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AGENDA

Committee: DEVELOPMENT CONTROL

Date and Time: Tuesday 4th June 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 2nd April 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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DEVELOPMENT CONTROL COMMITTEE

2nd APRIL 2013

PRESENT: Councillors Dick (Chairman), Anderson, Barrett, Blackwell, Mrs Govier, Hart, Mrs King, Ladzrie, Mrs Liddiard, Skipp, Smith and Mrs Wass.

Councillors Mrs Iles, Sharp, Sheldon, Tucker and Walter also attended.

Apologies for absence were received from Councillor Cross and Canvey Island Town Councillor Mrs Swann.

39. MEMBERS' INTERESTS

There were no disclosures of interest

40. MINUTES

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

41. DEPOSITED PLANS

(a) CPT/393/12/FUL – LAND OPPOSITE HAWTHORN COTTAGE , RHODA ROAD, BENFLEET, ESSEX (BOYCE WARD) - CHANGE OF USE OF SITE FOR TREE CULTIVATION PURPOSES. CONSTRUCTION OF EQUIPMENT STORE AND ERECTION OF SECURITY FENCE WITH HEDGE - MR. PAUL ROSE

This was a retrospective application for a change of use for Christmas tree cultivation purposes and for the provision of an equipment store.

The applicant used the site for the growing of Christmas trees which were made available for hire over the Christmas period. The business was web based and deliveries and collections were undertaken by the applicant. The site was not open to members of the public.

It was considered that the use was not too dissimilar to a small-scale agricultural use and was considered to be an acceptable activity in the Green Belt.

Councillor Smith as Ward Member spoke generally in favour of the application but expressed concerns about the appearance of the containers currently on the site. It was noted that these would be dealt with by conditions.

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

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

Following discussion it was:-

Resolved – That the application be approved subject to the following conditions:

1. CON2
2. CON6
3. CON7
4. CON15
5. No customers shall visit the site without the prior formal consent of the Local Planning Authority. Reason: In the interests of preserving the amenity of the adjoining residents.
6. The existing metal storage containers located on the site shall be removed within 3 months of the date of this permission. Reason: To ensure a satisfactory form of development in sympathy with the existing development and the character of the surrounding area.
7. CON100
8. CON101

(b) CPT/609/12/FUL – 15-17 KENTS HILL ROAD, BENFLEET (ST. MARY'S WARD) – CHANGE OF USE TO FITNESS STUDIO – MRS PHILLIPS

This application sought permission for a change of use of a retail building to a fitness studio.

The proposal raised concerns in respect of the impact on the adjoining residents and parking provision; however, it was not considered that these concerns outweighed the benefits of the proposal.

Following discussion it was:-

Resolved – That the application be approved subject to the following conditions:

1. CON2
2. The permitted use shall not operate outside the hours of 09.00-21.00 on Mondays to Fridays and 10.00 and 16.00 on Sundays and Bank Holidays. Reason: To protect the amenity of adjoining.

3. The use of the building as a fitness studio shall not commence until the recommendations of the report by dB Consultation Ltd dated 9th October 2012 have been implemented to the written satisfaction of the local planning authority. Reason: To improve the acoustic properties of the building with the objective of preventing noise breakout, in the interest of the amenity of surrounding residential occupiers.
4. All external doors to the building shall be fitted with automatic closers and appropriate signage indicating that they are to be kept shut. The rear doors shall only be used as an emergency exit and shall be signed as such. The local planning authority's formal written approval of door closing measures and signage as installed shall be obtained before the use of the building as a fitness studio commences. Reason: To prevent noise breakout from the building in the interest of the amenity of surrounding residential occupiers.
5. Prior to commencement of the use of the building as a fitness studio, details of an air conditioning system to serve all areas shall be submitted to and formally approved by the local planning authority. The details shall include the predicted acoustic performance of the system and locations of any external cooling plant with reference to accurately scaled plans. Reason: In order to ensure appropriate conditions within the building without the need for windows to be opened, in the interest of the amenity of surrounding residential occupiers.
6. Such air conditioning system as may be approved pursuant to condition 5 shall be installed and fully operational before commencement of the use hereby approved, to the written satisfaction of the planning authority. It shall thereafter be maintained in accordance with the manufacturer's recommendations. Reason: In order that the windows of the building do not need to be opened, to prevent noise breakout in the interest of the amenity of surrounding residential occupiers.

7. CON101

(c) CPT/644/12/FUL – 15-17 RICHMOND AVENUE.(ST.MARY'S WARD) TWO STOREY REAR AND SIDE EXTENSIONS TO AND REFURBISHMENT OF 17 RICHMOND AVENUE TO PROVIDE 14 NO. TWO BED FLATS AND ASSOCIATED PARKING – MARDEN HOMES LIMITED

This application involved the part demolition and extension and refurbishment of a former care home to provide 14 two bed roomed flats. In all the circumstances it was considered that the proposal represented an acceptable form of development.

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

Councillor Sheldon, as Ward Member, explained that he had received representations from residents both in support and against the development. Residents in support had cited anti-social problems that the unused site was attracting and that the development could assist in abating those issues.

Some discussion took place on the designation of the land, and it was confirmed that it had been designated for residential purposes since 1998.

Resolved – That the application be approved, subject to the following conditions:-

1. CON2
2. The roof tiles used on the extension to the existing building shall be of similar appearance to those used on the existing building. Reason: In the interest of visual amenity.
3. Prior to commencement of development, details or a sample of the proposed siding shall be submitted to and formally approved by the local planning authority. Reason: In the interest of visual amenity.
4. CON9
5. CON10
6. CON11
7. Prior to the erection or replacement of any boundary walls or fences, details of those walls or fences shall be submitted to and formally approved by the local planning authority, with reference to an accurately scaled plan. Reason: In the interest of visual amenity.
8. Prior to first occupation of the development, the windows marked OBS on the approved plans shall be obscure glazed to at least level 3 on the Pilkington scale and fixed shut to a height of 1.7m from the finished floor level of the room in which the window is installed. Reason: To prevent loss of privacy and amenity to occupiers of the adjacent building.
9. Prior to construction of the refuse storage building, details or samples of the proposed external materials shall be submitted to and formally approved by the local planning authority. Reason: In the interest of visual amenity.
10. No flat shall be occupied until the car parking area has been provided, surfaced and drained. Thereafter the car parking area

shall be kept available for the parking of vehicles of occupiers of and callers to the building and for no other purpose whatsoever without the former consent of the planning authority. Reason: To ensure the provision and retention of satisfactory off-street parking facilities.

11. Prior to provision of the car park, details of the means to prevent the discharge of surface water onto the highway shall be submitted to and formally approved by the local planning authority. Reason: In the interest of sustainable drainage and to prevent highway hazards caused by water and ice.
 12. The car park shall only be constructed in accordance with the approved drainage details. Reason: In the interest of sustainable drainage and to prevent highway hazards caused by water and ice.
 13. Prior to first use of the car park, properly constructed vehicular access to the highway shall be provided in the location shown on the approved plan. Reason: To ensure satisfactory access to the off-street parking facilities.
 14. Prior to first use of the car park, 1.5m x 1.5m pedestrian visibility splays, as measured from and along the highway boundary, shall be provided on both sides of the vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access. Reason: To provide adequate inter-visibility between users of the access and pedestrians in the adjoining public highway in the interest of highway safety.
 15. Prior to occupation of the proposed development, the developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include 10 All Essex Scratchcard Tickets. Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport.
 16. CON102
- (d) **CPT/14/13/FUL – BENFLEET WATER TOWER, 335 BENFLEET ROAD, BENFLEET (BOYCE WARD). REPLACEMENT OF THREE ANTENNAS WITH SIX ANTENNAS AND INSTALLATION OF NEW 600 MM DIAMETER DISH – EE & H3G UK LTD**

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

Resolved – That the application is refused as the proposed equipment would lead to a further proliferation of telecommunications apparatus on the building, harming its appearance in the streetscene and the wider area, to the detriment of visual amenity contrary to Policy CF16 of the Adopted Local Plan and Government guidance as set out in the National Planning Policy Framework.

(e) CPT/15/13/LBC – BENFLEET WATER TOWER, 335 BENFLEET ROAD, BENFLEET (BOYCE WARD). REPLACEMENT OF THREE ANTENNAS WITH SIX ANTENNAS AND INSTALLATION OF NEW 600 MM DIAMETER DISH (LISTED BUILDING CONSENT) – EE & H3G UK LTD

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

It was considered that the proposal would have an adverse impact on the appearance and special interest of this listed building.

Resolved – That the application is refused as 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.

(f) CPT/25/13/FUL – 396-408 LONDON ROAD, BENFLEET (BOYCE WARD). DEMOLITION OF BUILDINGS AND CONSTRUCTION OF 9 DETACHED DWELLINGS AND 42 FLATS IN TWO BLOCKS OF UP TO THREE STOREYS WITH PARKING, ACCESS, LANDSCAPING AND ASSOCIATED WORKS – ARGENT DEVELOPERS LTD

This application sought permission for the residential redevelopment of a site allocated for Green Belt purposes in the adopted Local Plan.

Whilst the proposal constituted inappropriate development in the Green Belt, the land had been identified by the Full Council at its meeting on 5 December 2012 as forming part of the Council's five year housing land supply. The Committee noted that the Council's decision was considered to amount to the very special circumstances needed to justify the otherwise inappropriate development.

Mandy Taylor, a local resident, spoke in objection to the application.

Steve Kearney, agent for the applicant, spoke in support of the application.

During the debate, some Members considered that determination of the application should be deferred pending the approval of the new Local Plan.

Councillor Smith, as Ward Member, spoke in support of the application. He reiterated that the land had been agreed by the Council for release to be part of the Council's five year housing land supply. Councillor Smith also commented on the visual appearance of the land, the vehicular movements around the car washing business on part of the site and the enforcement action history associated with the land. Councillor Smith emphasised the landscaping and tree screening works that were part of the development proposals.

Resolved – That, subject to the applicant entering into a Section 106 Agreement to secure, retain and appropriately manage the provision of 9 shared equity affordable flats on the site, works to secure the provision of appropriate highway access to the development from London Road, the provision and maintenance of bird and bat boxes and Improvements to bus stops, the application be approved, and subject to the following conditions:-

1. CON2
2. CON17
3. CON18
4. Prior to installation of the proposed solar panels, full details of these including their positions on the buildings, with reference to an accurately scaled plan, shall be submitted to and formally approved by the local planning authority. Reason: The details submitted were insufficient for consideration of this aspect of the proposal.
5. Prior to the commencement of development details of a scheme for the recycling of greywater across the western half of the site shall be submitted to and approved by the Local Planning Authority. Reason: In order to enhance the sustainability of the site in accordance with the provisions of the NPPF.
6. Notwithstanding the details submitted as part of the planning application, details of all proposed landscaping works, including details of all existing trees to be retained and the measures for their protection, with reference to an accurately scaled plan, shall be submitted to and formally approved by the local planning authority. Reason: In the interest of visual amenity in accordance with Policy EC22 of the adopted Local Plan and because the details submitted were not considered to be satisfactory.
7. The approved landscaping works shall be carried out in the first available planting season following occupation of the development. Reason: In order to ensure a satisfactory

standard of landscaping pursuant to Policy EC2 of the Borough Local Plan.

8. CON11
9. Any works carried out to retained trees shall be carried out in accordance with BS3998. Reason: In order to ensure the health and safety of the tree(s) the subject of the Tree Preservation Order and in the interests of the amenity and character of the area.
10. Prior to commencement of development, details of the proposed refuse storage areas for each of the proposed blocks of flats shall be submitted to and formally approved by the local planning authority. Reason: In the interest of visual amenity in accordance with Policy EC2 of the adopted Local Plan and because the details submitted were not considered to be satisfactory.
11. No removal of trees/hedgerows shall be carried out on site between 1st March and 31st August in any year, unless an ecological assessment has been undertaken, submitted and approved in writing by the Local Planning Authority which confirms that no species would be adversely affected by the works. Reason: In the interests of minimising any adverse impact on local wildlife, in accordance with the provisions of the NPPF.
12. Prior to the first occupation of the development hereby approved, a suitable scheme for the provision of bird and bat boxes shall be submitted to and approved by the local planning authority. Reason: In order to mitigate for the loss of bird habitat and to enhance the biodiversity of the site in accordance with Policy EC14 of the adopted Local Plan.
13. No fixed lighting shall be erected or installed until details of the location, height, design, sensors, and luminance have been submitted to and approved in writing by the Local Planning Authority. The details shall ensure the lighting is designed in such a way to minimise any potential impacts upon bats. The lighting shall thereafter be erected, installed and operated in accordance with the approved details. Reason: In order to enhance the biodiversity of the site in accordance with Policy EC14 of the adopted Local Plan.
14. Should any bats or reptiles be found prior to or during the development, all works must stop immediately and an ecological consultant or the Council's ecologist contacted for further advice before works can proceed. All contractors working on site should be made aware of the advice and

provided with the contact details of a relevant ecological consultant. Reason: In the interests of minimising any adverse impact on local wildlife, in accordance with the provisions of the NPPF.

15. All windows above ground floor level located in the side walls or roof slopes of the detached dwellings and the east facing side elevation of flat block A shall be obscure glazed to at least level 3 on the Pilkington Levels of Privacy and fixed shut below a height of 1.7m from the finished floor level of the room in which the window is installed. Reason: To prevent undue overlooking and loss of privacy between dwellings.

16. CON28

17. No development approved by this planning permission shall be commenced until:

- a) A desktop study has been carried out which shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information. And using this information a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors has been produced.

This should be submitted to, and approved in writing by the Local Planning Authority prior to further investigations being carried out.

- b) A site investigation has been designed for the site using the information obtained from the desktop study and any diagrammatical representations (Conceptual Model). This should be submitted to, and approved in writing by the Local Planning Authority prior to that investigation being carried out on the site. The investigation must be comprehensive enough to enable:

a risk assessment to be undertaken relating to groundwater and surface waters associated on and off the site that may be affected, and refinement of the Conceptual Model, and the development of a Method Statement detailing the remediation requirements.

- c) The site investigation has been undertaken in accordance with details approved by the Local Planning Authority and a risk assessment has been undertaken.
- d) A Method Statement detailing the remediation requirements, including measures to minimise the impact

on ground and surface waters, using the information obtained from the Site Investigation has been submitted to the Local Planning Authority. This should be approved in writing by the Local Planning Authority prior to that remediation being carried out on the site.

- e) The development of the site should be carried out in accordance with the approved remediation Method Statement. Reason: To ensure that the proposed site investigations and remediation will not cause pollution of Controlled Waters and that development complies with approved details in the interests of protection of Controlled Waters.
18. Prior to the commencement of development hereby approved details of the design and materials to be used for all boundary treatments shall be submitted to, and formally approved by the Local Planning Authority. Reason: In the interests of visual and residential amenity, in accordance with Policy EC2 of the adopted Local Plan.
 19. The development hereby approved shall be built wholly in accordance with the approved boundary treatments. Reason: In the interest of visual and residential amenity, in accordance with Policy EC2 of the adopted Local Plan.
 20. Prior to the commencement of development details of works to make up both Catherine Road and Rhoda Road, to the extent that they serve the proposed development shall be submitted to and approved by the Local Planning Authority. Reason: In order to ensure an appropriate form of access the proposed development.
 21. Any such scheme as if approved shall thereafter be fully implemented prior to the first occupation of the development hereby approved and details of how these highways shall be permanently maintained as such shall be submitted to and approved by the Local Planning Authority. Reason: In order to ensure an appropriate form of access the proposed development.
 22. Prior to commencement of the development, the accesses at the centre line shall be shall be constructed at right angles to the highway boundary and to the existing carriageway and provided with a clear to ground visibility splay with dimensions of 2.4 metres to the junction of London Road to the north and 2.4 metres by 43 metres to the south, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all

times. Reason: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with Policy EC2 of the adopted Local Plan.

- 22a Prior to commencement of the development, details of areas within the curtilage of the site identified for the purpose of loading/unloading/reception and storage of building materials and manoeuvring of all vehicles, including construction traffic and provided clear of the highway, shall be submitted to 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 in accordance with Policy EC2 of the adopted Local Plan.
- 23 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary. Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with Policy EC2 of the adopted Local Plan.
24. The existing unused access along London Road shown on the site layout plan shall be suitably and permanently closed to the satisfaction of the Local Planning Authority, incorporating the reinstatement to full height of the highway verge / footway and kerbing, to the satisfaction the Highway Authority immediately the proposed new access is brought into use. Reason: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety in accordance with Policy EC2 of the adopted Local Plan.
25. The gradient of the proposed vehicular access shall be not steeper than 4% (1in 25) for the first 6 metres from the highway boundary and not steeper than 8% (1in 12.5) thereafter. Reason: to ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety to ensure accordance with safety in accordance with Policy EC2 of the adopted Local Plan.
26. The proposed surface water drainage scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times. Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety to ensure accordance with Policy EC2 of the adopted Local Plan.

27. The public's rights and ease of passage over public right of way no 54 shall be maintained free and unobstructed at all times. Reason: To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with the provisions of Policy EC2 of the adopted Local Plan.
28. The proposed boundary planting shall be planted a minimum of 1 metre back from the existing and proposed highway boundary and any visibility splay. Reason: To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety and in accordance with Policy EC2 of the adopted Local Plan.
29. The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority. Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy EC2 of the adopted Local Plan.
30. The powered two wheeler/cycle parking facilities as shown on the approved plan are to be provided prior to the first occupation of the development and retained at all times. Reason: To ensure appropriate powered two wheeler and bicycle parking is provided In accordance with Policy EC2 of the adopted Local Plan.
31. Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six (6) All Essex Scratchcard tickets. Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policy in F.32 in the Essex Road Passenger Transport Strategy 2006/11
32. No occupation of the proposed development shall commence until such time as the upgrades to the existing bus stop in both direction in the vicinity of the site on London Road to include raised kerb, waiting facilities and associated infrastructure including if appropriate real time information has been provided entirely at the Developer's expense. Reason: To make adequate

provision within the highway for the additional pedestrian traffic generated as a result of the proposed development.

- 33 All improvements to the local highway network to be provided to adoptable standards shall be agreed with the Highway Authority prior to commencement of development. No occupation of the proposed development shall commence until such time as the upgrades to Catherine Road have been completed to the satisfaction of the Highway Authority and have been provided entirely at the Developer's expense. Reason: To make adequate provision within the highway for the traffic generated as a result of the proposed development.
 - 34 Prior to commencement of the development a vehicular turning facility, of a design to be approved (type 3) in writing by the Local Planning Authority shall be constructed, surfaced and maintained free from obstruction within the site accessed from Catherine road at all times for that sole purpose. Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety in accordance with Policy EC2 of the adopted Local Plan.
 35. Prior to the commencement of any development on site a Site Waste Management Plan shall be submitted to and formally approved by the Local Planning Authority. Reason: In order to ensure that construction waste is recycled or re-used in order to make the most efficient use of natural resources.
 36. The approved Site Waste Management Plan shall be implemented throughout the entire construction period of development hereby approved. Reason: In order to ensure that construction waste is recycled or re-used in order to make the most efficient use of natural resources.
- (g) CPT/58/13/FUL – GREAT BURCHES FARM, GREAT BURCHES ROAD, THUNDERSLEY, BENFLEET (ST. PETER'S WARD). ERECTION OF REAR EXTENSION TO FORM GARDEN ROOM AND ASSOCIATED INTERNAL ALTERATIONS – MR CHRISTOPHER GRANT**

This application sought planning permission to extend this residential property, located within the Green Belt. Together with previous additions to the property the current proposal was considered to amount to a disproportionate enlargement over and above the size of the original building that would be harmful to the openness and strategic function of the Green Belt in this location.

It was therefore recommended that planning permission be refused.

The application had been brought before the Committee at the request of Councillor Norman Smith in order to assess the effect of the development on the surrounding Green Belt.

Christopher Grant, the applicant, spoke in support of the application.

Councillor Smith spoke in support of the application. He explained that the property enjoyed a garden extending to some five acres and that the proposed extension would have minimal impact on the surrounding area or neighbouring properties.

Resolved –

1. That the application be approved for the following reasons –
 - That the property is relatively small on a large site
 - That the proposed extensions are not disproportionate
2. That authority to agree appropriate conditions is delegated to the Head of Regeneration and Neighbourhoods in consultation with the Chairman of the Committee.

(h) CPT/57/13/LBC – GREAT BURCHES FARM, GREAT BURCHES ROAD, THUNDERSLEY, BENFLEET (ST. PETER’S WARD). ERECTION OF REAR EXTENSION TO FORM GARDEN ROOM AND ASSOCIATED INTERNAL ALTERATIONS – MR CHRISTOPHER GRANT

The proposal represented an extension to a Grade II listed building. Whilst the extension was large it was not considered that it would do such significant harm to the character, setting, architectural or historic interest of the building that a reason for refusal on this basis could be sustained on appeal.

Resolved – That the application be approved subject to the following conditions:

1. CON2
2. The external surfaces of the development hereby approved shall be treated in accordance with the materials identified in the submitted plans, from which there shall be no departure without the prior formal consent of the Local Planning Authority. Reason: To ensure a satisfactory form of development in sympathy with the existing development and the character of the surrounding area.
3. CON 101

Chairman

Item No.1

Application Number: CPT/847/93/VAR/G

Address: 77 HIGH ROAD, BENFLEET
(ST. MARY'S WARD)

Description of development: VARIATION OF CONDITION 3 OF
CPT/847/93 TO ALTER OPENING HOURS
TO 01.00 FRIDAY-SATURDAY AND TO
22.00 SUNDAYS

Applicant: MR. YUSUF GILGIL

Case Officer: I. SHETH

Summary

Planning permission for the use of the ground floor of these premises for the sale of hot pizza and associated foods was granted on the 13th April 1994, subject to a condition, (condition 3) which restricted the hours of operation to 10.00 to 23.30pm Mondays to Saturdays and 10.00 to 16.00 on Sundays.

The proposal seeks to vary this condition to extend the opening hours on Fridays and Saturdays to 01:00 the following morning and on Sundays to 22.00.

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

There have been a number of previous applications to vary this condition which have 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 has not been a material change in the circumstances of this site and as such it remains 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 is therefore recommended for **REFUSAL**.

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

Introduction

The site is located on the western side of High Road at its junction with Green Road and is occupied by a two-storey building, the ground floor of which is currently used as a hot food takeaway.

To the immediate south of the site is shop which provides the base for a conservatories/windows/doors fitting operation and beyond which are residential properties. There are residential flats above these two units and residential properties opposite and to the east. To the north there are shop units with a variety of uses, many with first floor flats above.

Site Visit

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

The Proposal

The application seeks to vary condition 3 attached to planning permission CPT/847/93. This condition restricts the hours of operation to 10.00 to 23.30 Mondays to Saturdays and 10.00-16.00 on Sundays.

The proposal seeks to extend the opening hours on Fridays and Saturdays to 01:00 and on Sundays to 22.00.

In support of the application the applicant has stated that he is willing to close the rear door to the premises after 11.30pm.

Planning History

Original Consent

CPT/847/93/FUL – Change of use of ground floor to provide premises for the sale of hot pizzas and associated foods – approved on the 13th April 2011 subject to the following condition:

Condition 3

The use shall only be undertaken between the hours of 10am to 11.30pm Mondays to Saturdays and 10am to 4pm on Sundays

Reason

In the interests of amenity of the occupiers of adjoining and adjacent dwellings

Applications to vary Condition 3 and the opening hours:

1. CPT/456/94 – Extension of Sunday opening hours currently restricted to 10am to 4pm to allow use from 10am to 11.30pm – refused on the 21st September 1994 for the following reason:

The proposal to extend the hours of operation of the takeaway business on Sundays is considered to be detrimental to the amenities reasonably expected to be enjoyed by the occupiers of the adjoining and surrounding residential properties by reason of the increase in general noise and disturbance associated with the use during unsocial hours

An appeal was lodged against this refusal which was dismissed. The Inspector stating that 'I am not confident that it would necessarily continue be compatible with ordinary residential amenity at this particularly quiet time of the week'

2. CPT/847/93/VAR – Temporary variation of condition to change hours of operation from 10.00am – 4.00pm to 4.00pm – 8.00pm on Sundays only – refused on the 17th July 1996 for the following reason:

The proposal to extend the hours of operation of the takeaway business on Sundays is considered to be detrimental to the amenities reasonably expected to be enjoyed by the occupiers of the adjoining and surrounding residential properties by reason of the increase in general noise and disturbance associated with the use during unsocial hours, at a time when ambient noise levels are relatively low.

3. CPT/847/93/VAR/A – Variation of condition to allow takeaway/restaurant to open until 10.30pm on Sundays – refused on the 30th April 1997 for the following reason:

The proposal to extend the hours of operation of the Takeaway/Restaurant on Sundays is considered to be detrimental to the amenities reasonably expected to be enjoyed by the occupiers of the adjoining and surrounding residential properties by reason of the increase in general noise and disturbance associated with the use during unsocial hours at a time when ambient noise levels are relatively low

An appeal was lodged against this refusal which was dismissed. The Inspector stating that 'I conclude that the proposed extension of opening hours at the appeal premises on Sundays would cause undue harm to the general living conditions of people living in the surrounding area'

4. CPT/847/93/VAR/B – Variation of condition to allow takeaway/restaurant to open between 5pm and 10.30pm on Sundays – refused on the 9th November 1999 for the following reason:

The proposal to extend the opening hours of operation of the Takeaway/Restaurant on Sundays is considered to be detrimental to the amenities reasonably expected to be enjoyed by the occupiers of the adjoining and surrounding residential properties by reason of the increase in general noise and disturbance associated with the use during unsocial hours at a time when ambient noise levels are relatively low.

5. CPT/847/93/VAR/C – Variation of condition to allow takeaway to open 11.30 to 22.00 on Sundays – refused on the 17th July 2002 for the following reason:

The proposal to extend the opening hours of operation of the takeaway/restaurant on Sunday is considered to be detrimental to the amenities reasonably expected to be enjoyed by the occupiers of the adjoining and surrounding residential properties by reason of the increase in general noise and disturbance associated with the use during unsocial hours at a time when ambient noise levels are relatively low.

An appeal was lodged against this refusal and was again dismissed. The Inspector concluding that *'I consider that the proposed variation of the condition would give rise to undue noise and disturbance to nearby residential occupiers'*.

6. CPT/847/93/VAR/D – Variation of opening hours Mon-Thurs 12:00-0:00 hours Friday and Saturday 12:00-00:30 hours and Sunday 17:00 – 23:00 – refused on the 29th December 2005 for the following reason:

The proposal by reason of the extended opening hours of the takeaway, would if implemented, result in an increase in noise and disturbance associated with the use, during unsocial hours, to the detriment of the amenities of the occupiers of the surrounding residential properties, contrary to Policy EC3 of the Council's adopted Local Plan.

7. CPT/847/93/VAR/E – Variation of condition to alter opening hours to 12.00 to 0.00 Sun-Thurs & 12.00 to 02:00 Fri-Sat – refused on 5th July 2012 for the following reason:

The proposal to extend the opening hours of the premises from 12.00 to 00.00 Monday to Thursday, 12.00 to 02.00 Friday and Saturday and 12.00 to 00.00 on Sundays would, by reason 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 and Policy DC11 of the emerging Core Strategy.

8. CPT/847/93/VAR/F – Variation of condition 3 to alter opening hours to 12.00 to 0.00 Mon-Thurs & 12.00 to 01.00 Fri-Sat and 12.00 to 22.00 Sundays – refused on 5th November 2012 for the following reason:

The proposal to extend the opening hours of the premises from 12.00 to 00.00 Monday to Thursday, 12.00 to 01.00 Friday and Saturday and 12.00 to 22.00 on Sundays would, by reason 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.

There have therefore been eight previous attempts to extend the operational hours of this use, all of which have been rejected at both local and Inspectorate level.

Members may also wish to note that enforcement action in respect of the breach of Condition 3 by a previous occupier of the site has been successfully pursued. Prosecution in the Magistrates Court in February 2013 resulted in the operator incurring a significant fine and costs.

Relevant Policies and Government Guidance

The application site forms part of a local shopping frontage and is within an area designated for shopping purposes in the adopted Local Plan. The policies applicable to consideration of the proposal are:

Adopted Local Plan
EC3

Consultation

Environmental Health – No objection

Public Consultation

Four responses have been received from the following addresses:
Green Road – Nos. 1, 2, 5 & 6

Which make the following comments and objections:

- Issues in respect of road safety
- Customers park on double yellow lines
- Noise and disturbance
- Litter/rubbish issues
- Anti-social behaviour

Comments on Consultation Responses

- Issues of litter and anti social behaviour are dealt under separate legislation.
- Parking on double yellow lines is a matter dealt with by traffic wardens.
- Other relevant issues are discussed in the evaluation of the proposal.

Evaluation of Proposal

The primary issue for consideration in this case is the likely impact that the proposed additional hours of operation would have on the amenity of occupiers of surrounding residential properties.

Policy EC3 of the current Local Plan states that proposals that 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 original consent for the use of the premises as a hot food takeaway was granted subject to a condition which restricted the operational hours to 10.00 to 23.30 Monday to Saturday and 10.00 to 16.00 Sundays.

The applicant has requested an extension to these hours to allow the premises to remain open on Fridays and Saturdays to 01:00 and on Sundays to 22.00.

The application therefore seeks to allow operation of the use to cease one and half hours later on Fridays and Saturdays and six hours later than on Sundays.

Restaurant/Takeaway(A3/A5) uses, by their very nature, will create a degree of noise and disturbance; with people frequently 'coming and going'. The sounds generated by such a use can generally be absorbed when ambient noise levels are high during typical working/waking hours. However, such noise levels can be very apparent late at night and on Sundays and can have a substantial impact when such uses are located on the fringe of town centres and in close proximity to residential dwellings, as is the case in this instance. Traffic and pedestrian activity is much lower late at night and on Sundays than at other times and there is likely to be a considerably reduced ambient/background noise at these times. The sound of vehicles pulling up with, for example, car doors banging, car radios/stereos/CDs being played and customers greeting each other, talking and congregating and possibly eating/drinking outside are all likely to be a source of noise and disturbance.

It is considered that the request to operate the premises later would result in such noise and disturbance being generated during these quieter periods and this is considered unreasonable. Such noise and disturbance would impinge on the amenity of the adjoining residents and detract from the conditions of peace and quiet adjoining residents should be reasonably able to expect and enjoy at some time during the week and the weekend. The original opening hours for the takeaway were assessed against the operating hours of the surrounding commercial uses and against the context of surrounding residential uses. These hours were considered appropriate at the time of the grant of planning consent and it is not considered that the circumstances of the site or the surrounding area have changed such as to warrant a departure from that earlier consideration.

Although it is noted that the Environmental Health Officer has not raised any objection to the application, it is not considered that this represents sufficient grounds to grant the variation of condition. The Environmental Health Officer will comment on disturbance, which is a statutory nuisance, rather than simply an adverse impact on amenity. Registration as a statutory nuisance requires a higher level of noise and activity than might be necessary to cause disturbance to local residents, particularly during those periods when ambient noise levels are at a low level. It is the view of the Planning Authority that the extension of the hours will have adverse implications for local residents in terms of noise and general disturbance and as such an objection is raised to the proposal under Policy EC3 of the adopted Local Plan.

The agent has stated in the submitted Design and Access Statement that the existing opening hours are not enough to survive as a business. Whilst this is noted, it is not considered that the needs of the applicant outweigh the harm to the amenity of local residents in this case.

It is noted that mitigation in the form of closing the rear door to the premises after 11.30 has been suggested by the applicant. However, it is not considered that this measure is sufficiently robust to mitigate all of the consequences of late night operation on this site on the amenity on adjoining residents.

It is noted that there are other A3/A5 (hot food and takeaway) uses within the shopping parade and it is considered appropriate to determine the hours of operation of these premises and their implications for local residents.

- 139 High Road 'Gold Wok' and
- 135 High Road 'Crispy Cod' were permitted many years ago and have no restrictive conditions on their opening hours.
- 129 High Road 'Journey to the East' – was granted planning permission on the 15th June 1999 subject to the following condition:

The takeaway hereby approved shall not operate later than 23.30 hours and not before 10.00 hours Mondays to Saturdays and no later than 16.00 hours and not before 10.00 hours on Sundays.

The application site, as existing is therefore restricted to the same operating hours as these neighbouring premises.

- 99 High Road 'Café Max' – was granted planning permission on the 14th November 2003 subject to restrictions of opening hours. The applicant subsequently sought to vary the opening hours which was refused, but allowed at appeal subject to the following condition:

The use hereby permitted shall not be open to customers outside the following times: 08-00 hours to 20-00 hours Monday to Saturday and 09-00 hours to 13-00 hours Sunday and bank holidays (internal areas) and 09-00 hours to 20-00 hours Monday to Saturday.

The application site with the existing restricted hours is therefore permitted to stay open later than this nearby cafe.

- 91 High Road 'Nagaria Indian Takeaway' – was granted planning permission on the 7th September 1999, subject to restrictions on the opening hours. The applicant submitted a variation of condition application to alter the permitted hours which was allowed at appeal subject to the following condition:

The use permitted shall not be open to customers outside the following times: 10.00 hours to 23.00 hours Monday to Saturday and 10.00 to 22.00 hours Sunday and Bank Holidays

The application site, as existing is therefore more restricted in terms of opening hours on Sundays than this nearby takeaway, but has more generous evening operational hours.

As the above analysis demonstrates, of the five similar uses in the area, only one has been permitted with less restrictive hours of operation than the current opening hours of the application site. However, it should be noted that No.91 High Road is less sensitively sited than the application site. No.77 is located on the corner of High

Road and Green Road with no parking bays directly to the front of the site. Therefore whilst in the case of No.91 most of the activity is kept to the busier High Road (as concluded by the Inspector) this would not be the case for the application site. The fact that other premises in the vicinity of the application site have different opening hours is not therefore justification for the relaxation of operational hours at the application site.

It is recognised that there is a need to encourage local businesses and to support local economic growth. However, such encouragement should not be at the expense of the environment, including that enjoyed by the local residents. It is clear that extending the hours of operation into the evenings and on Sundays would have a detrimental impact on the amenity of the adjoining residents and it is not considered that the desire to support local businesses and local economic growth is justification for such unacceptable development.

Conclusion

The application seeks to extend the hours of operation of this hot food takeaway until 1am the following morning on Friday and Saturday and until 10pm on Sunday nights. By extending the hours it is considered that the operation of the site would adversely impact on the amenity of adjoining residents during those relatively limited periods when local residents should be able to expect to enjoy a degree of peace and quiet and enjoy some respite from the levels of activity associated with this commercial use. It is therefore recommended that permission for the variation of condition to extend the opening hours as proposed should be refused.

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

My RECOMMENDATION is: **REFUSAL**, for the following reason:

The proposal to extend the opening hours of the premises from 12.00 to 01.00 the following morning on Fridays and Saturdays and 12.00 to 22.00 on Sundays would, by reason 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.

ITEM 2

Application Number:	CPT/72/13/FUL
Address:	581 DAWS HEATH ROAD, BENFLEET (Victoria Ward)
Description of development:	ERECTION OF SUMMERHOUSE
Applicant:	MISS CLARE FINCHAM
Case Officer:	I. SHETH

Summary

Retrospective planning permission is sought for a detached summerhouse in the rear garden of the application dwelling.

The application was submitted following the receipt of complaints in respect of unauthorised development on the site.

The application is presented 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 can be assessed.

The summerhouse is 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 is therefore recommended for **APPROVAL**.

Introduction

The application property is a detached chalet located on the north-eastern side of the junction of Daws Heath Road at the junction with Charnwood Walk. It is a regular shaped site with a frontage of some 12m and a maximum depth of some 47m.

The rear garden is screened by some 2m high fence to the southern and eastern boundaries and a 1.8m high fence to the northern boundary. The front of the site is mostly hard surfaced.

The streetscene in the vicinity of the application site is characterised by a mixture of detached chalets and houses and detached and semi-detached bungalows.

Site Visit

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

The Proposal

Permission is sought for the erection of a single storey, pitched roofed outbuilding in the rear garden of the property. The outbuilding has been partially constructed and the application is therefore retrospective in nature. The outbuilding measures some 9m by 4m and has a pitched roof with a gable feature to a height of some 3.3m and is proposed to be externally finished in 'Marley Eternit' weatherboard. The openings for the outbuilding are located in the western elevation, facing the rear of the application dwelling.

The outbuilding is internally split into two areas.

Planning History:

None

Relevant Policies and Government Guidance

Adopted Local Plan

- EC2 - Design
- H17 – Design Guidance
- EC3 – Residential Amenity

Residential Design Guidance

- RDG3 Building lines
- RDG5 Privacy and Living Conditions
- RDG6 Amenity Space

Consultation

Public Consultation

Four responses have been received from the following addresses:
Sherwood Crescent – Nos. 25, 27, 29, 36

Which make the following comments and objections:

- Applicant has pre-empted planning permission by commencing the works.
- Summerhouse is 18” from the fence, potentially safety hazard in event of fire.
- Summerhouse is hugely overbearing & intrusive.
- Proposal affects the outlook for the adjoining bungalow.
- Proposed summerhouse too high.
- Trees were cut down and burnt before building constructed.
- Wants the proposal to be determined at Planning Committee meeting.
- The building is as high as their bungalow.

- Not in the character of the area.
- Dominance issues
- The proposed summerhouse runs along their front garden, past their side gate.
- The structure would have been more appropriately located along the Charnwood Walk side of their garden and would have been screened by the existing trees.
- Noise from the proposed building.
- Can't see how the rear of the summerhouse would be maintained or how they would be able to complete the roof towards the east.
- Any snow fall that slid off would end up on their cars.
- Can't understand why a summerhouse has to be partitioned unless for a commercial reason.

In addition a petition signed by 32 people and objecting to the proposal has also been submitted.

A response to the objections received has been submitted by the applicant.

Comments on Consultation Responses

- Applications can be considered retrospectively.
- None of the trees within the application site were the subject of a tree preservation order; the removal of the trees would therefore not have required the consent of the planning authority.
- The proposal is to locate the summerhouse along the rear boundary; the planning authority has to make a decision on this basis.
- The maintenance issues, concerns on the manner of completion and concerns about snow potentially sliding off the roof and onto adjacent cars are not material planning considerations.
- Issues in respect of fire safety are dealt with under the Building Regulations.
- Other relevant issues are discussed in the evaluation of the proposal.

Evaluation of Proposal

The general thrust of Policy EC2 of the current Local Plan is that proposals should achieve a high standard of design and be in sympathy with their surroundings, having regard to all elements of the local design context.

The outbuilding has a dual pitched roof and is proposed to be finished in weatherboard. In terms of appearance it is not considered that this looks out of place in relation to the surrounding area.

It is noted that a neighbour has raised an objection in respect of the summerhouse being as high as their bungalow. However, it should be noted that the maximum height of the summerhouse is some 3.3m; the height of the neighbouring bungalow is some 5.2m. It is therefore not considered that the height of the building appears excessive or unduly obtrusive in the context of its surroundings.

The proposed external materials are also considered acceptable in context of the location of the structure to the rear of the property. Accordingly there is no objection to the proposal in design terms under Policy EC2 of the current Local Plan.

Local Plan Policy H17 states that in assessing design aspects of the proposals of this kind, the Local Planning Authority will have regard to its adopted design guidelines. The Council has recently published new Residential Design Guidance which became effective on the 1st January 2013.

Whilst it is recognised that the proposed summerhouse does not constitute residential development, it is development within a residential curtilage and it is therefore considered appropriate to consider the proposal within the context of the design guidance.

RDG3 states that all new development should be informed by the prevailing building lines. Where exceptionally strong building lines exist these should not be disrupted by new development.

Charnwood Walk contains two dwellings which are served by the pedestrian access and which are located some 7m from the highway boundary.

The only other property which contributes to the building line of Charnwood Walk is the application property, No. 581 Daws Heath Road, which is set approximately 1m from the Charnwood Walk boundary.

The building line on the northern side of Charnwood Walk is not therefore strong and an opportunity does exist to accommodate new development between 1m and 7m from the highway boundary without disrupting the building line.

The summerhouse is set some 2m from the highway boundary and whilst this extends some 5.3m in advance of the adjoining bungalow it does not extend beyond the side wall of the host dwelling. As such it is not considered that the proposal unduly disrupts the established building line and no objection is raised to the proposal on this basis.

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

The outbuilding is quite clearly constructed above fence height. Concerns have been raised in respect of dominance of the adjoining properties.

The proposed summerhouse is located at the rear of the garden and is only considered to have a visual relationship with No. 27 Sherwood Crescent, which is located immediately to the east of the structure.

The proposed outbuilding is located some 0.45m from the boundary with No. 27 Sherwood Crescent. By virtue of the orientation of these properties, the proposed summerhouse would extend alongside the front garden of the adjoining property at No. 27 Sherwood Crescent. However, it should be noted that the proposed summerhouse would be screened by a 2m high fence and the roof of the

summerhouse slopes away from the boundary with No. 27 Sherwood Crescent. These factors have the effect of screening and reducing the impact of the summerhouse and under the circumstances, it is not considered that an objection to the summerhouse based on dominance and obtrusiveness could be sustained on appeal. No objection is therefore raised under Policy RDG3 of the Residential Design Guidance.

It is noted that doors and windows are located in the western elevation. However, these are located at ground floor level and look down the length of the application site. It is not considered that these would result in any issues in respect of loss of privacy and overlooking. It should be noted that the Planning Authority cannot protect adjoining residents from oblique overlooking.

A resident has suggested that the building may be used for commercial purposes. It should be noted that the application has been made for a domestic outbuilding only and use for any commercial purpose would require the formal consent of the Planning Authority. However, it is considered prudent and in the interests of clarity to state this clearly as part of any approval. Subject to a condition limiting the use of the building to domestic purposes only, associated with the occupation of the dwelling house as such, no objection is raised to the proposal on the basis of potential use.

Policy EC3 is concerned with protecting 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.

It is noted that objections and comments have been received from the neighbours in respect of potential noise emanating from the use of the building. The proposed use is ancillary to the residential use of the existing dwelling. It is not considered that the use of the proposed summerhouse as such would result in such a significant increase in noise levels that, in planning terms, an objection could be raised to the proposal on this basis. No objection is therefore raised under Policy EC3 of the Council's Adopted Local Plan

Any noise nuisance generated by the use can be adequately dealt with under other legislation.

Adequate amenity area has been retained as a part of the proposal and the proposal raises no parking implications.

Conclusion

The proposed summerhouse is of an acceptable design and represents an acceptable form of development in its context.

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. CON15
 2. The building hereby approved shall be used for domestic purposes only, associated with the use of the dwelling house as such and shall not be used for any business or commercial purpose without the prior formal consent of the Local Planning Authority.
Reason: In order to protect the amenity of the adjoining residents.
 3. CON100
 4. CON 101
-

ITEM 3

Application Number: CPT/160/13/FUL

Address: WOODSIDE PARK, MANOR ROAD
(St. Peter's Ward)

Description of development: CONTINUED SITING OF STORAGE CONTAINER

Applicant: MR. DERYCK POVEY

Case Officer: I. SHETH

Summary

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

Planning permission for the siting of the container on the site was 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. However, it was considered that the achievement of this improved form of design would require time to bring to fruition. However the applicant 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 has failed to take this opportunity in so far as the replacement of the storage container is concerned and it is considered inappropriate to permit the continued retention of the container particularly where concerns have been previously raised by the Authority over the proliferation of unattractive storage containers located in Green Belt on other sites.

The proposal is therefore recommended for **REFUSAL**.

Introduction

The application relates to a site to the west of the Bowling Green, adjacent to the northern boundary of Woodside Recreation Ground, which is located at the northern

end of Manor Road. The site is located within an area allocated for Green Belt purposes and Public Open Space purposes in the Council's Adopted Local Plan.

The Proposal

The proposal seeks to retain the existing steel storage container on land north to the existing cricket nets and a 2m high metal palisade fence to the east of the existing cricket nets, used as an open storage area.

The storage container is approximately 6m long and 2.4m wide with a height of 2.4m.

The container has been painted green and is being used for the storage of cricket equipment.

Planning History

CPT/218/07/FUL – Fenced storage area and use of land for siting of a free standing storage container was approved on 22nd May 2007. The consent which was given for a limited period only which expired on 22nd May 2010, at which time the container was to be removed from the site and the land restored to its former condition.

CPT/293/10/FUL – Continued siting of storage container was granted consent on 4th August 2010. The consent which was given for a limited period only which expired on 22nd May 2013.

Relevant Policies and Government Guidance

National Planning Policy Framework
Paras: 87,88,89

Local Plan

- EC2

Consultation

Legal Services
No comments received

Operational Services Manager
No comments

Public Consultation

No responses were received.

Evaluation of Proposal

Paragraph 87 of the National Planning Policy Framework (NPPF) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 88 of the NPPF states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Paragraph 89 states that the construction of new buildings inside a Green Belt is inappropriate unless it is for the following purposes:

1. buildings for agriculture and forestry
2. provision of appropriate facilities for outdoor sport and outdoor recreation, 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.
3. 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;
4. the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
5. limited infilling in and limited affordable housing for local community needs under policies set out in the Local Plan; or
6. 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.

One of the forms of development considered appropriate in the Green Belt is the provision of appropriate facilities for outdoor participatory sport and outdoor recreation. Cricket is considered to be a form of outdoor participatory sport and such small scale facilities essential to such an activity may be considered an appropriate form of development in the Green Belt. It is reasonable to assume that an existing cricket facility would require the use of a range of equipment and that a structure to store such equipment on site would be necessary.

As such it is considered that the principle of the provision of a small storage facility on site would not be inconsistent with Green Belt Policy and no objection is therefore raised to the principle of such provision on this site.

Policy EC2 also seeks a high standard of design in order to ensure that any proposal is appropriate in its setting and does not harm the character and appearance of the area.

The proposed steel freight container cannot be said to be sensitively designed. The steel structure is a feature more commonly associated with industrial or maritime environments and as such it appears obtrusive and alien in the more open landscape of Woodside Park. It is considered that in principle the location of steel containers for storage purposes in the Green Belt is inappropriate by virtue of their insensitive and unattractive design; ordinarily permission for the use of such land for the storage of such containers or for the use of open land for storage purposes would attract a recommendation of refusal.

It is also considered that the approval of such a proposal would set a precedent for similar forms of development in the Green Belt which would be difficult to resist. Members will be aware that concerns over the proliferation of containers in the Green Belt have been raised on other sites and efforts have been made, where possible, to achieve alternative forms of development, consistent with the needs of the applicant and the Council.

It was considered at the time of the original consent under CPT/218/07/FUL that similar efforts should be made, however they were likely to take some time. It was therefore considered that an appropriate response to the situation would be to grant a temporary consent for the placing of the container for a temporary period not exceeding three years which would allow sufficient time for a more suitable structure to be identified and funded. However, no further action appears to have been taken in this matter by the applicant.

Subsequently, another application was made in 2010, at the end of the temporary consent period, for the retention of the container on the site. The Planning Authority granted consent so as to allow the applicant additional time to identify a more suitable structure for the storage of equipment associated with the cricket facility. However, within the additional time period allocated for the retention of the storage container, there appears to have been no action taken by the applicant to identify a more suitable structure for this Green Belt site.

It is considered that storage container is of poor design and that its retention would be detrimental to the character and appearance of the Green Belt. The proposal is therefore contrary to Policy EC2 of the Council's Adopted Local Plan.

Conclusion

The storage container represents a poor form for development which is detrimental to the character and appearance of the Green Belt.

It is considered that an opportunity exists to achieve a better form of development in this area which could meet the requirements of both the Cricket Club and the Planning Authority.

In determining the previous applications, the Planning Authority recognised the circumstances present on the site, where a cricket facility already existed, and considered it appropriate to grant a temporary consent for the placing of a storage container on the site, in order to facilitate action by the applicants in securing a better form of development on the site.

It was considered that if a suitable alternative could not be identified, it would be appropriate to seek the removal of the container on expiry of the consent.

It would appear that the opportunity to provide a more appropriate and attractive storage solution has not been taken in so far as the replacement of storage container and the use of the open land for storage purposes is concerned and it is considered inappropriate to permit the continued retention of the storage container.

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 reason:

The proposed development represents a poor form of design, detrimental to the character and appearance of this Green Belt location. If retained it is considered that this structure would create an unacceptable precedent for the retention of further storage containers within the Green Belt, to the detriment of the character, appearance, openness and strategic function of the Green Belt. The proposal is therefore contrary to the guidance contained in national policy as set out in National Planning Policy Framework (NPPF) and Policy EC2 of the Council's Adopted Local Plan.

ITEM 4

Application Number:	CPT/156/13/FUL
Address:	'RALSTAN' CATHERINE ROAD, BENFLEET (Boyce Ward)
Description of development:	ERECTION OF SINGLE STOREY REAR EXTENSION
Applicant:	MR & MRS ALLEN

Summary

The proposal is for a single storey rear extension to the property. Although there is no objection to the proposal on the grounds of design or impact on adjoining properties, the extension is 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 is recommended for **REFUSAL**.

The application has been presented to the Committee at the request of Cllr Ladzrie, in order that the effect of the development on the surrounding area can be assessed.

Site Visit

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

Introduction

The application property is a detached bungalow on the east side of Catherine Road, an unmade road running south from London Road (Bread and Cheese Hill). It stands on a large plot of some 0.67ha in area, with a frontage to Catherine Road of some 38m and a rear boundary of some 100m to Jarvis Road. There is a further return frontage to Bowers Road. The site is located within an area of sporadic residential development served by unmade roads.

To the north is a semi-detached house, 'The Brambles'. To the south, some distance away, is a bungalow, 'Catherine Lodge'.

The Proposal

Permission is sought for the erection of a single storey, rear extension having a width of some 6.1m and a depth of 4m. The extension will provide a kitchen/dining area extension.

A hipped roof with tiles to match the existing dwelling would be provided to a height of some 5.4m. Render to match the existing property is proposed to the exterior walls.

Supplementary Documentation

None provided.

Planning History

The consent for the original dwelling was granted in 1953 (BEN/237/53). A number of planning applications for a replacement dwelling and extensions were subsequently refused.

Permission was granted however in 1993 for a side extension to form an annexe (CPT/1226/90). There is also a conservatory to the rear of the approved side extension, for which the Council holds no records.

Relevant Government Guidance and Local Plan Policies

The site is allocated as Green Belt on the Proposals Map accompanying the Local Plan. The following policies and guidance are relevant:

National Planning Policy Framework
Paragraphs 79-92

Current Local Plan

GB5	Extensions to Dwellings
EC2	Design
H17	Housing Development - Design and Layout
T8	Parking

Residential Design Guidance

RDG3	Building Lines
RDG6	Amenity Space

Consultation

No statutory consultation undertaken.

Public Consultation

No responses received to neighbour notification and site notice.

Evaluation of Proposal

The primary issue for consideration is the impact of the proposal on the Green Belt. The National Planning Policy Framework (NPPF) states at paragraph 79 that the fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land

permanently open; the essential characteristics of Green Belts are their openness and permanence.

Paragraph 89 states that local planning authorities should regard the construction of new buildings as inappropriate in a Green Belt. There are, however, a number of exceptions to this which include the extension of a building, provided that it does not result in disproportionate additions over and above the size of the original building.

In order to assess whether or not extensions to dwellings would be disproportionate, the Council has guidance forming part of the Local Plan which is located at Appendix 2. This identifies that a reasonable extension to a dwelling in the Green Belt is defined as volume equivalent to any unimplemented permitted development allowance granted under the General Permitted Development Order 1995, plus a further 25m³ to cater for changing family circumstances.

It is noted that amendments to the General Permitted Development Order in 2008 removed the volume limitations attached to extensions and replaced them with a series of dimensional criteria designed primarily to limit the impact of proposals on adjacent residents. Whilst it is recognised that the Order no longer refers to volume, current Government guidance in the NPPF is clear that extensions to Green Belt dwellings should not result in disproportionate additions and it is considered that a volumetric assessment is a reasonable means of judging whether or not extensions would be disproportionate.

The Council's Local Plan Policy GB5 states that extensions to dwellings in the Green Belt must satisfy a number of criteria, the general thrust of which is that development should be of satisfactory design and form and sympathetic to the character of the area. This policy is considered to be consistent with paragraph 89 of the NPPF.

Using the above parameters this property may be reasonably extended by 95m³ above the original volume of the dwelling.

The dwelling as originally constructed had a volume of some 365m³. The earlier side extension to form an annexe and the addition of a rear conservatory have added a further 275m³ which has already exceeded the allowance identified in the Council's guidance. These extensions are considered to have resulted in disproportionate additions over and above the size of the original building.

The application proposes to add a further 101m³ which would further enlarge the dwelling beyond a level which is considered reasonable. It is considered that this proposal, together with earlier additions to the property, amounts to disproportionate additions over and above the size of the original building and would be inappropriate development in the Green Belt.

Paragraph 87 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Such circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The applicant has not advanced any circumstances which could amount to the very special circumstances necessary to justify the provision of inappropriate development in the Green Belt.

In general terms, whilst applicants often argue that only a small amount of volume would be added, it is the cumulative impact of all extensions in comparison to the original dwelling which must be considered in order for the assessment to be fair and accurate. Otherwise, the cumulative impact of small extensions on the Green Belt could be significant. In this instance, it is felt that the cumulative impact of extensions at the property has already reached a level where it represents disproportionate additions to the dwelling, and further additions should be resisted.

The proposed extension is not considered to conflict with any of the criteria listed in Policy GB5; however this is insufficient to redeem the proposal entirely and an 'in principle' objection continues to be raised on the basis of Green Belt policy.

The proposed extension is considered to be of satisfactory appearance, is set on a spacious plot and would be too remotely sited from any adjacent properties to have an adverse impact on the living conditions of neighbouring occupiers through obtrusiveness or dominance. There is ample car parking at the property. Therefore there is no conflict with Policies EC2, H17 or T8 of the Local Plan or Residential Design Guidance at RDG3 or RDG6.

Conclusion

The proposed extension would constitute inappropriate development that would be harmful to Green Belt openness.

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 reason:

1. The proposed extension to the dwelling would result in disproportionate additions over and above the size of the original building, constituting inappropriate development in the Green Belt which would be detrimental to its openness. It would therefore be contrary to Government guidance as contained in the National Planning Policy Framework.
-

ITEM 5

Application Number: CPT/105/13/FUL

Address: BENFLEET WATER TOWER, BENFLEET ROAD,
(Boyce Ward)

Description of development: INSTALLATION OF TWO No. 1200mm AND
TWO No. 300mm DIAMETER MICROWAVE
DISHES

Applicant: COMMUNICATION INFRASTRUCTURE UK LTD

Case Officer: K. ZAMMIT

Summary

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

It is considered that the proposal would have an adverse impact on the appearance of the building and the wider area and is recommended for REFUSAL.

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

An application for Listed Building Consent is at Item 6 of this agenda.

Site Visit

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

Introduction

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

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

The Proposal

Permission is sought for the installation of four microwave dishes on the tower. These would be located at the perimeter of the roof. Two 1200mm diameter dishes

would be on the southern side of the roof, mounted on support posts and would protrude some 1.4m above the top of the parapet. Two 300mm diameter dishes would be located at the north western corner of the roof, mounted one above the other on a support post, protruding approximately 1m above the parapet.

An additional equipment cabinet would also be installed internally.

The information accompanying the application explains that this is part of a project to link London and Europe by high speed data transmission.

Supplementary Documentation

A statement of site specific supplementary information was submitted with the application, along with a Design and Access statement which can be viewed on the Council's website.

A declaration of conformity with International Commission on Non Ionising Radiation Protection (ICNIRP) Public Exposure Guidelines has not been provided because dish antennas do not generate electromagnetic fields.

Planning History

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

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

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

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

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

Relevant Government Guidance and Local Plan Policies

National Planning Policy Framework

Paras 42 – 46.

Adopted Local Plan

CF16 – Telecommunications

Consultation

County Highways

No objection.

County Historic Buildings Adviser

Smaller dishes would have a cumulative impact with the existing equipment causing incremental visual harm. The larger dishes 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. Recommend that the application be refused.

Public Consultation

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

Evaluation of Proposal

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

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

Consideration of the implications of the proposal on the Listed Building is set out in the report attached for application CPT/106/13/LBC (item 7 on this agenda).

Visual Impact

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

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

The existing tower is viewed from the nearby highways and the surrounding area and is a prominent feature in the landscape.

The internal equipment cabinet would have no visual impact on the building's exterior therefore there is no objection to this aspect of the proposal.

The four dishes to be installed above roof level would constitute new items on the tower that would add to the clutter at roof level. The water tower is a large building in an elevated location close to open land and is conspicuous in many views from some distance. The existing rooftop already has a somewhat cluttered appearance. Additional rooftop equipment would add to the visual clutter that currently exists.

In the context of existing rooftop equipment, the proposed additional equipment would not have any real impact on the area's openness in green belt terms. However, whilst this may be so, the equipment would increase the rooftop clutter on the structure to a degree where it would add to the already unattractive array of telecommunications paraphernalia and would have an adverse impact on its appearance in the street scene and the wider area, to the detriment of visual amenity. The proposal as such would be contrary to Local Plan Policy CF16 and the provisions of Government guidance as expressed in the NPPF.

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.

Conclusion

The proposed equipment is considered to have an adverse impact on the appearance of the structure in the streetscene and the wider area. Accordingly it is recommended that planning permission be refused.

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

My RECOMMENDATION is: **REFUSAL**, for the following reason:

The proposed smaller dishes would have a cumulative impact with the existing equipment causing incremental visual harm. The larger dishes 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 streetscene 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.

ITEM 6

Application Number: CPT/106/13/LBC

Address: BENFLEET WATER TOWER, BENFLEET ROAD,
(Boyce Ward)

Description of development: INSTALLATION OF TWO No. 1200mm AND
TWO No. 300mm DIAMETER MICROWAVE
DISHES

Applicant: COMMUNICATION INFRASTRUCTURE UK LTD

Case Officer: K. ZAMMIT

Summary

The proposed development involves the installation of additional telecommunications apparatus to an existing water tower.

It is considered that the proposal would have an adverse impact on the appearance and special interest value of this listed building and it is recommended that consent be refused.

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

An application for planning permission is at Item 5 on this agenda.

Site Visit

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

Introduction

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

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

The Proposal

Listed Building Consent is sought for the installation of four microwave dishes on the tower. These would be located at the perimeter of the roof. The two 1200mm diameter dishes would be on the southern side of the roof, mounted on support posts and would protrude some 1.4m above the top of the parapet. The two 300mm diameter dishes would be located at the north western corner of the roof, mounted one above the other on a support post, protruding approximately 1m above the parapet.

An additional equipment cabinet would also be installed internally.

The information accompanying the application explains that this is part of a project to link London and Europe by high speed data transmission.

Supplementary Documentation

A statement of site specific supplementary information was submitted with the application, along with a Design and Access statement which can be viewed on the Council's website.

Planning History

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

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

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

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

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

Relevant Government Guidance and Local Plan Policies

National Planning Policy Framework
Paras 131, 133, 134 and 140

Adopted Local Plan
EC33 – Alterations to Listed Buildings

Consultation

County Highways
No objection.

County Historic Buildings Adviser

Smaller dishes would have a cumulative impact with the existing equipment causing incremental visual harm. The larger dishes 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. Recommend that the application be refused.

Public Consultation

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

Evaluation of Proposal

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

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

Paragraph 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or

destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to, or loss of, a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

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

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

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

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

The internal equipment cabinet would have no visual impact on the building's exterior, which is where its special interest value primarily lies. Therefore there is no objection to this aspect of the proposal.

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

The current proposal is for four new dish antennas. It is considered that the smaller dishes would have a cumulative impact with the existing equipment causing incremental visual harm to the listed building. The larger dishes 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.

In concert the proposed dishes are considered to add unacceptably to the clutter on the building and would be detrimental to its architectural significance as a piece of water utility infrastructure. It is considered that the proposed additional equipment would further erode the building's significance as a heritage asset, contrary to Government guidance as set out in the NPPF and Policy EC33 of the Adopted Local Plan.

Conclusion

The proposed equipment is considered to have an adverse impact on the building's special architectural interest as a piece of water utility infrastructure and consequently on its significance as a heritage asset.

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 reason:

1. 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.
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ITEM 7

Application Number:	CPT/157/13/FUL
Address:	BENFLEET WATER TOWER, BENFLEET ROAD, (Boyce Ward)
Description of development:	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
Applicant:	VIGILANT GLOBAL LIMITED
Case Officer:	K. ZAMMIT

Summary

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

It is considered that the proposal would have an adverse impact on the appearance of the building and the wider area and it is recommended that permission be refused.

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

An application for Listed Building Consent is at Item 8 of this agenda.

Site Visit

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

Introduction

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

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

The Proposal

Permission is sought for the installation of two dish antennas on the tower. These would be located at the perimeter of the roof. The 1.2m diameter dish would be on the east side of the roof, mounted on a support pole and would protrude some 2m above the top of the parapet. The 0.6m diameter dish would be located at the north western corner of the roof, mounted on a support pole, protruding approximately 1.6m above the parapet.

An additional equipment cabinet would also be installed internally.

The information accompanying the application explains that this is part of a project to provide a link between sites for the Vigilant Global network.

Supplementary Documentation

A Design, Access and Supporting statement was submitted with the application, which can be viewed on the Council's website.

A declaration of conformity with the International Commission on Non Ionising Radiation Protection (ICNIRP) Public Exposure Guidelines has been provided however this is unnecessary because dish antennas do not generate electromagnetic fields.

Planning History

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

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

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

In June 2012, planning permission and listed building consent were granted for a 600mm dish that was installed in place of what should have been a 300mm diameter dish. It was considered that the change from a 300mm to 600mm diameter dish did

not give the tower or the equipment on it significantly greater prominence in the local area.

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

Relevant Government Guidance and Local Plan Policies

National Planning Policy Framework

Paras 42 – 46.

Adopted Local Plan

CF16 – Telecommunications

Consultation

County Historic Buildings Adviser

Smaller dishes would have a cumulative impact with the existing equipment causing incremental visual harm. The larger dishes 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. Recommend that the application be refused.

Public Consultation

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

Evaluation of Proposal

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

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

Consideration of the implications of the proposal on the Listed Building is set out in the report attached for application CPT/159/13/LBC (item 9 on this agenda).

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 such proposals the Council will have regard to the visual impact of the structure on adjacent land uses, the impact on the landscape and the availability of alternative sites. Consideration will be given to the provision of large masts shared by several operators that would avoid the need for the erection of a multiplicity of smaller structures. This approach is considered to be consistent with the provisions of the NPPF.

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

The existing tower is viewed from the nearby highways and the surrounding area and is a prominent feature in the landscape.

The internal equipment cabinet would have no visual impact on the building's exterior therefore there is no objection to this aspect of the proposal.

The two dishes to be installed above roof level would constitute new items on the tower that would add to the clutter at roof level. The water tower is a large building in an elevated location close to open land and is conspicuous in many views from some distance. The existing rooftop already has a somewhat cluttered appearance. Additional rooftop equipment would add to the visual clutter that currently exists.

In the context of existing rooftop equipment, the proposed additional equipment would not have any real impact on the area's openness in green belt terms. However, whilst this may be so, the equipment would increase the rooftop clutter on the structure to a degree where it would add to the already unattractive array of telecommunications paraphernalia and would have an adverse impact on its appearance in the street scene and the wider area, to the detriment of visual amenity. The proposal as such would be contrary to Local Plan Policy CF16 and the provisions of Government guidance as expressed in the NPPF.

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, although one has been provided.

Conclusion

The proposed equipment is considered to have an adverse impact on the appearance of the structure in the streetscene and the wider area.

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 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 streetscene 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.

ITEM 8

Application Number:	CPT/159/13/LBC
Address:	BENFLEET WATER TOWER, 335 BENFLEET ROAD, BENFLEET, ESSEX (Boyce Ward)
Description of development:	INSTALLATION OF 1 No. 1.2m DIAMETER DISH ANTENNA AND 1 No. 0.6m DIAMETER DISH ANTENNA AT A HEIGHT OF 30m AND 1 No. INTERNAL EQUIPMENT CABINET
Applicant:	VIGILANT GLOBAL LIMITED
Case Officer:	K. ZAMMIT

Summary

The proposed development involves the installation of additional telecommunications apparatus to an existing water tower.

It is considered that the proposal would have an adverse impact on the appearance and special interest value of this listed building and it is recommended that consent be refused.

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

An application for planning permission for the proposed development is at Item 7 on this agenda.

Site Visit

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

Introduction

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

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

The Proposal

Listed Building Consent is sought for the installation of two dish antennas on the tower. These would be located at the perimeter of the roof. The 1.2m diameter dish would be on the east side of the roof, mounted on a support pole and would protrude some 2m above the top of the parapet. The 0.6m diameter dish would be located at the north western corner of the roof, mounted on a support pole, protruding approximately 1.6m above the parapet.

An additional equipment cabinet would also be installed internally.

The information accompanying the application explains that this is part of a project to provide a link between sites for the Vigilant Global network.

Supplementary Documentation

A Design, Access and Supporting statement was submitted with the application, which can be viewed on the Council's website.

Planning History

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

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

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

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

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

Relevant Government Guidance and Local Plan Policies

National Planning Policy Framework

Paras 131, 133, 134 and 140

Adopted Local Plan

EC33 – Alterations to Listed Buildings

Consultation

County Historic Buildings Adviser

Smaller dishes would have a cumulative impact with the existing equipment causing incremental visual harm. The larger dishes 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. Recommend that the application be refused.

Public Consultation

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

Evaluation of Proposal

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

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

Paragraph 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to, or loss of, a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest

significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

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

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

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

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

The internal equipment cabinet would have no visual impact on the building's exterior, which is where its special interest value primarily lies. Therefore there is no objection to this aspect of the proposal.

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

The current proposal is for two new dish antennas. It is considered that the smaller dish would have a cumulative impact with the existing equipment causing incremental visual harm to the listed building. 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.

In concert the proposed dishes are considered to add unacceptably to the clutter on the building and would be detrimental to its architectural significance as a piece of water utility infrastructure. It is considered that the proposed additional equipment would further erode the building's significance as a heritage asset, contrary to Government guidance as set out in the NPPF and Policy EC33 of the Adopted Local Plan.

Conclusion

The proposed equipment is considered to have an adverse impact on the building's special architectural interest as a piece of water utility infrastructure and consequently on its significance as a heritage asset.

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 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.

ITEM 9

Application Number: CPT/186/13/FUL

Address: BENFLEET WATER TOWER, BENFLEET ROAD,
(Boyce Ward)

Description of development: REPLACEMENT OF THREE ANTENNAS AND
INSTALLATION OF NEW INTERNAL
EQUIPMENT CABINET

Applicant: EE & H3G UK LTD

Case Officer: K. ZAMMIT

Summary

The proposed development involves the installation of replacement telecommunications apparatus to an existing water 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 at the request of Mrs Goodwin and in accordance with the Council's Schedule of Delegation.

An application for Listed Building Consent is at item 10 of this agenda.

Site Visit

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

Introduction

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

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

The Proposal

Permission is sought for the replacement of three existing antennas located around the perimeter of the roof of the water tower, on the northern, eastern and western

sides. The proposed antennas would have a thickness of 0.3m and would protrude some 1.7m above the top of the parapet.

An additional equipment cabinet would also be installed internally

The information accompanying the application explains that the proposal is necessary for improved coverage.

Supplementary Documentation

The application is accompanied by a table of Site Specific Supplementary Information and a declaration of conformity with International Commission on Non Ionising Radiation Protection (ICNIRP) public exposure guidelines, which can be viewed on the Council's website.

Planning History

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

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

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

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

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

Relevant Government Guidance and Local Plan Policies

National Planning Policy Framework

Paras 42 – 46.

Adopted Local Plan

CF16 – Telecommunications

Consultation

County Historic Buildings Adviser

To be reported

Public Consultation

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

Evaluation of Proposal

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

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

Consideration of the implications of the proposal on the Listed Building is set out in the report attached for application CPT/187/13/LBC (item 11 on this agenda).

Visual Impact

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

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

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

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

The existing tower is viewed from the nearby highways and the surrounding area and is a prominent feature in the landscape. The proposed equipment would replace existing equipment at roof level with equipment of comparable magnitude and height and would not give the tower greater prominence in local views. It is therefore considered that the proposal would have no significant visual impact on the area.

The internal equipment cabinet would have no visual impact on the building's exterior therefore there is no objection to this aspect of the proposal.

Health

Paragraph 46 of the NPPF states that local planning authorities should not seek to determine health safeguards if the proposal meets International Commission on non-ionising Radiation Protection (ICNIRP) guidelines. The application is accompanied by certification that the installation is designed to be in full compliance with ICNIRP guidelines. Accordingly, there can be no objection to the proposal on the basis of its health impacts or perceived health impacts.

Conclusion

The proposed installation is not considered to have a significantly different visual impact on the area than the existing structures 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
 2. CON101
-

ITEM 10

Application Number: CPT/187/13/LBC

Address: BENFLEET WATER TOWER, 335 BENFLEET ROAD, BENFLEET, ESSEX (Boyce Ward)

Description of development: REPLACEMENT OF THREE ANTENNAS AND INSTALLATION OF NEW INTERNAL EQUIPMENT CABINET

Applicant: EE & H3G UK LTD

Case Officer: K. ZAMMIT

Summary

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

In all the circumstances it is considered that the proposal will not have an adverse impact on the appearance or special interest of this listed building and it is recommended that consent be granted.

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

An application for planning permission is at Item 9 on this agenda.

Site Visit

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

Introduction

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

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

The Proposal

Listed Building Consent is sought for the replacement of three existing antennas located around the perimeter of the roof of the water tower, on the northern, eastern and western sides. The proposed antennas would have a thickness of 0.3m and would protrude some 1.7m above the top of the parapet.

An additional equipment cabinet would also be installed internally.

The information accompanying the application explains that the proposal is necessary to provide improved coverage.

Supplementary Documentation

The application is accompanied by a table of Site Specific Supplementary Information and a declaration of conformity with International Commission on Non Ionising Radiation Protection (ICNIRP) public exposure guidelines, which can be viewed on the Council's website.

Planning History

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

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

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

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

In April 2013, planning permission and listed building consent were refused for the replacement of three antennas with six antennas and installation of new 600mm

diameter dish due to the detrimental impact on the special architectural interest of the water tower and the wider area.

Relevant Government Guidance and Local Plan Policies

National Planning Policy Framework

Paras 131, 133, 134 and 140

Adopted Local Plan

EC33 – Alterations to Listed Buildings

Consultation

County Historic Buildings Adviser

To be reported

Public Consultation

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

Evaluation of Proposal

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

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

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

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

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

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

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

The internal equipment cabinet would have no visual impact on the building's exterior, which is where its special interest value primarily lies. Therefore there is no objection to this aspect of the proposal.

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

The current proposal is for the replacement of three existing pole mounted antennas with three new antennae of comparable massing and height. Whilst it is recognised that additional equipment on this building could result in further erosion of its special interest, which would be undesirable and contrary to national and local policies, the proposed replacement equipment, in comparison to that which is existing, is considered to have no significant effect on the building's appearance or its special interest as an item of utility infrastructure. Accordingly, there is no objection to the proposal on the basis of Local Plan Policy EC33 or the NPPF.

Conclusion

The proposed equipment is not considered to have an adverse impact on the appearance or special interest of this listed building such that a refusal on this basis is likely to be supported on appeal.

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. The works to which this consent relates must be begun not later than the expiration of five years beginning with the date on which the consent is granted.
Reason: Imposed pursuant to Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
2. Upon completion of the works hereby approved, any damage caused to the building by the works shall be made good within three months in accordance with a scheme which shall first have been submitted to, and formally approved by, the local planning authority.
Reason: In the interest of preserving the historic character of the building in accordance with Policy EC33 of the Borough Local Plan.
3. CON101

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.
CON 100	Party Wall Etc. Act Note