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AGENDA

Committee: DEVELOPMENT CONTROL

Date and Time: Tuesday 3rd February 2015 at 7.30 p.m.

Venue: Council Chamber

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

**Membership: Councillors Ladzrie (Chairman), Smith (Vice Chairman),
Anderson, Blackwell, Burch, Cole, Cross, Hart, Mrs King,
Varker, Mrs Wass, N. Watson and Wood**

Canvey Island Town Councillors : Acott and Greig

**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 6th January 2014 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
1.	14/0542/FUL	Unit 23 Knightswick Centre, 21 Furtherwick Road, Canvey Island (Canvey Island South Ward)	1
2.	14/0662/FUL	Hadleigh and Thundersley Cricket Club, Cricket Pavilion, John Burrows Recreation Ground, Rectory Road, Hadleigh (Victoria Ward)	7
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6. Enforcement Update

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Report of the Head of Regeneration and Neighbourhoods is attached.

Site Visits

Members are advised that no site visits are recommended in respect of items attached to this agenda.

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DEVELOPMENT CONTROL COMMITTEE

6th JANUARY 2015

PRESENT: Councillors Ladzrie (Chairman), Smith (Vice-Chairman), Anderson, Blackwell, Burch, Cole, Hart, Mrs King, Mrs Wass, N. Watson, Wood and Canvey Island Town Councillors Acott and Greig.

Councillor Letchford also attended.

An apology for absence was received from Councillors Cross and Varker.

24. MEMBERS' INTERESTS

There were none.

25. MINUTES

The Minutes of the meeting held on 2nd December 2014 were taken as read and signed as correct.

26. DEPOSITED PLANS

(a) 14/0591/FUL – 84 WARREN ROAD, BENFLEET (ST JAMES' WARD) – REVISION TO APPROVED PLANS (CPT/192/13/FUL) TO PROVIDE A FLAT ROOFED SINGLE STOREY REAR EXTENSION WITH A ROOF LANTERN AND BALCONY OVER – MRS AMANDA MACNAUGHTAN

The application sought amendments to a previously approved scheme. The proposed amendments comprised the provision of a flat roof with a roof lantern and a balcony above the approved single storey rear extension instead of the previously proposed mono-pitched roof. The proposal complied with all relevant policies and Residential Design Guidance and was therefore recommended for approval.

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

Mr D'Ath, a local resident, spoke in objection to the application.

During discussion a Member stated that whilst the objections by local residents regarding overlooking and loss of privacy were noted the rear of edge of the balcony would be a distance of some 14.2m to the rear boundary and was in compliance with the guidance. Refusal of the application could not therefore be justified on this basis. Another Member felt that the residents' right to privacy

Development Control Committee – 6th January 2015

should be defended and stated that they could not therefore support the officer's recommendation.

Following consideration of the report Members considered that the proposal complied with all relevant policies and guidance and would have no adverse impact on the character and appearance of the street scene or the amenity of adjoining residents. It was therefore:-

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

Chairman

ITEM 1

Application Number:	14/0542/FUL
Address:	Unit 23 Knightswick Centre 21 Furtherwick Road Canvey Island Essex SS8 7AD (Canvey Island South Ward)
Description of Development:	Change of use from retail (Use Class A1) to betting shop (Use Class A2)
Applicant:	Coral Racing Ltd
Case Officer	Mrs Sophie Adams
Expiry Date	24.12.2014

Summary

The proposal seeks a change of use of a vacant unit within the primary shopping frontage in Canvey Island Town Centre from retail (Use Class A1) to betting shop (Use Class A2).

The applicant is relocating from another unit within the frontage, No.5 Furtherwick Road, and is willing to enter into a S106 agreement to relinquish the A2 use of No.5 Furtherwick Road in order to ensure the maintenance of a dominant retail element to the parade, in compliance with the Councils' adopted policies.

The proposal is not considered to have an adverse impact on the character, appearance or therefore recommended for APPROVAL subject to conditions and the applicant entering into the S106 agreement.

Site Visit

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

Introduction

The application site is within an area allocated for shopping purposes within Canvey Island Town Centre. More specifically it is a former retail unit within a two storey purpose built shopping complex, known as the Knightswick Centre. The Knightswick Centre has associated servicing areas and public car parks to serve the units within the shopping centre.

The surrounding buildings within Furtherwick Road are predominately two-storey buildings with commercial uses at ground floor and residential, offices or storage at first floor level.

The application site is located on the eastern side of Furtherwick Road, some 123m north of its junction with Foksville Road. It has a maximum width of some 6.1m and depth of some 17.8m. The application site is currently vacant.

The Proposal

Permission is sought to change the use of the unit from retail (Use Class A1) to betting shop (Use Class A2).

The applicant intends to relocate from its existing unit, No.5 Furtherwick Road, to the application site and is willing to enter into a S106 Agreement to relinquish the A2 use of its former site, if required, to effectively 'swap' the use of the two units.

The floor plans show changes to the position of the front door, and shop front; however this application has been submitted in respect of the change of use only. The separate formal consent of the planning authority will be required for the alterations to the shop front.

Supplementary Documentation

The application is accompanied by the following documents which are available to view on the Council's website:

- Email from Jim Maloney of Smith Price LLP regarding the marketability of the application site and
- Planning Statement

Planning History

CPT/622/13/PA – Temporary change of use for a period of up to two years from Use Class A1 to Use Class A2 beginning on 1st January 2014 – Decision: Prior Approval not required. 23.12.2013.

This provision within the Order allows the change of use of the unit to Use Class A2 without the formal consent of the planning authority, subject to it reverting back to its lawful use (Use Class A1) at the end of the flexible use period, which is a maximum of two years.

Local Plan Allocation

Shopping, Primary Shopping Frontage, Canvey Island Town Centre

Relevant Policies and Government Guidance

National Planning Policy Framework (NPPF)
Paragraph 23

Planning Practice Guidance

Current Local Plan (Adopted November 1998)

EC3	Residential Amenity
S3	Primary Shopping Frontages
S5	Parking and Servicing
T8	Car Parking Standards

Essex Parking Standards September 2009 (Adopted June 2010)

Canvey Town Centre Masterplan February 2010 (Adopted July 2012)

Consultation

Canvey Island Town Council

No objection

Public Consultation

No response received

Evaluation of Proposal

Principle

Paragraph 23 of the National Planning Policy Framework states that local planning authorities should, among other criteria, define the extent of town centres and primary shopping areas, based on a clear definition of primary and secondary frontages in designated centres, and set policies that make clear which uses will be permitted in such locations. The Council has defined the town centre with a definition of its primary frontage within Policy S3 of the adopted Local Plan. This states that within primary shopping frontages development falling within classes A2 or A3 will be permitted provided that the development would not result in the loss of the dominant retail element of that frontage and it would accord with all the other relevant policies in the Local Plan. This policy is considered consistent with paragraph 23 of the NPPF.

The proposal intends to change the use of a retail unit falling within use class A1, to a betting shop falling within use class A2. It is therefore necessary to consider whether this change would result in the loss of the dominant retail element of the primary shopping frontage. The preamble to Policy S3 states that A2 or A3 uses would not be permitted where these uses would exceed 45% of the total length of the primary shopping frontage. Appendix 16 of the adopted Local Plan identifies that the application site falls within the primary shopping frontage extending between Nos.3-59 Furtherwick Road.

The frontage has a total length of some 200.94m. The existing retail frontage is some 54.1% of the total frontage and the non-retail frontage is some 45.9%. The proposal would reduce the retail frontage to some 51.1% and increase the non-retail frontage to some 48.9%. The proposed use would therefore result in a frontage of non-retail uses exceeding 45%. The proposal would therefore be contrary to Policy S3 of the adopted Local Plan and should attract a recommendation of refusal.

The applicant is aware of this potential and has provided additional information in support of the application including the potential of flexible uses, the problems experienced in securing a retail user for the unit and an option for securing retail within a separate unit.

Prior approval has been recently sought for a change from Class A1 to Class A2 for a single continuous period of up to two years. This proposal constituted permitted development under the General Permitted Development Order (as amended), and was stated to commence on 1st January 2014. To date the use has not commenced; however the presence of this consent represents a fallback position for the applicant. This fallback position would however expire at the end of two years and the use of the unit would then be required to revert back to the former lawful use, retail. The fallback position is however limited by virtue of its temporary

nature and is considered therefore to provide limited weight in support of the proposal for the permanent A2 use of the site.

It has been suggested by the applicant that a retail use cannot be obtained for the unit and this is supported by an email from Joe Maloney of Smith Price LLP, which states:

“Unit 23 (the application site) was first offered to market in the spring of 2008. The property has been marketed extensively during the six years with a board being placed on the unit. The property has been marketed via the ‘Shop Property’ and ‘Completely Retail’ websites together with targeted marketing to local, regional and multiple retailers. Details have been periodically sent to all Essex and London agents...and all retailers operating in nearby towns such as Grays, Basildon and Southend.

Unfortunately there has been no meaningful tenant interest during this entire period. Unfortunately, as you will appreciate the letting market in Canvey Island is tough with too many vacant units deterring potential retailers.

The offer from Coral is the first meaningful proposal.

The trend is for retailers to migrate to stronger town centres taking advantage of the fact that rents have been falling for several years now and unfortunately it is very difficult to attract retailers to Canvey Island.”

The available marketing material for this unit shows that attempts have been made to secure tenants for the unit at a rental of £25,000 p.a.

The Castle Point Borough Council Whole Plan Viability Study, Stage One Report suggests that an appropriate rental value for in town retail units would be between £17,325 p.a. and £19,250 p.a. Based on this information and the limited marketing information provided by the applicant it is not considered that a robust statement on marketing difficulties has been made to support the loss of the dominance of retail uses within this primary shopping frontage.

The applicant intends to relocate from its existing unit, No. 5 Furtherwick Road, to the currently vacant retail unit, No.21 Furtherwick Road. Both units have a frontage of some 6.1m and both units are within the same primary shopping frontage. Granting permission for the current proposal would increase the level of A2 uses within the parade as the existing unit would retain its lawful use. However, the applicant is mindful of the Council’s policy in respect of retail frontages and has offered to enter into a Section 106 Agreement or accept consent subject to a planning condition that required the cessation of the A2 use of Unit No.5 immediately upon occupation of No.21, the use in effect swapping between units.

Swapping uses between units would no impact on the extent of the retail frontage and would have no impact on the vitality or viability of the Town Centre. On the basis that such action would therefore cause no discernible harm to the Town Centre there would appear to be merit in considering the controls offered by the applicant.

The imposition of a condition on the grant of any consent would be inappropriate in this case as the two units are separated by some 28m and such an arrangement would require the agreement of additional parties, including the owner of the other unit. A condition is unlikely to be capable of enforcement unless all interested parties were in agreement and cannot be used

to bind third parties to a decision. Under these circumstances there could be limited confidence that the condition could ensure the extinguishment of the A2 use on the applicant's existing site.

A Section 106 Agreement is considered a more appropriate vehicle for achieving the relinquishment of user rights on Unit No.5. For such an agreement to be successful the owners of Unit No.5 of the Knightswick Centre would need to be a party to the agreement. The applicant has confirmed the owner is willing to enter into such an agreement and under these circumstances, given the neutral impact of the proposal on the Town Centre no objection is raised to the proposal under Policy S3 of the adopted Local Plan and NPPF.

The application site is located within the area covered by the Canvey Town Centre Masterplan. This document was adopted July 2012 subject to caveats. The proposal is not considered to contravene the aims of the Masterplan.

Residential Amenity

Policy EC3 of the current Local Plan provides 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. This policy is considered to be in compliance of the NPPF. In this case, paragraph 123 of the NPPF is of particular relevance.

The application site is located within a Primary Shopping Frontage within Canvey Town Centre. Such locations would be expected to be subject to a certain level of noise; however, use of the unit as a betting shop is considered unlikely to generate a significant level of noise and the nearest residential units are some 15m from the application site. Under such circumstances, no objection is raised to the proposal under Policy EC3.

Parking

Policy S5 requires the provision of adequate parking and servicing facilities for development in shopping areas and Policy T8 requires off-street parking to be provided in accordance with County parking standards. These policies are consistent with paragraph 39 of the NPPF which requires local planning authorities to set such standards reflecting local circumstances.

The County parking standards for uses falling within Use Class A2 require one space per 20m². It is noted that the parking requirements for uses falling within Use Class A1 (excluding food stores) also require one space per 20m².

The application site is located within the Knightswick Shopping Centre. The centre has associated parking and servicing facilities to serve the development. It is considered that these facilities are sufficient to meet the needs of the proposal and given that the proposal would not give rise to the need for additional parking under the adopted parking standards, no objection is raised to the proposal on parking grounds.

Conclusion

The application is located within the primary shopping frontage within Canvey Island Town Centre. The applicant is relocating from another unit within the frontage, No.5, to another within the same frontage, No.21, and is willing to enter into a legal agreement to ensure the vacated unit returns to a retail use. Subject to the completion and execution of that legal agreement

there would be no change to the level of retail frontage within the parade and no change in the extent of non-retail uses within the primary shopping frontage.

The proposal raises no parking implications and will not adversely affect residential amenity.

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, subject to the completion of a satisfactory S106 Agreement ensuring that Unit No 5 returns to A1 retail use on the commencement of the use hereby approved, then the Head of Regeneration & Neighbourhoods be authorised to GRANT PERMISSION subject to the following conditions

- 1 The development hereby permitted shall be begun on or before the expiration of five years beginning with the date of this permission.

REASON: This condition is imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

- 2 The permission should be read in conjunction with the Section 106 Legal Agreement dated contemporaneously with this permission.

REASON: In order to ensure the vacated unit, No.5 Furtherwick Road, is returned to retail use (Use Class A1) in order to maintain the dominance of retail uses within the Primary Shopping Frontage in Canvey Island Town Centre.

Informatives

- 1 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

ITEM 2

Application Number:	14/0662/FUL
Address:	Hadleigh & Thundersley Cricket Club Cricket Club Pavilion John Burrows Recreation Ground Rectory Road Hadleigh (Victoria Ward)
Description of Development:	Construction of two storey side extensions to provide extended first floor bar / function space, additional ground floor changing facilities and public access w.c and re-locate storage container
Applicant:	Mr Ron Curtis
Case Officer	Mrs Ishita Sheth
Expiry Date	04.02.2015

Summary

The application seeks the provision of two storey side extensions and a single storey side extension to the existing cricket pavilion. It is considered that the proposal would accord with the provisions of the National Planning Policy Framework and Adopted Local Plan policies and the proposal is therefore recommended for APPROVAL.

The application is presented to the Committee as the land, the subject of the application, is within the control or ownership of the Council.

Site Visit

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

Introduction

The John Burrows Recreation Ground extends to some 8.5 hectares in area and is located to the north of Hadleigh Town Centre. The site is bordered by New Road to the south and Rectory Road to the east. To the north of the site are allotment gardens and residential properties in Springfield Road and Rectory Road. To the west of the site are residential properties in Templewood Road and Falbro Crescent.

This application relates to the cricket pavilion that lies towards the southern end of the site adjacent to the eastern boundary.

The Proposal

Permission is sought to provide a part two storey side extension to the western side and a two storey extension to the eastern side of the existing cricket pavilion.

The extension to the western side is of an irregular shape having a maximum width of some 10.4m and a maximum depth of some 10.4m. The proposed extension to the eastern side would also be irregularly shaped having a maximum width of some 6m and a maximum depth of some 7m. The proposed extensions would have a maximum height of some 5.7m.

The extended building would provide two lobby areas, two team rooms, four changing rooms, a match official's changing room, toilets, shower rooms and various store areas at ground floor level and a bar, viewing area, store areas, kitchen and toilets at first floor level.

It should be noted that the proposed changing rooms at ground floor level within the proposed eastern wing are accessed from outside the building and are not internally connected to the main building. These changing rooms are proposed to be used by football teams. Similarly an externally accessed unisex toilet is provided to the western wing. This single storey flat roofed block would measure some 1.8m by 3m maximum and have a height of some 2.5m. This is proposed to be managed by the Hadleigh and Thundersley Cricket Club.

It is proposed that the first floor space will also be used for local community groups as well as guests and members of the club for a wide range of activities ranging from an 'Over 60's' club, slimming groups, community drama groups, U3A activities, community choirs, etc.

The operational hours proposed are 6pm to 11.30pm Mondays to Fridays, 10 am to 11.30 pm on Saturdays and 12 noon to 11.30 pm on Sundays.

The proposal also seeks to relocate the existing container from the eastern side of the existing pavilion building to an area adjacent to the existing cricket nets facility adjacent to the northern boundary of the cricket field.

Planning History

- o 14/0452/FUL – Construction of balcony/viewing gallery to existing cricket pavilion APPROVED 8th October 2014.
- o CPT/301/09/FUL – Cricket Practice Facility APPROVED 1st September 2009.

It should be noted that the Planning Authority is unable to identify any consent for the existing container on the site.

Local Plan Allocation

Public Open Space

Relevant Government Guidance and Local Plan Policies

National

- o National Planning Policy Framework - Para 69, 70 and 73

Local Plan

- o EC2 Design
- o EC3 Residential Amenity

Consultation

Legal Services

No comments received

Operational Services Manager

No comments received

Neighbour Consultation

No responses received

Comments on Consultation Responses

None

Evaluation of Proposal

Paragraph 69 of the NPPF states that planning decisions should aim to achieve places which promote opportunities for members of the community who might not otherwise come into contact with each other, including through mixed use developments and strong neighbourhood centres.

Paragraph 70 of the NPPF states that to deliver the social, recreational and cultural facilities and services the community needs, planning decisions should plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments.

Paragraph 73 of the NPPF states that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.

The proposal seeks to provide extensions to the existing cricket pavilion to provide enhanced facilities for the cricket club, the community and football teams who use the pitches and facilities at John Burrows Recreational Ground. It is considered that such provision would facilitate involvement in, and the enjoyment of, sport related and community activities and as such the proposal would be consistent with the provisions of the NPPF.

Policy EC2 of the adopted Local Plan states that a high standard of design will be expected of all alterations and extensions to existing buildings.

The proposed extensions reflect the design and character of the existing pavilion and would incorporate materials which would harmonise with the existing building. Although the resultant building is of limited architectural merit, it is not considered that the proposal would be so harmful to the character of the building or the area that a refusal on this basis could be successfully sustained on appeal. No objection is therefore raised to the proposal under Policy EC2 of the Council's Adopted Local Plan.

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

The proposed works would be a minimum of some 20m from the front walls of those dwellings fronting Rectory Road.

At ground floor level the proposal seeks to provide changing accommodation. It is not considered that the use of these elements of the proposal would give rise to such noise and disturbance to adjoining residents that an objection to the proposal on this basis could be sustained on appeal.

At first floor level the nearest works would comprise a store room and WC. Use of these areas is similarly not considered likely to give rise to unacceptable levels of noise and disturbance. Any first floor windows within the proposed extended building would either overlook the highway or the playing fields and it is therefore not considered that these would result in any undue overlooking of the neighbouring properties. No objection is therefore raised to the proposal on the basis of overlooking and loss of privacy.

This application also seeks the relocation of an existing storage container. It should be noted that the Planning Authority has been unable to identify any consent granted in respect of the existing container and the proposal therefore seeks to regularise an unauthorised structure and provide an alternative location for the structure, which is required for the storage of bulky items such as rollers, soaking mats, paints, etc.

It is unfortunate that storage facilities for the items stored within the container could not be accommodated within the design of the extended pavilion; however the applicant has advised that this is not possible and consequently consent for the retention and relocation of the storage container is sought.

The proposed steel freight container cannot be said to be sensitively designed. The steel structure is a feature more commonly associated with industrial or maritime environments and as such it would appear obtrusive and alien in the more open landscape of John Burrows Recreational Ground. It is considered that in principle the location of steel containers for storage purposes is inappropriate by virtue of their insensitive and unattractive design and ordinarily permission for the use of open land for storage purposes would attract a recommendation of refusal. In a number of cases however Members have taken the view that in cases involving community groups a temporary consent may be granted in respect of such structures, in order to allow users sufficient time to identify and fund a more suitable storage solution.

A similar response is considered appropriate in this instance. It is therefore recommended that a temporary consent be granted in respect of the stationing of the storage container on the site for a period not exceeding three years within which time the applicant would be expected to identify a more suitable storage solution. Such temporary consent can be secured by condition.

Conclusion

The application seeks consent for the provision of two storey and single storey side extensions to the existing cricket pavilion and the retention and relocation of a storage container.

It is considered that the proposed extension works would accord with the National Planning Policy Framework and the Council's Adopted Local Plan Policies and accordingly this element of the proposal is recommended for approval.

The relocation of the existing storage container results in a more sensitive siting of what is considered to be an unacceptable form of development. Whilst the proposal represents an improvement over the current situation the long term retention of this form of storage solution is considered inappropriate and an alternative, more sensitive response should be identified. In order to facilitate this it is recommended that consent for the retention of the storage container be granted for a period of three years only during which time the applicant will be expected to identify a more suitable form of storage for bulky items.

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

My Recommendation is Approval with the following conditions

- 1 The development hereby permitted shall be begun on or before the expiration of five years beginning with the date of this permission.

REASON: This condition is imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

- 2 The external surfaces of the development hereby approved shall be treated in accordance with the submitted schedule of finishes from which there shall be no departure without the prior formal consent of the Local Planning Authority.

REASON: To ensure a satisfactory form of development in sympathy with the existing development and the character of the surrounding area.

- 3 The storage container shall be retained on the site for a period of three years only from the date of this consent, on or before which date the container shall be removed from the site and the land restored to its former use.

REASON: The proposal represents a poor form of development which the Planning Authority would not wish to see retained on a permanent basis.

- 4 The proposed storage container shall be painted dark green and permanently retained as such whilst located on the site.

REASON: In the interests of preserving the amenity of the site and reducing the impact of the storage container on the character and appearance of the area.

Informatives

- 1 In undertaking the works hereby approved you are advised to satisfy yourself of your obligations to occupiers of adjoining properties in accordance with the Party Wall etc. Act 1996, details of which can be inspected at these offices or you may obtain details free of charge from the Planning Portal website (www.planningportal.gov.uk) under Building Regulations.
- 2 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

ITEM 3

Application Number:	14/0733/FUL
Address:	Rear Of Silver Jubilee Hilton Road Canvey Island Essex SS8 9UB (Canvey Island Winter Gardens)
Description of Development:	Construction of 2 No. 4 bed detached houses and 2 No. 3 bed link detached chalets
Applicant:	Mr Mark Smith
Case Officer	Mr Keith Zammit
Expiry Date	09.02.2015

Summary

The application seeks to use part of the site of the former Silver Jubilee Public House to provide four single family dwellinghouses. The proposal complies with all relevant policies and guidance and represents the appropriate development of a brownfield site for residential purposes. As such the proposal is recommended for APPROVAL

The application is presented to the Committee at the request of Councillors Greig and Watson.

Site Visit

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

Introduction

The application relates to a largely hard surfaced area of land that was formerly part of the car park serving the Silver Jubilee Public House. This site has been separated from curtilage of the former public house and is now in separate ownership.

To the west of the site is the former Silver Jubilee pub which has been converted to retail use under permitted development rights. There is also an application lodged with the Council for the provision of flats within part of the building that is not being used for retail purposes.

To the east of the site are residential properties fronting Briarswood together with a property in non-residential use as a beauty clinic at the junction of Briarswood and Hilton Road. To the south of the site is a narrow part of the curtilage of 11 Briarswood, beyond which is the Winter Gardens Primary School.

The Proposal

Permission is sought for the erection of four single family dwellinghouses within a cul de sac setting. Two would be three-bedroomed linked-detached chalets with ridge heights of some

7.4m, located to the rear of the site. The other two properties would be detached four bedroomed houses with ridge heights of some 8.5m. Plot 1 would be located at the front of the site facing Hilton Road and Plot 2 would be in the centre of the site.

The proposed materials are buff coloured Ibstock Funton Orchard mixture bricks, "Athens Sand" render and Marley Ludlow Plus interlocking roof tile in smooth grey.

Supplementary Documentation

The application was accompanied by a materials schedule and a Flood Risk Statement which can be viewed on the Council's website.

Planning History

None of relevance to the current proposal.

Relevant Government Guidance and Local Plan Policies

National Planning Policy Framework

Paragraphs 39, 56-58, 100-104

Current Local Plan

EC2 – Design

T8 – Parking standards

Residential Design Guidance

RDG1 – Plot size

RDG2 – Space around dwellings

RDG3 – Building lines

RDG5 – Privacy and living conditions

RDG6 – Amenity space

RDG7 – Roof development

RDG12 – Parking and access

RDG13 – Refuse and recycling storage

Consultation

County Highways

To be reported

Environment Agency

To be reported

Canvey Town Council

To be reported

Refuse and Recycling

On original plans: A refuse collection point is required within 25m of the highway. Revised comments awaited.

Public Consultation

Three letters have been received, raising the following objections:

- Proposal would result in greater congestion, traffic and parking difficulties
- The narrow width of the access road will result in vehicles reversing out onto Hilton Road.
- Location of access will create staggered cross road junction with Bradley Close
- The proposal will increase potential for accidents
- Plot is too small for 4 dwellings
- Additional properties will increase flooding issues.
- Potential for loss of privacy, bungalows would be more suitable
- Concern over responsibility for new fence, previously the responsibility of the Silver Jubilee.
- Proposal will dominate adjoining dwellings
- Proposal will affect natural light to property
- There is too much development in the area.

Response to Consultation Comments:

- Comments of the Highway Authority are awaited, however the layout provides for turning facilities within the site so there is no need for vehicles to reverse out onto Hilton Road.
- The site provides the appropriate level of onsite parking.
- The proposal is likely to result in a beneficial impact on surface water flooding as it is intended to remove part of the existing hardsurface to accommodate the development.
- Land/fence ownership is not a planning consideration; however the fence will remain the responsibility of the landowner.
- There is no right to light under the Planning Act.

All other relevant matters are considered in the evaluation.

Evaluation of Proposal

The main issues with this application are the principle of residential development, flood risk, design, impact on residential amenity and any traffic and parking implications.

Principle

The land is allocated for residential purposes on the Proposals Map accompanying the adopted Local Plan. Therefore there is no objection to the principle of residential development on this site.

Flood Risk

Government guidance as contained in the NPPF requires all proposals for new dwellings in areas at risk of flooding to be accompanied by a site-specific Flood Risk Assessment in order to demonstrate that the occupiers of the proposed development would not be placed at unacceptable risk in the event of a flood. The proposal is also required to pass the sequential and exception tests as set out in the National Planning Policy Framework and associated

Practice Guidance, in order to determine whether sites of lower flood risk probability exist which may be more suitable for the type of development proposed.

With regard to the sequential test, the proposal seeks to provide dwellings within the settlement of Canvey Island. For residential development to serve the community of Canvey Island it is considered that it would need to be located within that settlement. Since the settlement of Canvey Island is located entirely within Flood Zone 3 it is not considered that there are reasonably available alternative sites within the area with a lower probability of flooding that could accommodate the proposed development. Under the circumstances it is considered that the proposal passes the sequential test.

Having passed the sequential test, the proposal must then pass the exception test. In order to meet the requirements of the exception test as described at paragraph 102 of the NPPF, the proposal must demonstrate that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and a site-specific Flood Risk Assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

In response to the first criterion, in a very broad sense, the continued development of Canvey Island is necessary to sustain the local community and prevent the social and economic blight of the settlement. However, in assessing whether these benefits outweigh the flood risk, the flood risks surrounding the development must be considered in more detail.

The second criterion requires that the applicant demonstrates that the development is safe, will not increase flood risk elsewhere and where possible will reduce flood risk overall.

The applicant has provided a Flood Risk Statement (FRS). The finished ground floor level of the properties would be 0.3m above the ground level of the site. The FRS identifies that during a 1 in 200 year breach event water levels may reach a depth of 1m above finished ground floor level and during a 1 in 1000 year breach event may reach a depth of 2m above finished ground floor level, a depth on site of 2.3m. The ground floor of the property would therefore be liable to flooding, however, with the first floor set at 2.95m above ground level, there would be refuge available which would be 0.65m above predicted maximum flood water levels. Provided that the response of occupiers to flooding or a flood warning is managed by a Flood Response Plan, it is not considered that there would be undue risk to occupiers posed by the development.

The applicant has submitted a flood response plan at section 4 of the FRS. Although direct delivery of flood warnings to occupiers is dependent upon the occupier registering for the Environment Agency's Flood Warnings Direct service, given the level of media coverage which would likely be afforded to a tidal flood warning affecting Canvey, it is considered that occupiers would be likely to receive such warnings in good time. The applicant's Flood Response Plan is considered acceptable for the purposes of making occupiers aware of actions that they should take if a flood warning is issued or flooding occurs. A condition may be imposed on the grant of any consent requiring enactment of this plan.

It is noted that there is the possibility of incorporating flood resistance and resilience measures into the construction of the buildings in order to minimise damage during a flood event and enable a faster recovery once floodwaters have subsided. The submission contains a list of such measures at section 5 of the FRS. These include using water resistant finishes to interior walls, avoiding use of MDF, siting electricity meter/consumer units and boilers as high as

possible within the properties and installing ground floor wiring in plastic conduits to enable easy replacement following a flood. It is considered that this represents an acceptable approach. A condition may be imposed on the grant of any consent requiring the dwellings to be constructed in accordance with these measures.

The National Planning Practice Guidance states at paragraph 054 Reference ID: 7-054-20140306 that when considering safety, the depth and velocity of flood water and the structural safety of buildings needs to be considered. The submission contains no consideration of such matters. Were permission granted, it would be necessary to impose a condition requiring demonstration of the ability of the buildings to withstand water pressures that may act upon them during a flood.

In terms of surface water, whilst it is acknowledged that the site is already hard surfaced and that the replacement of part of that hardsurfacing with grass and planted areas would have a beneficial impact on surface water disposal on the site, it is considered that further improvements could be achieved through the use of SUDS principles in the provision of any new hardsurfacing within the site. The submitted Flood Risk Assessment acknowledges the need for the use of sustainable urban drainage systems on the site. A condition requiring the use of SUDS may be attached to the grant of any consent.

Subject to the imposition of the conditions as described, there are no objections to the proposal on the basis of flood risk.

Design

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 Council has adopted Residential Design Guidance as a Supplementary Planning Document, which has been prepared in accordance with section 7 of the NPPF. Within this, guidance at RDG7 deals with roof development and requires roofs to be proportionate to the remainder of dwellings with features such as dormer windows maintaining good roof margins.

The proposed dwellings are of limited merit architecturally. However, there is no significant architectural character to the surrounding area, and it is not considered that the provision of these dwellings would be visually harmful to the character of the area as a whole. There is a mixture of single and two storey properties in the area, so the provision of two storey properties and chalets on this site would not look out of place. The proposed dormers to plots 3 and 4 are not considered to be out of scale with the rest of the roof. No objection is therefore raised to the proposal in design terms, under Policy EC2 or guidance at RDG7.

RDG1 deals with plot sizes. It states that within the existing built up area, plot sizes for all new development should be informed by the prevailing character of plot sizes.

The proposed dwellings would be on plots ranging from 10m to 13m in width and 21m to 24m in depth. This would be reflective of plot sizes in the area, and as such there is no objection to the proposal on the basis of RDG1.

RDG2 requires the space around all new development to be informed by the prevailing character of space around dwellings. The properties would generally be located a minimum of 1m from the boundaries of their plots which is considered reflective of the character of the surrounding area. The dwelling on plot 1 would be located around 0.6m from the boundary at

one point, which may be viewed as somewhat cramped; however this would be located adjacent to the private drive and under these circumstances it is considered that there would still be sufficient space around the property so that it did not appear unduly cramped. No objection is therefore raised to the proposal on the basis of RDG2.

RDG3 requires proposals to respect established building lines. The proposed dwelling on Plot 1 was originally located some 3m from Hilton Road at the closest point. This would be closer to the road than the Silver Jubilee, and was considered to create an unduly prominent and dominant feature in the street scene. Following discussions with the agent the dwelling on Plot 1 was relocated some 2m deeper in the plot. This achieves a more satisfactory setting for the dwelling with no adverse consequence for adjoining residents. As revised the layout for Plot 1 is considered acceptable.

It is of course acknowledged that the proposal would have dwellings on plots 2 to 4 set well behind the building line of Hilton Road. Whilst the provision of such forms of development can impact upon the character and pattern of development locally, in this instance the development would be sandwiched between a commercial site to the west and a cul-de-sac of houses and a further non-residential use to the east. Under such circumstances it is not considered that the provision of dwellings in the manner shown could be said to be harmful to the general pattern of development in the area. No objection is therefore raised to the proposal on the basis of RDG3.

Neighbour impact

RDG3 also requires proposals not to cause excessive overshadowing or dominance to adjacent dwellings. The adjacent properties in Briarswood have reasonably deep gardens at some 10 - 11m, when compared with the policy requirement of 9m. The proposal would result in the provision of dwellings 1m from the rear fence of some of those properties resulting in the provision of some 11- 12m between rear and flank elevations. Such a relationship is commonly found on corner plots and there are examples of similar arrangements of properties nearby for example 43 Hilton Road & 1 The Ridings, 14/16 The Ridings & 33 Sussex Way, 286 Link Road/3 Bradley Close & 284 Link Road and within Briarswood. In the context of the surrounding development is not considered that the layout proposed would be inconsistent with the layout of existing development in the area and the levels of isolation achieved would not lead to an unsatisfactory living environment for existing residential occupiers through obtrusiveness or dominance. No objection is therefore raised on the basis of this part of RDG3.

RDG5 deals with privacy and living conditions, requiring a distance of 9m to be provided between first floor windows and the boundary of the site. Where this is not achieved, the use of obscure glazed and fixed windows can be used to mitigate overlooking concerns, but only where the windows concerned are secondary windows.

The rear gardens would achieve a minimum depth of 9m so the first floor rear windows would not cause undue overlooking and the windows would be provided with an adequate outlook.

The front windows of plot 1 would overlook Hilton Road which is within the existing public realm and would not cause undue loss of privacy to nearby properties. The front aspects of plots 2 to 3 would face each other across a private drive/turning area at a distance of some 10m which could be viewed as somewhat close; however this situation would be readily apparent to prospective occupiers who could decide whether the development offered an acceptable level of privacy for them. It would not lead to an increase in overlooking of existing development.

There are side windows proposed at first floor level to plots 3 and 4. In the case of plot 4 this would face an existing car park so would not cause loss of privacy. In the case of plot 3 this may cause overlooking of existing properties, but the window would serve a staircase therefore is a secondary window which may be conditioned to be obscure glazed and fixed in order to protect adjacent residents' privacy without leading to unsatisfactory living conditions within the dwelling. Subject to such a condition there is no objection to the proposal on the basis of RDG5.

Other matters of detailed design and layout

RDG6 requires outdoor amenity space to be provided in proportion to the size of the dwelling. 15m² per habitable room should be provided.

Plots 1 and 2 would each have six habitable rooms and plots 3 and 4 would each have five habitable rooms. The amenity areas required and provided would be:

	<u>Required</u>	<u>Actual</u>
Plot 1	90m ²	99m ²
Plot 2	90m ²	108m ²
Plot 3	75m ²	96m ²
Plot 4	75m ²	86m ²

It can be seen that the garden areas provided meet the minimum amounts required by design guidance and as such are considered satisfactory. However, given that the garden areas do not exceed the recommended minima by significant amounts, and that the exercise of permitted development rights could significantly erode the garden areas, it is considered that a condition is necessary to withdraw permitted development rights for extensions to the dwellings and outbuildings within the curtilage.

RDG13 requires the provision of safe, adequate and suitable means of refuse and recycling storage. As these are houses with gardens, communal facilities for storage of refuse and recycling prior to collection day are unnecessary, however the Council's collection service must still be able to pick refuse materials up from a suitable location without having to carry refuse and recycling excessive distances.

Plot 1 directly fronts the highway so refuse would simply be collected as part of the normal kerbside collection service. Plots 2 to 4 would be located further than 25m from the highway which is the maximum distance that refuse can be carried. The Council's refuse collection vehicles will not be able to enter this development, so a location is needed within 25m of the highway where bags/boxes can be placed on collection day. Following the submission of amended plans an area approximately 20m from the highway, adjacent to the private drive, where plots 2 to 4 can place refuse and recycling for collection without obstructing the vehicle access has been identified. Subject to a condition requiring the provision and retention of this facility, no objection is raised to the proposal under RDG13.

Parking

Policy T8 of the current Local Plan requires the provision of parking 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 currently adopted standards require the provision of two spaces for properties with two or more bedrooms. Garages will only be counted as a parking space where they have internal dimensions of 3m by 7m and should have a 6m deep forecourt to ensure that vehicles parked in

front of garages do not overhang the highway. Other parking spaces should have dimensions of 2.9m by 5.5m.

Plots 1 and 2 would each have an integral garage of adequate size with forecourt parking space. Plots 3 and 4 would have double length car port parking which would be fractionally deficient in width at 2.8m wide, however it is not considered that this level of deficiency would prejudice use of the parking area. Subject to a condition requiring the carports to be retained as open carports it is not considered that there can be a sustainable objection to the proposal on parking grounds.

Conclusion

The proposed development satisfies all relevant planning policies and guidance and would make efficient use of brownfield land, thus protecting the Green Belt. Furthermore the proposal would provide additional housing in a sustainable location without having an adverse effect on the character or amenity of the area.

My Recommendation is Approval with the following conditions

- 1 The development hereby permitted shall be begun on or before the expiration of five years beginning with the date of this permission.

REASON: This condition is imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

- 2 Upon occupation of the dwellings, the approved Flood Response Plan shall be enacted and thereafter maintained at all times that the dwellings are occupied. Any revisions to the Plan shall be submitted to and formally approved by the Local Planning Authority.

REASON: In order to ensure the appropriate protection of occupiers of the building in the event of a flood.

- 3 The approved dwellings shall be constructed and fitted out in accordance with the approved scheme of flood resistance and resilience measures.

REASON: To minimise damage to the building caused by floodwater and to enable faster recovery following a flood.

- 4 Prior to the commencement of development, a scheme demonstrating the ability of the proposed structure(s) to withstand the hydrostatic and hydrodynamic pressures likely to be acting on the buildings in a 1 in 200 year and 1 in 1000 year flood event shall be submitted to the Local Planning Authority.

REASON: To ensure the ability of the approved building to withstand the effects of flooding in the interests of the safety of the future occupiers of the site.

- 5 The development shall be constructed in accordance with such scheme as may be approved in relation to condition 4.

REASON: To ensure the ability of the approved building to withstand the effects of flooding in the interest of the safety of the future occupiers of the site.

- 6 The development hereby approved shall be built wholly in accordance with the approved materials.

REASON: To ensure a satisfactory form of development in sympathy with the existing development and the character of the surrounding area.

- 7 The window in the first floor side elevation of plot 3 serving the stairs/landing shall be obscure glazed and non opening below a height of 1.7m as measured from the finished floor level adjacent to the centre of the window.

REASON: To protect the privacy of adjacent residential properties.

- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, as amended, no development of the type specified in Classes A and E of Part 1 of the Second Schedule to that Order (or the equivalent provisions of any statutory instrument revoking, amending or re-enacting that Order) shall be carried out without the formal consent of the Local Planning Authority.

REASON: In order to ensure an adequate level of outdoor amenity space provision and to protect the amenity of adjacent residential occupiers.

- 9 No further windows shall be constructed above eaves level without the formal consent of the local planning authority.

REASON: To protect the privacy of surrounding residential occupiers.

- 10 No dwelling shall be occupied until the car parking for it has been provided, hard surfaced and made available for use. Thereafter, such areas shall be kept available for the parking of vehicles and not used for any other purpose.

REASON: To ensure the provision and retention of an adequate level of off-street parking in accordance with the Council's adopted standards.

- 11 The integral garages serving plots 1 and 2 shall be retained for the parking of vehicles and not used for any other purpose or converted to habitable accommodation.

REASON: To ensure the provision and retention of an adequate level of off-street parking in accordance with the Council's adopted standards.

- 12 The car ports serving plots 3 and 4 shall be retained as open structures with no garage doors, fencing, walls or other means of enclosure erected to the front or rear of, inside or between the car ports.

REASON: To ensure that the car ports remain available for use for the parking of two vehicles per property, in accordance with the Council's adopted standards.

- 13 No dwelling on plots 2 to 4 shall be occupied until the refuse collection area shown on the approved plans has been hard surfaced and made available for use. Thereafter, this area shall be kept available for the placement of refuse and recycling materials/containers for collection and not used for any other purpose.

REASON: To ensure the provision and retention of a suitable location for the placement of refuse and recyclable materials for collection, within a reasonable distance of, and without causing obstruction to, the public highway.

- 14 The proposed access road shall be constructed in accordance with SUDS principles and shall be provided prior to the first occupation of the dwellings on Plots 2 - 4, and thereafter permanently maintained as such.

Reason: In order to limit the potential for surface water flooding on the site and to secure the provision of appropriate access prior to the occupation of the dwellings hereby approved.

Informatives

- 1 The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

DEVELOPMENT CONTROL COMMITTEE

3rd February 2015

Subject: Quarterly Enforcement Update
Report of the Head of Regeneration and Neighbourhoods
Case Officer Robert Davis

Introduction

This is the latest in a series of enforcement reports presented to the Development Control Committee in order to ensure that Members are aware of all formal planning enforcement action and investigations that have been undertaken by the Council's Planning Enforcement Officers.

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

Cases resolved informally and formally

11 Western Esplanade, Canvey Island

This is both a new case and one that has been resolved since the last enforcement update.

It concerned the construction of pillars and the installation of railings to front and side walls of a residential property. The occupier had previously sought planning application for this development and was refused consent on 19th February 2014. The occupier lodged an appeal and this was dismissed on 16th July 2014. Notwithstanding the appeal decision the development was commenced.

Discussions with the occupier duly commenced to try and secure the removal of the unauthorised works. Agreement in respect of a more suitable form of development was reached; however to ensure that these works were correctly carried out an enforcement notice was issued on 29th September 2014.

A site visit took place on 7th October 2014 and this confirmed that the requirements of the notice had been satisfactorily met. The case is now closed.

Land adjacent 9 Heideburg Road, Canvey Island

An enforcement notice was issued on 13th June 2014 in respect of a site within a residential area used for the storage of a trailer and building materials. No appeal

was lodged and the requirements of the notice have now been sufficiently met to enable the case to be closed.

Leisure Island Fun Park, Furtherwick Road, Canvey Island

On 14th May 2014 the Council served an enforcement notice on the occupier of Council-owned land in respect of the construction of a steel framed corrugated clad building. The notice required the occupier to demolish the building and remove all waste material arising from its demolition. These works should have been completed by 18th September 2014 but a site visit undertaken on the 24th September 2014 showed they had not commenced.

Legal action was duly instigated against the occupier for not complying with the notice and a court date was set for 10th December 2014. However, a site visit on 8th December 2014 confirmed that the requirements of the notice had been satisfactorily met. The proceedings were withdrawn and the case has now been closed.

23 Sidwell Avenue, Benfleet

An investigation has been concluded into clear glazed and opening windows, which were the subject of a planning condition, reference CPT/311/12/FUL, for the development of rooms in the roof. The windows have been modified to comply with the planning consent without the need for formal action.

44 Norwood Drive, Benfleet

This case concerned the construction of a shed erected on Green Belt land beyond the curtilage of the above property. The shed has now been relocated within the property's rear garden without the need for formal action.

6 Laars Avenue, Canvey Island

A canopy over a hot tub in the garden of the above property has been reduced in height to accord with the provisions set out in the General Permitted Development Order. The works were carried out without the need for formal action.

New Enforcement Action

35a Croft Road, Benfleet

Three remedial notices were issued on 22nd May 2014 in respect of a boundary hedge at this site which was the subject of a formal complaint under Part 8 of the Anti-social Behaviour Act 2003. An appeal has been lodged against all three notices and a decision is now awaited.

Thirlmere Cottage, Thirlmere Road, Thundersley

On 20th October 2014 an enforcement notice was issued in respect of a material change of use of Green Belt land for use as residential garden ancillary to Thirlmere Cottage and for the storage of vehicles in connection with a motor sport hobby. The notice requires the residential use of the land to cease and the demolition and

removal of identified unauthorised structures and hard surfaces. An appeal is currently awaiting validation by the Planning Inspectorate.

51 Crescent Road, Benfleet

On 29th September 2014 an enforcement notice was issued in respect of a new boundary fence, erected in breach of a condition attached to planning consent CPT/55/13/FUL. Details of the boundary treatment should have been agreed prior to its installation but were not submitted. The enclosure constructed is considered unacceptable. An appeal against the notice was lodged on 18th November 2014.

Outstanding Notices

36a Rattwick Drive, Canvey Island

An enforcement notice in respect of the erection of a flat roofed building for use as an independent residential dwelling was issued on 6th January 2014. The site, which is very narrow, previously formed part of the curtilage of a semi detached dwellinghouse. The notice requires the building to be demolished and the exposed external wall of the semi detached property to be made good. An appeal against the notice was lodged and Inspector visited the site on 12th January 2015. The decision is now awaited.

Yard off Fane Road, south of Lychgate Farm, Benfleet

On 10th April 2013 an enforcement notice was issued in respect of the storage of vehicles, depositing, sorting and processing of materials at the above site. No appeal was lodged.

To assist the occupier in completing these works the compliance date was extended several times. However, by September 2014 it became apparent that the requirements of the notice would not be met.

The Council's Legal Service was instructed to commence legal proceedings and the initial court hearing took place on 5th November 2014. The defendant did not attend and a first instance warrant with bail was been issued by the court. This matter is still outstanding.

The occupier has now vacated the site and the owner is therefore now being pursued for undertaking the necessary works. A site visit on 15th December 2014 confirmed that good progress is being made in this matter.

'Reditus', Keswick Road, Benfleet

An enforcement notice in respect of a material change of use of this land to a mixed use for the storage of commercial and domestic items and the stationing of a trailer for residential use was issued on 24th October 2011. The requirements of the notice were not met and the Council instigated legal proceedings against the occupier. The case was heard in the Crown Court and for technical reasons the defendant found not guilty.

A revised enforcement notice was issued on 13th June 2013 and subsequently appealed by the occupier. However, a change in appeal procedure from written representations to an inquiry resulted in the appellant withdrawing his appeal.

Officers took the view that unnecessary work had been incurred in processing the appeal and submitted an application for an award of costs. This was successful and the appellant (occupier) has now paid the costs incurred by the Council, which were calculated to be some £1,062.00.

The occupier should have complied with the requirements of the notice by 6th June 2014. This did not happen and it came to the attention of the Council that the occupier was abroad.

On 4th November 2014 the Occupier was noted present at the site. Discussions with the Occupier took place whereupon he expressed his willingness to undertaking the necessary works. To ensure that these took place the Council initiated legal proceedings. However, before the court hearing could take place the occupier again left the country.

The occupier has now appointed an agent and confirmed, in writing, that he will comply entirely with the enforcement notice within four weeks of his return in March 2015. In the light of this development the Council's prosecution has, for now, been withdrawn.

Land east of Lychgate Farm, Arterial Road, Rayleigh

An enforcement notice in respect of Green Belt land used for the storage of a static home, touring caravan, container and other miscellaneous items was issued on 7th November 2013. The notice requires the land to be cleared and the hard surfacing and fencing to be removed. No appeal was lodged and the occupier has not complied with the requirements of the notice.

Failing any response to the Council's attempts at dialogue with the occupier legal proceedings have commenced. A court hearing has been set for 28th January 2015.

Janda Field, Fane Road, Benfleet

Members will recall that planning permission for a change of use of this land to three Traveller pitches was refused consent at the Development Control meeting of 4th December 2012. An enforcement notice for the cessation of the use was subsequently issued on 5th December 2012. Both the enforcement notice and refusal of planning permission were appealed and a hearing took place on 1st May 2013. On 9th July 2013 the Secretary of State advised that he would be determining the appeals rather than an Inspector. The decision was expected on or before 28th October 2013 but to date no determination has been made.