



Council Offices, Kiln Road,
Thundersley, Benfleet,
Essex SS7 1TF.
Tel. No: 01268 882200
Fax No: 01268 882455



David Marchant LLB (Hons) BSc (Hons) CEng FICE FCMl
Chief Executive

AGENDA

Committee: DEVELOPMENT CONTROL

Date and Time: Tuesday 9th January 2018 at 7.30 p.m.

Venue: Council Chamber

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

Membership: Councillors Hart (Chairman), Smith (Vice Chairman), Acott, Anderson, Bayley, Blackwell, Cole, Mrs King, Mumford, Sharp, Taylor, Varker and Walter.

Substitutes: Councillors Ladzrie, Palmer, Mrs Sach and Mrs Wass

Canvey Island Town Councillors : Greig and Tucker

Officers attending: Rob Davis - Planning Development and Enforcement Manager
Fiona Wilson – Head of Legal Services

Enquiries: Cheryl Salmon, ext. 2454

PART I (Business to be taken in public)

1. Apologies

2. Members' Interests

3. Minutes

A copy of the Minutes of the meeting held on 5th December 2017 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 reports are attached.

	Application No	Address	Page No
1.	17/0819/FULCLC	Land off Hatley Gardens, Benfleet, Essex (Appleton Ward)	1

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DEVELOPMENT CONTROL COMMITTEE

TUESDAY 5th DECEMBER 2017

PRESENT: Councillors Hart (Chairman), Acott, Anderson, Bayley, Blackwell, Cole, Lazdrie* Mumford, Palmer,* Taylor, Varker, Walter and Canvey Island Town Councillor Greig

Substitute Members Present: Councillor Lazdrie* for Councillor Smith and Councillor Palmer* for Councillor Mrs King.

Also Present: Councillor Sach.

Apologies for Absence: Councillors Mrs King, Sharp and Smith.

19. MEMBERS' INTERESTS

Councillor Cole declared a non-pecuniary interest in respect of:

Minute No. 21(a) as the applicant was known to him and he remained in the Chamber during discussion of the item.

Minute No. 21(d) as his father was in the process of joining the Benfleet Bowls Club and Councillor Cole had bowled the first bowl there as Mayor of Castle Point. He remained in the Chamber during discussion of the item.

Minute No. 21(e) as his nephews played football and his brother managed a children's team on the site he remained in the Chamber during discussion of the item.

Councillor Palmer declared a non-pecuniary interest in respect of Minute No. 21(a) as the applicant had undertaken works for the Canvey Island Baywatch Group of which Councillor Palmer was an active member and he left the Chamber during discussion of the item.

20. MINUTES

The Minutes of the meeting held on 7th November 2017 were taken as read and signed as correct.

21. DEPOSITED PLANS

- (a) 17/0683/FUL – 26 GEYLEN ROAD, CANVEY ISLAND, ESSEX, SS8 8JN (CANVEY ISLAND EAST WARD) – DEMOLITION OF BUNGALOW AND REPLACEMENT WITH 2 NO. ONE-BEDROOMED SEMI DETACHED CHALETS WITH INTEGRAL CARPORTS AND PROPOSED NEW CROSSOVERS – MR D DADY**

The proposal sought to provide a pair of semi-detached one bedroomed chalets in an area allocated for residential purposes on the Development Plan. The proposal met all appropriate spatial standards and subject to appropriate conditions presented an appropriate and necessary addition to the stock of smaller dwellings within the Borough.

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

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

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

During discussion some Members expressed their concerns that the proposed development would lead to increased flooding in the area. Other Members considered that the proposed attenuation tank would address this issue and felt that the proposal was acceptable.

Following debate a vote was taken and there was an equality of votes for and against the recommendation of approval in the report. The Chairman used his casting vote in favour of the recommendation and it was:-

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

- (b) 17/0825/FUL – 25 FLORECNC E ROAD, CANVEY ISLAND. ESSEX, SS8 7EJ (CANVEY ISLAND SOUTH WARD) – DEMOLISH EXISTING DWELLING AND OUT-BUILDING AND REPLACE WITH TWO 2 BEDROOM DETACHED DWELLINGS (PART RETROSPECTIVE) – MR A HODDER**

(Councillor Palmer left the Chamber during discussion of this item).

The proposal was for the erection of two detached two bedroomed dormer bungalows in an area allocated for residential purposes on the Development Plan. It was considered that the proposal overcame the previous reasons for refusal and did not raise any new issues. The proposal was therefore recommended for approval.

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

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

Councillor Sach, on behalf of Ward Members, spoke in objection to the application.

During discussion Members stated that the development was too dominant and obtrusive to the surrounding area to the detriment of neighbouring properties and as such represented overdevelopment. It was felt that the proposal was not acceptable and therefore the Committee did not agree with the Planning Officer's view that the application should be approved.

Following discussion it was:-

Resolved – That the application be refused because the proposed dwellings, due to their proximity to the rear boundary of the site and lack of separation between flank walls and the adjoining boundaries, would be unduly dominant and obtrusive to the occupiers of residential properties to the rear and sides of the site, and as such represents overdevelopment contrary to RDG3 of the Council's Residential Design Guidance and Government guidance as expressed in the National Planning Policy Framework.

(c) 17/0901/FUL – 8 ROGGER ROAD, CANVEY ISLAND, ESSEX SS8 7HN (CANVEY ISLAND SOUTH WARD) – GARAGE CONVERSION WITH RAISED ROOF (REVISED SCHEME) – MR JOSH FAIRBAIRN

The application sought permission for the conversion of the former garage to a kitchen and raising of the garage roof. In all the circumstances there were no planning objections to the proposal and it was therefore recommended that permission be granted.

The application was presented to the Committee because the applicant was a Council employee.

The Committee concurred with the Planning Officer's view that there were no planning objections to the proposal and it was therefore:-

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

(d) 17/0768/FUL –SOUTH BENFLEET BOWLING CLUB, BROOK ROAD, BENFLEET, ESSEX, SS7 5JF (ST MARY'S WARD) – DETACHED WOODEN CABIN WITH VERANDA TO BE USED AS STORE ROOM/OVERSPILL CHANGING ROOM – MR DEREK SCRUBY

The application was for the construction of a detached wooden cabin to provide storage and overspill changing facilities for South Benfleet Bowling Club. The proposal would not have any adverse effect on the character and appearance of the surrounding area and the proposal was therefore recommended for approval.

The application was presented to the Committee as it involved development on Council-owned land.

During discussion 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.

(e) **17/0873/FULCLO – FOOTBALL PITCH R/O WATERSIDE FARM SPORTS CENTRE, SOMNES AVENUE, CANVEY ISLAND, ESSEX (CANVEY ISLAND WEST WARD) – RELOCATION OF EXISTING FENCING TOGETHER WITH ADDITIONAL FENCE PANELS AND NEW SPECTATOR STAND – MR PAUL SMITH**

The application sought permission for a new spectator stand for the existing football pitch and realignment of the fencing surrounding the pitch. In all the circumstances it was considered that the proposal was acceptable and it was therefore recommended for approval.

The application was presented to the Committee because the land was council-owned.

The Planning Officer reported that the Environment Agency had raised a holding objection on flood risk grounds as a Flood Risk Assessment had not been submitted. It was suggested that if the Committee was minded to approve the application that the final decision be delegated to the Head of Regeneration and Neighbourhoods subject to the Environment Agency withdrawing its objection.

During discussion Members noted the comments of the Environment Agency. It was felt that construction of a spectator stand and realignment of the fence surrounding the pitch would not have a detrimental impact upon the open space provision in this area or have adverse consequences in terms of flood risk.

Following discussion it was:-

Resolved – That the Committee is minded to approve the application subject to no objection being received from the Environment Agency regarding the Flood Risk Assessment and that the decision be delegated to the Head of Regeneration and Neighbourhoods.

Chairman

ITEM 1

Application Number:	17/0819/FULCLC
Address:	Land Off Hatley Gardens Benfleet Essex (Appleton Ward)
Description of Development:	Change of use of land from storage area and construction of two storey house in multiple occupation consisting of nine units with associated parking
Applicant:	Castle Point Borough Council
Case Officer:	Mr Keith Zammit
Expiry Date:	17.01.2018

Summary

The application seeks permission for construction of a house in multiple occupation to be run by the council and used to house people in need of short-term accommodation. The benefits of the proposal are felt to outweigh any adverse impacts and therefore the proposal is recommended for APPROVAL.

The application is presented to committee because the land is council-owned.

Site Visit

It is recommended that members visit the site prior to determination of the application.

Introduction

The application relates to an L-shaped piece of council-owned land served by a vehicular access from Hatley Gardens. The access is approximately 40m in length and 4m wide and is shared with commercial properties facing London Road. The site is in a mixed residential and commercial area, and there are houses to the south, east and west of the land, with a Harvester pub and restaurant to the northwest and commercial premises and flats to the north.

The land is in a derelict condition with some items such as old windows and doors, rubbish skips and a storage container on it.

The Proposal

Permission is sought for the erection on the land of a two storey building to be used as a house in multiple occupation. The council is to retain ownership of the building and use it for the provision of short term accommodation for people who would otherwise be homeless or in bed-and-breakfast accommodation paid for by the council.

The building would have a maximum footprint of some 19.5m by 11.3m with an overall roof height of some 7.9m. The proposed external materials are brick, cement weatherboard and a concrete interlocking tile roof.

Nine units of accommodation would be provided. Seven of these would be self-contained with en-suite and cooking facilities. Two of the rooms on the first floor would not be en-suite and would have use of a shared bathroom. There would be a ground floor laundry room for communal use. A

west-facing garden area would offer outdoor space during the summer months, with separate areas to the south of the building for the airing of laundry and storage of bicycles. To the north of the building would be a car park for 10 cars with an area for refuse bins.

An on-site office, which would be occupied during the working day, is proposed for a member of staff to deal with the operational running of the building.

Supplementary Documentation

A Design and Access Statement has been produced which is available to view on the council's website.

Planning History

None

Relevant Government Guidance and Local Plan Policies

The land is allocated for residential purposes on the proposals map accompanying the Local Plan. The following policies and guidance are of relevance:

National Planning Policy Framework

Current Local Plan

EC2 – Design

T8 – Parking standards

Residential Design Guidance

RDG2 – Space around dwellings

RDG3 – Building lines

RDG5 – Privacy and living conditions

RDG6 – Amenity space

RDG8 – Detailing

RDG12 – Parking and access

RDG13 – Refuse and recycling storage

Consultation

Refuse and Recycling

Following confirmation that the appropriate refuse bins will be brought to a location within 25m of the highway for collection, no objection to the application.

There are no accurate drawings on the construction of the bin area. It needs to be large enough to accommodate:

- o 1 x 1100 litre bin for refuse
- o 1 x 1100 litre bin for recycling
- o 1 x 240 litre bin for glass
- o 1 x 240 litre bin for food waste

Legal Services

No objection, however there are rights of way and drainage rights along the intended driveway.

Housing

No comments received

Highways

No objection subject to conditions

Environmental Health

Confirmation is required that rooms including the communal bathroom and common parts will be adequately heated following submission of the revised plans. A fire alarm system and adequate fire separation and compartmentation will be required.

Comments have also been offered in relation to hours of work for construction, and the need to ensure that any hazardous materials such as asbestos are appropriately disposed of.

Public Consultation

Neighbour notification and site notices – letters of objection and a petition have been received covering the following points:

- o Overlooking of nearby properties
- o Parking at the rear of adjoining gardens
- o Additional on-street parking
- o Restricted width of access, unsuitable for large vehicles
- o Loss of parking for adjacent commercial unit
- o Additional traffic
- o Rise in crime/antisocial behaviour
- o Smells or nuisance from vermin from bin store especially as bins are emptied fortnightly
- o Insufficient capacity in the service road due to the need for vehicles to service commercial premises on London Road
- o Is there a business case for the development?
- o Does the proposal represent best value for the council?
- o Possible closure of access while services are laid
- o There may be more suitable sites for the development

Comments on Consultation Responses

- o Concern over crime and antisocial behaviour are based on unfounded assumptions about the behaviour of the future occupants of the building.
- o The applicant has been questioned about the loss of a parking space for 122 London Road. Their response is:

“To our knowledge there is no loss of parking. We understand there is a garage used by 122 London Road and the development will not inhibit access to that garage. If the owner was previously parking on council owned land outside that garage then he or she was doing so without permission from the council.”
- o The conditions suggested by the highway authority will be incorporated into any grant of planning permission where reasonable and necessary
- o Any other planning matters are dealt with in the evaluation of the proposal

Evaluation of Proposal

The land is allocated for residential purposes in the Local Plan therefore there can be no objection in principle to residential use of the site. The main issues are:

- o the design of the building and its integration with the surrounding area
- o the impact on the living conditions of surrounding residents
- o the impact on traffic and parking in the area

- o whether satisfactory access for refuse collection purposes can be achieved
- o the level of amenity space provision for occupiers

The design of the building and its integration with the surrounding area

Policy EC2 of the Local Plan seeks a high standard of design in all new buildings. In particular the scale, density, siting, design, layout and external materials of any development shall be appropriate to its setting and should not harm the character of its surroundings. This is consistent with government guidance in the National Planning Policy Framework (NPPF) at paragraphs 56 to 58.

The council has adopted Residential Design Guidance as a supplementary planning document. Within this, guidance at RDG2 requires the space around all new development to be informed by the prevailing character of space around dwellings. Where there is a distinct character of development which creates an exceptionally strong pattern, development must not result in disruption to this pattern. Where there is no clear pattern of development, the space around a dwelling should be proportionate to the size of the dwelling, with a minimum of 1m between the property and the boundary. In the case of buildings containing flats or specialist forms of residential development, or dwellings having a similar scale and character to such buildings, space equivalent to 25% of the width of the building should be provided.

RDG3 requires new development to be informed by the prevailing building line to the public realm it faces.

RDG8 encourages the appropriate use of detailing elements, stating that these should be consistent with the overall architectural approach and their design and siting should be an integral part of the dwelling.

This guidance has been prepared in accordance with section 7 of the NPPF.

The proposed building would be of fairly simple design with its main element of square footprint and smaller projecting wing, however, attempts have been made to add interest to the design through the use of detailing elements such as soldier coursing and a variation in external materials (brick and cement weatherboard). It is considered that the appearance of the building would be acceptable in the context of surrounding development.

In terms of space and setting, this is a building providing specialist accommodation that is expected to provide isolation space equivalent to 25% of the width of the building. When viewed from the front the building would have a width of 19.5m and would have isolation spaces totalling approximately 10m which satisfies this requirement.

The proposal is set back behind any prevailing building line and therefore has the potential to disrupt the surrounding pattern of development. However, the proximity of the development with adjoining residential gardens is not an unusual one and examples of similar such relationships can also be found in the area.

The impact on the living conditions of surrounding residents

There have been objections to the proposal on the basis that it would overlook adjacent residential properties. The council's Residential Design Guidance at RDG5 suggests that a minimum distance of 9m should be provided between any first floor windows and the boundaries of the site that they face, in order to maintain a minimum level of privacy between dwellings.

The development has been designed not to have any habitable windows at first floor level within 9m of the site boundary. There is however one en-suite and one bathroom window which do not meet this requirement. The bathroom window on the north elevation faces the harvester car park so this would not result in any loss of privacy.

The en-suite window on the south elevation is a secondary window which could be conditioned as obscure glazed with restrictive opening to ensure the neighbour is not overlooked. This would not compromise the living conditions of the occupiers and complies with the guidance set out under RDG5.

Whilst neighbouring residents are currently accustomed to having an open site to the rear of them, the development is fully compliant with council guidance in respect of privacy and overlooking and there is no reason to refuse planning permission for the development on this basis.

RDG3 also requires development not to cause excessive overshadowing or dominance of adjacent properties. The proposed building is set well enough away from nearby buildings that it would not have an unduly overbearing or obtrusive impact on them.

The proposal has ridge heights ranging from 6.7m to 7.9m and the part of the building located closest to the neighbours is orientated to the north. All the adjoining properties have good sized rear gardens in excess of 20m. In these circumstances it is not considered that undue overshadowing or dominance of nearby buildings would occur. No objection is therefore raised on the basis of RDG3.

RDG12 requires parking not to adversely impact on residential amenity. It has been pointed out by objectors that they would have car parking behind their properties were this development to go ahead, however, this area had garages on it before being used for storage so there would have been vehicles manoeuvring on the land in the past. Furthermore, the proposed parking spaces represent a reduction in garaging provision formally provided on the site. It would therefore be unreasonable to refuse planning permission for this scheme on the basis of the impact of its parking provision on adjoining residents.

The proposed use may have the potential to attract greater levels of traffic than past uses, which could amount to grounds for refusal. However it has been pointed out by the agent for the application that although a car park is shown on the plans, experience of such developments is that there is little demand for car parking as the end user is likely to be financially disadvantaged.

Taking into account the intended occupants of the development who are in acute need of housing, the local planning authority agrees with the assertion that car usage among occupants of the building would be lower than would be expected from a development of housing for rental on the open market. On this basis, it is not considered that traffic levels to the development would lead to harm to the living conditions of nearby residents and there is no objection on the basis of RDG12.

The impact on traffic and parking in the area

Policy T8 of the Local Plan requires the provision of parking in accordance with adopted standards. The current adopted standards are the 2009 County Parking Standards, which do not contain a specific parking standard for houses in multiple occupation.

Each unit of accommodation would have one bedroom and therefore it is considered the application of the parking standard for a one bedroomed flat would be appropriate.

The development proposes one parking space for each unit plus a further space which for use by the on-site member of staff, which meets the council's standards. Therefore it cannot be demonstrated that the development is likely to lead to an increase in demand for kerbside parking in Hatley Gardens, particularly in the light of conclusions already drawn about low car ownership and usage by the intended occupants.

The proposal is satisfactory in terms of its car parking provision.

Whether satisfactory access for refuse collection purposes can be achieved

RDG13 of the council's Residential Design Guidance requires the provision of safe, adequate and suitable means of refuse and recycling storage for all forms of residential development.

There was initially some concern about the bin area being too far from the highway for the refuse and recycling service to collect from, but it has since been established that the on-site member of staff at the accommodation will be responsible for bringing the bins nearer to the highway for collection at the appropriate time. The council's refuse and recycling service has since commented that this is an acceptable arrangement.

The level of amenity space provision for occupiers

The council's guidance at RDG6 seeks a minimum level of outdoor amenity space provision of 8m² per habitable room. The proposed development would have nine habitable rooms so 72m² is the minimum required amenity area. An amenity area of some 130m² would be provided with an additional separate area for airing laundry. This is generous outdoor amenity space provision so there is no objection to the proposal on the basis of RDG6.

In terms of the levels of amenity offered by the proposed dwelling units themselves, the rooms on offer range between 16m² and 26m² in area. Whilst this may seem compact when taking into account that the units are provided with some cooking facilities, the local planning authority does not have any internal space standards for this type of accommodation. The council's Environmental Health Service, which deals with the licensing of houses in multiple occupation, has been consulted on the application and a response has been received. Some matters requiring attention have been raised but these are issues to be dealt with under Building Regulations, none are to do with the size of the accommodation. There is consequently no objection to the proposal on this basis.

Other matters

Public objection comments have been received relating to matters such as the council getting the best return for its assets and whether there are more appropriate sites for the proposed development.

Financial considerations are not a matter for the Development Control Committee to consider. The committee must make a decision on whether the proposal is acceptable in land-use terms. On the matter of alternative sites, the committee is being asked to make a decision on the application before it. It is not the role of the committee to consider whether another site could be developed by the council for this purpose.

It is noted that the highway authority has requested several conditions be imposed on any grant of planning permission.

The first requires the provision of ten on-site parking spaces with dimensions of 2.9m by 5.5m. There are ten spaces proposed. Some of these measure 2.8m wide and are slightly deficient in

width however this is not considered to prejudice their use for car parking purposes. A condition may be imposed requiring the provision and retention of the approved parking layout.

The second requires there to be no discharge of surface water from the development onto the highway. The access is already hard surfaced and it is not proposed to modify this in any way. It is proposed to provide a new car park for the development, this would be on an existing hard surfaced area so runoff would not be increased. It is good practice, however, to seek to use the opportunities offered by new development to reduce the causes and impacts of flooding, as set out at paragraph 100 of the NPPF. Therefore, it would be appropriate to impose a condition requiring the car park to be provided in accordance with Sustainable Drainage (SuDS) principles.

The third requires no unbound material to be used in the surface treatment of the vehicular access within 6m of the highway boundary. The access is an existing hard surfaced roadway with no alterations proposed so this condition is not required.

The fourth requires areas within the site and clear of the highway for the reception and storage of building materials and manoeuvring of all vehicles, including construction traffic, to be identified. Given the distance of the site from the highway it would not be practicable for construction vehicles to unload materials in Hatley Gardens, so this condition is not considered necessary.

The fifth requires the provision of Residential Travel Information Packs to the new occupiers. Whilst this may be justified in the case of the provision of housing on a large scale, where the impact of new residents on traffic levels in the area could be significant, it is not considered warranted for a development of this size. Furthermore, taking into account the temporary nature of occupiers of the accommodation, any benefit from behavioural change of the initial occupiers would soon be lost. The condition is therefore neither necessary nor reasonable.

Conclusion

The proposal would provide an urgently needed facility for the council to house people on a temporary basis currently met by bed-and-breakfast accommodation away from the area. This is a benefit which carries significant weight.

The proposal introduces a form of development with a different character from that of its surroundings inasmuch as it would not have a direct road frontage but nonetheless complies with the council's residential design guidance.

It would of course be viewed from the rear aspects of surrounding buildings, but the planning system is not there to protect private views, it is concerned with the use of land in the public interest.

Officers are of the opinion that the planning balance is in favour of allowing the development, and recommend that planning permission be granted.

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

My Recommendation is Approval with the following conditions

- 1 The development hereby permitted shall be begun on or before the expiration of three 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 Prior to first occupation of the development, the approved car parking layout shall be provided, hard surfaced and drained in accordance with SuDS principles, in accordance with the approved plans. Thereafter, this area shall be retained for the parking and manoeuvring of vehicles and not used for any other purpose.

REASON: In the interest of sustainable drainage and to make and retain satisfactory provision for parking off the highway.

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

REASON: To ensure a satisfactory form of development in interests of the visual amenity of the area.

- 4 The en-suite window to bedroom 8 in the south facing elevation of the building at first floor level shall be:

- (i) obscure-glazed to at least level 3 on the Pilkington scale (or such equivalent as may be agreed in writing with the local planning authority); and
- (ii) non-opening, unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed

and retained as such thereafter.

REASON: To prevent overlooking of the adjacent residential properties.

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.