CON 50	Environment Agency Implementation of Pollution Control
CON 51	Storage of Building Materials within the site.
CON52	Submission Of Flood Response Plan.
CON53	Enactment Of Flood Response Plan
CON54	Provision Of Badger Ramp.
CON55	Badgers - Hand Digging Of Foundations.
CON 56	Protection Of Badgers - Changes In Levels.
CON57	Badgers – Pathways.
CON58	Badgers - Security Fencing.
CON59	Travel Scratchcards.

Informatives

CON 100	Party Wall Etc. Act Note.
CON101	Application Approved Without Amendment
CON102	Application Approved Following Revisions
CON103	Application Refused Following Discussion - No Way Forward
CON104	Application Refused With Discussion - With Way Forward
CON105	Application Refused Without Disc

DEVELOPMENT CONTROL COMMITTEE

2ND JULY 2013

Subject: Quarterly Enforcement Update

Case Officer Robert Davis

Introduction

This is the eighth quarterly enforcement report presented to the Development Control Committee in order to ensure that Members are aware of all formal planning enforcement action and investigations that have been undertaken by the Council's Planning Enforcement Officer.

The report commences with cases resolved informally and formally, follows this with cases where new enforcement action has been undertaken since the last quarterly enforcement update and concludes with those cases still outstanding.

Cases resolved informally and formally.

97 New Road, Hadleigh

A certificate of proposed lawful development was granted for a hip to gable and large rear dormer at this property in August 2011. However, it came to light that the works were not carried out in accordance with the certificate and required planning permission. Policy objections prevented the Council from approving the development. Following negotiations with the occupiers the dormer has been reduced in size to correspond with the works shown in the certificate. The case is now closed.

12 Downham Road, Canvey Island

An enforcement notice was issued on 26th February 2013 in respect of a garage which was converted into living accommodation and being used as an independent dwelling. The notice required the independent use of the living accommodation to cease. The notice has been complied with and the case is now closed.

77 High Road (Hot Hut), Benfleet

A breach of condition notice was issued on the 20th August 2012 in respect of the ground floor of the above premises for operating outside of the permitted operating hours attached to the planning permission for this premises. The proprietor pleaded guilty in Southend Magistrates Court on 20th February 2013 to an offence under Section 187A Town and Country Planning Act 1990. He was fined £650 and required

to pay a victim surcharge of £15. In addition he was also required to pay £2,666.10 in respect of the Council's legal and investigatory fees.

156 Bowers Road, Benfleet

Members were advised in March 2013 that discussions were ongoing regarding the removal of a terrace, subject of an enforcement notice, which the occupier wished to retain. The Council has permitted part of the terrace that serves the entrance to the dwelling to remain and the remainder has been demolished. The case is now closed.

'Avalon', Arterial Road, Daws Heath

An enforcement notice for the removal of a conservatory at this dwellinghouse, which is located in the Green Belt, was issued on the 18th January 2012. A retrospective planning application was subsequently submitted and refused permission. The applicant lodged an appeal in respect of this decision. A temporary personal permission has been granted on appeal. The conservatory is to be demolished after it is no longer required. Officers will continue to monitor the situation.

29 Village Drive, Canvey Island

This concerns a recent enforcement notice in respect of a pitched roofed timber car port in the front garden at the above residential property. The notice was issued on 2nd May 2013. No appeal was lodged and the structure has been removed. The case is now closed.

1b Tongres Road, Canvey Island

The above site has been the subject of complaints in recent years regarding the condition of the dwelling and its overgrown garden. In March of this year the occupier was advised of various works that were required and informed of the Council's intention to take formal action if they were not carried out voluntarily. The vegetation has now been cut down and repairs to the dwelling have commenced. The case is now closed.

Shisha Lounge, 370 London Road, Hadleigh

An enforcement notice in respect of the use of the front part of the above property as a Shisha lounge was issued on 23rd January 2013. The use has ceased and the marquee and decked area have been removed. However, the appeal that was lodged by the appellant has not been withdrawn and therefore the case must remain open until the appeal is determined and the next course of action identified.

New Enforcement Action

196 High Road, Benfleet

An enforcement notice in respect of a barbers shop and a self contained two-bedroomed residential unit of accommodation at the above site was issued on 25th March 2013. An appeal has been lodged against the Notice.

1 Point Road, Canvey Island

An enforcement notice in respect of a change of use from residential to office (B1) at the above site was issued on 12th February 2013. No appeal has been lodged however a planning application for an agreed scheme has been submitted for approval. The applicant has until 18th March 2014 to comply with the notice or carry out alternative approved works.

Yard off Fane Road, south of Lychgate Farm, Thundersley

On 10th April 2013 an enforcement notice was issued in respect of the storage of vehicles and the depositing, sorting and processing of materials at the above site. No appeal has been lodged. The occupier has until 18th October 2013 to comply with the requirements of the notice.

Dance Studio r/o 25 Kents Hill Road, Benfleet

A breach of condition notice was issued on 30th April 2013 in respect of a business operating on Sundays contrary to a planning condition attached to its original planning consent. On the basis of the monitoring carried out to date the requirements of the notice have been met.

It should be noted that the applicant has lodged an appeal in respect of the restrictive condition.

'Reditus', Keswick Road, Benfleet

An enforcement notice in respect of a material change of use of this land to a mixed use for the storage of commercial and domestic items and the stationing of a trailer for residential use was issued on 24th October 2011. The requirements of the notice were not met and the Council undertook legal proceedings against the occupier. The case was heard in the Crown Court and for technical reasons the defendant was found not guilty. A revised enforcement notice has now been issued. The occupier has until 18th July 2013 to lodge an appeal.

396 London Road, Benfleet

Members will recall that in recent years this site has been the subject of extensive enforcement action. It has been noted by Officers that the breach of condition notice issued in December 2008 is once again being breached. Evidence has been collected and the matter referred to the Council's Legal Services for a fourth time.

Outstanding Notices

48 High Road, Benfleet

Members were advised in the last enforcement report that the occupier was moving out of the above premises and that a site visit would take place to identify any building works outstanding. The internal works required by the enforcement notice have not been satisfactorily carried out and it has not been possible to resolve this matter by dialogue. The matter has been referred to the Council's Legal Services.

Janda Field, Fane Road, Thundersley

Members will recall this site from the Development Control meeting of 4th December 2012 when planning permission was refused for a change of use of the land to three Traveller pitches. An enforcement notice for the cessation of the use was issued on 5th December 2012. Both the enforcement notice and refusal of planning permission were appealed and a hearing took place on 1st May 2013. The decisions are now awaited.

'Danebury', Rhoda Road, Benfleet

An enforcement notice in respect of land used for the purposes of conducting a limousine hire business within the curtilage of a residential property in the Green Belt was issued on the 10th April 2012. The subsequent appeal was dismissed. The operation of the limousine hire business has ceased to operate from the premises but the hardstanding and building associated with this use still remain. The occupier has until 25th September 2013 to remove them.

34 Crescent Road, Benfleet

An enforcement notice in respect of the construction of an outbuilding in the rear garden of the above property for residential use was issued on 7th December 2012. The notice requires the unauthorised use to cease and the building to be removed. An appeal has been lodged against the Notice.

638 High Road, Benfleet

An enforcement notice in respect of a change of use of the above property from residential to use as a security system business was issued on 11th January 2013. The notice requires the cessation of the use of the building for business purposes. An appeal has been lodged against the Notice.

571 London Road, Hadleigh

Enforcement action in respect of three unauthorised dormers was upheld on appeal and successfully concluded in April 2012. However, the use of the site in connection with the motor trade and the stationing of a mobile home in the rear garden were not part of this action. These matters have now become the subject of a fresh notice issued on 28th January 2013. The vehicles have now been removed. The compliance date is 4th March 2014.

Land south of Lychgate Farm, Arterial Road, Thundersley

An enforcement notice in respect of a material change of use of land to a mixed use for stabling horses and as a leisure plot incorporating the stationing of a caravan for leisure purposes was issued on 6 October 2010. The occupier has vacated the site and removed the structures from the land. The caravan remains but assurances have been received from the new occupier that the caravan is to go. This matter is being monitored.

Land at Keswick Road, Benfleet

This site is located at the junction of Keswick Road and Church Road Benfleet. An enforcement notice for the removal of gates and a fence to the boundary of the site with Keswick Road was issued on the 9th March 2011. The notice was not complied with and legal proceedings to secure compliance were accordingly commenced. However, in the course of these proceedings interested parties, which the Council was not previously aware of, came to light. The notice was therefore withdrawn. A fresh notice in respect of the fencing and gates was issued on the 11th July 2012.

A second notice in respect of the use of the land for the deposition and storage of materials and various items was also issued together with the above notice. No appeals against these notices were lodged and the notices have not been complied with. The matter has been referred to the Council's Legal Services.

201 Cumberland Avenue, Benfleet

An enforcement notice in respect of a material change in use of the above residential property to a mixed use for the storage of motor vehicles, parking of commercial vehicles and use for residential purposes was issued on the 4th October 2012. The notice requires the unauthorised activities to cease. An appeal has been lodged against the Notice.

2 Waterside Cottages, Canvey Road, Canvey Island

An enforcement notice in respect of a concrete base, outbuilding and 2m high fence along the front boundary of the above property, which is located in the Green Belt, was issued on the 22nd October 2012. The notice requires the structures and concrete base to be removed. An appeal has been lodged against the Notice.

Land at Thirlmere Road, Benfleet

An enforcement notice in respect of land in the Green Belt for the storage of a mobile home, campervan and caravan and use as a leisure plot was issued on the 11th June 2012. An appeal was dismissed on the 13th November 2012. Most of the requirements of the notice have been met however one campervan remains on site. Officers are monitoring the situation.