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AGENDA

Committee: DEVELOPMENT CONTROL

Date and Time: Tuesday 30th July 2013 at 7.30 p.m.

Venue: Council Chamber

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

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

Canvey Island Town Councillors : Peter Greig and Liz 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 2nd July 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 JULY 2013

PRESENT: Councillors Brunt (Chairman), Ladzrie (Vice Chairman), Anderson, Barrett, Blackwell, Cross, Mrs Govier, Hart, Mrs King, Smith, Mrs Wass; and Canvey Island Town Councillors Peter Greig and Liz Swann.

Councillors Mrs Goodwin and Walter also attended.

Apologies for absence were received from Councillors Mrs Liddiard and Skipp.

5. MEMBERS' INTERESTS

There were no disclosures of interests.

6. MINUTES

The Minutes of the meeting held on 4th June 2013 were taken as read and signed as correct.

7. DEPOSITED PLANS

(a) CPT/127/13/FUL – 192 HIGH ROAD, BENFLEET (BOYCE WARD) – TWO PAIRS OF ONE BEDROOMED BUNGALOWS TO PROVIDE 4 SHELTERED HOUSING UNITS – PULLAN AND HUNT

The application sought planning permission to provide two pairs of one bedroomed semi-detached sheltered bungalows within the curtilage of an existing sheltered housing complex.

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

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

The application was presented to the Committee at the request of Councillors Mrs Goodwin and Smith.

Mrs Peters, a local resident, spoke in objection to the application.

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

During discussion Members felt that the application was not suitable and agreed with the Planning Officer's recommendation.

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

1. The proposal by reason of the proximity of the proposed dwellings to the northern boundary and its poor relationship to the existing block of flats would result in the creation of a mean and cramped form of development, out of scale and character with, and detrimental to, the character and visual amenity of, the surrounding area and the setting of the main building on the site, contrary to Policy EC2 of the adopted Local Plan and Government guidance as stated in paragraph 64 of the National Planning Policy Framework (NPPF).
 2. The proposed dwellings are located to the north of the existing block of flats; the access to the proposed dwellings and the amenity area to the rear of the site being located between the proposed new dwellings and the existing flats. Such access, whilst pedestrian, is extremely restricted in terms of its width and use will force occupiers to pass in close proximity to the living accommodation served by windows in the northern elevation at ground floor level. In this context, it is considered that the access to the proposed new dwellings would result in a loss of privacy to the occupiers of those flats, contrary to Policy EC3 of the adopted Local Plan and Government guidance as contained in paragraph 64 of the National Planning Policy Framework (NPPF).
 3. By virtue of the relationship created between Block A and the main building on the site, it is considered that the proposed development would dominate the outlook from the existing ground floor flat on the northern elevation to the detriment of the amenity the occupiers of that flat should reasonably expect to enjoy, contrary to Policy EC3 of the adopted Local Plan and Government guidance as contained in paragraph 64 of the National Planning Policy Framework (NPPF).
 4. The proposed development fails to demonstrate the provision of adequate refuse storage facilities contrary to Policy H17, RDG13 of the adopted Local Plan.
- (b) CPT/179/13/FUL – LAND ADJACENT TO 'WHITEGATES', GOLDFINCH LANE, BENFLEET (ST. PETER'S WARD) – 2 NO. 3 BED SEMI DETACHED DWELLINGS AND 3 NO. 3 BED TERRACED DWELLINGS WITH INTEGRAL GARAGES AND ASSOCIATED PARKING – SOUTH EASTERN CONSTRUCTION**

The application sought planning permission for the erection of five dwellings on land currently allocated for Green Belt purposes and within the Great Burches Landscape Improvement Area. In principle, the proposal was considered to be an inappropriate form of development.

The proposal was presented to the Committee as the application site included land within the control or ownership of the Local Authority. The Planning Officer also advised the Committee of the outcome of the Glebelands appeal and that the assessment of the case and recommendation was still appropriate.

During discussion Members felt that the application was not suitable and agreed with the Planning Officer's recommendation.

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

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

**(c) CPT/192/13/FUL – 84 WARREN ROAD, LEIGH ON SEA (ST JAMES' WARD)
– DEMOLISH EXISTING CONSERVATORY AND CONSTRUCT A PART
SINGLE STOREY MONOPITCHED ROOFED, PART TWO STOREY HIPPED
ROOFED, REAR EXTENSION AND RAISE RIDGE AND FORM THREE
PITCHED ROOFED DORMERS TO REAR – MRS A MACNAUGHTAN**

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

It was considered that the proposal satisfied all relevant policies as contained within the Council's Adopted Local Plan and the provisions of the Residential Design Guidance.

The application was presented to the Committee as the applicant was related to a member of staff.

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

- (d) **CPT/243/13/FUL – CALOR GAS LTD, CANVEY TERMINAL, THAMES ROAD, CANVEY ISLAND (WEST WARD) –INSTALLATION OF 1 NO. 1.8M DIAMETER DISH AND 1 NO. 0.6M DISH AT 55.65M ON EXISTING TOWER, REPOSITIONING OF 2 NO. 0.3M DIAMETER DISHES AT 55M AND 57.1M AND INSTALLATION OF 1 NO. EQUIPMENT CABINET AND ASSOCIATED WORKS – VIGILANT GLOBAL LIMITED**

The proposal involved the installation of additional telecommunications apparatus to an existing 60m tall lattice tower.

It was considered that the proposal represented an acceptable form of development.

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

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

8. QUARTERLY ENFORCEMENT UPDATE

A quarterly enforcement update report was presented to the Committee so that Members were aware 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 Committee requested that its thanks be recorded for the work carried out by the enforcement team.

Chairman

ITEM 1

Application No.: CPT/306/13/FUL

Address: 5 HUDSON WAY, CANVEY ISLAND, ESSEX
(Winter Gardens)

Description of Development: RELOCATION OF FENCE TO REAR BOUNDARY
TO INCLUDE GARAGE AND DRIVEWAY

Applicant: MRS. CLAIRE DOWDALL

Case Officer: S.WEISS

Summary

The application seeks permission to extend the existing 1.8m high fence, along the side boundary of the site and to the rear boundary to incorporate the detached garage and associated driveway into the rear garden of the dwelling. The proposal will result in vehicular access to the existing garage being removed. As a consequence the occupiers of the dwelling would be reliant on land at the front of the site to provide for their parking needs. The front of the site is insufficient in size to provide adequate parking facilities and as a result it is considered that the proposal would result in detriment to highway safety, contrary to policies T8 and EC2 of the adopted Local Plan. The application is consequently recommended for REFUSAL.

The application is presented to the Committee as the applicant is a member of staff.

Introduction

The application property is a detached house with a detached single garage situated on the western side of Hudson Way at its junction with Beecroft Crescent. The application site has a frontage of some 13.5m and a depth of some 29m.

The front of the property is partly hardsurfaced and partly landscaped with vehicular access onto Hudson Way.

The northern elevation of the property faces Beecroft Crescent. There is a garage and associated driveway to the rear of the site with vehicular access from Beecroft Crescent.

Site Visit

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

The Proposal

Planning permission is sought to extend the existing 1.8m high fence for 3.5m along the northern boundary of the site, enclosing the rear garden of the dwelling to the rear boundary and incorporating the detached garage and associated driveway into the garden area.

The new timber fence would comprise feathered edged panels with concrete gravel board and posts to match the existing fencing.

Planning History

CPT/1397/83 – Outline application for residential development and construction of foul drainage system – Approved 6th December 1983

CPT/1397/83/RES – Details of one hundred and seventy-one dwellings, and construction of roads and sewers – Approved 17th June 1986 – the application property was plot 102 of this consent.

Local Plan Allocation

Residential

Relevant Policies and Government Guidance

National Planning Policy Framework

Paragraphs: 17, 56, 57, 64.

Local Plan

- EC2 Design
- EC3 Residential Amenity
- T8 Car Parking Standards
- H17 Housing Development – Design and Layout

Residential Design Guidance

- RDG3 Building Lines
- RDG10 Enclosure and Boundary Treatment

Consultation

Neighbour Responses –

1 response has been received from No.1 Beecroft Crescent with the following objection comments:

- Proposal would change the character of the front of No.1 Beecroft Crescent
- Purchased the property as there was a bungalow on one side and a drive on the other, giving a feeling of 'space' around the property
- Moving the fence will dominate front garden and encroach on privacy

- Noise and disturbance will increase as the garden will move closer to boundary and main bedroom
- As London Taxi driver who works nights and as No.5 Hudson Way is a young family dwelling there is often playful noise from the garden which is acceptable at present.
- View into road would be compromised
- Most properties in this area have low rise fences and walls to the front
- Owned property for 13 years and plan to stay, during our ownership No.5 Hudson Way has been brought and sold 3 times. Such a change will have an effect on us whilst in all probability be transient for the owners
- Current fence boundary is broken and unkempt and imagine in probability this is how the fence will look in a couple of years time

Comments on Consultation Responses

- The ownership of the property and the number of owners in recent years is not a material consideration
- The maintenance of the fence is the responsibility of the owner and cannot be controlled by planning legislation
- All other comments will be considered in the evaluation of the proposal

Evaluation of Proposal

Visual impact

Policy EC2 of the adopted Local Plan states that a high standard of design is expected in extensions and alterations to existing buildings. In particular regard is to be given to the scale, density, siting, design, layout and external materials of any development, which shall be appropriate to its setting and which should not harm the character of its surroundings. Policy H17 states that in assessing the design aspects of the proposals for housing, the Local Planning Authority will have regard to its adopted design guidelines, Residential Design Guidelines (RDG). These policies are considered to be in compliance with the National Planning Policy Framework (NPPF).

RDG10 states that the means of enclosure should be informed by the prevailing character of the area and surrounding forms of enclosure, both in terms of materials and position; however it must not repeat poor forms of development.

There is an existing 1.8m high fence along the northern boundary of the site, fronting Beecroft Crescent. This fence then turns south at a point some 2.4m from the western boundary of the site and segregates the garden from a private drive serving a garage located to the rear of the dwelling. The proposal will remove the existing fence to the rear garden and extend the northern fence to incorporate the garage and driveway into the rear garden, precluding vehicular access to this part of the site.

The proposed fence will be of the same materials as the existing fence.

Generally the provision of a 1.8m fence tight to a highway boundary results in the increased feeling of enclosure within the street scene. There are existing 1.8m high fences on both sides of the junction of Beecroft Crescent with Hudson Way along the northern boundary of the site and the southern boundary of No.7 Hudson Way. The

proposal will extend the existing fence by some 3m. It is not considered that this degree of extension, in an area where the junctions are already dominated by the provision of return fences, would have so significant an impact on the character, appearance and openness of the estate that a reason for refusal on this basis could be sustained on appeal.

An adjoining resident has objected to the proposal on the basis that the new fence would reduce the openness of his site and detract from the character and appearance of his dwelling. It should be noted that the fence along the northern boundary of the site, adjacent to the adjoining property, could be erected without the need for planning permission, such work constituting permitted development. It is only at the point at which the fence abuts the highway that consent is required. Under these circumstances it is not considered that an objection to the proposal on the basis of the impact on the setting of the adjoining property could be sustained on appeal.

Under these circumstances no objection is raised in design terms under Policy EC2 and guidance RDG10 to policy H17.

Highway Implications and Parking

Policy EC2 also states that all modes of movement must be made safe and convenient.

Policy T8 of the current Local Plan requires off-street parking to be provided in accordance with County parking standards which require the provision of a minimum of two spaces, each having a size of 5.5m by 2.9m, for properties with two or more bedrooms. This is consistent with paragraph 39 of the NPPF which requires local planning authorities to set such standards reflecting local circumstance.

The application dwelling has four bedrooms and would require a minimum of two parking spaces. The proposal will remove the access to the garage and its associated driveway to the rear of the property. The property is therefore reliant on the front of the site to provide all its parking needs.

The submitted plan shows a layout of two parking spaces parked at an angle to the highway. The parking spaces shown on the submitted plan are some 4.5m by 2.3m, and therefore are below the adopted standards. Furthermore the layout is contrived making it difficult to manoeuvre into the spaces safely and conveniently.

The provision of two spaces of the requisite size would be difficult to provide given the size of the available area at the front of the site. In exceptional circumstances however, these spaces can be reduced to some 5m by 2.5m. Even in these circumstances the provision of two conveniently manoeuvrable spaces within the confines of the site is difficult. The depth of the site is restricted to some 5.4m and 5.05m in front of the bay window and the front boundary of the site angles towards the dwelling. If a vehicle is parked in front of the bay window perpendicular to the highway a substantial part of the parked vehicle would be likely to overhang the highway to the detriment of the safety and convenience of pedestrians. Such an

arrangement is unacceptable, particularly in the light of the location of the dwelling in close proximity to a school, surgery and local shopping area, where pedestrian levels may be anticipated to be relatively high.

Furthermore, it is proposed to provide these parking spaces in close proximity to the junction of Beecroft Crescent and Hudson Way. It is considered that accessing and egressing the spaces would be likely to result in significant manoeuvring within the highway. Such manoeuvring in close proximity to the junction is considered likely to be detrimental to the safety and convenience of other road users. An objection is raised accordingly.

Detailed consideration of the site indicates that one parking space could be provided on the front of the site however it would be difficult to provide a second space which is convenient, safe and meets the standards. In its current form therefore the proposed parking arrangement is unacceptable.

It is possible to reduce the parking requirement to one space only if the site is considered to be within an urban area that has good links to sustainable transport. The application property is within 350m of a local shopping parade and bus stops offering a service to the Town Centre and Benfleet station. However the number of buses serving these stops is limited and not considered frequent.

It is also known that the applicant currently seeks to accommodate two vehicles on the site.

Under these circumstances it is not considered appropriate to reduce the parking requirement.

Whilst the applicant's desire to increase the size of the private amenity area serving the dwelling is appreciated, the proposal will reduce the amount of useable parking within the site to a substandard level resulting in detriment to highway safety and convenience, contrary to Policies T8 and EC2 of the adopted Local Plan. An objection is raised accordingly.

Concern has been raised regarding visibility when entering Beecroft Crescent after the erection of the proposed extension to the fence. It is not considered that the extension the fence would have any adverse impact on visibility. No objection is therefore raised to the proposal on this basis.

Other issues

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

The new location of the fence will increase the available size of the rear garden area to the application property. However it is not considered unreasonable to have a garden area to another property within 1m of a side wall, particularly to the rear of corner plots. Therefore it is considered inappropriate to refuse the application on the basis that the applicants may use their garden and make noise associated with that

use. The proposal is not considered to have a significant adverse effect upon the residential amenity of No.1 Beecroft Crescent. No objection is raised to the proposal under policy EC3.

Conclusion

The visual impact of the new fence is considered unlikely to result in a detriment to the character and appearance of Beecroft Crescent. The new fence will not result in a detrimental impact to the residential amenity for No.1 Beecroft Crescent.

The proposed fence will remove the vehicular access to the garage and associated driveway to the rear of the site. The application dwelling would then become reliant on the front of the site to provide all its parking needs. The dwelling is not within a sustainable urban location. The front garden of the dwelling is inadequate in size to provide sufficient parking area to meet the needs of the dwelling and as a consequence it is considered that vehicles would either be parked on the site, but overhanging the highway to the danger and inconvenience of other highway users, or would be left on the highway to the detriment of highway safety, contrary to Policies T8 and EC2 of the adopted Local Plan.

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

My **RECOMMENDATION** is REFUSAL for the following reasons:

1. The proposed development would remove useable parking spaces located to the rear of the site and would fail to provide sufficient on-site parking to meet the needs of the dwelling. If approved it is considered likely that vehicles would be parked on the site in a manner likely to obstruct the footpath, or would be parked on the highway in Beecroft Crescent or Hudson Way, creating an obstruction to traffic flow, to the danger and inconvenience of other road users and resulting in an unattractive appearance to the streetscene, to the detriment of the character and appearance of the area, contrary to Policies T8 and EC2 of the adopted Local Plan.

APPENDIX 1

Standard Conditions

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

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

Informatives

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