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AGENDA

Committee: DEVELOPMENT CONTROL

Date and Time: Tuesday 7th January 2014 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 : Greig and Ms Swann

**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 5th December 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.

Application No.	Address	Page
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2. CPT/599/13/FUL	Land to the Rear of 17 and 19 Downer Road, Benfleet (Boyce Ward)	10
Appendix 1	Standard Conditions	21

Site Visits

Members are advised that no site inspections are recommended in respect of items attached on this agenda.

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DEVELOPMENT CONTROL COMMITTEE

5th DECEMBER 2013

PRESENT: Councillors Brunt (Chairman), Ladzrie (Vice-Chairman), Barrett, Blackwell, Cross, Mrs Govier, Hart, Mrs King, Skipp, Mrs Wass and Canvey Island Town Councillor Greig.

Councillor Walter also attended.

Apologies for absence were received from Councillors Anderson, Mrs Liddiard and Smith.

23. MEMBERS' INTERESTS

There were no disclosures of interest.

24. MINUTES

The Minutes of the meeting held on 5th November 2013 were taken as read and signed as correct.

25. DEPOSITED PLANS

(a) CPT/347/13/FUL – 211–225 HIGH ROAD, BENFLEET (ST MARY'S WARD) – CONSTRUCTION OF MANSARD ROOF TO FORM NEW FLOOR TO PROVIDE 7 SELF-CONTAINED FLATS – MR N TSHUVAH

This application sought consent to form a mansard roof to the existing three storey, flat roofed building located at 211-225 High Road, to provide seven additional self-contained residential units within the roof space.

It was reported that the proposal would provide a poor form of development with inadequate parking, amenity area and refuse/recycling storage. Furthermore it would increase the bulk and height of the development and result in undue prominence within the street scene. The proposal would also result in poor living standards for the current occupiers of the maisonettes by reason of the substandard internal layout created by the new development. Whilst there was a need for housing within the Borough, this was insufficient to overcome the significant inadequacies within the proposal. The proposal would result in a substandard form of development resulting in a detriment in highway safety, detriment in the visual amenity of the area and detriment in the amenities expected by the future occupiers of the flats and occupiers of the existing maisonettes.

The proposal was considered to be contrary to policies H13, H17, EC2 and T8 of the adopted Local Plan and national guidance as contained within the National Planning Policy Framework.

The proposal was presented to the Development Control Committee at the request of Councillor Partridge in order for the Committee to assess the proposal in terms of the traffic, car parking, and access implications on the site and the surrounding area.

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

During discussion Members agreed with the Planning officer's recommendation that the proposed development would be unduly prominent and detrimental to the visual amenity and character of the surrounding area. Therefore it was:-

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

1. The proposed development, by reason of the design, height and mass of the third floor mansard roof would result in a building of undue prominence, out of character with, and detrimental to, the visual amenity and character of the surrounding area, contrary to Policies EC2, H13 and H17 of the adopted Local Plan. Furthermore the proposed roof represents poor design and would fail to promote local distinctiveness contrary to National Guidance as contained within the National Planning Policy Framework.
2. The proposal fails to demonstrate the provision of adequate on-site parking provision for the proposed flats and if implemented it is considered that the proposal would result in conflict within the existing parking area and an increase in on-street parking to the detriment of local amenity, highway safety and traffic flows in Brook Road contrary to Policy T8 of the adopted Local Plan.
3. The proposal fails to provide any amenity space for the proposed flats and would result in a substandard form of development to the detriment of the future occupiers of the flats contrary to Policy H17 of the adopted Local Plan.
4. The proposal by reason of the substandard relationship between flat No.17 and the maisonettes at Nos.225A and 223A, would result in poor living conditions, to the detriment of the amenities currently enjoyed by the occupiers and future occupiers of the maisonettes contrary to Policy H17 of the adopted Local Plan and National Guidance as contained within the National Planning Policy Framework.
5. The proposal has failed to demonstrate the provision of adequate refuse and recycling facilities to cater for the occupiers of the

proposed development resulting in a poor form of development contrary to Policy H17 of the adopted Local Plan.

(b) CPT/512/13/FUL – ACEAN BUILDING FORMERLY THE WAREHOUSE BEECH ROAD, HADLEIGH (ST JAMES WARD) – DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF PART THREE/PART FOUR STOREY BUILDING CONTAINING 19 FLATS WITH ASSOCIATED PARKING AND LANDSCAPING – DOVE JEFFERY HOMES LTD

The proposed development provided 100% affordable housing meeting an identified need in the Borough. There was no conflict with Council policies or design guidance that would justify a refusal of the scheme.

The scheme constituted a departure from the Development Plan as the site was allocated for shopping purposes in the Adopted Local Plan. As such it was presented to the Committee for determination. If approved it would not be necessary to refer the matter to the Secretary of State since it was not a significant or material departure from the Development Plan.

The Planning Officer reported that there was an amendment to the recommendation set out in the report. As the Local Authority had taken on full nomination rights for the proposed flats it was now necessary to enter into a Section 106 Agreement (S106) with the applicant rather than a Unilateral Agreement. Furthermore, due to a change in legislation from 1st October 2013, local authorities were now required to deal with applications of this scale within 26 weeks including the negotiation of a S106. Therefore, if the Committee was minded to approve the application, it was proposed to include a caveat in the decision that permission would be granted providing the S106 was completed by week 25. If the S106 was not completed within this time the application would be refused on the basis that the applicant had not been able to demonstrate that the affordable housing could be made available in perpetuity.

Mr Argentieri, a representative of the residents committee at Wilkinson Drop, spoke about the concerns of local residents regarding the proposal.

Mr Calder, agent for the applicant, spoke in support of the application.

Members welcomed the provision of affordable housing however concern was raised that access would be via Wilkinson Drop which was a private road. It was explained that it was intended that residents of the new flats would contribute to the cost of maintaining the private road. Furthermore, as the site did not share access with Beech Road there was no opportunity to provide access from the public highway.

During discussion a Member requested that a bat survey be carried out on the existing building. It was also requested that a condition be added that contractors working on the development park on the site.

Following discussion it was:-

Resolved – That the application be approved, subject to the conditions set out in the Planning Officer's report, as amended, and subject to the applicant entering into a Section 106 Agreement to secure the provision of 19 affordable housing units with full nomination rights to the Council. If the S106 is not concluded by week 25 of the application process then the application will be refused on the basis that the applicant has not been able to demonstrate that the affordable housing can be made available in perpetuity.

(c) **CPT/532/13/OUT – 106 RECTORY ROAD, HADLEIGH – DETACHED TWO BEDROOMED BUNGALOW WITH DETACHED GARAGE AND CAR PORT (ST JAMES WARD) – MR AND MRS KING**

The application sought outline planning permission for a dwelling to be constructed to the rear of an existing dwelling on Rectory Road. The application represented the submission of a revised scheme which sought to overcome earlier objections to a similar proposal on the site.

The proposed revisions to the layout had satisfactorily mitigated the reasons for refusal attached to planning application CPT/33/13/OUT and the development now achieved all relevant design guidance and policy requirements.

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

Mr Rowe, agent for the applicant, spoke in support of the application.

Members took opportunity to ask the Planning Officer a number of questions regarding the proposal. Following discussion it was:-

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

(d) **CPT/55/0/13/FUL – BENFLEET WATER TOWER, 335 BENFLEET ROAD, BENFLEET (BOYCE WARD) – INSTALLATION OF TWO 600mm DIAMETER TRANSMISSION DISHES – AVIAT NETWORKS**

The proposed development involved the installation of new telecommunications apparatus to the existing Benfleet water tower. It was considered that the proposal would not have an adverse impact on the appearance of the building or the wider area.

Mr Hosker, agent for the applicant, spoke in support of the application.

During discussion Members were in agreement with the proposal and welcomed the fact that the applicant had agreed to remove some of the redundant equipment from the tower.

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

(e) CPT/551/13/LBC – BENFLEET WATER TOWER, 335 BENFLEET ROAD, BENFLEET (BOYCE WARD) – INSTALLATION OF TWO 600mm DIAMETER TRANSMISSION DISHES – AVIAT NETWORKS

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

Resolved – That Listed Building Consent be granted, subject to the conditions as set out in the report.

26. QUARTERLY ENFORCEMENT UPDATE

Members were informed of all formal planning enforcement action and investigations undertaken by the Council's Planning Enforcement Officer.

The Chairman and Members of the Committee took the opportunity to ask questions on some of the enforcement cases, which were answered by the Chief Development Control Officer.

The Chairman thanked the Enforcement Team for their hard work in dealing with these cases.

Chairman

Item No. 1.

Application Number: CPT/526/13/FUL

Address: THE APPLETON SCHOOL, CROFT ROAD,
BENFLEET (Appleton Ward)

Description of development: ERECTION OF TWO STOREY SIXTH FORM
CLASSROOM BLOCK, EXTENSION OF
EXISTING CAR PARKING, RELOCATION OF 3
No. TEMPORARY MODULAR BUILDINGS AND
ASSOCIATED WORKS

Applicant: THE APPLETON SCHOOL

Case Officer: MR K. ZAMMIT

Summary

The application seeks permission for a new sixth form building for the school, which does not currently provide post-16 education facilities.

The proposal is considered to be in compliance with all relevant policies and guidance and the proposal is therefore recommended for APPROVAL.

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

Site Visit

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

Introduction

The school site is located on the southern side of Croft Road. It extends to some 8.9ha in area. This proposal concerns the south western part of the site, to the south of the existing school buildings.

The Proposal

Permission is sought for the creation of a new sixth form block. The proposed building would exhibit a 'butterfly' roof and a 'T'-shaped form with a maximum footprint of some 38m by 28m and maximum height of some 9.1m.

A modern palette of materials will be used, including Trespa cladding panels in various colours, sections of facing brick and timber sun shading.

The proposed accommodation would provide nine classrooms, a laboratory, IT room, seminar room and catering and study areas as well as administrative facilities.

In addition to the new building it is proposed to relocate a number of existing demountable classrooms that are located in the area of the proposed sixth form building. Two demountables, used for hair and beauty training, and a demountable used as a nursery, would be relocated to positions north of the existing caretaker's store.

A further demountable building which was used as a trade skills workshop is to be removed from the site.

An Oak, a Rowan and a Birch tree will be removed as part of the works, but replacement trees will be planted nearby.

Supplementary Documentation

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

Planning History

The site has an extensive history of alterations, the most recent of which were for an extension to the dining area (CPT/469/12/FUL) and the conversion of a drama studio to six additional classrooms (CPT/375/13/FUL). None of these is directly relevant to the current proposal.

Relevant Government Guidance and Local Plan Policies

National Planning Policy Framework – Section 8

Local Plan

The site is allocated for 'school' purposes on the proposals map accompanying the adopted Local Plan. The following policies are of relevance:

CF2 – Education Facilities

EC2 – Design

EC22 – Retention of Trees, Woodland and Hedgerows

Consultation

Environmental Health

Comments provided relating to working hours during construction, dust and noise.

Legal

No objection.

County Highways

No objection subject to conditions.

Refuse and recycling

The refuse and recycling service will be unable to empty bins from the proposed new bin store. The school will need to continue to use their existing bin areas.

Essex and Suffolk Water

The application does not affect the company's assets however there are company assets elsewhere within the site, which the applicant should be aware that no buildings or structures can be erected within 3m of.

Public Consultation

13 objections have been received from the following properties:

The Willows – 7, 9, 11
Merton Road – 22, 24, 26
Villa Road – 24, 34, 37
Eversley Road – 134
Croft Road – 14

Which contain the following comments:

- loss of view
- loss of privacy
- dominant to surrounding properties
- noise to surrounding properties
- waste of money
- would add to on-street parking
- need residents' parking scheme in surrounding roads
- need one way system in New Park Road/Croft Road or traffic control
- would add to surface water runoff toward Merton Road
- disruption and nuisance from construction
- building should be moved to a new location
- would expect landscaping to be provided along boundary to The Willows
- evidence submitted as part of another school's bid for DfE funding shows no additional 16-19 yr olds' educational places needed in the area
- more vehicle movements and disturbance for residents
- new fence should be provided to The Willows properties

Comments on Consultation Responses

- any noise and disturbance from construction is transient and not capable of forming a robust reason for refusal. Environmental Health legislation adequately deals with these issues and Government guidance is clear that the planning system should not seek to duplicate controls that exist under other legislation.
- there is no right to a view under planning law
- financial issues are not for the planning system to consider
- there is no requirement for the applicant to demonstrate a need for the facility
- other planning issues are dealt with in the evaluation of the proposal

Evaluation of Proposal

The main issues to be considered are:

- the principle of the development,
- impact on nearby residents

- design and
- Traffic and parking implications.

The Principle of Development

Policy CF2 of the adopted Local Plan supports the improvement and enhancement of existing educational facilities subject to proposals not having an adverse impact on the amenity of the area, car parking or traffic flows. This is consistent with paragraph 72 of the National Planning Policy Framework (NPPF) which states that the Government attaches great importance to ensuring that a sufficient choice of school places is available, and that local planning authorities should give great weight to the need to expand or alter schools.

Policy EC2 of the current Local Plan seeks a high standard of design in all new buildings, which is consistent with paragraphs 56 to 58 of the NPPF.

The proposed construction of new accommodation to provide a sixth form for the school is, in principle, consistent with Policy CF2 of the current Local Plan and paragraph 72 of the NPPF.

Impact on nearby residents

Policy CF2 requires that proposals should not adversely impact upon the amenity of the area. It is considered that the proposed building has the potential to impact on the amenity of nearby residents through obtrusiveness, overlooking and noise and disturbance. Each of these impacts will be considered in turn:

(i) Obtrusiveness

The proposed building would be two storeys in height with a maximum height of some 9.1m. It would be situated approximately 2m from the boundary of the nearest residential property at the closest point. Whilst such isolation may seem unreasonably limited, there would be a minimum of some 30m provided between the proposed building and the nearest dwellings and at the height proposed it is not considered that the building would be situated in such a relationship with the adjoining dwellings that it would be overbearing or obtrusive towards existing residents.

It should also be noted that the proposed building would be located to the north/northwest of the closest dwellings so loss of light and overshadowing would not be a significant issue.

(ii) Overlooking

The Council's Residential Design Guidance states that from first floor windows, a minimum distance of 9m should be provided between any window and the boundary of the site. Whilst this guidance was formulated for use with residential development, it is considered that the same principle may be applied to a development of a school building in order to protect the privacy and amenity of adjacent residents.

As stated above, there would be some 2m between the proposed building and the closest residential boundary. Ordinarily such close proximity would attract a recommendation of refusal. However in this case, the proposed windows in the eastern elevation would overlook the rear garden of the school caretaker's house. As this property forms part and parcel of the school site, it is not considered that a reason for refusal based on unacceptable overlooking and loss of privacy could be supported on appeal, particularly as it would be a relatively simple matter for the residential boundary to be realigned in this area, thus providing the requisite isolation space. Under the circumstances, it is not considered that an objection under RDG5 would be supported on appeal and no objection is therefore raised to the proposal on the basis of its relationship with the dwelling immediately to the east of the proposed building.

It should be noted that a distance of some 30m would be maintained between opposing windows.

Properties beyond the confines of the school site lie immediately to the south east of the proposed building. The current proposal would not result in any direct overlooking of these properties. Whilst it is recognised that the proposal could result in oblique overlooking of these dwellings, it should be noted that this would not form a justification for the refusal of planning permission in a built-up largely residential area.

It should be noted that in excess of 35m would be maintained between the buildings.

The rear elevation of the building exhibits a small balcony. This would be located some 14m from the southern boundary of the site and is considered sufficiently isolated from the adjoining properties. No objection to the proposal on this basis could therefore be sustained on appeal.

A larger balcony is provided to the western elevation of the building; however this overlooks an area of car parking and would have no adverse impact on the privacy or amenity of the occupiers of the dwellings further to the west.

It is noted that there are fire exit stairs on the rear elevation of the building. In the case of the two staircases leading down from the first floor, it is considered that these are sufficiently distant, at some 17m and 70m respectively from the southern boundary with adjoining residential properties that their occasional use would not lead to undue overlooking or loss of privacy.

In the case of the small flight of stairs from the ground floor study area at the rear of the building, it is considered that persons standing on the platform at the top of these would be able to look into the garden of the neighbouring property in Merton Road to the east. However, the plans provide obscure glazed side screening to prevent overlooking which is considered an acceptable approach. Subject to a condition requiring the steps to be provided with this side screening and the screening to subsequently be retained, it is considered that there would not be an adverse impact on the privacy of adjacent residents.

(iii) Noise and disturbance

The proposed development would involve the provision of additional car parking spaces to the existing parking area which potentially means more traffic using the vehicular access along the rear boundaries of properties in The Willows. Whilst comments have been received from occupiers of these properties that they would like extra planting or a new fence in this location to reduce any disturbance, it is not considered that the marginal increase in traffic using the existing access would have a significantly greater impact on residents' amenity than exists at present. Under these circumstances it is not considered that the requested additional planting or replacement fencing is reasonable.

Regarding the possibility of noise from the proposed building itself, given its intended use for post-16 educational purposes it is not considered that it would be likely to generate noise sufficient to provide a robust reason for refusal. There is the potential for noise breakout from rear door serving the ground floor study area which could be intrusive to adjoining residents; however, the retention of this door as a means of escape in case of fire only would sufficiently mitigate this concern. A condition to this effect may be attached the grant of any consent.

With regard to the relocatable classrooms, it is noted that the beauty and hair salon units are to be relocated some 12m north of their current location, placing them in a position further from the adjoining residential development. As such it is not considered that the relocation of these units will have any adverse impact on the amenity of adjoining residents.

The proposed nursery unit and associated playspace is to be moved some 60m east of its current location. This would place it on an area of the site which was screened from the adjoining residential development by existing buildings within the school site, thus reducing its impact on the adjoining dwellings.

Overall, it is not considered that the proposal would have a significant adverse effect on the amenity of the area.

Design

In design terms, the proposed building would be of quite modern appearance with a striking front elevation. It is somewhat regrettable that this will be located within the site and will not be appreciated by a wider public audience. However as it would not cause visual detriment to the area it is not considered that there can be any objection to the proposal on design grounds.

Policy EC22 requires the retention of trees hedgerows and woodlands wherever possible. This is broadly consistent with paragraph 118 of the NPPF. It is noted that the development would involve the loss of three trees; however there is potential for suitable replacement planting as part of a landscaping scheme and given that the trees to be removed are not the subject of preservation orders it is not considered that there can be an objection to the proposal on the basis of tree removal.

Traffic and parking implications

Policy CF2 requires proposals not to adversely impact on traffic flows and to provide adequate car parking. Buildings used for further and higher education purposes are required to provide a maximum of 1 car parking space for every 15 students for staff

parking and 1 space for every 15 students for student parking. The maximum occupancy of the building is 342. Application of the parking standards indicates a maximum requirement of 23 student spaces and 23 staff spaces, making a total maximum of 46.

It must also be noted that when application CPT/375/13/FUL for conversion of a former drama hall to a dining room was approved, it was envisaged that a further six spaces would be provided on the existing tennis courts, which the current plans show are to be returned to their former use (as tennis courts). This parking will therefore need to be provided in an alternative location. Thus some 52 spaces are required.

The plans show the provision of 21 net additional car parking spaces. This is below the maximum figure derived from the parking standards.

The school has stated in previous correspondence that it will not accept student parking on site and all students will be advised to travel to the site by alternative means. Whilst the provision of sixth form accommodation creates the potential for greater demands for parking provision on the site, the school is located within an urban area and is accessible by public transport, so there are opportunities for non-car journeys to be made to the site. In addition the parking standards for this type of use are maxima rather than minima and under the circumstances, and in the light of the Government's commitment to the improvement of educational facilities; it is not considered that an objection to the proposal on the basis of a lack of student parking provision would be supported on appeal.

The car parking provision proposed is considered adequate to cater for the additional staff parking needs that would be generated. Given that the standard is a maximum standard, it is considered that this would be acceptable even taking into account the additional parking need from the conversion works elsewhere on the site and on this basis there is no objection to the proposal on the basis of car parking provision.

It is noted that some local residents would like traffic or parking controls to be introduced in surrounding streets; however there are not considered to be sufficient planning grounds for Castle Point Council to request such measures. It is open to local residents to approach Essex County Council directly regarding such measures if they so wish.

The Design and Access Statement explains that it is intended to use existing foul and surface water connections for drainage. As the existing car park is being extended rather than a new one created it is considered that this is an acceptable arrangement in this instance.

The Highway Authority has requested the imposition of conditions on the grant of any consent requiring the car parking be provided in accordance with County standards, with 6m provided between the rear of the bays. The layout would comply with these requirements so conditions to this effect are unnecessary.

A condition has also been requested that an area be identified within the site for the loading, unloading, reception and storage of building materials and manoeuvring of vehicles within the site in order that the highway is not obstructed during the construction period. It is considered that this is a reasonable requirement in the

interest of highway safety. However it is not necessary to require details of space for manoeuvring of vehicles after completion of the development as the plans clearly show that there would be adequate manoeuvring space.

Conclusion

The proposed additional block of accommodation and relocation of the existing demountable classrooms is considered to be consistent with the Government's aim of improving schools and there are no significant adverse impacts arising from it that can be identified.

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 (Time limit)
2. CON17 (Materials)
3. CON18 (Implementation of materials)
4. Prior to occupation of the building, the raised platform outside the emergency doors from the study area on the south elevation of the building shall be provided with obscure glazed screening along its eastern edge to a height of 2m from the surface of the raised platform, the glass to be obscure to at least level 3 on the Pilkington Scale.
Reason: To protect the privacy of occupiers of adjoining residential properties.
5. The screening provided in relation to condition 4 shall be maintained at all times following its installation unless otherwise agreed in writing with the local planning authority.
Reason: To protect the privacy of occupiers of adjoining residential properties.
6. The balcony to the rear of the IT room on the south elevation of the building at first floor level shall be of solid or opaque construction on its eastern side, and permanently retained as such.
Reason: To protect the privacy of occupiers of adjoining residential properties.
7. CON9 (Submission of landscaping scheme)
8. CON10 (Implementation of landscaping scheme)
9. CON11 (Maintenance of landscaping scheme)
10. The doors serving the study area on the south elevation of the building at ground floor level shall be for emergency use only and kept closed at other times with a suitable locking device, the details of which shall be submitted to and approved in writing by the local planning authority prior to occupation of the building.
Reason: To minimise disturbance and loss of amenity to nearby residential properties.

11. Prior to occupation of the building, the proposed additional car parking areas shall be provided, surfaced and drained. Thereafter, these areas shall be retained for car parking purposes and not used for any other purpose unless otherwise agreed in writing with the local planning authority.

Reason: In order to ensure an acceptable level of car parking provision commensurate with the level of accommodation provided.

12. Prior to commencement of development, details of areas within the curtilage of the site for the purpose of loading/unloading/reception and storage of building materials and manoeuvring of construction vehicles, shall be identified clear of the highway, details of which shall be submitted to and approved in writing by the local planning authority.

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

13. Such areas as may be approved in relation to condition 12 shall be provided prior to commencement of construction and shall be retained and not used for any other purpose for the duration of the construction phase.

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

14. CON102 (Application approved following revisions)

Item 2

Application Number:	CPT/599/13/FUL
Address:	LAND TO THE REAR OF 17 AND 19 DOWNER ROAD, BENFLEET (Boyce Ward)
Description of development:	2 No. 4 BEDROOMED DETACHED HOUSES
Applicant:	MESSRS O’SULLIVAN AND GOODMAN
Case Officer:	MR K. ZAMMIT

Summary

The application seeks permission for two detached houses on land that is currently within the curtilages of numbers 17 and 19 Downer Road. The site is allocated for Green Belt purposes; however it lies within a broader area which has been identified as partially and previously developed land which is suitable for release for residential development.

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

The application is presented to the Committee because it represents a departure from the adopted Local Plan.

Site Visit

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

Introduction

The site comprises land currently forming part of the rear gardens to two houses fronting Downer Road. The site would have a frontage to Rhoda Road of some 28.5m and a maximum depth of some 47m.

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

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

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

The Proposal

Permission is sought for the erection of two detached four bedroomed houses, one with an attached garage and the other with an integral garage.

The northern dwelling would have a plot width of some 14.5m, whilst the southern plot would have a width of some 13.5m on the land. Due to the depth of the proposed dwellings, each would have a partially pitched and partially flat roof.

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

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

Supplementary Documentation

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

Planning History

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

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

Relevant Government Guidance and Local Plan Policies

National Guidance

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

Current Local Plan

The site is allocated as Green Belt on the proposals map accompanying the Borough Local Plan. The following policies are of relevance;

EC2 – Design

H12 – Piecemeal development

T7 – Unmade Roads

T8 – Parking standards

Residential Design Guidance

RDG1 – Plot size

RDG2 – Space around dwellings

RDG3 – Building lines

RDG5 – Privacy and living conditions

RDG6 – Amenity space

RDG10 – Enclosure and boundary treatment

RDG12 – Parking and access
RDG13 – Refuse and recycling storage

Consultation

County Highways

No objection

Refuse and Recycling

The development would use existing kerbside collection service.

Public Consultation

No comments received at the time of writing, the publicity period expires on 6th January 2014. An update on the receipt of any responses will be made at the meeting.

Evaluation of Proposal

The main issues to be considered are:

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

(i) Prematurity

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

The document “The Planning System: General Principles” states that “in some circumstances, it may be justifiable to refuse planning permission on grounds of prematurity where a Development Plan Document (DPD) is being prepared or is under review, but it has not yet been adopted. This may be appropriate where a proposed development is so substantial, or where the cumulative effect would be so significant, that granting permission could prejudice the DPD by predetermining decisions about the scale, location or phasing of new development which are being addressed in the policy in the DPD. A proposal for development which has an impact on only a small area would rarely come into this category. Where there is a phasing policy, it may be necessary to refuse planning permission on grounds of prematurity if the policy is to have effect. Otherwise, refusal of planning permission on grounds of prematurity will not usually be justified. Planning applications should continue to be considered in the light of current policies. However, account can also be taken of policies in emerging DPDs. The weight to be attached to such policies depends upon the stage of preparation or review, increasing as successive stages are reached. For example:

- Where a DPD is at the consultation stage, with no early prospect of submission for examination, then refusal on prematurity grounds would seldom be justified because of the delay which this would impose in determining the future use of the land in question.
- Where a DPD has been submitted for examination but no representations have been made in respect of relevant policies, then considerable weight may be attached to those policies because of the strong possibility that they will be adopted. The converse may apply if there have been representations which oppose the policy. However, much will depend on the nature of those representations and whether there are representations in support of particular policies”.

The guidance also makes it clear that where planning permission is refused on grounds of prematurity, the Planning Authority must demonstrate clearly how the grant of permission for the development concerned would prejudice the outcome of the DPD process.

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

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

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

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

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

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

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

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

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

(ii) Principle

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

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

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

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

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

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

However, existing development in this area has already compromised the strategic function of this part of the Green Belt by allowing the adjoining urban area to sprawl. The landscape value of this part of the Green Belt has also been diminished. The Green Belt 'gap' between Benfleet and Thundersley would become less open in nature as a result of this land being developed. The residential development of this site is therefore contrary to the provisions of the NPPF.

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

- buildings for agriculture and forestry;
- provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- limited infilling in existing villages and limited affordable housing for local community needs under policies set out in the Local Plan; or
- limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt or the purpose of including land within it than the existing development.

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

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

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

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

(iii) The existence of very special circumstances

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

The Council considers that a very special circumstance does exist.

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

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

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

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

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

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

Although the current proposal could be viewed as piecemeal development of a large site as it would not occupy all of the parcel of land identified as being suitable for residential development, it is at the extreme north of that large site, does not compromise access to it in any way and accordingly is not considered to prejudice comprehensive development of that site. As such, there is no objection on the basis of Policy H12.

(iv) Other policy issues and matters of detail

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

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

RDG2 requires the space around new development to be informed by the prevailing character of space around dwellings or where there is no clear pattern of development the space should be proportionate to the size of the dwellings. This is a location where there is no clear pattern of development. The proposal would provide a gap of 1m between the dwellings and plot boundaries where they would face each other and up to 3.8m between the dwellings and plot boundaries at the 'outer' sides. This is considered proportionate to the size of the dwellings themselves and no objection is therefore raised to the proposal on this basis.

RDG3 requires development to be informed by the prevailing building lines to the public realm that it faces. There is no obvious building line to be adhered to in the vicinity of the site. The proposal would provide dwellings at distances of some 9m to 17m from the front boundary of the site, which is considered to provide an acceptable buffer from the highway and allow adequate space for parking. On this basis it not considered that there can be any objection to the proposal on the basis of building lines and setting.

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

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

The proposal would provide a minimum of 14m between first floor rear windows and the boundaries of adjacent sites which is considered acceptable.

The front aspects of the dwellings would be sited at least 9m from the front boundary. The first floor windows to the side aspects of the dwellings are not provided with such generous isolation distances however these windows serve bathrooms or secondary light to bedrooms. Under the circumstances it is considered that a condition could be imposed on the grant of any consent requiring these windows to be obscure glazed and fixed to 1.7m from floor level to avoid prejudicing any future redevelopment of adjacent sites. Subject to such a condition no objection is raised to the proposal on the basis of RDG5.

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

Guidance at RDG6 requires proposals to provide appropriate amounts of outdoor amenity space in proportion to the size of the dwelling. 15m² of amenity space per habitable room is required to be provided. The proposed dwellings would provide outdoor amenity areas of around 260m² and 230m² respectively which are considered adequate for the size of dwellings proposed. No objection is therefore raised to the proposal on the basis of inadequate amenity area provision.

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

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

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

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

Policy T8 requires car parking to be provided in accordance with adopted standards. This is consistent with paragraph 39 of the NPPF which requires local planning authorities to set such standards reflecting local circumstances.

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

The properties would each be provided with a garage of at least 3m x 7m and forecourt parking. This is acceptable from a numerical viewpoint.

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

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

Rhoda Road is an unmade road. In such situations, where development relies for access upon an unmade road, the Council may seek a contribution from the developer for improvements to the road in accordance with the provisions of the Developer Contributions Guidance Supplementary Planning Document (Adopted 1st October 2008) to ensure the provision of an appropriate means of pedestrian and vehicular access to the site. In this particular instance, the development proposed is for two dwellings. Whilst it is likely that the development would give rise to some additional traffic movements along this section of Rhoda Road, given the scale of the development proposed and the proximity of the site to London Road it is not considered that the level of traffic and resultant impact on the road would be so great that a request for contributions in this instance would be justified. No objection is therefore raised to the proposal on the basis of Policy T7.

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

Conclusion

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

The proposed development is considered to have an acceptable relationship with the surrounding area, both in visual terms and in terms of its impact on adjacent residents. Accordingly it is recommended that planning permission be granted.

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

My **RECOMMENDATION** is: APPROVAL, subject to the following conditions:

1. CON2 (Time limit).
2. CON9 (Submission of landscaping scheme).
3. CON10 (Implementation of landscaping scheme).
4. CON11 (Aftercare of landscaping).

5. CON17 (Submission of materials details).
6. CON18 (Implementation of materials).
7. CON19 (Submission of hard surfacing details).
8. CON20 (Implementation of hard surfacing).
9. CON29 (Obscure glazed and non opening side windows).
10. CON33 (Only built in accordance with approved levels details).
11. Prior to the occupation of either dwelling hereby permitted, details of boundary treatments to be erected shall first be submitted to and approved in writing by the local planning authority.
Reason: To ensure that the development is in character with its setting.
12. The details approved under Condition 11 above shall be provided at the site before first occupation of either dwelling and retained thereafter in accordance with those details at all times.
Reason: To ensure that the development is in character with its setting.
13. CON101 (Application approved without amendment).

Standard Conditions

CON1	Outline Time Limit and Reserved Matters
CON2	Full Application Time Limit
CON3	Vehicular Access Visibility Splay
CON4	Junction Visibility Splay
CON5	Screen Wall / Fencing
CON6	Submission of Evergreen Hedge details
CON7	Implementation of Evergreen Hedge
CON8	Retention of Trees
CON9	Submission of Landscaping Scheme
CON 10	Implementation of Landscaping Scheme
CON 11	Maintenance of Landscaping Scheme
CON 12	Submission of Tree Planting Scheme
CON 13	Implementation of Tree Planting Scheme
CON 14	Maintenance of Tree Planting Scheme
CON 15	Schedule of External Surfaces
CON 16	Materials to Harmonise With Existing
CON 17	Submission of Materials
CON 18	Implementation of Materials
CON 19	Submission of Hardsurfacing Details
CON 20	Implementation of Hardsurfacing
CON 21	Pd Rights Removed Small Site
CON 22	Pd Rights Removed Relationship With Other Buildings
CON 23	Pd Rights Removed Green Belt
CON 24	Demolition of Existing Dwelling
CON 25	Forecourt Depth Unclassified Roads
CON 26	Forecourt Depth Classified Roads
CON 27	Protection of Trees
CON 28	Retention of Parking Spaces
CON 29	Obscure Glazed Non Opening Windows
CON 30	Luminance Control Highway Safety
CON 31	Luminance Control Residential Amenity
CON 32	Levels Submission
CON 33	Levels Implementation
CON 34	Filter Details Submission
CON 35	Filter Details Implementation
CON 36	Ecological Survey Submission
CON 37	Ecological Survey Implementation
CON 38	Badger Survey Submission
CON 39	Badger Survey Implementation
CON 40	Bat Survey Submission
CON 41	Bat Survey Implementation
CON 42	Balcony Terrace Screen
CON 43	Annexe Only Not Independent Dwelling
CON 44	Extension Only Not Independent Dwelling
CON 45	Vehicular Crossover Widening
CON 46	New Vehicular Crossover
CON 47	Tree Works In Accordance With British Standards

CON 48	Tree Works Supervision
CON 49	Environment Agency Desktop Study
CON 50	Environment Agency Implementation of Pollution Control
CON 51	Storage of Building Materials within the site.
CON52	Submission Of Flood Response Plan.
CON53	Enactment Of Flood Response Plan
CON54	Provision Of Badger Ramp.
CON55	Badgers - Hand Digging Of Foundations.
CON 56	Protection Of Badgers - Changes In Levels.
CON57	Badgers – Pathways.
CON58	Badgers - Security Fencing.
CON59	Travel Scratch cards.
CON60	Hydrodynamic and Hydrostatic Pressure
CON61	Flood resistant and resilient construction
CON62	Flood resistance and resilience measures – Implementation
CON63	Contamination
CON64	Contamination
CON65	Contamination

Informatives

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