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Angela Hutchings
Chief Executive

AGENDA

Committee: DEVELOPMENT MANAGEMENT

Date and Time: Tuesday, 6th December 2022, at 7.00pm

Venue: Council Chamber, Council Offices

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

Membership: Councillors Greig (Chairman), Acott, Anderson, Barton-Brown, Bowker, C. Mumford, Riley, Skipp, Taylor and J. Thornton.

Substitutes: Councillors Fuller, Savage, A. Thornton and Withers.

Canvey Island Town Councillors: Harvey and S. Sach

**Officers attending: Stephen Garner – Planning Manager
Kim Fisher-Bright – Senior Planning Officer (Strategic)
Jason Bishop – Solicitor to the Council**

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 1st November 2022 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

The report is attached.

	Application No	Address	Page No
1.	22/0531/FUL	48 Paarl Road Canvey Island Essex SS8 9BT (Canvey Island Central)	1

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DEVELOPMENT MANAGEMENT COMMITTEE

TUESDAY 1ST NOVEMBER 2022

PRESENT: Councillors Greig (Chairman), Acott, Anderson, Barton-Brown, Bowker, C. Mumford, Taylor.

SUBSTITUTE MEMBERS PRESENT: None

CANVEY ISLAND TOWN COUNCIL: Councillors S. Sach and E. Harvey

ALSO PRESENT: Councillors Hart, Isaacs and C. Sach also attended.

APOLOGIES: Councillors Riley, Skipp and Thornton

10. MEMBERS' INTERESTS

None

11. MINUTES

The Minutes of the meeting held on 6th September 2022 were taken as read and signed as a correct record.

12. PUBLIC SPEAKERS

Mr Rowe, representative of the applicant, wished to speak in support of Agenda Item 5(2).

13. DEPOSITED PLANS

(a) **22/0751/VAR – EASTERN END OF EASTERN ESPLANADE AND SOUTH OF ATHOL CLOSE, CANVEY ISLAND, ESSEX SS8 7PR (CANVEY ISLAND EAST) – VARIATION OF CONDITION 18 (HOARDING) OF APPLICATION 22/0320/FULCLO**

The proposal sought to vary condition 18 of permission 22/0320/FULCLO which concerned the approved hoarding arrangements for the main site compound only. This involved replacing the half panel and half mesh with solid hoarding of the same height along the southern boundary of the site, adjacent to the sea wall, only. No other aspects of the Main Compound would be amended by reason of this application.

Subject to relevant and necessary conditions where appropriate, the proposal was considered to be consistent with national and local policy and the proposal was therefore recommended for approval.

This case was presented to the Committee because the Council was the landowner.

Members were invited to ask questions; concern was raised surrounding damage to fencing and graffiti and the need for anti-graffiti materials. The Planning Officer confirmed that this could be looked into.

During debate Members expressed their support for the proposal and it was:

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

(b) **22/0665/FUL – GARDEN WORLD PLANTS LTD, CANVEY ROAD, CANVEY ISLAND SS8 0QD (CANVEY ISLAND WEST) – DEMOLITION OF EXISTING BUILDINGS AND CONSTRUCTION OF RESIDENTIAL CARE HOME COMPRISING OF 55No. UNITS WITH PROPOSED CROSS-OVER BOUNDARY TREATMENT**

The application had been called in for determination by the Development Management Committee by Councillor C. Sach.

Planning permission was sought for the erection of a part two storey, part three storey, 55 bedroomed nursing home with associated parking.

Consideration of the proposal under the provisions of the National Planning Policy Framework and adopted Local Plan identified that the proposal constituted inappropriate development in the Green Belt, which could only be justified if Very Special Circumstances could be identified, either individually or cumulatively, which outweighed the harm to the Green Belt.

The need for specialist residential accommodation had previously been identified as a circumstance to which consideration should be given. In considering an application for a similar form of development in 2018, the Planning Committee took the view that the brownfield nature of the site and the identified need for specialist housing of the type proposed outweighed the harm to the Green Belt and outline consent was granted for a 57 bedroomed care home in November 2018. The reserved matters pursuant to this consent were granted in June 2022.

These facts were considered to represent a Very Special Circumstance which weighed heavily in favour of the development.

Given that consent for the development of the site for specialist housing purposes had already been granted, it was considered that a pragmatic approach was required in the consideration of the current proposal.

The scheme as now submitted represented an improvement over the extant scheme in that it achieved a reduction in the number of bedspaces provided on the site and a slightly smaller, more modern and more attractive building.

In light of the extant consent it was not considered that an objection to the proposal on Green Belt grounds would be supported on appeal and might be considered unreasonable by the Planning Inspectorate, with the potential for costs to be awarded against the Authority in the event of an appeal decision in the applicant's favour.

The Planning Officer explained that refusal of planning permission would not impact on the extant consent which might be completed.

In considering the principles embedded within the scheme, the proposed materials and general form and scale of development was considered acceptable, adequate parking and amenity space was achieved and the proposal raised no insurmountable concerns in respect of flood risk, air quality or noise impacts. The proposal was therefore recommended for approval.

The Committee noted that should the recommendation be adopted, by virtue of the provisions of the Town and Country Planning (Consultation) (England) Direction 2021, the application was identified as one which must be referred to the Secretary of State, in order that he might consider whether this was an application he wished to call in for his own determination. It was also noted that the Secretary of State did not seek to call in the earlier proposal for his consideration.

In the event that the Secretary of State determined not to call in the application again, an approval notice would be issued. A list of appropriate conditions were appended to the report for Members consideration.

Mr Rowe, a representative of the applicant, spoke in favour of the application.

Councillor C. Sach, spoke in objection to the application.

In response to questions the Planning Officer explained that Essex County Council was satisfied with the access to facilities. There was adequate car parking providing 26 spaces.

Concerns surrounding flooding were alleviated and it was explained that a Care Home was classified as a 'more vulnerable' form of development in Table 2: Flood Risk Vulnerability Classification of the NPPG. In order to comply with national policy the proposal must therefore pass the sequential and exception tests as set out in the NPPF and the Planning Practice Guidance (PPG), in order to determine whether sites of lower flood risk probability exist which may be more suitable for the type of development proposed.

During debate some Members raised concern that the site was allocated as Green Belt within the Local Plan, it was felt this should be refused, as the building would over dominate the site and that the application in 2018 had previously been recommended for refusal. The Planning Officer explained that the previous consent stood and that the scheme as now submitted represented an improvement, the Local Plan had been withdrawn and the facts considered to represent a Very Special Circumstance weighed heavily in favour of the proposal and the recommendation being approved.

A vote took place on the recommendation in the report which was lost. The Committee gave valid reasons for a changed recommendation.

Following debate, it was:

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

1. The site is allocated for Green Belt purposes within the adopted Local Plan. Within the Green Belt, national planning policy, as set out in the National Planning Policy Framework, states that development of this nature is not appropriate and will only be permitted if very special circumstances exist to justify its inappropriateness. It is not considered that any very special circumstances exist or have been demonstrated to justify the proposed development which would be detrimental to the openness of this part of the Green Belt, contrary to national planning policy.
2. The proposed development, by reason of its mass, scale, disposition and proximity to the boundaries of the site represents overdevelopment of the site resulting in the creation of a building of mean and cramped appearance and likely to result in an unduly dominant and prominent feature in the street scene which would be detrimental to the character and appearance of the area and result in significant overshadowing and dominance of the adjoining dwelling to the north, contrary to Policy EC2 and H17 RDG2 and 3 of the adopted Local Plan.

Chairman

ITEM 1

Application Number:	22/0531/FUL
Address:	48 Paarl Road Canvey Island Essex SS8 9BT (Canvey Island Central)
Description of Development:	Garage conversion (retrospective)
Applicant:	Ms Anne Chrysostomou
Case Officer	Ms Kim Fisher

Summary

The application seeks retrospective consent for works to raise the roof to, and the conversion of, an attached garage to a one bedroomed bungalow, to provide a second bedroom.

The application seeks to regularise the provision of two bedroomed accommodation on the site in the absence of the provision of an appropriate level of on-site parking provision. If permitted it is considered that the proposal would result in vehicles being parked on the road to the danger and inconvenience of other road users and detrimental to traffic flows.

The proposal is therefore recommended for refusal.

The application is retrospective nature with the works having already been completed.

In order to restore the garage to its former status, it may be necessary to serve an enforcement notice on the applicant.

This application is presented to the Development Management Committee as the applicant is an employee of the Council.

Site Visit

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

Site Description

The application site is located on the northern side of Paarl Road, some 19m east of its junction with Thelma Avenue . A detached bungalow with an attached garage and with vehicular access to the highway currently occupies the site.

Description of Proposed Development

Retrospective consent is sought for works to raise the roof of the garage and its conversion to provide a second bedroom to a one bedroomed bungalow.

Relevant History:

A condition attached to the original consent for the property precludes works to the property and the conversion of the garage to living accommodation, without the prior consent of the planning authority.

Local Plan Allocation:

Residential

Relevant Policies:

NPPF National Planning Policy Framework (July 2021)

Local Plan (Adopted 1998)

EC2 Design

H17 Design and Layout

T8 Car Parking Standards

Residential Design Guidance (2013)

RDG2 Space Around Dwellings

RDG3 Building Lines

RDG5 Privacy and Living Conditions

RDG6 Amenity Space

RDG8 Detailing

RDG12 Parking and Access

Consultation Responses:

Canvey Island Town Council

No response received.

Neighbour Notification:

One objection comment has been received detailing the following concerns:

- o The loss of a parking space and parking concerns.

Comments on Consultation Responses

All material considerations will be discussed within the evaluation of the proposal.

Evaluation of Proposal

The starting point for determining a planning application is the National Planning Policy Framework (NPPF) and those saved policies within the Council's Adopted Local Plan(1998), alongside supporting policy documents and supplementary planning documents.

Within the context provided by that guidance and policy provision, the principal matter for consideration is whether the proposed development would provide the dwelling with suitable parking provision commensurate with the amount of habitable accommodation provided.

Parking and Access

Policy EC2 of Castle Point Borough Council's Adopted Local Plan stresses the importance that all modes of movement are made safe and convenient.

Policy T8 requires adopted parking standards to be taken into account. The current adopted Essex Parking Standards require a minimum of 1 parking space for properties with 1 bedroom and a minimum of 2 spaces for properties with 2 or more bedrooms. Forecourt parking spaces should measure no less than 2.9m x 5.5m. Where parking spaces are provided adjacent to structures, the width of the parking space should be increased by 1m to 3.9m to allow for improved manoeuvrability and entry/exit of people to/from the vehicle (Essex Parking Standard para 3.2.7).

This policy is considered to be consistent with paragraph 107 of the National Planning Policy Framework.

RDG12 of the Residential Design Guidance explains that parking must not dominate the public realm or have an adverse impact on visual or residential amenity. All parking should be suitably located so that it can be observed through natural surveillance. Safe and unhindered access to the dwelling must be provided and surface treatment must utilise a high-quality standard of materials and incorporate Sustainable Drainage Systems (SuDS).

The existing property originally accommodated one bedroom and benefited from one garage parking space and one forecourt parking space.

As a result of the works undertaken to convert the former garage to a bedroom the property has been converted to a two-bedroom property and therefore in accordance with the adopted Essex County Council Parking Standards (September 2009) two off street parking spaces are required to be provided.

The works have removed the existing garage parking space and the proposed block plan indicates that a second parking space would be provided parallel to the highway across the property's frontage.

The identified proposed parking space is shown to be 2.7m in width and 5.9m in length. As identified above the adopted parking standards require any new spaces provided adjacent to a structure to be 3.9m in width. That proposed across the frontage of the site fails to satisfy the requirements of the parking standards. This represents an objection to the proposal.

Further, it is important to consider the practicalities of utilising parking spaces and in this case a gas pressure regulator is located adjacent to the front boundary of the site. This would significantly prejudice the use of the front garden for parking purposes.

Whilst it is acknowledged that the applicant has undertaken to relocate the gas regulator it is difficult to see where this might be relocated, to avoid prejudicing manoeuvrability within the site.

In addition, it is considered that attempting to provide two vehicles into such a tight space would not provide a safe and convenient form of parking and is likely to result in the frontage of the site being dominated by parked vehicles, to the detriment of the character and appearance of the host dwelling and surrounding area. As such it is considered that the use of the proposed second parking space is impractical and would deter its use.

The lack of a safe and convenient second parking space is considered likely to result in vehicles being left on Paarl Road, which is only some 4.5m wide, to the detriment of traffic flows and the safety and convenience of other road users.

Further, it should also be noted that the application site is located close to the junction of Paarl Road and Thelma Avenue and any on-street parking is likely to be detrimental to highway safety at this junction.

It should further be noted that Paarl Road has no parking restrictions. As a consequence there is no deterrent to on street parking, should this be deemed easier or more convenient for the applicant.

Concern is also expressed as the proposed parking arrangement would result in a heavily vehicle dominated frontage and would provide no opportunity for soft landscaping eliminating any opportunity to provide natural relief from the built environment resulting in an unattractive public realm. This does not accord with RDG12 or paragraph 130 of the NPPF which advises that development should be visually attractive as a result of appropriate and effective landscaping.

An objection is therefore raised to the proposal on the basis of a lack of onsite parking provision commensurate with the level of accommodation provided which is indicative of the overdevelopment of the plot.

Other matters

This proposal has also been assessed against RDG2, RDG3, RDG5, RDG6 and RDG8 of the supplementary Residential Design Guidance document to which no objections to the proposal have been raised.

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

My **RECOMMENDATION** is **Refusal** for the following reason:

- 1 The proposal represents overdevelopment of the site in that it fails to provide adequate on-site parking provision to serve the needs of the enlarged dwelling.

The application site has insufficient front garden depth to safely and conveniently accommodate a second parking space as required for a two bedroomed dwelling, in accordance with the adopted car parking standards (2009) and the proposal is therefore considered likely to lead to vehicles being left on the highway to the detriment of the safety and convenience of other road users.

Furthermore, the provision of a parking space across the small frontage of the site would dominate the appearance of the dwelling to the detriment of its character and appearance of the host dwelling and that of the surrounding area.

As such the proposal is contrary to Policies EC2 and T8 of the Council's Adopted Local Plan, RDG12 of the Residential Design Guidance and Government guidance set out in paragraph 130 of the National Planning Policy Framework.

Informative

- 1 The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal.