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

## **AGENDA**

**Committee: DEVELOPMENT MANAGEMENT**

**Date and Time: Tuesday, 6 February 2024 at 7.00 pm**

**Venue: Council Chamber, Council Offices**

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

**Membership: Councillors K Bowker (Chairman), P Greig (Vice-Chairman), A Acott, J Anderson, G Howlett, R Lillis, C Sach, R Savage, T Skipp and J Thornton**

**Substitutes: Councillors H Barton-Brown, M Fuller, S Mountford, A Thornton and G Withers**

**Canvey Island Town Councillor: S Sach**

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

**Enquiries: Sonia Worthington ext. 2400**

### **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 9 January 2024 are attached.

#### **3. Public Speakers**

The Chairman will announce the names of those persons who wish to speak in support/objection under Agenda Item No. 5 (if any).

#### 4. Deposited Plans

The report is attached.

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## **DEVELOPMENT MANAGEMENT COMMITTEE**

**TUESDAY 9 JANUARY 2024**

**PRESENT:** Councillors Bowker (Chair), Acott, Howlett, Lillis, C. Sach, Savage, Skipp and J. Thornton.

**SUBSTITUTE MEMBERS PRESENT:** None.

**CANVEY ISLAND TOWN COUNCIL:** None.

**ALSO PRESENT:** Councillors Egan and and Walter

**APOLOGIES:** Councillor Greig (Vice-Chair)

### **25. MEMBERS' INTERESTS**

No declarations of interest were made.

### **26. MINUTES**

The Minutes of the meetings held on 5 and 13 December 2023 were taken as read and signed as a correct record.

### **27. PUBLIC SPEAKERS**

Under Agenda Item 5(1):

Mr Fortt in objection.

Mr Ford in support.

Councillor Walter as St George's Ward Member.

### **28. DEPOSITED PLANS**

- (a) **23/0599/FUL – 49 CHURCH ROAD, THUNDERSLEY BENFLEET, ESSEX, SS7 4BP (ST GEORGE'S WARD) – CONSTRUCTION OF TWO EXTENSION, CONVERT EXISTING DWELLING INTO 4NO. FLATS AND ALTER VEHICULAR ACCESSES (AMENDED PROPOSAL FOLLOWING APPROVAL 22/0878/FUL) - MR P CODARIN**

The application sought permission for the conversion and extension of the property to four flats. While the principle had been established by a previous planning permission for three flats, the frontage parking for this scheme would result in more or less the whole frontage of the site, apart from the front corner, being taken up with parking which was less acceptable than the previous scheme. This represented a retrograde step which would be to the detriment of the street scene. It was recognised that existing houses could hard surface their frontages as permitted development but that was not a reason to accept further poor forms of development where they fell within the Council's control.

The proposal was considered to be contrary to the Council's Residential Design Guidance at RDG12, as well as policy EC2 of the Council's adopted Local Plan due to the space around the building not being enhanced by appropriate soft landscaping. Conflict with guidance in the National Planning Policy Framework was also evident, inasmuch as the proposal would not have appropriate and effective landscaping. The proposal was therefore recommended for refusal.

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

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

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

Mr Ford, a representative of the applicant, spoke in support of the planning application.

Councillor Walter, Ward Councillor for St George's Ward, spoke in objection for the planning application.

During debate Members expressed their concern that the development would appear dominated by parked vehicles to the detriment of the street scene and visual amenity of the local area and concurred with the Planning Officer's recommendation. It was therefore:

**Resolved unanimously** – That the application be refused for the following reason:

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

Chair

## ITEM 1

**Application number:** 23/0582/FUL  
**Address:** 6 Aylett Close, Canvey Island, Essex, SS8 8AN  
(Canvey Island North Ward)  
**Description of Development:** Change of use from residential (use class C3) into a children's home for up to three children (use class C2)  
**Applicant:** Yaffle Care Ltd  
**Case Officer:** Teresa Harrington  
**Expiry Date:** 28/11/23

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The application was presented to the Development Management Committee (DMC) on Tuesday, 5 December 2023 with a recommendation to grant approval. A copy of the report is attached separately as Appendix 1.

At the meeting of 5 December a debate took place on the recommendation in the report, which was lost.

The committee felt that further information on a location risk assessment should be obtained, clarification as to whether the proposal is part of the Essex County Council Framework and confirmation of the age group of the children to be housed at the property.

Following this, an alternative motion was moved and seconded whereby it was resolved to defer determining the application to obtain further information from the applicant.

The purpose of this report is to provide a summary and assessment of the further information requested.

### **Response from the applicant:**

*"We can confirm that we have had conversations with Essex County Council regarding the property and the demand for our service.*

*The age range we will be supporting will be 8-16 year olds.*

*We would be happy to condition the planning to state that young persons from Essex will be given first priority for housing."*

And

*"OFSTED reference: YAFFLE CARE - URN 2746977"*

A location risk assessment has been provided and is attached separately as Appendix 2.

### **Conclusion:**

In light of the above, which officers consider addresses the additional information requested as part of the deferral, no change to the officer's recommendation made on 5 December 2023 is made.

For the avoidance of doubt the recommendation, conditions and informatives are set out below. My **RECOMMENDATION** is that planning permission is GRANTED, 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. 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 to the property can be properly and fully considered.

4. No more than three 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.

5. There shall be a member of staff on site 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.

6. The submitted operating management plan dated 15 November 2023 shall be adhered to at all times. Any variations to this management plan shall be submitted to and formally approved in writing by the local planning authority prior to their implementation.

REASON: To protect the amenity of surrounding residents.

7. Prior to occupation of the development the existing forecourt parking area to the front of the property shall be extended in size to accommodate two additional spaces measuring 2.9m

x 5.5m. Such hard surfacing extension shall be designed and constructed in accordance with SUDS principles and made available for use, together with a properly constructed and widened vehicular access and visibility splays to the highway.

Where car parking spaces are provided on the site these facilities shall be retained solely for that use and for no other purpose whatsoever without the formal consent of the local planning authority.

REASON: To ensure the hard surface limits the potential for increased surface water run off from the site and the retention of adequate on site car parking facilities to meet the Council's adopted standards for the amount of accommodation to be provided on the site.

8. Prior to first occupation of the development and notwithstanding the details as submitted on the approved plans, details of the cycle parking shall be submitted to and approved in writing by the local planning authority, with reference to accurately scaled plans. The cycle parking shall be secure, covered and shall be provided prior to first occupation of the development and thereafter retained for its approved purpose.

REASON: To ensure appropriate cycle parking is provided in the interest of sustainable travel.

9. Upon occupation of the dwelling, the approved flood response plan shall be enacted and thereafter maintained at all times that the dwelling is occupied. Any revisions to the plan shall be submitted to and formally approved by the local planning authority.

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

### **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.
2. The 'Essex Police - Designing out Crime Office' (DOCO) welcomes the opportunity to make comment on application 23/0606/FUL.

We recognise that communities where safety and security has been addressed and 'designed in' at the earliest planning stages will enhance the health and wellbeing of its residents. Perception of crime and fear of crime can be an influential factor in determining the synergy and ongoing sustainability of a community.

The DOCO considers that it is important that the living accommodation is designed incorporating the maximum achievable benefit of Crime Prevention Through Environmental Design.

Upon review of the available documentation, the Essex Police DOCO would wish to meet with the applicant to discuss the proposed and existing security measures in place at the property. This is due to the likelihood that the vulnerable residents could be susceptible to harm and risk, providing them with a safe and secure place to reside is therefore imperative for their safety.

It is also advised that the local Essex Police Missing Persons Liaison Offer is consulted regarding this application.

We would welcome consultation to review any changes to the built environments/physical design specification of doors (inclusive of locking mechanisms), security features (such as bike stores) and design of communal facilities/areas.

We look forward to hearing from you to discuss this matter. Contact with Essex Police Designing Out Crime team is via email: [designingoutcrime@essex.police.uk](mailto:designingoutcrime@essex.police.uk)



## APPENDIX 1

**Application number:** 23/0582/FUL  
**Address:** 6 Aylett Close, Canvey Island, Essex, SS8 8AN  
**Description of Development:** Change of use from residential (Use class C3) into a children's home for up to three children (Use class C2)  
**Applicant:** Yaffle Care Ltd  
**Case Officer:** Teresa Harrington  
**Expiry Date:** 28/11/23

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### Summary:

The application seeks the conversion of a residential dwelling to a children's care home, at 6 Aylett Close, Canvey Island. 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 three 8-16 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 Fuller on the grounds of:

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

### 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 southern side of Aylett Close, 32m from its junction with Rainbow Road. It is a rectangular shaped site with a frontage of some 11m and a maximum depth of 24m. A link-detached two storey dwelling currently occupies the site. The site frontage has some soft landscaping and enough hard surfacing to provide one off-street parking space, as well as a garage.

The street scene is made up of three dwellings of similar design, character, and size.

The dwelling is immediately surrounded by other residential properties, although to the rear of the site are a block of garages and flats which front onto High Street.

### 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 appearance of the building. Internally, one of the existing bedrooms is proposed to be used as a home office.

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. There would be a maximum of three children housed at any one time with two members of staff on site.

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:

- Design and Access Statement
- Flood Risk Assessment and Flood Response Emergency Plan
- A Management Operation Plan

#### **Relevant History:**

None

#### **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 meet the criteria to deem it a CIL liable development.

#### **Consultation Responses:**

Four bodies were consulted on this application: Canvey Island Town Council, Environment Agency, Environmental Health, and Essex Police.

*Canvey Island Town Council*

No response received.

*Environment Agency*

Raised no objections to the proposal providing the flood risk considerations have been taken into account.

*Environmental Health*

Raised no comments with regards to this application.

*Essex Police*

The Designing Out Crime Office responded and welcomed further conversations with the applicant regarding existing and proposed security measures.

**Neighbour Notification:**

21 neighbouring properties were notified of this application. 15 objection comments have been received from 12 properties detailing the following concerns:

- Noise and disturbance
- A loss of character to the area
- Increased traffic
- Increased on road parking
- There has been damage to signposts and this could be dangerous for pedestrians
- A loss of privacy
- A loss of residential amenity
- Increased fire risks to residential properties
- Overlooking and dominance
- An unsuitable environment for young children or teenagers
- Devalue property prices
- Unruly behaviour and being hassled in the street
- Distress to neighbours in the surrounding area

A petition of 76 signatures has also been received objecting to the proposal, however no planning reasons have been identified in this petition.

1 support comment has been received highlighting the following points:

- Young people with additional needs should have an opportunity for a safe home with a family environment that can offer residence or respite accommodation.
- The application site would be more than suitable for purposes suggested.

**Comments on Consultation:**

- The planning officer has informed the applicant of the consultation response from the Designing out Crime Officer and has shared the relevant contact details with the applicant to facilitate further conversations.
- 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.
- Property prices are not material planning considerations.
- Damage to sign posts are not relevant to consideration of this application.
- 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, 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 existing use of the dwelling is a residential dwellinghouse, located in a residential area. The proposed use remains as residential, as the dwelling would provide somewhere for the children in care to live, whilst experiencing a domestic environment. There will also 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. 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.

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.

It is acknowledged that some neighbour comments received have expressed strong concerns regarding safety, security, antisocial behaviour, noise, and disturbance. A management operation plan has been submitted by the applicant which confirms that there will be always at least two staff members on duty. The staff working shifts are:

- 07:30 - 20:00
- 19:30 - 08:00

The staff handover will occur between 07:30 – 08:00 and 19:30-20:00. The shifts have been designed to ensure there are at least two members of staff on duty at all times. 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. In addition the implementation of CCTV is outlined in the management plan along with a fire alarm system and fire doors, to help

ensure the safety of the property and residents. Subject to a condition that the management plan is adhered to, no objection is raised to under Policy EC3.

Some comments received during the consultation period highlighted concerns that the character of the area would change if permission were to be granted. However, 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. 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.

RDG5 considers privacy of occupants and neighbouring residents.

A few comments received during the consultation period highlighted concerns with regards to overlooking and dominance, loss of privacy and loss of amenity. However, there are no alterations proposed to the structure or external appearance of the dwelling and it is not considered that any loss of privacy will occur as a result of this change of use.

RDG6 requires 15m of private outdoor amenity space to be provided for each habitable room. The property is an existing dwelling which has six habitable rooms and generates a requirement for 90m<sup>2</sup> of private outdoor amenity space. 70m<sup>2</sup> is currently provided and will continue to be provided.

Whilst the current amenity space is deficient for the number of habitable rooms, this is an existing situation which is not being altered and the pressure on the use of this space will also not be increasing. This is also considered to be partially mitigated by the sites close proximity (250m) to Smallgains playing field that can be used by residents.

In addition to the nearby playing field, the applicant's site is approximately 0.4 miles to Knightswick shopping centre for food and general high street amenities and so it is thought that the location of the site would provide sufficient social amenity to the prospective residents which is another concern that has been raised during the consultation period.

Therefore, it is thought that no harm will be caused to the character of the area, and there is not thought to be any harmful changes in regard to overlooking, dominance, privacy or amenity. As such it is considered that the proposal complied with EC2, EC3, RDG5 and RDG6.

#### 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 three parking spaces. This is considered to be in accordance with the provisions of the NPPF.

The property benefits from one off street parking space as well as a garage. The garage measures internally some 2.4m by 4.9m, which is smaller than the current standard requirements for a garage of 3m by 7m. However, this is an existing garage and so can be included for parking purposes. It is noted that the surrounding area is not controlled by parking zones or restrictions.

It is acknowledged that numerous objection comments were submitted with concerns regarding a potential increase in on-street parking and traffic.

The site would employ two on-site staff members on a shift pattern. The management plan states that employees will be encouraged to take public transportation or cycle in and a car sharing scheme would also be encouraged. It is noted from the proposal that four cycle spaces are proposed on the frontage of the site and there would be a maximum of three children receiving care and the children would not be of driving age.

The frontage of the site is of a suitable size that the area of hard standing could be extended in size to permit one or two further off-street parking spaces to be provided onsite. This could be secured by a suitably worded condition and would result in three off street parking spaces being provided in total.

Furthermore, the site is located in a sustainable location, being some 0.2 miles from an eastward and a westward bus stop. Due to the bus stop's proximity to the site, staff and visitors could use public transport as a means of reaching the site.

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, an objection raised on the basis of lack of parking provision when subject to condition three forecourt and a single garage parking spaces can be provided is not considered to be a sustainable reason for refusal. No objections are therefore raised to the parking provision on site subject to the aforementioned condition.

Whilst it is noted that a cycle storage is proposed to the front of the property, this would conflict with the provision of further parking spaces to the front of the property. It is also considered that a structure in this location would appear unsightly and would be better situated elsewhere onsite, with potential to provide such a facility to the rear of the property. Subject to a condition requiring details to be submitted of a revised cycle storage area, no objection is raised to the proposal on this basis.

### Flood Risk

Paragraph 159 of the Framework states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

Paragraph 162 states that the aim of the sequential test is to steer new development to the areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. Paragraph 163 states that if it is not possible for development to be located in zones with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in national practice guidance.

The site is located on Canvey Island, which is designated as Flood Zone 3A. Since the settlement of Canvey Island is located entirely within Flood Zone 3A it is not considered that there are reasonably available alternative sites within the area with a lower probability of flooding that could

accommodate the proposed change of use. Accordingly, it is considered that the proposal passes the sequential test.

Planning Practice Guidance notes that applicants for permission to change the use of a property need to meet the requirements to provide a site-specific flood risk assessment set out in footnote 55 of the NPPF.

Table 2 of the PPG states that an exception test is requested when a use is considered under the floor risk vulnerability classification as more vulnerable. This includes buildings used as dwellinghouses as well as children's care homes which fall under the same classification.

Paragraph 164 of the Framework states that the application of the exception test should be informed by a strategic or site-specific flood risk assessment, depending on whether it is being applied during plan production or at planning application stage. For the exception test to be passed it should be demonstrated that:

- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
- b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere and where possible will reduce flood risk overall.

In respect of the first criterion there is a need for Childrens Care homes, both nationally and locally which this proposed change of use would be meeting an identified need and providing added benefits to the local community by being able to house local children in need of care. The first part of the exception test is therefore considered to have been passed.

In respect of the second criterion, this requires the submission of a site-specific FRA.

The supplied FRA identifies the tidal flood risk at the site from the Thames Estuary as being a residual risk as the site is behind tidal defences. Details supplied within the FRA indicates flood depths for a breach event could be up to 2.36m above local ground level during a 1 in 1000-year flood event for the applicant's site.

The finished ground and first floor levels of the building would not be being altered as a result of this change of use application and therefore the risk remains the same. However, it is considered that the first floor level would provide safe refuge for occupants of the dwelling during both the 1 in 200 and 1 in 1000-year flood events. Provided that the response of occupiers to a flood warning being issued or flooding occurring is acceptably managed through a suitable flood warning and response plan, there is no objection to the proposal on tidal flood risk grounds.

Included within the revised FRA is a Flood Response Plan (FRP). This revised document appears to be semi-consistent with current advice issued by Castle Point Borough Council to residents for a flood situation of "go in, stay in, tune in" as the uncontrolled evacuation of Canvey Island would quickly lead to congestion and people potentially trapped in cars in flood water. This document should be treated as a 'live' document by all future occupiers of both dwellings and should be kept up to date with the relevant contact numbers and valid procedures.



## **Conclusion and Planning Balance:**

The proposal would provide a benefit in terms of providing care for children in need, in an area with easy access to transport, education and health facilities which 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', and it is considered the proposal 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.



## APPENDIX 2

### **DEVELOPMENT MANAGEMENT COMMITTEE**

**06 February 2024**

### **Location Risk Assessment**

<b>Policy No: 04-1116</b>	<b>Authorised:</b>	<b>Date:</b>
<b>LOCATION RISK ASSESSMENT &amp; MANAGEMENT OF RISKS</b>		

*This Policy summarises the procedures to be followed to conduct a risk assessment of the location of the Home to identify and subsequently minimise safeguarding risks to the children. This is to ensure compliance with the Children's Homes (England) Regulations 2015, and the Children's Homes and Looked After Children (Miscellaneous Amendments) (England) Regulations 2013:*

1. It is Company policy that the premises of the Children's Home will be situated in an appropriate location that is safe and secure. By developing a clear understanding of the benefits and disadvantages of living in a specific location it will be possible to establish whether or not the area is suitable for a Home, ensuring that the children are safe and are able to benefit from good quality services. Therefore, through these location assessments it is our objective that the children cared for by the Home will be:
  - effectively safeguarded from potential harm;
  - able to access services to meet their needs as identified in their placement or care plans.
2. To achieve these objectives, management of the Home will implement the following 3 strategies:
  - 2.1 Undertake a Location Risk Assessment of the area prior to the opening of the Home, and subsequently at regular intervals. These Assessments will be regularly reviewed to take into account any new risks that are identified. *Form No 1-109* refers, and refer also to clause 5 of this Policy.
  - 2.2 Where risks have been identified before the Home opens, or where new risks appear with time, putting in place appropriate safeguarding strategies.
  - 2.3 Collaborate with the police and the LSCB (Local Safeguarding Children's Board) at all stages of this process, not just in putting the safeguards in place, but also in trying to identify the risks from the outset.

### 3. RISK ASSESSMENT:

The Location Risk Assessment will include considerations of the following:

- 3.1 Whether there is a likelihood of children placed in the Home being drawn into gang crime or anti-social behaviour in the local area.
- 3.2 Whether the location of the Home influences the potential for an already vulnerable child to be a victim of crime, including being targeted or groomed for sexual exploitation.
- 3.3 The suitability of the local neighbourhood as a location to care for children who may have already been victims of abuse and neglect.
- 3.4 Any environmental factors that could present a hazard to children, such as locations near busy roads, level crossings, and un-fenced ponds.
- 3.5 Any positive features in the local community that would benefit children from the Home. These include leisure, sporting or cultural activities, or links with services that could support a child's ethnic or religious identity.
- 3.6 Collection of publicly available local data, involving internet-based searches of local crime statistics, obtaining the indices of deprivation, data about local schools, and other relevant data.
- 3.7 Consultation with appropriate local services that have a statutory responsibility for safeguarding children in the neighbourhood where the Home is located. These will include the police, Children's Services, probation service providers, public transport that the children may use and, where relevant, voluntary services that support victims of crime or young runaways. For example, *Form No 3-33* may be used as a letter template to the local police for a proposed new Children's Home.
- 3.8 *Obtaining service user feedback* - talking to the children in the Home's care about their perception of the quality of life in the area to establish whether they feel safe, and how to manage any risks they identify. Children will also be able to offer valuable insights about the quality of local services that they use.
- 3.9 Development of **Risk Management** strategies, ref. clause 4. below.

### 4. RISK MANAGEMENT:

Where Risk Assessments identify concerns about the location, strategies will be developed to support the children to manage any safeguarding concerns and, where necessary, to enable them to access appropriate local services.

The following list summarises a range of activities that could contribute to managing risks:

- 4.1 Educating children in the Home about risks, and supporting them in developing skills and strategies to manage those risks.
  - 4.2 Providing children with access to relevant support services to make them more aware of risks, and to make them more resilient.
  - 4.3 Ensuring that children have access to sources of confidential advice and advocacy so that they feel safe to disclose any risks they face.
  - 4.4 Recording evidence of children's vulnerability to sexual exploitation / grooming that could be used by the police as the basis for taking enforcement action against predatory adults or by probation service provides in connection with the management of offenders.
  - 4.5 Improving the perimeter security for the Home so that individuals or vehicles approaching the Home can be recorded, acting as a deterrent to potential predators.
  - 4.6 Convening multi-agency Risk Management meetings, involving local services, placing authorities, and individual children to develop strategies for managing and minimising the risks faced by the children.
5. This Risk Assessment must be undertaken and recorded every 6 months.

#### *FORMS REFERENCES:*

Form No: 1-108	Opening a New Children's Home - <i>Letter Template</i>
Form No: 1-109	Location & Community Risk Assessment



## ITEM 2

<b>Application Number:</b>	<b>23/0752/FUL</b>
<b>Address:</b>	<b>17 Silverdale, Thundersley, Essex, SS7 3JR (St Peter's)</b>
<b>Description of Development:</b>	<b>First floor extension over garage</b>
<b>Applicant:</b>	<b>Mrs Hannah Barton-Brown</b>
<b>Case Officer:</b>	<b>Teresa Harrington</b>
<b>Expiry Date:</b>	<b>15/02/2024</b>

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### Summary:

This application seeks to extend the first floor of the dwelling over the existing garage at 17 Silverdale, 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 create a lounge area and a dressing room. The application is recommended for approval.

The application is presented to the committee on the grounds that the applicant is Councillor Hannah Barton-Brown.

### Site Visit:

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

### Introduction:

The application site is occupied by a detached house located on the south eastern side of Silverdale, Thundersley. The site has a frontage to Silverdale of some 14.4m and a maximum depth of 31.4m. The site frontage is mostly hard surfaced with enough space to park at least two vehicles and has an attached garage. To the west is green belt land, whilst to the north and east are other residential properties.

The street scene is made up of detached two storey dwellings with attached garages.

### The Proposal:

The applicant seeks permission for a first floor extension over the garage. The works would remove the first floor front terrace and replace with a dressing room to bedroom one and create a separate lounge. The works are proposed to be finished in materials to match existing.

### Relevant History:

21/0760/FUL – Permission sought to demolish outside stairs and construct first floor front/side extension over the existing garage. Approved 17 September 2021.

### Local Plan Allocation:

Residential

### Relevant policies:

NPPF – National Planning Policy Framework (2023)

Local Plan (LP, 1998):  
EC2 – Design  
T8 – Parking standards

Residential Design Guidance (2013):  
RDG2 – Space around dwellings  
RDG3 – Building lines  
RDG5 – Privacy and living conditions  
RDG6 – Amenity space  
RDG7 – Roof development  
RDG8 – Detailing  
RDG12 – Parking and Access

Essex County Parking Standards September 2009 (Adopted June 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 proposal is for a residential extension less than 100m<sup>2</sup> and is therefore not subject to a CIL charge.

### **Consultation Responses:**

No responses received.

### **Evaluation of Proposal:**

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

#### *Design*

Policy EC2 of the council's Adopted Local Plan seeks a high standard of design in all developments. In particular, regard is to be had 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. This is consistent with paragraphs 133 and 135 of the NPPF.

RDG8 states that the provision of detailing elements for all developments must be consistent with the overall architectural approach of the dwelling, and their design and siting should be an integral part of the dwelling. Furthermore, the design of all development should result in well proportioned and balanced properties.



RDG7 of our Residential Design Guidance requires that roof design of any development should be proportionate and compatible primarily with the dwelling.

The proposed extension has a pitched roof which is compatible with the roof form of the host property and also those present in the surrounding street scene. The roof form of the proposed extension is segregated from the main dwelling which enables the dwelling to maintain a balanced and well proportioned appearance.

The plans show that the existing side isolation space would remain and the proposed materials would match existing, maintaining the character of the street scene. No objection is therefore raised to the design of the proposal.

### *Impact on Neighbours*

RDG3 requires proposals to respect established building lines. RDG3 also requires proposals not to cause excessive overshadowing or dominance to any elevation of an adjoining property.

RDG5 of our Residential Design Guidance discusses privacy and living conditions, requiring a distance of 9m to be provided between first floor windows and the boundaries of the site. The distance at second floor is 15m.

The proposal would not project further forward of the existing front building line. It is noted that the neighbouring properties both to the north and south of the applicant site are built further forward than the applicant site and, as the proposal is orientated north west, it is not considered that the proposal would result in excessive overshadowing or dominance to any neighbouring property.

RDG5 requires a minimum of 9m between first floor windows and the boundary they directly face. There are no first floor side windows proposed. The proposed first floor front doors to the lounge would be less than 9m from the boundary but would overlook the road and therefore be unlikely to result in a loss of privacy. No objection is therefore raised to the proposal on this basis.

### *Other Considerations*

In terms of RDG5 the plans show the proposed lounge would be served by a Juliet balcony and it is thought that this would be sufficient to allow for adequate levels of natural light, ventilation and provide an acceptable outlook for this habitable room. Therefore, no objection is raised to the proposal on this basis.

The enlarged dwelling would retain adequate amenity space to meet the outdoor needs of the occupiers and the aims of RDG6.

The proposal would not reduce the amount of parking available, nor would it increase the demand for parking on site. Therefore, the proposal raises no parking implications.

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

The proposal has been assessed against the following policies: The National Planning Policy Framework (NPPF), EC2 and T8 of the Local Plan (Adopted 1998), as well as RDG2, RDG3,

RDG5, RDG6, RDG7, RDG8 and RDG12 of the supplementary Residential Design Guidance document and the Essex County Parking Standards September 2009 (Adopted June 2010).

The development has been found not to have an unacceptable impact on neighbours' residential amenity, nor has any detrimental harm to the residential setting been identified.

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**

### **Conditions/Refusal Reasons**

- 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 or shall be of similar appearance to the materials used in the construction of the exterior of the existing dwelling house.

REASON: In the interest of visual amenity.

### **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>23/0665/FULCLO</b>
<b>Address:</b>	<b>Knightswick Centre, Furtherwick Road, Canvey Island, Essex, SS8 7AD (Canvey Island South)</b>
<b>Description of Development:</b>	<b>Replacement entrance doors to 3No. customer entrances</b>
<b>Applicant:</b>	<b>Knightswick Shopping Centre</b>
<b>Case Officer:</b>	<b>Teresa Harrington</b>
<b>Expiry Date:</b>	<b>09/02/2024</b>

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#### **Summary:**

This proposal seeks consent for the replacement of three customer entrance doors at the Knightswick Shopping Centre on Canvey Island. As the area is designated for shopping use, the proposed application is not considered a departure from the allocation within the adopted local plan. This application is recommended for approval.

The application is presented to the committee due to the proposed development being on council owned land.

#### **Site Visit:**

It is not considered necessary for members to visit the site in the company of a planning officer prior to the meeting. Should members wish to visit the site independently, there is plenty of parking in the Knightswick shopping centre car park accessed from Foksville Road.

#### **Introduction:**

The application site is located on the eastern side of Furtherwick Road, Canvey Island, some 140m north of its junction with Foksville Road. The Knightswick Centre has associated servicing areas and public car parks to serve the units within the shopping centre.

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

#### **The Proposal:**

The proposal seeks to replace entrance doors to three customer entrances at the shopping centre.

#### **Relevant History:**

20/0862/FULCLO – Permission sought for installation of 2 pole mounted ANPR cameras for the purpose of managing and enforcing parking at the site (retrospective). Approved 27/01/21.

20/0863/ADV – Erection of 42 non illuminated signs for the purposes of information and direction at Knightswick Centre car park (retrospective). Approved 27/01/21.

## **Local Plan Allocation:**

Shopping

## **Relevant policies:**

NPPF – National Planning Policy Framework (2023)

Local Plan (LP, 1998):

EC2 – Design

## **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 meet the criteria to deem it a CIL liable development.

## **Consultation Responses:**

Legal Services consulted and the following response received: "No observations".

Canvey Island Town Council was consulted and no response was received.

## **Evaluation of Proposal:**

Policy EC2 of the adopted local plan iterates that a high standard of design will be expected in all proposals for alterations and extensions to existing buildings. This policy is considered consistent with the provisions of the National Planning Policy Framework (NPPF).

The proposal shows that the entrance doors would be fully glazed with powder coated frames. It is considered that the proposed materials would harmonise with the existing building and it is not considered that any of the proposed detailing elements of the proposed replacement entrance doors would result in a prominent, dominant, alien or incongruous feature. The proposal is therefore thought to have a nominal impact within the street scene and be unlikely to detrimentally harm the appearance of the host building. As such, no objection is raised to the proposal.

## **Conclusion and Planning Balance:**

In this instance, the proposal would provide a benefit in terms of upgrading the entrances to the shopping centre. There are no adverse impacts that can be identified so it is recommended that the proposal is approved.

My **RECOMMENDATION** is **Approval**

### **Conditions/Refusal Reasons**

- 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 or shall be of similar appearance to the materials used in the construction of the exterior of the existing dwelling house.

REASON: In the interest of visual amenity.

### **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.