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AGENDA

Committee: DEVELOPMENT CONTROL

Date and Time: Tuesday 2nd April 2019 at 7.30 p.m.

Venue: Council Chamber

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

Membership: Councillors Hart (Chairman), Mumford (Vice Chairman), Acott, Anderson, Blackwell, Cole, Cross, Dick, Mrs Haunts, Johnson, Ladzrie, Sharp and Taylor.

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

Canvey Island Town Councillors : Greig and TBC

Officers attending: Mr Rob Davis - Planning Development and Enforcement Manager
Mrs Kim Fisher-Bright – Strategic Developments Officer
Miss Fiona Wilson – Head of Legal Services

Enquiries: Miss Cheryl Salmon, ext. 2454

PART I (Business to be taken in public)

1. Apologies

2. Members' Interests

3. Minutes

A copy of the Minutes of the meeting held on 5th February 2019 is attached.

4. Public Speakers

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

5. Deposited Plans

The reports are attached.

	Application No	Address	Page No
1.	19/0136/FUL	47 Rectory Road Hadleigh Benfleet Essex SS7 2NA (St James' Ward)	1
2.	19/0140/FUL	30 Lea Road Benfleet Essex SS7 5UU (Appleton Ward)	9

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DEVELOPMENT CONTROL COMMITTEE

5th FEBRUARY 2019

PRESENT: Councillors Hart (Chairman), Mumford (Vice Chairman) Acott, Anderson, Cole, Cross, Dick*, Mrs Haunts, Johnson, Ladzrie, Sharp and Taylor

***Substitute Members Present:** Councillor Dick for Councillor Mrs Wass.

Canvey Island Town Council Representative Councillor Greig was in attendance.

Also Present: Councillors Mrs Blissett, Howard, Palmer, Mrs Sach, Smith and Walter.

An apology for absence was received from Councillor Mrs Wass.

19. MEMBERS' INTERESTS

Councillor Mrs Haunts disclosed a non-pecuniary interest in Agenda Item 5(2) as neighbours of the application site were known to her however they were not close associates and she remained in the Chamber during consideration of the item.

Councillor Smith disclosed a pecuniary interest in Agenda Item 5(3) as he was the owner of the application site and left the Chamber during consideration of the item.

All Development Control Committee Members disclosed a non-pecuniary interest in Agenda Item 5(3) as the land the subject of the planning application fell under the ownership of the Leader of the Council, Councillor Norman Smith, who was therefore known to all Members of the Committee. All Committee Members remained in the Chamber during consideration of the item.

20. MINUTES

The Minutes of the meeting held on 8th January 2019 were taken as read and signed as correct.

21. DEPOSITED PLANS

- (a) **18/0605/FUL - 458 LONDON ROAD BENFLEET ESSEX SS7 1AW (BOYCE WARD) - DEMOLITION OF EXISTING BUILDING AND ERECTION OF THREE-STORY BUILDING CONTAINING 11NO. APARTMENTS WITH CAR PARKING - MR R ALI**

The application sought permission for the replacement of an existing building located within the Green Belt with a block of 11 flats. The proposed

accommodation was for affordable housing but it was considered that the development would result in substantial harm to the openness of the Green Belt contrary to national guidance set out in the National Planning Policy Framework (NPPF). It was therefore recommended for refusal.

The application was presented to the Committee at the request of Councillor Smith so that the inappropriateness of the development in the Green Belt could be discussed.

Mr Saunders, on behalf of local residents, spoke in objection to the application.

Councillor Smith, a Ward Member, spoke in support of the application.

During discussion some Members expressed their support for the proposal. Whilst it was recognised that the development was located within the Green Belt it was stated that as it was on land that had previously been developed it would not cause substantial harm to the openness of the Green Belt. It was considered that this view was in line with national guidance and reference was made by Members to the NPPF. Members also recognised the development would provide much needed affordable housing within the Borough.

Other Members felt that the development should be refused on the grounds that it represented inappropriate development in the Green Belt.

Following conclusion of the debate it was:-

Resolved – That the application be approved as it is on previously developed Green Belt land and the development would not cause substantial harm to the openness of the Green Belt which would contribute to meeting an identified affordable housing need within the borough and that approval be subject to a S106 Agreement in respect of 100% affordable housing, a RAMS financial contribution and the conditions as set out in the Planning Officer's report.

(Councillor Smith left the Chamber at the conclusion of this item)

**(b) 18/1097/FUL - 8 THIELEN ROAD CANVEY ISLAND ESSEX SS8 9BA
(CANVEY ISLAND CENTRAL WARD) - CONSTRUCTION OF TWO
DETACHED 4-BEDROOMED DWELLINGS WITH ASSOCIATED FACILITIES -
MR DEAN BULLOCK**

The proposal was for the erection of two detached four bedroomed houses in an area allocated for residential purposes on the Development Plan. It was considered that the proposal was consistent with the provisions of the Council's Adopted Local Plan and Residential Design Guidance and was therefore recommended for approval.

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

Mr Rich, on behalf of local residents, spoke in objection to the application

During discussion some Members raised concerns about the lack of parking on site, particularly as the highway was narrow, and felt that the provision of car parking spaces on the site was essential. It was considered that the development would raise issues in regard to surface water run-off, overlooking by neighbouring properties and overbuilding on the site. Concern was also raised regarding the impact the building works would have on nearby residents.

The Planning Officer responded that the first floor windows to the rear elevations were obscured-glazed to prevent overlooking and this was subject to condition and could not be changed. If breached it would be the subject of enforcement action. Appropriate measures would be in place to manage surface water run-off. Retention of car parking space on the site could be secured by planning condition. Similarly the building works could be the subject of a construction plan which would regulate building works and minimise disruption.

Other Members were supportive of the proposal as it complied with all relevant policies and they believed it would have no adverse impact on the character and appearance of the street scene or the amenity of adjoining residents.

During discussion Members raised concern that Anglian Water had not commented on the application.

Following detailed discussion it was:-

Resolved – That the application be approved subject to a condition to retain parking spaces on the site, provision of a construction plan prior to commencement and the conditions as set out in the Planning Officer's report.

(c) **18/0868/FUL - LAND SOUTH OF NORTHWICK ROAD CANVEY ISLAND ESSEX SS8 0PU - (CANVEY ISLAND WEST WARD) - THE DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF A LIDL FOODSTORE (USE CLASS A1) INCLUDING CAR PARKING, LANDSCAPING AND ASSOCIATED WORKS - LIDL UK GMBH**

The proposal sought to provide a deep discount convenience retail unit to serve Canvey Island and the southern part of Benfleet on land beyond the confines of the Town Centre and allocated for employment purposes on Northwick Road.

The Planning Officer reported that the NPPF required planning authorities to focus retail development within identified Town Centres unless sites were not available there in which case sites on the edge of Town Centres might be considered. Only where no sites could be identified on the edges of Town Centres should consideration be given to out of town sites. Detailed consideration of the opportunities available within the Town Centre and on its edges had identified that there were currently no available sites suitable for the accommodation of the proposed development. An 'Out of Town' location could therefore be considered.

Consideration of the existing out of town centre had revealed that no sites were available to accommodate the development proposed. An alternative location could therefore be considered, provided the proposal would not have a significant adverse impact on the viability or vitality of the existing Town Centre. Detailed consideration of the proposal had failed to identify such an adverse impact. It was therefore proposed to locate the new retail store on land allocated for employment purposes.

Policy ED3 of the adopted Local Plan required land within the Charfleets Industrial Estate to be retained for employment purposes and this suggested that the provision of a retail unit on the site would be inappropriate. However, the proposed store would generate a greater level of employment than was currently being generated on the site and provide opportunities for a range of skill levels and sets. It was not considered that the proposal would have a significant adverse impact on the availability of employment opportunities and it was of acceptable design and could achieve appropriate flood mitigation measures.

The site was deficient in terms of parking, however, in the absence of an objection from the Highway Authority it was not considered that an objection to the proposal on this basis could be sustained on appeal.

Given the specific circumstances surrounding proposed development, the proposal was considered acceptable and the application was therefore recommended for approval subject to appropriate conditions.

The application was presented to the Development Control Committee as the land the subject of the application was within the control or ownership of a Member of the Council.

The Committee's attention was drawn to a 'late letter' submitted by Aldi in objection to the application.

Mrs Dunford, a local resident, spoke on the application.

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

Canvey Island Town Council representative, Councillor Greg, spoke on the application.

Councillor Howard, a Ward Member, spoke on the application.

Councillor Blissett, a Ward Member, spoke on the application.

The Committee noted the speakers' concerns regarding the need for improvements to the footpath and the impact of the development on traffic movement in the surrounding area. Discussion took place regarding the possibility of making the exit from the site onto the highway left turn only however it was recognised that this was a matter for the applicant and Highway Authority, who had raised no objection to the proposal.

During discussion Members indicated that they were generally supportive of the proposal and following consideration of the item it was:-

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

Chairman

ITEM 1

Application Number:	19/0136/FUL
Address:	47 Rectory Road Hadleigh Benfleet Essex SS7 2NA (St. James' Ward)
Description of Development:	Demolition of existing extension and covered driveway and alterations and extensions to convert bungalow into two-storey dwelling changing to mixed use including Class D1 (non-residential institution use) on ground floor and Class C3 (residential use) on first floor
Applicant:	Mr Scott Cook
Case Officer:	Mr Keith Zammit
Expiry Date:	17.04.2019

Summary

The application seeks permission for the extension of the property to provide a physiotherapy practice at ground floor with a residential flat above. The site is allocated for residential purposes in the adopted Local Plan and therefore does not fully comply with this designation. However, the applicant has tried and failed to find suitable premises within the town centre and the community health benefits of this proposal are material considerations that weigh in its favour.

The application is recommended for **APPROVAL**.

The application is presented to the Committee at the request of Councillor Isaacs over concerns about dominance, character, the inappropriate commercial use and provision of insufficient car parking.

Site Visit

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

Introduction

The application property is a detached bungalow on the west side of Rectory Road, to the north of an existing doctors' surgery. It is bordered on its remaining two sides by other residential curtilages, and to the east by the highway.

The frontage of the property is hard surfaced with vehicular access to the highway.

The site is on the fringe of Hadleigh Town Centre although, together with the adjacent doctors' surgery, carries a residential allocation on the proposals map accompanying the adopted Local Plan.

The Proposal

The application seeks permission for the establishment of a physiotherapy practice on this site, together with the upward extension of the building to create a self-contained flat.

The first floor flat would have an open plan kitchen/dining/lounge area, bathroom and three bedrooms. The ground floor physiotherapy practice is provided with a kitchen, WC facilities, three

treatment rooms, a screening and reception room, and a ground floor rear extension which would serve as a rehabilitation room.

The proposed ridge height of the enlarged building would be some 7.3m with a gable feature to a height of some 7.9m. Red western cedar cladding, light grey monocouche render and grey Marley modern roof tiles are proposed as external materials. Windows, doors and roof fascias would be anthracite grey UPVC.

Supplementary Documentation

The application contains a supporting “Design and Access” statement, along with correspondence from estate agents relating to the applicant’s search for suitable premises. The correspondence has not been made available on the Council’s website, as it is private in nature.

Planning History

June 2018 – permission refused for a change of use from Class C3 (dwelling) to Class D1 (non-residential institution) for the following reason:

- o The proposed change of use from residential to health services, Class C3 to Class D1, in an area allocated for residential purposes on the Local Plan Proposals Map would result in the loss of good quality residential accommodation to the detriment of the supply of housing in the Borough at a time when there is a shortage of housing provision. In the absence of any information to demonstrate a shortage of such health care facilities or a lack of available suitable premises within areas allocated for shopping purposes the proposal is considered to be contrary to Policy H2 of the Local Plan and Government guidance as contained within the National Planning Policy Framework.

Relevant Government Guidance and Local Plan Policies

National Planning Policy Framework

Section 6 – Building a strong, competitive economy

Section 8 – Promoting healthy and safe communities

Section 12 – Achieving well-designed places

Local Plan

H2 – Residential land

CF8 – Non-residential healthcare

Residential Design Guidance

RDG2 – Space around dwellings

RDG3 – Building lines

RDG5 – Privacy and living conditions

RDG6 – Amenity space

RDG13 – Refuse and recycling storage

Consultation

Essex Badger Protection Group

No comments received

Public Consultation

The following objection, comments have been received in response to the neighbour notification letters, press and site notices:

- o Lack of off-street parking, additional on-street parking

The following support comments have been made:

- o Would benefit local residents
- o Would help preserve NHS resources
- o There is adequate council parking in the area
- o Provides employment
- o Next door to existing Doctors' surgery

Comments on Consultation Responses

- o The parking situation is discussed in the evaluation of the proposal
- o The benefits of the proposal to the community will be considered in the overall planning balance

Evaluation of Proposal

The main issues with this application are the principle of the non-residential use, impact on surrounding residential occupiers (including occupiers of the proposed first floor flat), any parking implications and the design of the proposed alterations, and whether the proposed flat would comply with the council's Residential Design Guidance.

Principle

Policy CF8 of the Council's Local Plan states that the Council will permit the provision of additional non-residential healthcare facilities within the Borough subject to compliance with a number of criteria:

- o that in areas used for residential purposes the property concerned should be detached
- o the use of the property should not detract from the residential amenities of the surrounding area by reason of traffic generation, noise or general disturbance
- o that within the site, one car parking space is provided for every full-time member of staff or equivalent and two visitor car parking spaces are provided for each consulting room
- o in appropriate cases, provision should be made for the turning of vehicles on the site
- o the proposal should not have an adverse effect on traffic flows on the adjoining highway
- o it should accord with all other relevant policies in the plan

This policy is considered to be consistent with paragraph 70 of the National Planning Policy Framework (the Framework) which encourages local planning authorities to plan positively for community facilities and not put barriers to provision in place. It can be seen that use of residential properties for this type of facility, or the siting of such facilities in residential areas, is not expressly prohibited.

The application site is located on the fringe of Hadleigh Town Centre, although this part of Rectory Road is residential in character and has a residential allocation in the local plan. The permission of a commercial use with a flat over is more akin to what one might expect to see in the secondary shopping frontage of a town centre. The proposal, if permitted, might encourage the general spread of commercial uses northwards along Rectory Road.

It must be remembered however that a change of use to non-residential healthcare has already happened at the doctors' surgery in the adjacent former dwelling, and this has not had too much of an effect on the character of the street. One more non-residential healthcare use would not have any significant additional impact on the area's character.

Furthermore, regard needs to be had to paragraph 80 of the Framework. This states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for employment. The granting of planning permission for this business, which is to be operated by local professionals with links to the local community, is in the absence of any other policy objection considered to assist in creating such conditions.

The applicant has detailed a fruitless search for suitable premises for this business, and explained how 47 Rectory Road meets its requirements for many reasons, including the site's accessible location. Taking into account all relevant factors, it is not considered that there ought to be an objection to the proposal in principle.

Policy H2 of the Local Plan requires land allocated for residential purposes within the plan to be retained primarily for that purpose. This is considered to be consistent with the Framework insofar as it supports the attainment of the aim of delivering a sufficient supply of homes.

This proposal includes the provision of a three-bedroom flat at first floor level, which would mean that a residential unit would not be lost as part of the proposal.

In addition to the guidance set out at paragraph 80 of the NPPF regard also needs to be given to Chapter 8, which is concerned with promoting healthy and safe communities. In particular paragraph 92 advises that planning policies and decisions should ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

The proposal would not result in the loss of a residential unit and in the light of other advice provided within the NPPF it is not considered that an objection under Policy H2 should be supported.

Impact on neighbours

Turning back to Policy CF8, the first criterion that such proposals have to satisfy is that the property concerned should be detached. The supporting text explains that this is to minimise noise disturbance. While the building itself is detached, the physiotherapy practice itself would not be, as it would be adjoined by the proposed first floor flat. However, the requirements of Building Regulations would ensure a minimum standard of noise attenuation between the ground and first floors of the building, and a physiotherapy practice is not considered to be an inherently noisy use.

The second criterion of Policy CF8 is that the use of the property should not detract from the residential amenities of the surrounding area by reason of traffic generation, noise or general disturbance. This is consistent with paragraph 180(a) of the Framework, which seeks to ensure that potential adverse impacts resulting from noise from new development are mitigated and reduced to a minimum.

There have been no objections to the proposal from surrounding residents on the basis of noise and disturbance in respect of the activities that might take place at the practice and it is unlikely that the physiotherapy use would cause significant disturbance to the surrounding area during the normal working day.

The proposed opening hours of 08:00-1700 on weekdays and 09:00-14:00 on Saturdays are not considered to impinge unduly on surrounding occupiers' enjoyment of their properties. To ensure that there is no conflict with neighbouring residential uses outside of these hours the operation of the business can be limited by condition.

Parking implications

The last few criteria of Policy CF8 are concerned with the impact on parking and traffic flows. The policy states that one car parking space should be provided per full-time staff member or equivalent, with two visitor spaces for every consulting room. This differs slightly from the adopted 2009 County Parking Standards which require a maximum of one space per full time staff and three per consulting room.

It is reasonable to assume that a consulting room will have one person occupying it while another waits for their appointment, so two spaces for every consulting room would not necessarily be an inappropriate level of parking provision (in addition to the space for every full-time equivalent member of staff). The applicant says that there will be a 10-minute turnaround (gap) between appointments, suggesting that only one space per consulting room is required, but appointments can overrun and people can turn up early, so it is not considered that this practice warrants a reduction in the applicable car parking standard.

The residential flat, being three-bedroomed, would require a minimum of two car parking spaces. The application of a minimum standard for parking in this manner is felt to be consistent with paragraphs 105 and 106 of the Framework.

The applicant has advised that although there will be three treatment and other dedicated rooms at the premises only two rooms will be used at any one time. The applicants are sporting movement specialists and a big aspect of their practice is movement based rehabilitation. This requires space for items such as a treadmill, walking bars for gait analysis and re-education, jumping and landing retraining equipment and balance retraining equipment.

A further aim of the practice is injury prevention and performance enhancement. This involves a patient's being movement screened and requires a specific screening room as equipment cannot be moved.

The third treatment room will house a reformer machine to enable one to one Pilates based rehabilitation as part of a patient's treatment plan. This requires a quiet room away from the rehabilitation space where people maybe jumping and using other equipment.

On the basis of the information provided by the applicant about how the practice is to be used it is considered that only two parking spaces are required for staff purposes, with four for the consulting rooms, and two for the residential flat, making a total of 8. It has been established that the proprietors of the business do not intend to occupy the flat themselves, so no reduction in parking provision would be warranted for that reason.

The application proposes four parking spaces, two for use by staff and two for occupiers of the residential unit. No spaces will be provided for patients. This might be viewed as a low level of parking provision. However, in locations that are in town centres or well-served by public transport officers consider a lower level of parking provision is often appropriate, as there are opportunities to access the site on foot or by public transport.

Members should note that a refusal of planning permission on the basis of insufficient parking provision for four flats above commercial premises at 231 London Road was allowed on appeal in 2016. In determining the appeal the Inspector commented that whilst the development would be in conflict with the Council's parking standards these did not allow for the consideration of the availability of public car parking or its access to public transport.

The application site is located approximately 65m north of Rectory Road car park where there is ample opportunity for patients to park. Furthermore, nearby streets have parking restrictions in

them until 19:00, and the proposed closing time for the business is 17:00, so the proposal should not lead to parking in surrounding streets.

The parking restrictions would not prevent disabled drivers parking on yellow lines for up to three hours so it is possible that some patients could park in nearby streets. However, it is likely that instances of disabled on-street parking would be fairly isolated.

On the matter of the effects on traffic flow, the highway authority has not been formally consulted on this particular proposal as there are no changes proposed to the vehicular access. The parking layout shown would necessitate reversing onto the highway and the property is located on a classified road, where reversing onto the highway would not be desirable. However, this arrangement would not seem to be dissimilar to other properties in Rectory Road which do not have turning space on their frontages, so in the wider context the proposal would not have a perceptible impact on highway conditions.

No objection is raised to the proposal on parking grounds or highway safety.

Design

Policy EC2 of the Local Plan seeks a high standard of design in all alterations to existing buildings. In particular, the scale, density, siting, design, layout and external materials of any development shall be appropriate to its setting and should not harm the character of its surroundings.

The proposed first floor addition to the building would maintain its existing style and is not considered to be of excessive height, particularly when taking into account that the neighbouring buildings are two storey buildings. The proposed materials are considered appropriate for the location. Subject to a condition that the development is constructed in accordance with the approved materials there is no objection to the proposal on the basis of Policy EC2.

Whether the proposed flat would comply with the Residential Design Guidance

RDG2 of the Council's Residential Design Guidance requires the space around all new development to be informed by the prevailing character of space around dwellings. On its north side, the new first floor would be located 1m from the boundary of the site which is satisfactory. On the south side there would only be about half a metre between the flank wall and the site boundary which could make the building look a little cramped. However, there are two storey properties in the street that also have their flank walls fairly close to or on the boundary, so the situation would not be without precedent. Furthermore, the setting in of the first floor from the existing ground floor flank wall would produce a development of rather less satisfactory design, and a neater finish as proposed is preferable. On balance, it is not considered that an objection to the proposal on the basis of RDG2 is warranted.

RDG3 of the council's Residential Design Guidance seeks to prevent proposals that would lead to excessive overshadowing or dominance of adjacent properties. The proposed first floor addition would not project excessively beyond the rear wall of the adjacent dwelling at No.51 and would be unlikely to cause loss of amenity by way of overshadowing or dominance.

The single storey rear extension, with a depth of approximately 6m, might be viewed as a somewhat deep extension. However, its flat-roofed design would limit its bulk when viewed from the adjacent property at No.53, and there is a reasonable gap of some 4m between the buildings, which would further limit the potential for excessive overshadowing or dominance to be caused. Overall, there is no objection to the proposal on the basis of RDG3.

RDG5 deals with privacy and living conditions. A distance of 9m should be provided between first floor windows and the boundary of the site, unless the window is a secondary window, in which case it may be conditioned as obscure glazed and with limited opening to protect the privacy of adjacent residents.

The rear windows of the proposed first floor flat would be fully compliant with this provision. The front windows would overlook the street which is within the public realm and would not cause undue loss of privacy to properties opposite. The proposed side bathroom window would be located in close proximity to the boundary of the site, however this is a secondary window so may be conditioned as described without leading to unsatisfactory living conditions within the flat. Subject to such a condition there is no objection to the proposal on the basis of RDG5.

RDG6 requires appropriate amounts of outdoor amenity space to be provided in proportion to the size of the dwelling. A minimum of 15m² per habitable room should be provided, with a minimum of 50m².

The applicant has confirmed that the large garden is to be retained by the practice and no outdoor amenity area is to be allocated to the first floor flat. However, it is not unusual in the case of town centre, or edge of town centre, locations for such residential accommodation not to provide outdoor amenity space, particularly where there is public open space located nearby. This proposal is located only some 150m away from the John H Burrows recreation ground which provides accessible suitable public open space of a high standard.

There is therefore no objection on the basis of RDG6.

RDG13 requires the provision of refuse and recycling storage facilities. Normally, for flats, a communal bin area is provided. In this particular instance, however, there is only one flat on the site, so a road side collection is considered acceptable in this instance. The frontage of the site is of sufficient size for the storage of a commercial bin for the practice. There is no objection to the proposal on the basis of RDG13.

Conclusion

The proposal does not fully comply with the development plan allocation however it retains a residential element at first floor. It is located close to the town centre and deficiencies in parking and amenity provision are suitably mitigated by the Rectory Road car park and John H Burrows recreation ground. In other respects the proposal complies with all local policies and design guidance. The proposal is also consistent with national guidance contained in the NPPF.

In accordance with the presumption in favour of sustainable development it is recommended that permission ought to be granted.

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

My Recommendation is Approval with the following conditions:

1. The development hereby permitted shall be begun on or before the expiration of three years beginning with the date of this permission.

REASON: This condition is imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2. The development shall be carried out in accordance with the approved materials.

REASON: In the interest of visual amenity.

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

and retained as such thereafter.

REASON: In order to prevent overlooking of adjacent residential properties.

4. Prior to occupation of the building four parking spaces shall be provided at the site, two of which shall be allocated for the residential use at first floor. Thereafter, these parking spaces shall be retained for this use, kept available for the parking of vehicles and not used for any other purpose.

REASON: To ensure adequate off-street parking provision for staff and occupiers of the practice and first floor flat.

5. The physiotherapy practice hereby approved shall only operate between the hours of 08:00-17:00 weekdays and 09:00 and 14:00 on Saturdays and at no other times whatsoever.

REASON In the interest of the amenity of surrounding residential occupiers.

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 subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. Please note that a site notice was displayed in a publicly visible location at the site. Castle Point Borough Council would appreciate your co-operation in taking the site notice down and disposing of it properly, in the interests of the environment.

ITEM 2

Application Number:	19/0140/FUL
Address:	30 Lea Road Benfleet Essex SS7 5UU (Appleton Ward)
Description of Development:	Proposed part single/part two-storey rear extension with fenestration alterations
Applicant:	Ms Natalie Duffield
Case Officer:	Miss Genny Middlemast
Expiry Date:	17.04.2019

Summary

The application seeks planning permission for the construction of a part single, part two-storey rear extension with fenestration alterations. After receiving amended plans reducing the depth of the ground floor extension it is considered that the proposal is acceptable. The application is therefore recommended for **APPROVAL**.

The application is presented to Committee at the request of Councillor Skipp over concerns about overshadowing, a loss of privacy and being out of character with the surrounding area.

Site Visit

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

Introduction

This application relates to a site located on the southern side of Lea Road, some 30m east of its junction with Stanway Road. The site is regular in shape having a width of approximately 9.2m and depth of 44m. It is occupied by a link-detached dwelling house with a semi integral garage that extends forward of the principal elevation. The frontage is fully hard surfaced with vehicular access served by two dropped kerbs. A narrow pathway some 0.9m in width located on the western side of the boundary provides access to the rear garden.

The Proposal

Permission is sought for the construction of a part single storey part two-storey rear extension and addition of a high level window to the western elevation at ground floor level. The proposed single storey rear extension has a depth of 5m and measures some 7.3m wide by 2.6m high. The first floor extension has a depth of 3m, width of 4.3m and maximum ridge height of 6.1m.

The ground floor extension provides a utility room, enlarged kitchen/dining room functioning as a single open plan space and a toy room. A roof lantern is proposed above the dining area. The first floor extension relocates the bathroom from the rear of the property to the side elevation and enlarges two existing bedrooms and provides an en-suite. The rear bedroom over the ground floor extension is provided with a Juliet balcony.

The exterior of the extension will be finished with yellow bricks and brown concrete roof tiles to match the existing dwelling house. Windows and doors are to be white UPVC.

Supplementary Documentation

This application is not accompanied by any supplementary documentation.

Planning History

No Relevant History

Local Plan Allocation

Residential

Relevant Policies and Government Guidance

National Planning Policy Framework

Local Plan (Adopted 1998)

EC2	Design
H17	Housing Development – Design and Layout
T8	Car Parking Standards

Residential Design Guidance (Adopted 2013)

RDG2	Space Around Dwellings
RDG3	Building Lines
RDG5	Privacy and Living Conditions
RDG6	Amenity Space
RDG8	Detailing
RDG12	Parking and Access

Consultation

No statutory consultees were consulted as part of this application.

Public Consultation

One objection comment and three support comments have been received. These responses raised the following comments/objections:

- o In favour of the development for the family to benefit from the extra living space and improve the street by making a lovely family home.
- o Support the application as they can see the road changing for the better by updating a tired property and making it into a family home.
- o Supporting the application and detailing their plans to complete a similar extension to their property.
- o Overdevelopment and out of character with the surrounding area which will establish a new precedent.
- o Overbearing as it is double the height of the existing fencing and will span 80% of No 28s garden perimeter.
- o Impact further exacerbated by the gradient of the land.
- o Impact on privacy by providing first floor access onto the flat roof
- o Concerns expressed about drainage of the extension

Comments on Consultation Responses

- o The impact of the development on the surrounding area and neighbours is considered in the evaluation of the proposal, however it should be noted that amended plans have been received reducing the depth of the ground floor extension together with a Juliet balcony which will restrict access onto the flat roof.

- o Surface water run-off on householder extensions is a matter dealt with under Building Regulations. The maintenance of guttering is not a material planning consideration.

Evaluation of Proposal

The main consideration for this application is the impact it would have on adjoining neighbours, particularly the neighbour to the west who has a relatively short rear garden.

Design

Policy EC2 of Castle Point Borough Council's Adopted Local Plan explains the high standards of design expected in relation to existing buildings within the Borough. Particular attention is paid to the scale, density, siting, design, layout and materials of any development which shall be appropriate to its setting and which should not harm the character of its surroundings. This policy is consistent with paragraphs 126 – 127 of the National Planning Policy Framework.

RDG2 requires development to be informed by the prevailing character of space around dwellings and where there is no clear pattern of development provide at least 1m between properties and the boundary.

RDG8 requires all detailing elements to be consistent with the overall approach of the dwellinghouse. Developments must not be prominent, dominant, alien or incongruous which detract from the visual appearance of the dwelling.

The proposal does not include any alterations to the principal elevation of the dwelling and therefore would not conflict or detract from the visual appearance and character of the surrounding public realm. The existing side isolation spaces provided by the dwelling are maintained and its setting when viewed from the street would not be affected.

The first floor rear extension extends a little over half the width of the dwelling house and has a pitched roof that matches the angle of incline of the roof of the existing dwelling. The ground floor extension extends across the full width of the dwelling and has a flat roof that wraps around the first floor addition ranging between 2m and 5m in depth. The size of the proposed flat roof is not considered to be excessive in scale for the size of the dwelling and would not be inconsistent with the design of the dwelling or character of the area, which contains several examples of similar proportioned flat roof buildings.

The extended habitable rooms have their primary windows on a principal elevation and provide a satisfactory outlook. A new toy room would be formed which has a high level window on the side elevation which would provide it with only limited light and no outlook. However, the toy room is proposed to have large sliding doors which would allow borrowed light to be obtained from the living room.

The exterior of the extension is to be finished in materials to match the existing property with yellow brick for the walls, brown concrete roof tiles and white UPVC windows and doors.

No objection is raised to the proposal on the basis of its design under EC2 or RDG8.

Neighbour impacts

The Residential Design Guidance policy RDG3 requires proposals to respect established building lines whilst not resulting in excessive overshadowing or dominance to any elevation of an adjoining dwelling.

RDG5 provides guidance on privacy and living conditions. It details that for all development at first floor level a distance of 9m shall be provided between windows, edge of balconies or raised amenity space and the boundary that it directly faces.

The rear wall of the application dwelling is currently set level with the dwelling to its east and 1m behind the ground floor rear extension of the dwelling to its west. The proposed first floor extension is 3m deep and would therefore extend some 3m past the rear wall of the neighbour to the east and 2m past the ground floor rear wall of the neighbour to the west.

Since neighbours were consulted on the application the single storey element of the proposal has been reduced from 6m to 5m in depth, resulting in a rear projection of 5m and 4m past the neighbours to the east and west respectively.

Several letters of support have been received in respect of this proposal, including one by the neighbour to the east of the application site. However, objections have been received on the basis of a loss of privacy, overdevelopment and dominance in relation to the short garden of the property to the east.

On the matter of privacy, there are no new windows in the side elevations of the extended property which would afford an opportunity to overlook the neighbours. The French Windows to the first floor bedroom are inward opening and the revised drawings now show a balcony rail across them preventing access to the roof of the single storey extension below.

The size of the rear extension is relatively modest given the depth of the plot and as can be seen later in this report meets all the Council's relevant guidance in terms of amenity provision and parking standards. It does not represent overdevelopment of the site.

Turning to the issue of dominance, the neighbouring property has had an extension which has reduced the depth of its rear garden from 9m to 7m. The proposed ground floor extension extends past the neighbour's rear extension by some 4m, over half the depth of this property's remaining rear garden. During the site visit it was noted that there was a slight slope in ground level downhill to the west. However this was not significant and only results in differential garden heights of some 0.1m.

The height of the proposed single storey element is shown to be 2.6m high, which is consistent with that of its flat roofed semi integral garage and only 0.6m above the height of a boundary fence that could be erected under permitted development rights. It is not considered that this level of visual intrusion would be unacceptably overbearing for the occupiers of the neighbouring property.

It should also be borne in mind that if the first floor element of this proposal were removed the applicant could construct a single storey rear extension 4m deep with an eaves height of 3m under permitted development rights. This would result in a rear projection 1m less deep but of greater height than that currently proposed.

The proposed first floor extension is set approximately 4m back from the side boundary with the neighbour to its west and would project 2m past the rear wall of its ground floor extension. It would not bisect a 45 degree line drawn from the ground floor rear window of the neighbour's property, a test often applied by local authorities, and is shallower than many proposals often approved under RDG3.

In terms of over shadowing, the rear gardens of the host dwelling and neighbours are orientated south so by midday onwards the neighbour to the east will receive unimpeded daylight and sunlight.

No objections are raised to the proposal under RDG3 and RDG5 of the residential design guidance.

Amenity Space

Policy RDG6 in the Residential Design Guidance Policy states that amenity space should cater for all the outdoor needs of all occupiers and that development involving individual dwellings should be provided with at least 15m² amenity space per habitable room.

The proposal would result in the provision of a maximum of 8 habitable rooms having a minimum of 120m². The application site provides in excess of 200m² of amenity space which is of a useable shape to cater for all the outdoor needs of the occupiers and is therefore fully compliant with RDG6.

Parking

Policy T8 of the current Local Plan requires parking to be provided in accordance with the revised Essex Parking Standards, which require a minimum of two spaces for properties with 2 bedrooms or more. Parking bay sizes should measure 2.9m x 5.5m whilst garage spaces should be 3.0m x 7.0m. Garages should measure 7m x 3m internally and be set back 6m from the edge of the highway. This information is consistent with paragraph 105 of the NPPF which requires local planning authorities to set such standards to reflect local circumstances.

RDG12 states that all forms of parking must not dominate the public realm, enable safe and unhindered access to the dwelling and must utilise a high quality standard of materials for surface treatment with parking provisions that should seek to incorporate Sustainable Drainage Systems (SuDS).

The frontage of the site is currently hard surfaced with vehicular access to the highway and provides adequate parking for at least two vehicles. Therefore the application has no parking implications to consider and no objection is raised under Policy T8 of the adopted Local Plan or RDG12 of the Residential Design Guidance.

Conclusion

The proposal is consistent with all relevant national and local planning policies and meets all the requirements of the council's Residential Design Guidance. 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 recommendation.

My Recommendation is Approval with the following conditions:

1. The development hereby permitted shall be begun on or before the expiration of three years beginning with the date of this permission.

REASON: This condition is imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2. The materials used in any exterior work shall be of similar appearance to the materials used in the construction of the exterior of the existing dwellinghouse.

REASON: In the interest of visual amenity.

Informatives

1. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.