

DEVELOPMENT CONTROL COMMITTEE

TUESDAY 3rd MARCH 2020

PRESENT: Councillors Dick (Chairman), Sharp (Vice-Chairman), Acott, Anderson, Blackwell, Cutler, Fuller, Hart, Mrs Haunts, Johnson, Mumford, Taylor and Mrs Wass.

Substitute Members Present: None.

Canvey Island Town Council Representatives Councillors Greig and Mrs Sach were also in attendance.

Also Present: Councillors Palmer, Skipp, Thornton and Wood.

There were no apologies for absence.

25. MEMBERS' INTERESTS

With regard to Agenda Item No. 5(c), the land the subject of the planning application being considered fell under the ownership of the son of the Leader of the Council, Councillor Norman Smith. Councillor Smith was known to all members of the Development Control Committee and this knowledge was recorded as a Disclosable Non Pecuniary Interest for all Members present.

No other disclosures of interest were made.

26. MINUTES

The Minutes of the meeting held on 4 February 2020 were taken as read and signed as correct.

27. DEPOSITED PLANS

- (a) **19/0697/FUL - 341-347 LONDON ROAD HADLEIGH BENFLEET ESSEX SS7 2BT (ST. JAMES' WARD) - DEMOLITION OF TWO RETAIL SHOWROOMS AND ERECTION OF ONE BLOCK COMPRISING OF 34NO. FLATS WITH ACCESS, PARKING TO THE REAR AND LANDSCAPING - BELLS RESIDENTIAL LIMITED**

The proposal represented the residential redevelopment of a brownfield site within the urban area. It was consistent with the provisions of the National Planning Policy Framework and, subject to conditions, was considered satisfactory in terms of all relevant design guidance and planning policy.

The proposal attracted a requirement for the provision of contributions to affordable housing, recreational disturbance avoidance and improvements to GP capacity. These contributions could be secured by agreement. Subject to the applicant being willing to enter into such an agreement, the proposal was recommended for approval.

The Committee's attention was drawn to an amendment to condition 26 to ensure that any lighting provided was installed prior to first occupation.

Mr Pomery, a representative of the applicant, spoke in support.

During debate some Members raised concerns about the deficiency in parking provision on site and that the proposed building was too high and overdominant to properties at the rear of the site. A Member also felt that the application represented overdevelopment of the site, would result in a lack of amenity space, the entry road to the site was too narrow meaning there was no room to accommodate bins and that a contribution toward affordable housing should be added. A Member also noted the comments from the NHS regarding the adverse impact on GP surgeries and questioned whether this would be a reason for refusal.

The Planning Officer explained that it had generally been the practice of the Authority to apply a standard of one parking space per residential unit to similar applications and unless it could be demonstrated that the planning circumstances on this site were significantly different from those applications it would be difficult to sustain this as a reason for refusal. There was acceptable open space near to the development therefore it was not considered that an objection to the proposal based on inadequate amenity space could be sustained. Properties to the rear of the site were over 20 metres away so the development would not be considered overdominant. Access to the site was 4 metres wide and adequate and there was a bin storage area on the site which was easily accessible by refuse vehicles. There was no planning policy which provided that a building could not be higher than its neighbours, indeed Government guidance encouraged the use of higher buildings due to the shortage of housing land. The impact on GP surgeries could be mitigated by a financial contribution therefore this would not provide a reason for refusal.

During discussion some Members queried why the provision of affordable housing was off-site as it was considered that this could be accommodated on-site and raised concern that no financial contribution had been offered by the applicant. The Planning Officer advised that Registered Social Landlords would not take on responsibility for part blocks of affordable housing because this caused difficulties with the management of the site. A viability assessment had now been submitted by the applicant and discussions were ongoing regarding the appropriate level of contribution.

In response to concerns regarding consultation with the fire service on the proposal it was confirmed that this was not a planning matter and was covered under building regulations.

Following debate it was:-

Resolved – That the application be approved subject to the applicant being willing to enter into a S106 agreement to achieve the provision of financial contributions towards the improvement of local health facilities, the mitigation of recreational disturbance and the provision of off-site affordable housing and the conditions as set out in the Planning Officer's report, subject to the amendment of condition 26 to ensure that any lighting provided is installed prior to first occupation.

(b) 20/0016/FUL - LAND ADJACENT TO 37 TEWKES ROAD CANVEY ISLAND ESSEX SS8 8HF (CANVEY ISLAND NORTH WARD) - CONSTRUCTION OF A 3 BEDROOM HOUSE WITH ASSOCIATED FACILITIES AND NEW PUBLIC FOOTPATH (REVISED APPLICATION) - D.R. BULLOCK BUILDERS LTD

The application sought permission for a new dwelling on a greensward located between existing dwellings, which was a former road and now closed to vehicular traffic. The narrow width of the plot and top heavy design of the dwelling was uncharacteristic of the area and the erection of a high fence to prevent overlooking from the footpath into No. 37 Tewkes Road would result in an unacceptable loss of outlook for the occupiers of the dwelling. The proposal therefore failed to provide the high quality development the National Planning Policy Framework (NPPF) sought to achieve and would outweigh any benefit derived from the addition of a new dwelling. The proposal was therefore recommended for refusal.

The application was presented to the Committee at the request of Councillor Hart over concerns that the proposal would: be overdevelopment, lack suitable amenity space, result in overlooking and affect public safety.

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

Councillor Greig, a representative of Canvey Island Town Council, spoke in objection to the application.

During discussion Members concurred with the Planning Officer's recommendation that the application should be refused for the reasons set out in the report.

Cllrs Hart and Anderson put forward additional reasons for refusal which were not put formally to the meeting as amendments to the to the recommendation.

Following the debate it was:

Resolved – Unanimously that the application be refused for the following reasons:

- 1 The proposal, due to its narrow plot width and design, would result in a dwelling of cramped and top heavy appearance which would be out of character with the surrounding pattern of development, unsympathetic to its surroundings and fail to add to the overall quality of the area, to the detriment of the character and appearance of the area contrary to RDG1 of the council's Residential Design Guidance and Government guidance as set out in paragraph 127 of the National Planning Policy Framework.
- 2 The proposed footpath fencing, by reason of its proximity to the habitable room served by a window on the flank wall of No.37 Tewkes Road, would unacceptably reduce and dominate the outlook of occupiers of that room to the detriment of the amenity of those occupiers contrary to RDG3 of the council's Residential Design Guidance and government guidance at paragraph 127f) of the National Planning Policy Framework which states that developments should create places that promote health and well-being with a high standard of amenity for existing and future users.

(Following the vote Councillor Hart queried whether his additional reasons for refusal had been added. The Chairman explained that they had not because no motion had been put to amend the recommendation. Furthermore it was unreasonable to expect the Committee to agree additional reasons without a detailed explanation of their meaning so it could assess whether they were justifiable in the circumstances. The Chairman suggested Councillor Hart submit the additional reasons in writing to the Planning Officer so that he could determine if they were applicable. In future any proposed amendments to the recommendation should be submitted to the Planning Officer in writing prior to the meeting to enable the officer to give detailed advice to the Committee on the appropriateness of those amendments and therefore enable the Committee to make an informed decision on them.)

(c) 19/0861/FUL - 243 VICARAGE HILL BENFLEET ESSEX SS7 1PQ (BOYCE WARD) - DEMOLITION OF DWELLING, GARAGE AND OUTBUILDING AND REPLACEMENT OF EXISTING DWELLING ON LAND TO REAR – MR SMITH

The proposal was for the replacement of a detached dwelling with a larger replacement detached five-bedroom house within an area of land allocated as Green Belt in the adopted Local Plan. The proposal did not fall within any of the exceptions set out under paragraph 145 of the National Planning Policy Framework (NPPF) and would be contrary to Policy GB4 of the adopted Local Plan. It therefore constituted inappropriate development. No very special circumstances had been identified to indicate that permission might exceptionally be approved, and the proposal was therefore recommended for refusal.

The application was presented to the Committee because the applicant was the son of Councillor Smith.

During debate some Members disagreed with the Planning Officer's recommendation for refusal as they believed that the application fell within the exceptions under paragraph 145(d) and 145(g) of the NPPF, that the development was not materially larger than the one it would replace and that it would not have a greater impact on the openness of the Green Belt than the existing development. Other Members concurred with the Planning Officer's view that the proposed development was materially larger than the existing one and would constitute inappropriate development which would have a detrimental impact on the openness for the Green Belt.

Following the debate it was:

Resolved – That the application be refused for the following reason as recommended in the Planning Officer's report:

The proposed development is located within the Green Belt as delineated within the Council's adopted Local Plan where inappropriate development is not permitted except in very special circumstances. The proposed dwelling is materially larger than the one it replaces and does not fall within any of the exceptions listed under paragraph 145 of the National Planning Policy Framework. The proposal therefore constitutes inappropriate development which by definition as well as the harm arising from its re-siting in a more sensitive and strategically important part of the Green Belt would have a detrimental impact on openness. The applicant has failed to demonstrate any very special circumstances to justify why the proposal might exceptionally be permitted and approval of the proposal would therefore be contrary to Policy GB4 of the adopted Local Plan and Government guidance as set out in the NPPF.

Chairman