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Angela Hutchings
Chief Executive

AGENDA

Committee: DEVELOPMENT MANAGEMENT

Date and Time: Tuesday 9th January 2024, at 7.00pm

Venue: Council Chamber, Council Offices

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

Membership: Councillors Bowker (Chairman), Greig (Vice-Chairman), Acott, Anderson, Howlett, Lillis, C. Sach, Savage, Skipp and J. Thornton.

Substitutes: Councillors Barton-Brown, Fuller, Mountford, A. Thornton and Withers.

Canvey Island Town Councillor: S. Sach

**Officers attending: Stephen Garner – Assistant Director Development Services
Keith Zammit – Planning Officer
David Bland – Chartered Legal Executive Lawyer (Fellow)**

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 meetings held on 5th December and the 13th December 2023 are attached.

3. 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).

4. Deposited Plans

The report is attached.

	Application No	Address	Page No
1.	23/0599/FUL	49 Church Road, Thundersley, Benfleet, SS7 4BP (St George's Ward)	1

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DEVELOPMENT MANAGEMENT COMMITTEE

TUESDAY 5TH DECEMBER 2023

PRESENT: Councillors Bowker (Chairman), Greig (Vice Chairman), Acott, Anderson, Howlett, Lillis, C. Sach, Savage, Skipp and J. Thornton.

SUBSTITUTE MEMBERS PRESENT: None.

CANVEY ISLAND TOWN COUNCIL: Councillor S. Sach.

ALSO PRESENT: Councillor Fuller and A Thornton.

CHANGE TO MEMBERSHIP OF THE COMMITTEE

It was stated that there had been a change to the membership of the Committee. At the request of the Leader of the People's Independent Party Group, Councillor Savage was now a member of the Committee and Councillor Hannah Barton-Brown was now a substitute member."

APOLOGIES: There were none.

17. MEMBERS' INTERESTS

In relation to Agenda Item 5(4), as the Council was the applicant Councillor C Sach stated that although she was the Cabinet member for Housing there was no personal interest in the application and she would be considering the application on its own merits and based on the Planning officer's report and the information provided at the meeting.

18. MINUTES

The Minutes of the meeting held on 17th October 2023 were taken as read and signed as a correct record.

19. PUBLIC SPEAKERS

Agenda Item 5(1): Mrs Summerfield and Councillor Fuller as Canvey Island North Ward Member.

20. DEFERRED AGENDA ITEMS

The Chair explained that Agenda Items 5(2) and 5(3) had been deferred at the previous meeting on 3rd October 2023 to obtain further information. As this was a continuation of consideration of those items only those Members of the Committee who were present at this meeting and at the meeting on 3rd October were able to take part in the debate and vote on those items. Councillors Greig and Howlett would not be able to participate in the debate or vote on those agenda items.

21. DEPOSITED PLANS

(a) 23/0582/FUL – 6 AYLETT CLOSE, CANVEY ISLAND ESSEX, SS8 8AN (CANVEY ISLAND NORTH WARD) – CHANGE OF USE FROM RESIDENTIAL (USE CLASS C3) INTO A CHILDREN’S HOME FOR UP TO THREE CHILDREN (USE CLASS C2) – YAFFLE CARE LTD

The application sought the conversion of a residential dwelling to a children’s care home, at 6 Aylett Close, Canvey Island. The proposal would house three 8-16 year olds that were under the care of local authorities. As the area was designated for residential use, the proposed application was not considered a departure from the allocation within the adopted Local Plan.

The application was presented to the Committee as it had been called in by Councillor Fuller on the grounds of:

- The location, and character of the location, representing an inappropriate use of the property, resulting in a material detrimental impact on the adjoining properties.
- The location of the property failing to provide sufficient social amenity to the prospective three children who would be resident.

The Planning Officer explained that the proposal would provide a benefit in terms of providing care for children in need, in an area with easy access to transport, education and health facilities which carried a significant amount of weight.

The development had been found not to have an unacceptable impact on neighbours’ amenity subject to appropriate conditions. While parking facilities were less than the suggested ideal amount, there was no breach to the standards caused by this as a result of them being ‘maximum standards’, and it was considered the proposal would result in less than significant harm to parking facilities in the surrounding area, which carried minimal weight. No detrimental harm to the residential setting was identified.

When all material factors had been carefully considered it was considered that the benefits of granting planning permission substantially outweighed any adverse impact as a result of the change of use. The Planning Officer therefore recommended that permission be granted.

The Committee Officer read out a statement in objection to the application on behalf of Mrs Summerfield, a local resident.

Councillor Fuller, Member for Canvey Island North Ward, spoke in objection to the application.

In response to questions from the Committee the Planning Officer explained that Condition 7 in the officer’s recommendation required that the hard surfacing of the extension to the existing parking area to the front of the property be constructed in accordance with sustainable urban drainage systems in order to avoid surface water flooding. The age group of the children was up to 18 years of age however Members could amend the condition to 16 years of age if they felt it was appropriate. The

cycle parking would be located at the rear of the property so that it did not impact the parking at the front. It was not known whether staff working overnight were required to be awake throughout their shift however it was proposed to provide a bed in the office. The parking standards did not take into account whether the children living at the property were of driving age, it was based on the number of bedrooms at the property. There were no parking restrictions in Aylett Close however it was uncertain whether there was any in the surrounding area.

The question was asked whether it was possible to add a condition to any consent requiring an Essex First nomination rule for the children. No information on the children including current residence or background was known, it would be those who needed to be housed by Essex County Council Children Services and potentially from the Castle Point area and neighbouring authorities. The proposal was by a private company who would be housing occupants placed by Essex County Council however specific details about the arrangement between them was not known or whether this was part of the Essex County Council Framework. Condition 5 could be amended to require two members of staff on site at all times. Bin storage would not be affected by the introduction of the additional parking area. The comments from the Essex Police Designing Out Crime Officer was in regard to the security of the building.

During debate Members' raised concerns about the location of the children's home in Aylett Close in regard to parking, the lack of location assessment and whether the proposal was accepted by Essex County Council. The Committee felt that it needed more information before making a decision on the application.

Following debate a vote took place on the recommendation in the report which was lost. An alternative motion was moved and seconded and it was:

Resolved – That the application be deferred to obtain further information regarding the location assessment, whether the proposal is part of the Essex County Council Framework and confirmation of the proposed age group of the children who would be living at the property.

- (b) **23/0422/VAR – 179 KILN ROAD, THUNDERSLEY, BENFLEET, ESSEX, SS7 1SJ (CEDAR HALL WARD) – VARIATION OF CONDITIONS 6 AND 7 (OPENING HOURS OF PETROL GARAGE AND SHOP, CAR WASH, CAR VAC AND AIR/WATER TOWER) OF PERMISSION CPT/108/05/FUL – MOTOR FUEL GROUP LTD**

(Councillors Greig and Howlett did not participate in the debate or vote for the reasons detailed at Minute No.20).

The application had previously been presented to the Committee on 3rd October 2023 with a recommendation to grant approval. A copy of the original officer's report contained within the agenda for that Committee meeting was appended to the report for reference.

At the meeting, following debate a vote took place on the recommendation in the report which was lost.

An alternative motion was moved and seconded that the application be refused due to the detriment to the amenity of local residents. The Planning Officer had advised

that on the basis of there being no objection from Environmental Health or other qualified noise experts that based on the evidence submitted as part of the application, there was no sustainable material reason to object to the application on the basis of harm by reason of noise to adjacent residents.

Following this an alternative motion was moved and seconded whereby it was resolved to defer determining the application to obtain further information from the Council's Environmental Health Department on the number of noise complaints received from properties surrounding this site and the outcome of the investigation into those complaints.

Since the proposal was presented to the Development Management Committee on 3rd of October 2023, an additional consultation response from Environmental Health had been received. They did not raise any objection to the proposal and did not recommend any further conditions.

Environmental Health provided data of findings of any investigations and their subsequent outcomes dating back to 2011. In this time, only one service request was dealt with in a formal manner, as a result a notice was served regarding early morning and night-time deliveries and noise from the car vacuum cleaner. The notice restricted the delivery times and required the car vacuum cleaner to be repaired, replaced, or renewed to reduce noise levels to at or below background during hours of operation. It was taken out of use. The case was closed 6th Feb 2020.

There were also five service requests dealt with informally, and two were unable to be acted upon under the control of Environmental Health and were subsequently closed. Of these additional seven requests, four related to noise nuisance.

It was also highlighted that Environmental Health raised no objection to the proposal. Without evidence to demonstrate that there was material harm to residential amenity which was supported by Environmental Health it was considered that a refusal of the application relating to noise generated by the site and its harm to residential amenity would not be backed by sufficient material planning considerations and would not represent a justifiable or sufficiently robust decision which could be defended were it to be appealed. Therefore, it was recommended that no objection was raised to the proposal on this basis.

The Planning Officer stated that in light of the information from Environmental Health there was no change to the officer's recommendation of approval or the proposed conditions as set out in the original officer's recommendation.

In response to questions on the new information provided the Planning Officer clarified that the proposal to amend conditions 6 and 7 included changes to the hours of the car wash even through the next application proposed to demolish the car wash. This was because the conditions also included reference to the shop and petrol forecourt. If agreed the changes would only apply to the shop, the next application would impose conditions on the operating hours of the new jet wash bays. It was possible for the Committee to amend the opening hours on Sundays to 7:00am however it should be noted that following a noise impact assessment Environmental Health had found no harm with the shop opening at 6:00am on Sundays therefore it would be difficult to justify such a condition should the applicant

wish to appeal. With regard to noise complaints about the car vac Motor Fuel Group Ltd had made some changes which had reduced the noise.

Members raised concerns about the impact of the change to the opening hours on the residential amenity however the Planning Officer stated that this would not be a sustainable reason for refusal as there was evidence to the contrary. There was no material planning reason to defer the item again to request the applicant to amend the opening hours and if there were any further delay to a decision the applicant would have the right to appeal on the grounds of non-determination of the planning application.

After further consideration the Committee:

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

- (c) **23/0456/FUL – BENFLEET SERVICE STATION, 175-179 KILN ROAD, THUNDERSLEY, BENFLEET, ESSEX (CEDAR HALL WARD) – DEMOLITION OF CAR WASH AND THE CREATION OF CHARGING ZONE, ERECTION OF ELECTRICAL VEHICLE (EV) CHARGERS, ERECTION OF CANOPY, THREE JET WASH BAYS, SUB STATION ENCLOSURE, PLANT ROOM AND ASSOCIATED FORECOURT WORKS – MOTOR FUEL GROUP**

(Councillors Greig and Howlett did not participate in the debate or vote for the reasons detailed at Minute No.20).

The application had previously been presented to the Committee on 3rd October 2023 with a recommendation to grant approval. A copy of the original Planning officer's report was appended to the report for reference, alongside the late letters schedule proposing amendments to conditions 7 and 8 of the officer's recommendation.

At the meeting on 3rd October 2023, following debate a vote took place on the recommendation in the report which was lost.

The Committee felt that more information from the Fire Authority including a risk assessment on this matter would be beneficial. It was also considered that further information should be sought from UK Power Network and the Health and Safety Executive (HSE). It was explained that a risk assessment could not be required because it was not part of the planning process and that it was not necessary or likely to receive a response from UK Power Networks, however further information could be sought.

Following this an alternative motion was moved and seconded whereby it was resolved to defer determining the application to obtain further information from the Essex Fire Authority, UK Power Network and the Health and Safety Executive (HSE) on the fire risk in installing electric vehicle charging points.

The Local Planning Authority (LPA) had now received additional consultation responses from Essex Fire and Rescue, Essex Highways, and the Health and Safety Executive. None of these bodies raised any objection to the proposal nor recommended any conditions.

Essex Fire and Rescue suggested that the applicant or architect ensure compliance with Building Regulations and ensure adequate fire suppression systems.

As the LPA could not condition for an applicant to contact a third-party body, and that Essex Fire and Rescue raised no objection to the proposal, it was considered that these comments could be adequately addressed through including them in an informative to any granted consent.

The Planning Officer stated that in light of the information received there was no change to the officer's recommendation of approval or the proposed conditions as set out in the original officer's recommendation aside from those proposed previously in the late letters schedule to incorporate some of the points raised by the Essex Badger Protection Group and the application was recommended for approval.

The addition of an informative regarding comments made by Essex Fire and Rescue in relation to water supplies and sprinkler systems was recommended.

During debate Members continued to express their concern that the distance of the EV chargers from the petrol pumps was not sufficient. The Planning Officer stated that it complied with the distance set out in 'the blue book' which advised on how petrol stations were managed although this was not a material planning consideration. The Committee felt that it needed further information from the Petroleum Enforcement Authority before making a decision. Members were also concerned that no response had been received from UK Power Networks.

Following debate a vote took place on the recommendation in the report which was lost. An alternative motion was moved and seconded and it was:

Resolved – To defer determining the application to obtain a consultation response from Essex County Council Trading Standards as the Petroleum Enforcement Authority as well as make a further attempt to get a response from UK Power Networks.

(d) 23/0546/FULCLC – 3 EAST CRESCENT, CANVEY ISLAND, ESSEX, SS8 9HL (CANVEY ISLAND CENTRAL WARD) – SINGLE STOREY REAR EXTENSION, REAR DORMER INCLUDING OTHER ALTERATIONS – CASTLE POINT BOROUGH COUNCIL

The application sought permission for a single storey rear extension and a rear dormer, including other alterations. No conflicts with local and national planning policy had been identified and the proposal was therefore recommended for approval.

The application was presented to the Committee because the Council was the applicant and owner of the land.

During discussion Members commended the proposal and it was:

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

DEVELOPMENT MANAGEMENT COMMITTEE

WEDNESDAY 13TH DECEMBER 2023

PRESENT: Councillors Bowker (Chairman), Greig (Vice Chairman), Acott, Anderson, Howlett, Lillis, C. Sach, Savage, A Thornton and J. Thornton.

SUBSTITUTE MEMBERS PRESENT: Councillor A Thornton

CANVEY ISLAND TOWN COUNCIL: Councillor S. Sach

ALSO PRESENT: Councillors Ainsley, Benson, Bissell, W.Gibson, Jones and Knott

APOLOGIES: Councillor Skipp

22. MEMBERS' INTERESTS

No declarations of interest were made.

23. PUBLIC SPEAKERS

Under Agenda Item 5(1):

Mr Carpenter in support.

Councillor Knott as Victoria Ward Member.

24. DEPOSITED PLANS

- (a) **23/0085/OUT- LAND EAST OF RAYLEIGH ROAD. THUNDERSLEY, ESSEX, SS7 3UB(VICTORIA WARD) OUTLINE PLANNING APPLICATION FOR THE DEVELOPMENT OF UP TO 455 NEW HOMES, A NEW MULTI-USE COMMUNITY HALL, LAND FOR THE PROVISION OF A HEALTHCARE FACILITY, LAND FOR A STAND-ALONE EARLY YEARS AND CHILDCARE NURSERY, NEW VEHICULAR/PEDESTRIAN ACCESS POINTS FROM STADIUM WAY IN THE NORTH AND DAWS HEATH ROAD IN THE SOUTH, NEW GREENWAYS AND GREEN LINKS, MULTI-FUNCTIONAL OPEN SPACE, GREEN INFRASTRUCTURE, SURFACE WATER ATTENUATION, LANDSCAPING AND ASSOCIATED INFRASTRUCTURE. ALL MATTERS RESERVED EXCEPT ACCESS.**

The application was presented to Committee because it was of sufficient scale to warrant consideration by Committee, in the interest of open and transparent decision making.

The applicant was seeking outline planning approval for access and the principle of residential development for up to 455 dwellings and associated facilities, with all other matters to be reserved for subsequent planning approval.

Members had undertaken a site visit before the meeting.

A comprehensive report was before the Committee. The Planning Officer presented the report to the Committee highlighting matters leading to the recommendation before the Committee for refusal.

Mr Carpenter, spoke in support of the application.

Councillor Knott Victoria Ward spoke to express concerns on behalf of local residents particularly regarding the proposed development of Green Belt land and support for the recommendation.

Members asked questions of the Planning Officer to clarify points in the report. The recommendation was moved, and debate took place. At the conclusion, it was:

Resolved unanimously – that the application be refused for the following reason:

1. The proposal represents inappropriate development in the Green Belt as defined in the National Planning Policy Framework. Such development will only be permitted if very special circumstances exist to justify its inappropriateness. No other considerations have been found, either in isolation or in combination, to outweigh the harm to the Green Belt so very special circumstances do not exist and the proposed development is contrary to Government advice as contained in the National Planning Policy Framework.

Informatives

1. The Local Planning Authority has acted positively and proactively in determining this application by setting out a clear timetable for determination to the applicant, once important consultee comments had been received, and by identifying matters of concern with the proposal and clearly setting these out in the reason(s) for refusal.

(b) 23/0456/FUL – BENFLEET SERVICE STATION, 175-179 KILN ROAD, THUNDERSLEY, BENFLEET, ESSEX (CEDAR HALL WARD) – DEMOLITION OF CAR WASH AND THE CREATION OF CHARGING ZONE, ERECTION OF EV CHARGERS, ERECTION OF CANOPY, THREE JET WASH BAYS, SUB STATION ENCLOSURE, PLANT ROOM AND ASSOCIATED FORECOURT WORKS – MOTOR FUEL GROUP

The Chairman has agreed that this item could be brought forward as a matter of urgent business in order that the application can be determined to avoid an appeal for non-determination. Section 100B(4) Local Government Act 1972 (as amended).

The application sought the erection of electrical vehicle (EV) chargers, erection of canopy, as well as the creation of three jet wash bays, sub-station enclosure, plant room and associated forecourt works to an established petrol station to the north of Kiln Road.

This application was presented to the Committee (DMC) on 3rd October 2023 with a recommendation to grant approval. A copy of the report was before the Committee together with the report before the Committee on 5th December 2023. Determination of the application at that meeting was deferred to obtain a consultation response from Essex County Council Trading Standards as the Petroleum Enforcement Authority as well as make a further attempt to get a response from UK Power Networks.

The LPA had received a consultation response from Essex County Council Trading Standards Petroleum Enforcement Authority who raised no objection to the proposal nor recommended any conditions.

No response had been provided from UK Power Networks objecting to this application at the time of writing this report, however it was considered that this was not determinative to the application and did not alter the recommendation of officers.

Following debate, during which Members maintained concerns regarding the application it was:

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

Chair

ITEM 1

Application Number:	23/0599/FUL
Address:	49 Church Road Thundersley Benfleet Essex SS7 4BP (St George's Ward)
Description of Development:	Construction of two storey side extension, part single/ part two storey rear extension, convert existing dwelling into 4No. flats and alter vehicular accesses (amended proposal following approval 22/0878/FUL)
Applicant:	Mr P Codarin
Case Officer:	Mr Keith Zammit
Expiry Date:	11th January 2024

Summary

The application seeks permission for the conversion and extension of the property to four flats. While the principle has been established by a previous planning permission for three flats, this proposal is deemed too car dominated. It is therefore recommended for REFUSAL.

The application is presented to the committee due to the recent planning history of an application being approved by the committee for three flats on the site, as well as a call-in request by Councillor Walter for the following reasons:

- o Overdevelopment of the site
- o Poor and inadequate vehicular access
- o Located on a hazardous junction
- o Insufficient parking

Site Visit

It is not considered necessary for members to inspect the site in the company of a planning officer prior to the meeting.

Introduction

The application relates to a three-bedroom, semi-detached property on the corner of Church Road and Seamore Avenue. The property has a single garage with driveway accessed from Seamore Avenue. In addition to this, there is a large, concreted area to the front and side of the property with vehicular access from Church Road.

There is a detached bungalow on the opposite corner of Seamore Avenue, but the area generally is characterised by two storey buildings.

The Proposal

Permission exists for the extension of the existing dwelling and its conversion to three flats. A revised scheme for the provision of larger extensions, and four flats, has now been submitted.

The existing rear conservatory/utility room, front porch and detached garage at the rear would be removed and a part single/part two storey rear and side extension erected. The two storey side part of the extension would have a width of 5.8m. The rear part would be mostly two storey and would have a depth of 3m to 4m. A small section next to the boundary with the adjoining property (47 Church Road) would be single storey. This is labelled as a parapet flat roof with no access from the first floor flat.

The layout would provide one two-bedroom flat and three one-bedroom flats. The two-bedroom flat would be on the ground floor and the one-bedroom flats would be at ground and first floor.

The rear garden is proposed to be split into four separate areas for the individual flats. A total of five parking spaces would be provided, two accessed from Seamore Avenue and three across the site frontage with access from Church Road. An area for cycle storage would be provided.

Supplementary Documentation

There is none.

Planning History

February 2023 – permission granted to demolish existing detached garage, conservatory and porch, erect part single/part two storey rear and side extension with balcony and external stair, convert dwelling to three flats, provide bin and cycle storage to rear and widen vehicular accesses (22/0878/FUL).

September 2023 – application to erect two storey side extension, part single, part two storey rear extension, convert existing dwelling into 4No. flats and alter vehicular accesses was recommended by officers for refusal and was withdrawn by the applicant the day before the Development Management Committee (23/0333/FUL).

Relevant Government Guidance and Local Plan Policies

National Planning Policy Framework (the Framework, 2023)

Local Plan (LP, 1998):

EC2 – Design

T8 – Parking standards

Residential Design Guidance (2013):

RDG2 – Space around dwellings

RDG3 – Building lines

RDG4 – Corner plots

RDG5 – Privacy and living conditions

RDG6 – Amenity space

RDG12 – Parking and access

RDG13 – Refuse and recycling storage

RDG16 – Liveable homes

Parking Standards: Design and Good Practice (Essex County Council, 2009)

Technical Housing Standards – Nationally Described Space Standard (DCLG, 2015)

Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (Essex County Council, 2020)

Community Infrastructure Levy:

The proposed development type is located within a Community Infrastructure Levy (CIL) charging zone, as set out in the council's adopted CIL Charging Schedule. CIL is non-negotiable and is calculated at the time planning permission is granted. The charge is based on the net increase of gross internal floor area of the proposed development, and payment of CIL is due upon commencement of the development, in accordance with the council's CIL Instalment Policy. It may be possible to claim exemption or relief from CIL. Further information is provided on the council's website.

The proposal is for residential development which is CIL liable.

Consultation

Highways – No objection with conditions suggested.

Public Consultation

The following objection comments have been made:

- o additional on-street parking would add to traffic problems
- o this is a road where flats have no place
- o additional vehicle access would be dangerous
- o site would be suitable for a house but not 4 flats
- o overlooking of neighbours
- o problems with rubbish disposal
- o infrastructure not suitable for extra sewage
- o doctors' surgeries and dental practices are already full
- o loss of a family home
- o design issues
- o environmental issues
- o accessibility issues
- o devaluation of properties nearby
- o parking of five vehicles on the site would be an eyesore as well as hazard to pedestrian safety

The following support comments have been made:

- o No idea why people are so opposed to it, there is no history of accidents on the corner
- o Cheaper properties seem a great idea
- o Wouldn't object to 3 flats
- o The site has good access to public transport
- o Lack of available property for younger people

Comments on Consultation Responses

- o The conditions suggested by the highway authority will be incorporated into any recommendation to grant planning permission where reasonable and necessary.
- o Existing road congestion or pressure on infrastructure cannot be a reason to refuse planning permission. Only the additional impact from the development may be considered. The development is not of a scale where contributions to infrastructure improvements would be sought through a section 106 agreement although CIL would be payable on the increase in floorspace.
- o Any other planning matters raised are considered in the evaluation of the proposal.

Evaluation of Proposal

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 set out that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise (paragraph 2 of the Framework).

The development plan for Castle Point is the policies of the 1998 Local Plan (LP) that were saved by direction under Article 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004.

The policies most relevant to the determination of this application are EC2, which seeks a high standard of design in extensions and alterations to existing buildings, and T8, which seeks the provision of parking in accordance with standards published by the county council. These contribute to the Framework objectives of achieving well-designed places and promoting

sustainable transport (as the parking standards to which policy T8 links have been set taking into account local circumstances).

The principle of providing flats on this site has been established. The issue here is whether the additional flat means that the scheme is still acceptable in terms of design, living conditions, the impact on neighbours and parking.

Design

In architectural terms, the proposal would continue to replicate the architectural style of the existing building in the way that the previous proposal did. A 3m flank building line to Seamore Avenue would be maintained as per the previous scheme. The rear elevation is not that attractive as there is an element of flat roof at first floor, but the previous scheme was not particularly well designed either, due to the dummy pitch and external stair. On balance, it is considered that the amended proposal is at least no worse than the previous permission and therefore there are no objections based on policy EC2 or guidance at RDG 2, 3 or 4.

Living conditions

Guidance at RDG6 requires 8sqm of amenity space per habitable room with a minimum of 25sqm per flat. The flats have separate gardens and the proposal is fully compliant with this requirement.

A balcony is shown to one of the first floor flats, flat 4. The council's design guidance states that balconies should have a floor area of 5sqm and depth of 1.5m to form a usable area that may count towards amenity space provision. The balcony to flat 4 does not have a depth of 1.5m but as there are private gardens that meet design guidance requirements the balconies are not necessary so there is no objection to this aspect of the proposal.

The gardens have been laid out in a manner that preserves the privacy of the ground floor flats as far as possible. The gardens for the ground floor flats are nearest the building. This means that first floor flat dwellers cannot look into the ground floor of the building from their gardens, and it also reduces inter-visibility between the first floor flats' windows and the ground floor flats' gardens.

RDG5 discusses that primary habitable rooms should be served by windows which are located on the principal elevations of dwellings and that all windows should be sufficiently designed and sized for adequate natural light and ventilation to enter the room they serve.

The Framework also seeks to achieve high-quality living environments which this authority has taken to include occupants of habitable rooms being provided with a reasonable outlook. This approach has been well supported at appeal throughout the borough.

It is considered that the proposal complies with the requirements of RDG5 insofar as they relate to the internal living conditions of future occupiers.

RDG16 requires appropriate internal space and circulation space to be provided in line with best practice. The council uses the DCLG national space standards as an example of best practice.

The current proposal meets national space standards for the floor areas of the flats.

There is a lack of built-in storage in all flats. Flats 1, 3 and 4 have no storage. Flat 2 has hall cupboards but these provide only 1.3sqm of storage space not the 2sqm required by space standards. The previous approval was subject to a condition that new floor layouts were submitted to show adequate storage. Refusal solely on this basis is not considered to represent a

robust reason for refusal. However, this is a relatively minor point which could be addressed by a suitably worded conditions and therefore a condition is recommended to be imposed to require the provision of built in storage.

There is therefore no objection based on RDG16.

Impact on neighbours

RDG3 seeks to prevent proposals from causing excessive overshadowing or dominance towards adjacent properties. The general form and mass of the proposed extensions would not have an unreasonable impact on any nearby properties through overshadowing or dominance, even though the extensions to the rear are larger than the previous approval.

RDG5 states that for all development above ground floor level, for windows installed on the 1st floor a distance of 9m shall be provided between the windows, edge of balconies or raised amenity space and the boundary it directly faces. It should be noted that oblique views are not protected.

The proposal complies with guidance at RDG5 on overlooking.

Parking

LP policy T8 requires the provision of parking in accordance with standards published by the county council. The current standards are the 2009 standards which require the provision of a minimum of one space for a one-bedroom property, and two spaces for properties with two or more bedrooms. Visitor parking should be provided at a rate of 0.25 spaces per property. Parking spaces should have dimensions of 2.9m by 5.5m.

The proposal features one two-bedroom flat with the rest being one-bedroom. The parking requirements are as follows:

1 x 2 bed flat = 2 spaces

3 x 1 bed flat = 3 spaces

Visitors 0.25 x 4 = 1 space

Total 6 spaces

The application proposes five spaces which technically is deficient by one space. The parking standard, however, allows for reductions of the vehicle standard to be considered if there is development in an urban area that has good links to sustainable transport.

The site is 275m from London Road where there are numerous bus services and local shops. This is viewed as a sustainable location in planning terms where a reduction in the minimum vehicle standard would be appropriate. It is noted that the main objection from local residents is to the busy nature of the junction of Church Road with Seamore Avenue, and the sentiment is expressed that this area cannot satisfactorily accommodate more vehicles or on-street parking. That view is not shared by the highway authority.

While local opposition to the proposal on parking grounds is strong, planning permission may reasonably be refused only if it can be shown that the development would be likely to have a severe impact on the highway network. While it was observed at the time of the officer's site visit that this is a busy junction even outside of peak hours, with vehicles often waiting to let each other pass due to Seamore Avenue effectively being reduced to a single lane by parking, in order to refuse permission, it would have to be shown that this proposal would make the situation

demonstrably worse. Acknowledging that this is an emotive issue in the local area, the advice of planning officers is that the addition of a single flat over and above the approved scheme would not worsen local highway conditions so severely that a reason for refusal on this basis could be robustly defended at appeal.

Although an additional flat is proposed over and above those approved, the mix of bedroom numbers is such that there is still only a parking deficiency of one visitor space, which is the same deficiency as the approved scheme had. It is not considered that a refusal on this basis would stand up to challenge at appeal.

Furthermore, it should be noted that the Highways Authority have not objected to this proposal.

In the absence of evidence to demonstrate harm to highway conditions it is concluded that the proposal does not conflict with policy T8.

In terms of cycle parking there should be one space per dwelling for occupants and one space for every eight dwellings for visitors. Five spaces would therefore be sought in this development. The submitted plans show storage for five cycles which is acceptable in numerical terms. There are no design details of this cycle store so this would need to be the subject of a condition should permission be granted. Subject to such a condition there is no objection to the proposal based on its provision for cycle parking.

RDG12 requires parking not to be detrimental to visual or residential amenity, with parking reflecting current vehicle parking standards in terms of its size and layout. LP policy EC2 also requires the spaces around buildings to be enhanced by appropriate hard and soft landscaping.

The provision of parking at the rear of the site would be on the location of an existing garage and parking space and in the location of previously approved parking so it is not considered that this would be detrimental to the residential amenity of neighbouring occupiers. The frontage parking would be expanded closer to the next door neighbour but in an area where properties often have their frontages given over to parking it is not considered that this would lead to undue loss of amenity.

The spaces meet the required dimensions. The end space at the north end of the site should have an additional 1m of width to allow for increased manoeuvrability and door opening but as this is existing parking, and the approved scheme did not require this, it is not felt that this would represent a strong objection.

In terms of visual amenity, the rear parking reflects the approved position so there is no objection to this facet of the scheme.

The frontage parking would result in more or less the whole frontage of the site, apart from the front corner, being taken up with parking which is less acceptable than the previous scheme. Only narrow strips around the parking spaces would remain for landscaping, which would not have much of a softening effect on the appearance of the frontage. Parked cars would hide much of the landscaping. The return frontage has more space for landscaping, but it is on the Church Road frontage where concern lies.

The current proposal is felt to be more car-dominated than the previous permission, which represents a retrograde step and would be to the detriment of the street scene. It is recognised that existing houses can hard surface their frontages as permitted development but that is not a reason to accept further poor forms of development where they fall within the council's control.

The proposal is considered to be contrary to the council's guidance at RDG12, as well as policy EC2 due to the space around the building not being enhanced by appropriate soft landscaping. Conflict with guidance in the Framework is also evident, inasmuch as the proposal would not have appropriate and effective landscaping.

Other matters

RDG13 requires the provision of safe, adequate and suitable means of refuse and recycling storage. The four proposed flats would be on kerbside refuse collection rather than having communal bins. The proposed flats have space to keep a dustbin. There is therefore no objection to the proposal based on refuse collection issues.

It has been identified that population growth in Essex is likely to significantly affect wildlife habitat sites on the coast through increased recreational pressure. To counter this, the council has, along with other districts in the county, adopted the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) which sets out a tariff applied to all net new residential development within the zones of influence of the habitat sites. For 2023/24 this is £156.76 per dwelling. Once collected this goes into a fund to avoid and mitigate adverse effects from increased recreational disturbance. Alternatively, the developer can commission their own Appropriate Assessment.

The proposal lies within two zones of influence: Benfleet and Southend Marshes Special Protection Area (SPA) and Ramsar, and the Blackwater Estuary SPA and Ramsar. The developer has made an upfront RAMS payment for the three net additional dwellings, thereby fulfilling his obligation. There is therefore no objection to this facet of the development.

The planning balance

The Framework sets out at paragraph 11 a presumption in favour of sustainable development, which for decision-taking, means

- o approving proposals that accord with an up-to-date development plan without delay; or
- o where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁸, granting permission unless:
 - i. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁷; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

The council's development plan is not up-to-date. Footnote 8 of the Framework explains that, for applications involving the provision of housing, policies most important for determining the application will be out-of-date where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.

Castle Point Borough Council is unable to demonstrate a five-year supply of deliverable housing sites, therefore the policies most important for determining the application are out-of-date and permission should be granted unless (i) or (ii) above apply.

The application site is within the zones of influence of habitats sites, which are an area or asset of particular importance (as listed at footnote 7 of the Framework). However, policies in the Framework protecting those sites do not provide a reason for refusal. Permission should therefore be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

The proposal would provide a benefit in terms of a limited boost to housing supply (of one additional dwelling over and above what already has consent). It has also been identified as appearing car dominated. This objection is consistent with the guidance set out in Chapter 12 of the Framework, which is concerned with achieving well-designed places.

The boost to housing supply of one additional property over and above the existing planning permission would not have a significant impact on the council's housing supply and therefore carries little weight in the overall planning balance. The proposal would not cause unacceptable detriment to the residential amenity of neighbouring properties and would provide acceptable living conditions for future occupiers, but those are only absences of harm and are neutral factors. The harm to visual amenity carries a significant amount of weight when assessed against the Framework, outweighing any advantages of granting planning permission. The balance is therefore against allowing the application.

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

My **RECOMMENDATION** is **Refusal**

Refusal Reasons

- 1 The proposed development would appear dominated by parked vehicles, to the detriment of the street scene and the visual amenity of the local area. It would therefore be contrary to policy EC2 of the council's adopted Local Plan, RDG12 of the council's Residential Design Guidance and government guidance in the National Planning Policy Framework which requires development to have appropriate and effective landscaping and to add to the overall quality of the area to be visually attractive.

Informatives

- 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.