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**Angela Hutchings**  
**Chief Executive**

## **AGENDA**

**Committee: DEVELOPMENT MANAGEMENT**

**Date and Time: Tuesday, 5<sup>th</sup> September 2023, 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, Barton-Brown, Howlett, Lillis, C. Sach, Skipp and J. Thornton.**

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

**Canvey Island Town Councillor: S. Sach**

**Officers attending: Stephen Garner – Planning Manager  
Keith Zammit – Planning Officer  
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 4<sup>th</sup> July 2023 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	23/0333/FUL	<del>49 Church Road, Thundersley, Benfleet, Essex, SS7 4BP (St George's Ward)</del> <b><u>THIS ITEM HAS BEEN WITHDRAWN</u></b>	1
2	23/0335/FUL	49 Kiln Road, Thundersley, Benfleet, Essex, SS7 1TA (Cedar Hall Ward)	10
3	23/0422/VAR	<del>179 Kiln Road, Thundersley, Benfleet, Essex, SS7 1SJ (Cedar Hall Ward)</del> <b><u>THIS ITEM HAS BEEN WITHDRAWN</u></b>	20
4.	23/0432/FULCLO	Benfleet Football Club, Manor Road, Thundersley, Benfleet, Essex (St Peter's Ward)	26

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**DEVELOPMENT MANAGEMENT COMMITTEE**

**TUESDAY 4<sup>th</sup> JULY 2023**

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

**SUBSTITUTE MEMBERS PRESENT:** None

**CANVEY ISLAND TOWN COUNCIL:** None.

**ALSO PRESENT:** Councillors Dearson, Savage, A. Thornton and Walter also attended.

**APOLOGIES:** None

**1. MEMBERS' INTERESTS**

In relation to Agenda Item 5(1) Councillor Bowker declared that although he knew Councillor Bizzell through membership of his party this association was not so as to affect his judgement of this matter and he would be making his decision based upon the content of the Planning Officer's report and after considering and listening to all of the views as expressed during the committee.

In relation to Agenda Item 5(1) Councillor Lillis declared that although he knew Councillor Bizzell through membership of his party this association was not so as to affect his judgement of this matter and he would be making his decision based upon the content of the Planning Officer's report and after considering and listening to all of the views as expressed during the committee.

In relation to Agenda Item 5(1) Councillor Howlett declared that although he knew Councillor Bizzell through membership of his party this association was not so as to affect his judgement of this matter and he would be making his decision based upon the content of the Planning Officer's report and after considering and listening to all of the views as expressed during the committee.

In relation to Agenda Item 5(1) Councillor Barton-Brown declared that although she knew Councillor Bizzell through membership of her party this association was not so as to affect her judgement of this matter and she would be making her decision based upon the content of the Planning Officer's report and after considering and listening to all of the views as expressed during the committee.

**2. MINUTES**

The Minutes of the meeting held on 4<sup>th</sup> April 2023 were taken as read and signed as a correct record.

### 3. PUBLIC SPEAKERS

Agenda Item 5(1) – Councillor A. Thornton

Agenda Item 5(2) – Mr Downs

### 4. DEPOSITED PLANS

#### (a) **22/0934/FUL – 36 MOUNT ROAD, THUNDERSLEY, BENFLEET, ESSEX, SS7 1HA (BOYCE WARD) – REBUILD EXISTING DWELLING – MR B BIZZELL**

The application was presented to the Committee because since submitting the application the applicant had been elected as a Councillor. The applicant was Councillor Benjamin Bizzell.

The application sought permission for the rebuilding of number 36, Mount Road due to structural issues. The proposed replacement property would be chalet-style to the front aspect, maintaining comparable ridge and eaves lines with number 38, and at the rear would have three floors due to the fall of the land. The accommodation would have four bedrooms, five bathrooms, a further WC, two living areas and a study. The proposed materials were brick, render and cladding to match adjacent properties.

The development complied with local and national policies and guidance and in all the circumstances was recommended for approval.

Councillor A. Thornton, a Ward Member, spoke on local residents' concerns that the application did not meet the Council's Residential Design Guidance, particularly that the dwelling would be 0.1m to 0.2m from the boundary on the northern side. The Planning Officer responded that whilst it did not fully meet the guidance there was little difference between the positioning of the proposal and the existing dwelling therefore this was not considered to be a sufficient reason for refusal.

In response to questions from the Committee the Planning Officer stated that the wording of Condition 4 in the recommendation regarding the windows in the side elevation was sufficient to be enforceable if necessary. '*Oblique views*' referred to diagonal views from an upper floor window of a neighbour's garden. Permitted development rights for extensions to the property were restricted to protect neighbours' amenity however it was necessary to do this for outbuildings in the garden. If the application was approved, the closeness of this dwelling to the northern boundary was unlikely to set a precedent for future developments in the borough. It had arisen due to the fact that No. 36 and No.38 had previously been semi-detached properties. No.38 had been rebuilt due to structural issues and as a consequence of the rebuild had moved slightly from the boundary. This was not a set of circumstances that was likely to be repeated throughout the borough.

With regard to the parking area at the dwelling being obtrusive to the neighbouring bedroom window, there was boundary vegetation in the neighbouring property which provided screening from the parking area and this was within the control of the neighbour to retain it. The Planning Officer's view therefore was that under

these circumstances and given the limited height of the raised parking area there were no strong grounds to recommend refusal on this basis.

During debate a Member felt that the proposal should adhere to all residential design guidance and that due to the cumulative effect of a number of issues including the higher scale of the roof, excessive overshadowing and the obtrusive parking area, these resulted in enough of a material planning consideration to warrant refusal of the application. Other Members did not agree and were supportive of the proposal.

Following debate it was:

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

**(b) TPO/1/2023 – 57 THE CHASE, THUNDERSLEY, BENFLEET, ESSEX, SS7 3BZ (CEDAR HALL WARD) – TREE PRESERVATION ORDER**

The Committee was requested to confirm a Tree Preservation Order (TPO) made by the Planning Manager under delegated powers. The order currently provided six months of temporary protection for the tree, but as objections had been received against protecting the tree, it was required to be confirmed by the Development Management Committee to provide long term future protection.

The TPO related to an Oak (*Quercus Robur*) tree located to the front of No.57 The Chase, Thundersley. The tree sat on the eastern corner of the junction between The Chase and Tudor Close and was currently the subject of a provisional TPO which had been made on 17<sup>th</sup> January 2023 and would expire on 17<sup>th</sup> July 2023.

Application 22/0893/FUL to demolish No.57, a bungalow, and erect a new dwelling had been submitted in December 2022. In assessing the application, officers were concerned that the tree might be removed during the works as this had happened at the property next door.

To inform whether to issue a TPO, the Council had undertaken a Tree Evaluation Method for Preservation Orders (TEMPO) assessment. This resulted in a total score of 20/25 which showed that the tree merited a TPO. A copy of the TEMPO assessment was attached at Appendix 1 to the Planning Officer's report.

On 17<sup>th</sup> January 2023 officers issued a provisional TPO to protect the oak tree. A copy of the provisional TPO was attached at Appendix 2 of the report. Copies were hand delivered to No.57 The Chase.

On 21<sup>st</sup> February 2023 officers received a complaint from a resident that works had been undertaken to the oak tree to the front of No. 57 The Chase. It was established that UK Power Networks had undertaken the works. On 23<sup>rd</sup> February UK Power Networks contacted officers to inform them that their contractors were back on site again to finish felling the tree. Officers immediately attended the site and stopped any further work to the tree and proceeded to inform the contractors that the tree was protected and that the works were unauthorised. It was noted that

no evidence of rotten branches or logs were immediately visible or identifiable on the site visit.

The contractors stated that they had checked whether the tree was preserved six months prior to conducting the works, when the tree was not preserved. Copies of the TPO were at this point again provided to the occupants of the dwelling and the contractors, and a site notice erected on what was left of the tree to make any interested party aware of the TPO.

Currently at the site was the trunk from the poorly carried out pollard, leaving the main tree as a single upstand that had begun to experience some good levels of growth after the works. A comparison of the tree before and after the works was attached at Appendix 3 to the report.

It was stated that under the Town and Country Planning (Tree Preservation) (England) Regulations 2012 a Tree Preservation Order took effect provisionally until the expiration of a period of six months, or until it was confirmed, or it was amended and confirmed, or until the authority decided not to confirm the Order. If a decision was not made before the end of the Order's provisional period it would cease to have any effect. The Order therefore needed to be confirmed before the 17<sup>th</sup> July 2023.

Representations objecting to the Order had been received from the owner of No. 57 The Chase and these were set out in the report. They included that the tree was now an eyesore, would shed leaves and acorns on to the driveway and footpath making it uneven and slippery and that the tree would cause subsidence to the new house. The owner had also submitted a letter from a tree surgeon which was attached to the report at Appendix 4. This stated that after inspection the tree was considered to have a low amenity value and that there were pockets of decay that penetrated to the centre of the trunk with signs of bracket fungus. The overall recommendation was that the tree was removed in its entirety and replaced with a suitable alternative.

The Council's Operational Services Manager, who was LANTRA qualified, undertook a site visit on 24<sup>th</sup> May. No decay or rotten wood was immediately visible or identifiable and percussive tests on the tree indicated that the base was solid and not hollow which would be an indication of decay. He stated that he had no concern about the safety of the tree and recommended that it was monitored regularly whilst it recovered. A copy of his findings was attached at Appendix 4 of the report.

Following the response from the owner of the property and the submitted letter from their tree surgeon, as well as the outcome of the findings from the Council's own specialist, a new TEMPO assessment had been undertaken and was attached at Appendix 6 to the report. Whilst the tree had a lower score in the TEMPO assessment than it did when the provisional Order was made, it still scored highly enough to warrant protection.

In addressing the objections to the TPO it was stated that whilst the tree currently looked out of place it had the potential to grow and would over time stand out less in the streetscene. Whilst falling acorns and leaves were an inconvenience this could be remedied by clearing up leaf litter. It was the responsibility of the tree

owner to maintain the tree in a safe and suitable manner. If the house was to be demolished and rebuilt it was possible to construct the new dwelling so that it was not impacted by the tree roots by the creation of root protection barriers and regular maintenance of the tree to ensure the root system did not greatly expand in size to reduce the potential risk of damaging property.

In conclusion, the tree as it was when the Order was made, made a strong positive contribution to the amenity of the surrounding area and despite the works, still provided a reasonable contribution to the amenity of the surrounding area. It scored highly in the TEMPO assessment, even after the unauthorised works. On this basis it was recommended that the provisional Order should be confirmed.

Mr Downs, a local resident, spoke in objection to the Order.

In response to questions the Planning Officer stated that whilst the tree had the potential to interfere with the power lines in the future the TPO did not prevent works from being undertaken to the tree and if justification was provided by UK Power Networks that works were necessary then there would be no objection. A scheme of management setting out maintenance of the tree was recommended and should prevent it growing close to the power lines again. UK Power Networks did have a legal right to undertake works to a tree if it was causing an issue to power lines. It was unclear whether they would need to seek the owner's permission first however if a tree was the subject of a TPO then they would need to seek permission from the local planning authority.

The Planning Officer stated that there were British standards which should be adhered to when undertaking any works to a tree. On this occasion they had not been conducted in accordance with those standards however this was because UK Power Networks had originally intended to fell the tree and not pollard it. There was no legal requirement to check the TPO status of a tree nearer to the time of the works however good practice was to check no longer than a month before and UK Power Networks had now been advised of this. The owner of No. 57, The Chase was responsible for the maintenance of the tree and Council officers would monitor the situation. It was expected that it would take many years before the tree returned to its original condition.

During debate, whilst Members were sympathetic with the landowners view regarding the tree it was considered that this was still a viable tree and if monitored regularly in the future could return to its previous condition. It was considered that the works undertaken to this particular tree were unacceptable and the importance of TPOs in protecting the borough's streetscene was recognised.

Following consideration of the report it was:-

**Resolved Unanimously** – That the Tree Preservation Order be confirmed.

## ITEM 1

<b>Application Number:</b>	<b>23/0333/FUL</b>
<b>Address:</b>	<b>49 Church Road, Thundersley, Benfleet, Essex, SS7 4BP (St George's Ward)</b>
<b>Description of Development:</b>	<b>Erect 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)</b>
<b>Applicant:</b>	<b>Mr P Codarin</b>
<b>Case Officer:</b>	<b>Mr Keith Zammit</b>
<b>Expiry Date:</b>	<b>07/09/2023</b>

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### 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, this proposal is deemed too car-dominated as well as not meeting national space standards for one of the flats. 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.

### 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, and would host a balcony for one of the first floor flats.

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. Areas for cycle and bin storage would be provided.

## **Supplementary Documentation**

A supporting statement in the form of a covering letter has been provided with the application, which is available to view on the council's website.

## **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)

## **Relevant Government Guidance and Local Plan Policies**

National Planning Policy Framework (the Framework, 2021)

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: [Community Infrastructure Levy \(CIL\) | Castle Point](#).

The proposal is for residential development which is CIL liable.

## **Consultation**

### Highways

No objection with conditions suggested.

## **Neighbour Notification**

The following comments have been made in objection:

- o Cars parking on pavements cause obstructions
- o Existing roads are congested and in poor condition
- o Lack of off-street parking/additional on-street parking
- o Overlooking nearby properties
- o Bin storage facilities may not have enough room to be collected, may lead to vermin
- o Sewerage infrastructure unable to cope
- o Building does not fit in the street scene
- o Asbestos garage roof would have to be removed
- o More noise pollution
- o Lack of doctors' appointments available, pressure on schools, dentists
- o We need houses not flats
- o Where will builders' vehicles park?

The following comments have been made in support:

- o More housing availability and a sustainable development
- o Need more sustainable, affordable property for young buyers
- o No new housing being built in the area and low impact on the surrounding environment
- o No change in appearance from the application approved
- o More residents would stimulate the economy
- o Construction work would provide jobs

## **Comments on Consultation Responses**

- 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 Planning legislation does not cover the safe removal and disposal of asbestos.
- o Noise pollution cannot be a reason for refusal as it is based on assumptions about future occupiers.
- o Disruption from construction is transient and not capable of forming a reason for refusal otherwise no new development would take place. A construction management plan was required by condition on the previous approval, to ensure that the impact of construction on the local area was minimised. This is considered an acceptable approach for a revised scheme.

## **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.

Balconies are shown to the first floor flats. 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 NPPF 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 does not meet national space standards for flat 3. This is a one-bed, two-person flat with a floor area of 42sqm. It should be at least 50sqm. There is also a lack of built-in storage in all flats. The previous approval was subject to a condition that new floor layouts were submitted to show adequate storage.

Whilst it would be possible to implement a similar condition with reference to the provision of built-in storage prior to first occupation, the floor area of the flat is something which is not so easily addressed and is directly contrary to the space standards which are a minimum, not a target, and which this development falls short of. Therefore, an objection is raised to the proposal on this basis.

### *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 1<sup>st</sup> 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 proposed balcony to flat 3 would be located close to the boundary with the adjoining dwelling and would facilitate the direct overlooking of the neighbouring property from its western edge. It is commonplace to require screening 1.8m tall to the side elevations of balconies to prevent such overlooking from occurring.

A screen could be of an obscure glazed nature so may not block an excessive amount of light. However, it is in this instance, combined with the proximity to the boundary at first floor level, which is closer to the boundary than what was previously approved, considered that this would be an obtrusive feature to the neighbouring house. It is considered that this is an unsatisfactory arrangement, which would have a detrimental impact on the neighbouring resident by way of dominance.

This issue could not be overcome through the removal of such screening as this would then lead to a loss of privacy to neighbouring residents.

An objection is therefore raised to the proposal on the basis of this unsatisfactory arrangement.

Other aspects of the proposal comply 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  $0.25 \times 4 = 1$  space

Total 6 spaces

The application proposed 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 changing so 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.

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 cycle storage in two locations making provision for five cycles. There are no design details of these cycle stores so this would need to be the subject of a condition should permission be granted, particularly for the front one which is quite prominent and would need to be sensitively designed to take this into consideration. 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 being taken up with parking which is less acceptable than the previous scheme. Only a small area on the corner would remain for landscaping, which would not have much of a softening effect on the appearance of the frontage. The return frontage has more space for landscaping, but it is on the Church Road frontage where the 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 plans show a bin store but for four flats normal kerbside collection would be a better arrangement, especially where the flats have their own garden to keep a dustbin. If permission is granted it is therefore recommended that there is a condition excluding the bin store from the permission. This approach was taken with the previous application, albeit for a slightly different reason that the access to the bin store was of insufficient width.

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, and the Blackwater estuary. 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.

### **Conclusion and 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-date<sup>8</sup>, 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 proposed<sup>7</sup>; 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 not within or close to, nor does it consist of, an area or asset of particular importance (as listed at footnote 7 of the Framework). 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 what already has consent). It has also been identified as appearing car-dominated, having a flat with an insufficient floor area when assessed against national space standards, and requiring the use of a privacy screen which would be unduly dominant to a neighbouring property. These objections are consistent with the guidance set out in Chapter 12 of the Framework, which is concerned with achieving well-designed places that have a high standard of amenity for existing and future users.

The boost to housing supply of three additional properties would not have a significant impact on the council's housing supply and therefore carries little weight in the overall planning balance. The harms to visual and residential amenity carry 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.

It is therefore recommended that the application be refused.

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** for the following reasons:

- 1 The proposed flat 3, a one-bedroom, two-person flat, due to its insufficient gross internal area, would fail to offer satisfactory living conditions for future occupiers as a result of the inadequate amount of space for two people comfortably to live in. It would therefore be contrary to RDG16 of the council's Residential Design Guidance, government guidance in the technical housing standards - nationally described space standard and government guidance in the National Planning Policy Framework which requires development to create places with a high standard of amenity for existing and future users.
- 2 The proposed balcony to flat 3 would require the use of screening to protect neighbours' privacy that would itself be an obtrusive and dominant feature, to the detriment of the amenity of occupiers of 47 Church Road, contrary to RDG3 of the council's Residential Design Guidance and government guidance in the National Planning Policy Framework

which requires development to create places with a high standard of amenity for existing and future users.

- 3 The proposed development would appear dominated by hard surfacing and 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.

### **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.

## ITEM 2

<b>Application Number:</b>	<b>23/0335/FUL</b>
<b>Address:</b>	<b>49 Kiln Road, Thundersley, Benfleet, Essex, SS7 1TA (Cedar Hall Ward)</b>
<b>Description of Development:</b>	<b>Change of use from Class C3 (dwellinghouse) to Class C2 (residential institution)</b>
<b>Applicant:</b>	<b>Mr Patrick Zola</b>
<b>Case Officer:</b>	<b>Jamie Whitby</b>
<b>Expiry Date:</b>	<b>08/09/2023</b>

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### Summary:

The application seeks the conversion of a residential dwelling to a children's care home, at 49 Kiln Road, Thundersley. As the area is designated for residential use, the proposed application is not considered a departure from the allocation within the adopted Local Plan. The proposal would house four 13-18 year olds that are under the care of local authorities. The application is recommended for Approval.

The application is presented to the committee as it has been called in by Councillor J Thornton on the grounds of the potentially excessive noise and disturbance to the amenity of neighbours, as well as to ensure the wider needs of the users/residents of the facility are met by the conversion and siting of the proposal.

### Site Visit:

It is not considered necessary for Members to visit the site prior to determination of the application as there are no physical changes proposed to the property.

### Introduction:

The application site is located on the north side of Kiln Road, on the eastern side of the road's junction with Konnybrook. It is an irregular shaped site with a frontage of 12.1m and a maximum depth of 29.4m. A link-attached two storey dwelling currently occupies the site. The frontage is fully hard surfaced to provide off-street, car parking.

The street scene is mainly made up of a mixture of property types and stylings, with this dwelling being the most westerly of four dwellings of similar design, character, and size.

The dwelling is immediately surrounded by other residential properties, although to the west are a number of shops/commercial premises which are interspersed amongst the houses and further to the east are a local college campus and the council offices.

### The Proposal:

The applicant seeks permission for change of use from C3 (dwellinghouses) to C2 (residential institutions).

No works are proposed to alter the external or internal appearance of the building.

The purpose of the children's residential home would be to offer accommodation to children under the care of Essex County Council (ECC) and neighbouring local authorities, in line with The Children Act 1989 that requires local authorities to secure accommodation for children in their care, within 20 miles of home. There would be a maximum of four children housed at any one time

with two members of staff in the day and two members of staff at night, as confirmed on 14<sup>th</sup> August 2023 by the agent.

Whilst not a planning matter, the site would be subject to visits from an OFSTED inspector, Looked After Children Nurse and Regulation 44 inspector once a year; social workers approximately once a month (depending on care plan); Family with occurrence dependant on the child's care plan; and maintenance workers as and when needed.

### **Supplementary Documentation:**

The application is supported by a:

- o Supporting Letter
- o Operating Management Plan

### **Relevant History:**

BEN/87/69/OUT – Outline: Twelve detached and semi-detached houses with garages. Approved 3<sup>rd</sup> March 1969

CPT/577/03/FUL – Single storey hipped roof side extension. Approved 23<sup>rd</sup> September 2003

### **Local Plan Allocation:**

Residential

### **Relevant Policies:**

NPPF            National Planning Policy Framework

Local Plan (Adopted 1998)

EC2	Design
EC3	Residential Amenity
EC4	Pollution
H2	Residential Land
T8	Parking Provisions

Residential Design Guidance (Adopted 2013)

RDG5	Privacy and Living Conditions
RDG6	Amenity Space

Essex County Parking Standards 2009 (Adopted 2010)

### **Community Infrastructure Levy (CIL)**

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: [Community Infrastructure Levy \(CIL\) | Castle Point](#).

This application does need not meet the criteria to deem it a CIL liable development.

## Consultation Responses:

Three bodies were consulted on this application: Legal Services, Environmental Health, and Essex Police.

### Legal Services

Raised no observations to the proposal.

### Environmental Health

Considered the proposal to have a minimal adverse impact on local amenity and therefore no objection was raised. The following condition was suggested:

*'The owner or a nominated person shall live on the premises and be responsible for the general management thereof including the gardens and surroundings at all times unless otherwise agreed in writing beforehand by the Local Planning Authority.'*

*REASON: To ensure that adequate supervision is available to protect the amenities which ought to be enjoyed by the occupiers of adjoining residential properties'*

### Essex Police

There have been no reports of Anti-Social Behaviour in the last 12 months.

Limited information has been provided as to the nature of the care and the children's needs which have not been disclosed. If they are likely to abscond this could put additional pressure on the police service. The police have had missing persons from other care homes and states that children may become involved in crime.

## Neighbour Notification:

32 neighbouring properties were notified of this application. 31 objection comments have been received from 17 properties detailing the following concerns:

- o It is not something existing residents want to see in their neighbourhood
- o Residents and visitors of the children's residential care home could cause an increase in noise, disturbance, violence, and crime in the area.
- o The area is not suitable for a children's residential home as the children living in the home could harm themselves in the nearby woodlands and on the close proximity adjacent highway (A13).
- o The occupiers of the children's home would disrupt and 'decimate' the established community, through the intimidation of children and residents that already reside in the area, their emotional and/or behavioural problems, and their background (especially if from other areas further away).
- o It was speculated that the home will be used for those awaiting to be charged with a criminal sentence.
- o The dwelling is too small, neighbouring gardens will be overlooked resulting in a lack of privacy, and a lack of private amenity space would result in children playing in the neighbouring street of Konnybrook.
- o It was suggested that the proposed use is more suited to Class C2(a) including prison, young offenders' institutions, detention centres, secure training centre etc than that of C2, residential institutions.
- o It was questioned whether a risk assessment had been conducted involving the police and local authority.
- o Increase in criminality and fear of crime
- o Negative impact of surrounding property prices

- o Lack of off-street parking
- o The owners of the dwelling do not live in the country
- o It would result in the loss of residential housing.
- o If five children occupy the site where will the staff sleep
- o Lack of information provided
- o The site would not host enough room to house four children and two night workers.

1 support comment has been received highlighting the following points:

- o The location is ideal for a children's residential facility
- o The close proximity A13 has a speed limit of 30mph in the area, meaning it should be no more dangerous than any other residential road.

### **Comments on Consultation:**

It is worth noting that many of the objection letters received stated that their objections were based on speculation and assumption, not on fact.

- o While design is a planning consideration the aesthetics of the building are not set to change as a result of this development.
- o This recommendation will be made based on the facts and material put before the Local Planning Authority, not speculation as to the nature of future occupants and behaviours they may or may not have.
- o Suggesting the use of this proposal is more likely a Class C2(a) establishment once again is speculative of those that will be residing in the dwelling and based on no factual merit.
- o Essex Police were consulted on this application.
- o The location of the owners of the property, the impact on the local housing market, and neighbouring property pricing are not material planning considerations.
- o A sufficient amount of information has been provided in order for a suitable planning decision to be made.
- o All material considerations will be discussed in 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 SPDs.

It is considered that the main issues concerning this application are the principle of the use and associated loss of a single-family dwelling, impact on neighbours, and parking.

The proposed use as a children's residential home is considered to fall within the use class C2 'residential institutions' in accordance with the Town and Country Planning (Use Classes) Order 1987 (as amended).

#### *Principle*

Ministerial Statement UIN HCWS795 made on 23<sup>rd</sup> May 2023 by the Minister of State for Housing and Planning stated:

*'The planning system should not be a barrier to providing homes for the most vulnerable children in society. When care is the best choice for a child, it is important that the care system provides stable, loving homes close to children's communities. These need to be the right homes, in the right places with access to good schools and community support. It is not acceptable that some children are living far from where they would call home (without a clear child protection reason for this), separated from the people they know and love.'*

*Today we use this joint statement to remind Local Planning Authorities that, as set out in paragraph 62 of the National Planning Policy Framework, local planning authorities should assess the size, type and tenure of housing needed for different groups in the community and reflect this in planning policies and decisions. Local planning authorities should consider whether it is appropriate to include accommodation for children in need of social services care as part of that assessment.*

*Local planning authorities should give due weight to and be supportive of applications, where appropriate, for all types of accommodation for looked after children in their area that reflect local needs and all parties in the development process should work together closely to facilitate the timely delivery of such vital accommodation for children across the country...*

*In two tier authorities, we expect local planning authorities to support these vital developments where appropriate, to ensure that children in need of accommodation are provided for in their communities.'*

There are no policies within the Local Plan that relate directly to the provision of children's residential homes.

Policy H2 of the Local Plan requires land allocated for residential purposes within the plan to be retained primarily for that purpose. This policy is consistent with the National Planning Policy Framework in so far as the use of residential land for non-residential purposes would encumber the efforts of delivering a sufficient supply of homes.

The children's home has been purposefully located in a residential area so that the residents experience a domestic environment. The proposed use is still residential as it would provide somewhere for the children in care to live, even though there will be an on-site staffing presence. It should be noted that Class C3 of the Use Class Order within which a dwellinghouse falls makes provision for up to six unrelated people to live together as a single household where care is provided for residents.

On this basis while the use class of the property will be changing from a single-family dwelling (C3) to a residential institution (C2), the property will still be providing residential accommodation and therefore the principle of the development is considered to be acceptable in relation to Policy H2.

In terms of maintaining housing supply, the proposal would result in the loss of one single family dwellinghouse, a concern expressed by neighbouring residents. However, there would be no loss of a residential use contrary to Policy H2 and it would still provide housing and accommodation, as such, the proposal would supplant one residential type of use with another.

Furthermore, it is hard to see where a children's home could reasonably be located other than in a residential area. In a town centre it would result in loss of commercial floorspace which might potentially undermine the vitality of the centre. On an industrial estate it would lead to a loss of employment floorspace and could give rise to unacceptable living conditions to residents. In the Green Belt a purpose-built building could be inappropriate development within the Green Belt. An existing residential area is considered therefore to be the most suitable location for a home of this type.

Concern has also been raised by local residents with regard to the close proximity A13 highway and woodlands posing a safety risk to the residents of the children's residential home. It is considered by the local planning authority that these features pose no more of a risk to the residents of this proposed home than that of any surrounding single-family dwelling. It is actually considered that the close proximity of a large public space and the public transport links supplied

by the A13, as well as the nearby college benefits and supports the siting of the children's home in this location.

The Local Planning Authority has carefully considered the principle of the proposed change of use of the dwelling, being mindful of the content of the Ministerial Statement, NPPF and adopted Local Plan. It is considered that the principle of the development for a residential care home in an area allocated for residential purposes is in accordance with the relevant guidance and is therefore acceptable. No objection is raised to the principle of the proposal.

### *Impact on Neighbours*

Policy EC3 of the Local Plan seeks to prevent proposals that would have a significant adverse impact upon the residential amenity of the surrounding area by reason of traffic, noise, fumes, or other forms of disturbance. This policy is consistent with the NPPF which states that decisions should mitigate and reduce to a minimum potential adverse impact resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life.

The proposed use is a residential use akin to that of an ordinary dwelling, occupied by a family with two parents and up to four children for which there would be no objection.

Monthly visits from social workers could also take place dependant on the children's individual care plans.

Many of the comments received indicated concerns surrounding visitors to the property. The applicant has confirmed that those visiting residents must have made a prior agreement with the respective social worker, with visits being planned in advance and agreed by staff. These visits will not coincide with the staff change over period. When these visits are organised staff account for the size of the home and the privacy of other residents.

Less frequent regular visitation to the site is thought to be conducted by an OFSTED inspector, Looked After Children Nurse, and Regulation 44 inspector with visits likely to only occur once a year. These visiting bodies are said to visit Monday to Friday during working hours.

It is acknowledged that the neighbour comments received have expressed strong concerns regarding safety, security, antisocial behaviour, noise, and disturbance.

The permanent staff presence on the site is considered to ensure that any problems arising relating to nuisance from the site or its residents can and would be suitably managed.

The site is monitored by OFSTED and therefore how the occupants will be managed and any management/care plans for individuals do not form part of the planning process.

The staff working shifts are:

- o Day shift: 07:30 – 20:00
- o Night Shift: 19:30 – 08:00

These hours will help avoid any potential conflict between staff arriving and leaving the site and other residents living nearby during busier morning and evening travel periods of the day, so are considered suitable.

The above concerns held by officers have been discussed with the applicant and a management plan has now been submitted setting out how the use of the premises will be operated. The management plan includes details on staff rota times and changeover periods, and the use of

CCTV is outlined. The content of this management plan is considered suitable to minimise the impact of the proposal on neighbouring residents.

As such, the contents of the management plan are considered to be sufficient to ensure that many concerns of local residents are suitably mitigated, and subject to a condition ensuring that the management plan is adhered to no objections are raised to the manner in which the proposal is intended to operate under Policy EC3.

A condition limiting the use of the building to solely the proposed use can be added to any permission granted to limit the use to avoid the potential for any future unacceptable uses to occur arising from legislative changes.

Fear of neighbouring dwellings being overlooked, and lacking private amenity space was raised during the consultation period, however as there are no changes to the structure or composition of the dwelling it is not considered that any additional loss of privacy will occur as a result of this change of use and while the current amenity space is deficient for the number of habitable rooms, this is an existing situation and something which cannot be considered, and is partially mitigated by the close proximity public open spaces surrounding the area that can be used by the residents reducing the likelihood of residents playing in any public highway, including Konnybrook. As such no objection is raised on these bases and it is considered that the proposal is in accordance with RDG5 and RDG6.

#### *Size of the property*

Objections were received to the proposal with regard to the building not being a suitable size for the proposed number of residents. It is worth noting that no alterations to the structure or composition of the house have been made in this application. The dwelling currently represents a five bedroomed, seven-person dwelling using the technical housing standards as a guide. The proposal is presented as the building being the permanent residence for four minors, with two onsite staff (excluding change over) thus under the building's maximum capacity. Therefore, it is not considered the proposed use of the dwelling as a children's home would be inappropriate for this dwelling. A condition can be added to any granted consent restricting the number of permanent residents housed in the dwelling to ensure the site is not over occupied.

Objections were raised through the neighbour consultation relating to the size of the dwelling and that there was not adequate space provided to house four residents and two workers over night. With the main focus of the concern being that the careers are suggested to be provided with sleeping facilities in a proposed office and study.

The proposed ground floor bedroom has been suggested to be used as a dual-purpose room in the Operating Management Plan (OMP) as both a bedroom and office. How these existing rooms and spaces are utilised by the applicant are their own consideration and there are no planning considerations that prevent this space being used for this dual-purpose and therefore it is considered acceptable by the LPA.

Overall, it is therefore considered that the building is of suitable size for the proposed use to house four minors and two adults.

#### *Car parking provision*

Policy T8 of the Local Plan requires the provision of parking in accordance with adopted standards.

It is noted that the Essex Parking Standards have a specific category to calculate the requirement for the proposed use. This requires one parking space per full time equivalent staff plus one visitor

space per three bedrooms as a maximum provision. This requires the site to provide six parking spaces. This is considered to be in accordance with the provisions of the NPPF.

The property benefits from hard surfacing with vehicular access to the highway. The width of the frontage measures some 12.1m and the depth measures a minimum of 9.8m. This would accommodate three parked cars parked off the highway in spaces measuring 2.9m x 5.5m in accordance with the Essex Parking Standards.

While this meets the requirements of the parking standards for two full time staff plus a visitor it does not meet the need for all four members of staff and the correct number of visitor parking spaces required.

As previously stated, the guidance on the quantity of parking facilities set by the Essex Parking Standards is a maximum standard, as parking is a land hungry use of land.

While the site would employ four full time members of staff, only two are likely to be on site at any given time, with the expectation of two half hour shift changes in a 24-hour period. As such taking the pragmatic approach it is considered that two parking facilities for the homes staff provides adequate parking provisions for the majority of the time the home is occupied.

While the site also lacks a second visitor parking facility the submitted management plans details how visitation will be organised to accommodate this, reducing the sites need to rely on on-street parking facilities of the local area.

The site is also located in a sustainable location some with USP college some 160m to the west, and within an 800m radius are Thundersley Clinic, Thundersley Primary School and shops. A westward bus stop is directly opposite the site and an eastward bus stop 105m east of the site with buses running towards Southend and Basildon. Due to the bus stop's proximity to the site staff and visitors could use these with ease as a means of reaching the site.

It is acknowledged that numerous objection comments were submitted detailing concerns regarding difficulties of on-street parking.

It is worth noting that Kiln Road has double yellow lines which prevent on street parking, whilst nearby residential streets, Konnybrook, Blackwater and Bradley Avenue all have permit holder parking.

Considering there will normally be only two full time workers on site during the day and other professionals will only visit on a sporadic basis as and when required, with visitors being pre-arranged to minimise parking conflict, an objection raised on the basis of lack of parking provision when three off street parking spaces are provided is not considered to be a sustainable reason for refusal. No objections are raised to the parking provision on site.

### **Conclusion and Planning Balance:**

The proposal would provide a benefit in terms of providing care for children in need, in an area surrounded by public spaces, easy access to transport, education and health facilities which carries a significant amount of weight.

The development has been found not to have an unacceptable impact on neighbours' amenity subject to appropriate conditions. While parking facilities are less than the suggested ideal amount, there is no breach to the standards caused by this as a result of them being 'maximum standards', which combined with nearby parking restrictions it is considered will result in less than significant harm to parking facilities in the surrounding area, which carries minimal weight.

No detrimental harm to the residential setting was identified.

When all material factors have been carefully considered, combined with the direction provided in the Ministerial Statement and the NPPF, it is considered that the benefits of granting planning permission substantially outweigh any adverse impacts as a result of the change of use.

It is therefore recommended that 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 following:

My **RECOMMENDATION** is **Approval** subject to 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 The development hereby permitted shall be carried out in accordance with the approved plans listed on this decision notice.

REASON: For the avoidance of doubt and in order to achieve satisfactory development of the site.

- 3 The submitted Operating Management Plan dated 14th August 2023 shall be adhered to at all times. Any variations to this management plan shall be submitted to and formally approved in writing by Local Planning Authority prior to their implementation.

REASON: To protect the amenity of surrounding residents.

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, and the Town and Country Planning (Use Classes) Order 1987, as amended, (or the equivalent provisions of any statutory instrument revoking, amending or re-enacting those Orders) the property shall only be used as a children's residential care home for children up to the age of 18 or as a C3 use and for no other use without the prior formal consent of the Local Planning Authority.

REASON: In order to ensure an adequate level of residential amenity for occupiers of the site and adjacent properties and that any impacts of potential future changes of use can be property, such as parking requirements, can be fully considered.

- 5 No more than four children up to the age of 18 shall be permanently housed at the property without the prior written consent of the Local Planning Authority.

REASON: In order to ensure an adequate level of residential amenity for occupiers of the site and adjacent properties and that any impacts of an increased number of occupants can be fully considered.

- 6 There shall be a member of staff onsite at all times that children are at the property in order to ensure that the Operating Management Plan is enacted and that the use of the property is properly managed through the appropriate supervision of those living at the address.

REASON: In order to ensure an adequate level of residential amenity for occupiers of adjacent properties.

### **Informatives**

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

### ITEM 3

<b>Application Number:</b>	<b>23/0422/VAR</b>
<b>Address:</b>	<b>179 Kiln Road, Thundersley, Benfleet, Essex, SS7 1SJ (Cedar Hall Ward)</b>
<b>Description of Development:</b>	<b>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</b>
<b>Applicant:</b>	<b>Motor Fuel Group Ltd</b>
<b>Case Officer:</b>	<b>Jamie Whitby</b>
<b>Expiry Date:</b>	<b>08/09/2023</b>

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#### **Summary:**

The proposal seeks to extend the operational times of the Shell petrol filling service and associated shop from 07:00-23:30 on Saturdays and 08:00-23:30 on Sundays to 06:00-23:30 seven days a week. There is no change to the weekday operating hours.

It is considered that these altered hours would have a limited impact on the surrounding area and it is therefore recommended for Approval.

#### **Site Visit:**

It is not considered necessary for Members to visit the site prior to determination of the application as this application concerns solely a change in operating hours of the existing premises.

#### **Site Description:**

The application premises is a petrol filling station with associated additional facilities; shop, car wash, car vac, and air/water tower. It is located on the northern side of Kiln Road. To the east, and west of the site, and on the south side of Kiln Road is residential development, whilst to the north is undeveloped land.

#### **Description of Proposed Development:**

The proposal seeks to amend its operational hours for the petrol filling station (condition 6 of approved application CPT/108/05/FUL) by an hour on Saturdays and two hours on a Sunday, while retaining the existing business hours Monday to Friday, to provide service 6:00am to 11:30pm 7 days a week.

After further clarification from the agent, it has also been established that the application seeks to maintain the existing operating times for the car wash, car vac, and air/water tower, but extend the hours of business for the onsite shop to align with that of the operational hours for the petrol filling station – an increase of an hour and a half on Saturdays and three and a half hours on a Sunday to provide service 6:00am to 11:30pm 7 days a week (an amendment to condition 7 of approved application CPT/108/05/FUL).

#### **Relevant History:**

BEN/249/56 – Petrol Station. Approved 13<sup>th</sup> November 1956.

BEN/269/67 – New toilet and alterations to show room to provide direct access to rear. Approved 14<sup>th</sup> June 1967.

BEN/328/54 – Additional Access. Approved 13<sup>th</sup> September 1954.

BEN/374/70 – Self-service petrol filling station, with canopy, car-wash and accessory shop. Approved 21<sup>st</sup> October 1970.

BEN/374/70/A – Amended plan of redevelopment. Approved 8<sup>th</sup> April 1971.

BEN/374/70/B – Amended plan of redevelopment. Approved 28<sup>th</sup> April 1971.

BEN/374/70/C – Amended plan of development. Approved 30<sup>th</sup> June 1971.

CPT/697/88 – Installation of 18,200 litre underground petroleum storage tank. Approved 14<sup>th</sup> June 1988.

CPT/481/96/FUL Raise and extend existing forecourt canopy and provide new illuminated canopy and shop mounted fascias. Approved 23<sup>rd</sup> October 1996.

CPT/555/02/FUL – Change a condition of a planning permission to allow sales of goods other than motor accessories in shop. Approved 5<sup>th</sup> September 2002.

CPT/83/04/FUL – Redevelopment of service station. Approved 2<sup>nd</sup> April 2004.

CPT/108/05/FUL – Redevelopment of existing petrol service station (revised layout). Approved 4<sup>th</sup> May 2005 subject to the following relevant conditions:

- o The petrol filling station only shall be operated between the hours of 6 am to 11.30 pm Mondays to Fridays, 7 am to 11.30 pm Saturdays, and 8 am to 11.30 pm Sundays, and at no other times whatsoever without the prior consent in writing of the Castle Point Borough Council.

REASON: To safeguard the residential amenities of the occupiers of adjoining properties.

- o The proposed shop, car wash, car vac and air/water tower shall only be operated between the hours of 6 am to 10 pm Mondays to Fridays, 7 am to 10 pm Saturdays, and 8 am to 10pm Sundays, and at no other times whatsoever without the prior consent in writing of the Castle Point Borough Council.

REASON: To safeguard the residential amenities of the occupiers of adjoining properties.

18/0223/FUL – Extension to existing petrol filling station shop. Approved 24<sup>th</sup> May 2018.

### **Local Plan Allocation:**

Residential and Long Term Residential

### **Relevant Policies:**

NPPF            National Planning Policy Framework

Local Plan (Adopted 1998)

EC3            Residential Amenity

### **Community Infrastructure Levy (CIL)**

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: [Community Infrastructure Levy \(CIL\) | Castle Point](#).

This application does not meet the criteria to deem it a CIL liable development.

## **Consultation Responses:**

### Environmental Health

Raises no objection and makes the following comments:

*'The proposed change is for the site to operate from 6am to 11:30pm daily, albeit with restriction of use of the air/water facilities and car wash, as well as any delivery activities, to the current approved hours of use.'*

*An acoustic assessment has been submitted in support of the application. Having reviewed the submission, it adequately demonstrates that the proposed operational hours should not have an adverse noise impact on the local amenity and therefore acceptable in noise terms.'*

## **Neighbour Notification:**

Ten comments from ten separate residential properties (five properties responded through a single petition) were received in objection to the proposal raising the following issues:

- o It will cause an increase in pollution, disruption, traffic, noise, and light pollution, which has a negative impact on neighbouring residents and wildlife
- o There are plenty of alternatives nearby and therefore this is not a necessity
- o Existing hours were granted previously "to safeguard the residential amenities of the occupiers of adjoining properties", any extension of open hours would contradict this
- o Current noise nuisance law is applicable between 11pm and 7am, and the station already operates outside these hours
- o It will decrease highway and pedestrian safety when it is darker earlier
- o It will result in increased energy use in a time when we are being encouraged to minimize our usage and lower emissions
- o Breaches of existing granted planning permissions were raised, regarding advertising proliferation and lighting levels, and noise population.
- o The site sells liquid gas bottles which no planning permission can be found approving

One comment was received in support of the proposal raising the points:

- o The early opening hours would benefit commuters, emergency services, and local residents
- o The extended opening times are not likely to exacerbate noise from the highway but rather serve those that already are using the road at this time

## **Comments on Consultation:**

- o Claims have been made that existing conditions are not being adhered to regarding advertisement. The Local Planning Authority have no record of receiving complaints regarding this matter that have not already been assessed and closed. Should this be the case, an enforcement complaint should be raised with the Local Planning Authority or if it relates to noise should be lodged with Environmental Health.
- o Planning permission is not required to sell liquid gas bottles from a petrol station and this is not a material planning consideration.
- o All material concerns raised during the consultation period will be considered in this report.

## **Supplementary Documents:**

### Noise Impact Assessment Report

#### **Evaluation of Proposal:**

The main issue here is the impact of the earlier morning and late evening opening on the amenity of adjacent residents.

Paragraph 185 a) of the National Planning Policy Framework states planning policies and decisions should mitigate and reduce to a minimum potential adverse impact resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.

Paragraph 185 c) of the National Planning Policy Framework states planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

Local Plan Policy EC3 states that development proposals which would have a significant adverse effect upon the residential amenity of the surrounding area by reason of traffic, noise, fumes or other forms of disturbance will be refused. This is generally consistent with paragraphs 183 to 188 of the National Planning Policy Framework (NPPF).

The proposal is to extend the operational times of both the petrol filling station and on-site shop to 6:00am to 11:30pm at weekends to match the current weekday operating times. The times of use for the car wash, car vac, and air/water tower are not proposed to be altered.

The local planning authority recognises that noise from vehicle doors being opened and closed can be intrusive, particularly in the early hours of the morning or late at night.

Regarding the objection raised relating to the current noise nuisance law, this legislation is not designed to be used to prevent planning permission being granted but rather maintain suitable noise levels within an area.

A detailed Noise Impact Assessment (NIA) has been undertaken and submitted in support of this application. This NIA has been examined by the authorities Environmental Health department who raise no objections to the proposal concluding that the NIA *‘adequately demonstrates that the proposed operational hours should not have an adverse noise impact on the local amenity and therefore acceptable in noise terms’*.

The NIA has modelled expected visits during an hour period all together during a 15 minute window to generate a worst case scenario. This worst case scenario has been considered against the background noise measurements early in the morning and late at night on a Sunday, which is typically the quietest day. This also included corrections/penalties in line with British Standard testing to make this a worst case scenario. The NIA finds that the existing ambient background noise, from mostly traffic on Kiln Road, will be the same or greater than the noise level generated from the use of the filling station and shop during the proposed extended hours to the nearest residences. As such, no objection is raised to the proposal on this basis.

Given the site is already mostly hard surfaced and does not provide many opportunities for nesting for wildlife, the impact the extended times are likely to have on wildlife is considered minimal and no objection is raised on this basis.

While proliferation of services in a residential area is a material planning consideration, the site is already an existing petrol filling station and store and therefore the principle of the proposal is seen to be acceptable. It is also noted that while the BP garage alternative on London Road (A13) is closer to the major roundabout (Hadleigh Roundabout) than that of the Shell garage of this proposal, due to its location on the western bound side of the one-way system it requires one to travel some 965m from the roundabout to access it. The Shell garage on the other hand is some 680m from the roundabout, making it a slightly more convenient option, it also provides a singular convenient fuelling point between the major Sadlers Farm Roundabout and Hadleigh Roundabout.

It is appreciated that a previous application set the limits to safeguard the residential amenities of the occupiers of adjoining properties. The site prior to the approval of application CPT/108/05/FUL had no limitations on its operational times, it is worth noting that the operation limits for the petrol filling station were set based on the chosen opening hours of the business at the time and no other basis. Given the findings of the detailed NIA, it is not considered that there will be adverse harm to nearby residents caused by these extended operating hours and no objection is raised on this basis.

With regard to an extension of operational time increasing risk to the highway and pedestrians when it is darker out, the petrol station is currently operating during times which are considered dark, especially in winter when it gets lighter later in the morning and earlier at night. As such the extension of operation time is not considered to increase risk to highway and pedestrian safety.

### **Conclusion:**

The NIA supports that the proposed change of operating hours would not result in an increase in noise levels above measured ambient levels and therefore concludes that the proposal would not harm the amenity of neighbouring residents by way of noise.

It is not considered that any other objections that there may be to the proposed operating hours of the site exist which would represent a sustainable reason for refusal since it has been identified that the residential amenity of those occupiers surrounding the site would not be harmed. No objection is therefore raised to the proposal on this basis.

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 **Approval** and to vary the original consent subject to the below conditions:

- 5 Where vehicle parking spaces are provided on the site these facilities shall be retained solely for that use and for no other purpose whatsoever.

REASON: To ensure the retention of adequate on site car parking facilities to meet the Councils adopted standards for the amount of accommodation to be provided on the site.

- 6 The petrol filling station shall be operated only between the hours of 6:00am to 11:30pm seven days a week, and at no other times whatsoever without the prior consent in writing of the Castle Point Borough Council.

REASON: To safeguard the residential amenities of the occupiers of adjoining properties.

- 7 The car wash, car vac and air/water tower shall be operated only between the hours of 6:00am to 10:00pm Mondays to Fridays, 7:00am to 10pm Saturdays, and 8:00am to

10:00pm Sundays, and at no other times whatsoever without the prior consent in writing of the Castle Point Borough Council.

The shop shall be operated only between the hours of 6:00am to 11:30am seven days a week, and at no other times whatsoever without the prior consent in writing of the Castle Point Borough Council.

REASON: To safeguard the residential amenities of the occupiers of adjoining properties.

### **Informatives**

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

## ITEM 4

<b>Application Number:</b>	<b>23/0432/FULCLO</b>
<b>Address:</b>	<b>Benfleet Football Club Manor Road, Thundersley, Benfleet, Essex (St Peter's Ward)</b>
<b>Description of Development:</b>	<b>Proposed 2.4m high security fence with access gates, 1.1m high pitch-side boundary fence, 4No. grandstands, and 6No. floodlights</b>
<b>Applicant:</b>	<b>Trustees Of Benfleet Football Club Woodside Park</b>
<b>Case Officer:</b>	<b>Jamie Whitby</b>
<b>Expiry Date:</b>	<b>11/09/2023</b>

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### Summary:

The application seeks the erection of a security fence with associated gates, pitch-side boundary fence, floodlighting and four grandstands to an established football pitch within Woodside Park. While the area is designated for public open space and within the Green Belt, it is considered that the benefits of the proposal overcome the minimal harm caused by the proposal and therefore this application is recommended for Approval.

The application is presented to the committee as it is sited on council-owned land.

### Site Visit:

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

### Introduction:

The application relates to an existing football pitch within Woodside Park, the pitch is the most westerly of six within the vicinity, and closest to the Pavilion, some 31m east of this. The site is located at the northern-most end of Manor Road, Benfleet, with its associated car parking facility some 250m north of the road's junction with Woodside View.

### The Proposal:

The proposal seeks to erect a 2.4m high security fence with associated access gates, 1.1m high pitch-side boundary fence, four grandstands to provide spectator seating (creating a seated capacity of 100) and six flood lights around the westerly most football pitch at Benfleet Football Pitches, Woodside Park.

These alterations are required for Benfleet Football Club to meet the Football Association's ground grading if the first team is to remain able to play at the step 6 level of the Non-League System.

### Supplementary Documentation:

Design and Access Statement  
Lighting Report

### Relevant History:

No relevant planning history was identified.

## Local Plan Allocation:

Green Belt and Public Open Space

## Relevant Policies:

NPPF            National Planning Policy Framework

Local Plan (Adopted 1998)

EC2	Design
EC3	Residential Amenity
EC4	Pollution
EC5	Crime Prevention
EC13	Protection of wildlife and their habitats
T8	Parking Provisions
RE5	Public Open Space

Essex Parking Standards 2009 (Adopted 2010)

## Community Infrastructure Levy (CIL)

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: [Community Infrastructure Levy \(CIL\) | Castle Point](#).

This application does not meet the criteria to deem it a CIL liable development.

## Consultation Responses:

### Legal Services

No observations were made to the application

### Sport England

No objection raised and no conditions were recommended to the application.

### Environmental Health

No objection raised subject to the following condition:

*'Control switches and time clocks shall be installed to the floodlights to ensure they do not remain on any later than the permitted curfew hour.'*

*External artificial lighting at the development shall not exceed lux levels of vertical illumination at neighbouring premises that are recommended by the CIE guidance 2003 & 2017 and the ILP Guidance Notes for the Reduction of Obtrusive Light (2021). Lighting should be minimised, and glare and sky glow should be prevented by correctly using, locating, aiming and shielding luminaires, in accordance with the Guidance Notes.*

*REASON: To ensure that the amenity of occupiers of surrounding premises is not adversely affected by lighting'*

## Neighbour Notification:

Six neighbouring properties were consulted on this application and a site notice was erected.

No public consultation responses have been received, although the consultation period runs until the 30<sup>th</sup> August 2023. Any further representations which are made will be provided to the Development Management Committee on the night.

## Evaluation of Proposal:

The main issues that need to be considered with this application are its impact on the perception of openness in the Green Belt, its impacts on adjoining neighbours and wildlife, and the use of Public Open Space.

### *Impact on the perception of openness*

Policy EC2 of the council's adopted Local Plan seeks a high standard of design in all developments. Regard is to be given to the scale, density, siting, design, layout, and external materials of any development, which shall be appropriate to its setting, and which should not harm the character of its surroundings.

In the absence of any saved LP policies covering the matter the most up-to-date policy on protecting Green Belt land is in the Framework. It states at paragraph 149 that local planning authorities should regard the construction of new buildings as inappropriate in the Green Belt, then lists exceptions. One of these is *'the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it'*.

The grandstands are not of any particular architectural merit but are of a scale and design not dissimilar to what one would expect of this kind of seating in the proposed setting. They are considered to be of an appropriate design given the context. In relation to the openness of space, given their location and scale in relation to the existing club house, that their impact would be reduced when viewing from the east.

As such it is considered that although forming a solid feature the grandstands would only have a minor impact on the perception of open space in the area.

The proposed lighting columns and flood lights would have a very minimal impact on the openness of the Green Belt owing to the context of their surroundings against which they would be viewed, their slim profile and the limited number of proposed columns.

The same is considered similarly true with regard to the proposed enclosures of the football pitch which will still afford a view through and across the site itself which is considered would also have a minimal impact on the openness of the Green Belt.

Whilst many minor impacts can have the cumulative influence of detrimentally affecting the openness of the Green Belt, balanced against any perceived visual impact on openness is the benefit this proposal continues to bring to the community in supporting healthy lifestyle of members of the community.

Overall, due to their individual and collective design, and layout, the ancillary facilities are not considered to cause an overly detrimental impact to the view of the Green Belt or to the

perception of openness in the location, and accordingly would have little impact on the character of the surrounding area. Along with this any impact they do have is considered to be outweighed by the benefits arising from the provision of this facility and in line with the requirements of the NPPF. Accordingly, the proposal is considered to constitute appropriate development within the Green Belt.

### *Impact on neighbours and wildlife*

The council's LP policy EC3 states that development proposals which would have a significant adverse impact on the residential amenity of the surrounding area by reason of traffic, noise, fumes, or other forms of disturbance will be refused.

LP policy EC4 states that development which would have a significant adverse effect on health, the natural environment, or general amenity by reason of releases of pollutants to water, land, or air, or by reason of noise, dust, vibration, light or heat, will be refused.

After corresponding with the agent, it has been confirmed that the site is not expected to see an increase in visitors as a result of this development. As such it is considered unlikely that given the current and proposed use of the site as a football pitch that any additional pollutants, noise, dust, vibrations, or heat is likely to arise as a result of this development once operation of the pitch is resumed post completion of works.

While the site currently has existing over pitch lighting, the introduction of six floodlights is considered to result in a significant increase to light expelled in and around the site. While these flood lights have the potential to affect surrounding properties it is noted that the closest residential building is some 140m west of the site separated by well-established trees and buildings, and therefore it is unlikely the light produced from the site would have an impact to a detrimental level. Due to the level of lighting intensification, it is considered appropriate to add a condition to any granted consent limiting the time to which the proposed lighting could be used, due to the nature of the use of the site a limit of 22:00 should be appropriate.

These considerations are supported by no objection being raised by the Environmental Health service subject to suggested conditions. As such no objection is raised to the proposal with regard to policies EC3 or EC4.

The council's LP policy EC13 seeks to prevent development that would be harmful to wildlife or important habitats. This is not entirely consistent with the Framework as that sets out a hierarchical approach (at paragraph 180) whereby significant harm to biodiversity resulting from a development should first be avoided, then mitigated, or finally compensated for.

The site is a mowed open field that in reality is of little ecological value. Enclosing the pitch would it is considered have a minimal impact on its ecological value already offered by the site and would not amount to the significant harm that the Framework seeks to prevent. Floodlighting can cause disturbance to nocturnal wildlife, but as a condition could be added to granted consent limiting the use of the lighting (as previously mentioned) this could be overcome.

### *Use of Public Open Space and Prevention of Crime*

As part of the Local Plan certain sites were identified for use as Public Open Spaces, these designations are required to be readily available for the public to use and were selected for their amenity value. Policy RE5 of the LPA's Local Plan identifies Woodside Park as a Public Open Space and the proposal site is within this designation.

The protection of Public Open Spaces is crucial in the sustainable development of the social aspects of a community, having readily available amenities and open spaces promote group and

outdoor activities, increasing communication and social networks. While enclosing this football pitch has the potential to limit the accessibility to this parcel of land it is not considered to restrict it all together. There is still a very large area of land which will maintain its purpose as public open space.

It is also worth noting that enclosure of the Public Open Space is already present in Woodside Park through the security fence provided around the Castle Point Bowls Club, and that as part of the lease agreement between Castle Point Borough Council and the Trustees of Benfleet Football Club states that '*The right to put up a fence within the area-coloured mauve on the plan and thereafter the exclusive right to use the same in connection with the Permitted Use*' (3.1(e)) is a right the Landlord (Castle Point Borough Council) granted to the tenant (the Trustees of Benfleet Football Club).

Policy EC5 of the LPA's Local Plan requires regard to be given to the desirability of minimising the risk of crime and maximising security by virtue of their design, layout and landscaping.

Whilst visiting the site, three motorcyclists crossed the field on their bikes, because of this one of the trustees of the Benfleet Football Club then brought it to officers' attention that regularly motorcyclists use their bikes to vandalise these fields, as shown in the figures below.



**Figure 1:** Damage caused to the playing field by motorcyclists.



**Figure 2:** Damage caused to the playing fields by motorcyclists.



**Figure 3:** Damage done to the playing field by motorcyclists.

For this reason, it is considered that while enclosing the pitch may be seen to somewhat restrict the public open space, the benefits it will produce in protecting the pitch for wider use outweigh the small impact the development could have on the area.

Overall, it is therefore considered that the development is likely to have little-to-no detrimental impact on the land designation of Public Open Space, and that the protection the proposal provides to a community facility that promotes health and well-being will outweigh the small detrimental impact it could create.

### *Parking provisions*

As part of the proposal, the football club will be introducing seated spectator capacity, thus altering the parking requirements of the site. The Essex Parking Standards 2009 (adopted 2010) stipulate that parking spaces should be provided with a minimum width of 2.9m by a minimum length of 5.5m. It also stipulates that for 'Outdoor Sports Pitches' a maximum of 20 parking spaces should be provided per pitch with 1 additional parking space for every 10 spectator seats.

On the submitted plans it is shown that the overall site already contains six football pitches, requiring 120 parking spaces. The proposal sets to create seating capacity for 100 people requiring an additional 10 parking spaces. As such a total maximum of 130 parking spaces are required for the site.

While the site currently has a car park, it does not contain formalised parking bays. On looking at the size of the car park the LPA has calculated that there is sufficient space to provide 65 parking facilities that meet the size requirements set by the Essex Parking Standards, thus representing a deficit of 65 parking spaces. Although it is noted that the carpark already represents a deficit of 55 spaces and the additional ten required by the proposed seating capacity does not heavily increase this.

It is also noted that some 185m south of this carpark is a public carpark for the whole of Woodside Park that hosts an additional 59 parking spaces, and that the 115m long stretch of Manor Road between the two car parks is frequently used for additional parking.

Taking a pragmatic view, the site currently has a need for 120 parking spaces, for which there are 65 provided. This is an existing situation and an existing deficit. The applicant does not consider that the development would result in an increase in visitors, and even if it did, the increase in required parking spaces would be 10, increasing the existing shortfall from 45.8% to 50.0%. Given that the parking standards represent a maximum provision and that there is a marginal increase in the existing deficit, coupled with the existing generous provision of 65 spaces, it is not considered that a sustainable reason to object to the proposal could be sustained and no objection is raised to the proposal on this basis.

### **Conclusion and Planning Balance:**

The proposal would provide a benefit in terms of improved sporting facilities for the football club which carries a significant amount of weight.

The development has been found not to have an unacceptable impact on neighbours' amenity or wildlife subject to appropriate conditions.

Whilst there is some identified harm to the openness of the Green Belt, when viewed in the balance, it is felt that the benefits of granting planning permission in relation to health and well-being, outweigh the adverse impacts, so it is recommended that planning permission is 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 following:

My **RECOMMENDATION** is **Approval** subject to 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 The development hereby permitted shall be carried out in accordance with the approved plans listed on this decision notice.

REASON: For the avoidance of doubt and in order to achieve satisfactory development of the site.

- 3 The external surfaces of the development hereby approved shall be treated in accordance with the details specified on the submitted plans.

REASON: In the interest of visual amenity.

- 4 The football pitch's proposed external lighting hereby approved shall not be used other than between the hours of 08:00 and 22:00 on any day without prior written consent from the Local Planning Authority.

REASON: To protect the amenity of nearby residents and nocturnal wildlife.

- 5 External artificial lighting at the development shall not exceed lux levels of vertical illumination at neighbouring premises that are recommended by the CIE guidance 2003 & 2017 and the ILP Guidance Notes for the Reduction of Obtrusive Light (2021). Lighting should be minimised, and glare and sky glow should be prevented by correctly using, locating, aiming and shielding luminaires, in accordance with the Guidance Notes.

REASON: To ensure that the amenity of occupiers of surrounding premises is not adversely affected by lighting

## **Informatives**

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