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Angela Hutchings
Chief Executive

AGENDA

Committee: DEVELOPMENT MANAGEMENT

Date and Time: Tuesday, 7th February 2023, at 7.00pm

Venue: Council Chamber, Council Offices

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

Membership: Councillors Greig (Chairman), Acott, Anderson, Barton-Brown, Bowker, C. Mumford, Riley, Skipp, Taylor and J. Thornton.

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

Canvey Island Town Councillors: Harvey and S. Sach

**Officers attending: Stephen Garner – Planning Manager
Keith Zammit – Planning Officer
Jason Bishop – Solicitor to the Council**

Enquiries: Cheryl Salmon, ext. 2454

PART I (Business to be taken in public)

1. Apologies

2. Members' Interests

3. Minutes

A copy of the Minutes of the meeting held on 10th January 2023 is attached.

4. Public Speakers

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

5. Deposited Plans

The report is attached.

	Application No	Address	Page No
1.	22/0760/FULCLC	Land adjacent Wooden Park, Western Esplanade, Canvey Island, Essex (Canvey Island South Ward)	1
2.	22/0878/FUL	49 Church Road, Thundersley, Benfleet, Essex, SS7 4BP (St George's Ward)	8

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DEVELOPMENT MANAGEMENT COMMITTEE

TUESDAY 10TH JANUARY 2023

PRESENT: Councillors Greig (Chairman), Acott, Anderson, Barton-Brown, Bowker, C. Mumford, Skipp, Taylor, A Thornton and J. Thornton.

SUBSTITUTE MEMBERS PRESENT: Councillor A. Thornton

CANVEY ISLAND TOWN COUNCIL: Councillors S. Sach and E. Harvey

ALSO PRESENT: Councillors Ainsley and Hart also attended.

APOLOGIES: Councillor Riley

18. MEMBERS' INTERESTS

Councillor Acott stated that he worked as a volunteer in the gardens of the Dutch Cottage, the subject of Agenda Item No. 5(3)

19. MINUTES

The Minutes of the meeting held on 6th December 2022 were taken as read and signed as a correct record.

20. PUBLIC SPEAKERS

Mr Carpenter, a representative of the applicant, wished to speak in support of Agenda Item 5(2).

21. DEPOSITED PLANS

- (a) **22/0633/FUL - HOBSON AND SONS LTD, KENNETH ROAD, THUNDERSLEY, BENFLEET, SS7 3AF (CEDAR HALL WARD) – DEMOLISH EXISTING BUILDING AND ERECT 32 APARTMENTS, LANDSCAPING AND ASSOCIATED ACCESS AND PARKING (REVISED APPLICATION FOLLOWING APPROVAL 21/0813/FUL) – SVANNAH PROPERTY INVESTMENTS LTD**

The application related to the site of a former premises manufacturing corporate wear on the eastern corner of Kenneth Road and Kiln Road. Planning permission existed for the replacement of the former premises with 30 flats over three floors. A communal roof terrace was also proposed.

The revised proposal sought to increase the number of flats to 32. Three flats were added to the roof space, while a flat was lost from the ground floor, the bin and cycle stores could be moved to provide more parking. The roof terrace would be retained, albeit in a slightly reduced form.

Following negotiation to provide an additional First Home, to ensure that the level of provision remained at or above 10% in accordance with government guidance, there were no adverse impacts that could be identified from the additional apartments and it was recommended that the application be approved.

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

In response to questions from the Committee the Planning Officer stated that the applicant intended to retain the Oak tree at the front of the site. The amenity space on the roof would be retained. An additional two parking spaces would be provided for two 2-bedroomed flats which was slightly below the recommended Parking Standards however the previous application for 30 flats had been approved with a similar deficiency of 1 space for a 2-bedroomed flat. The Transport Statement reflected the additional flats. The bus services that passed the site had not changed and there was a bus stop directly outside the site. The additional windows in the proposal did not cause any issues with regard to overlooking. The holding objection by the Lead Local Flood Authority had been addressed.

During debate Members raised concern that the parking provision on site was not adequate for 32 flats and this would have a detrimental impact on the surrounding area.

A vote took place on the recommendation in the report which was lost. The Committee gave valid reasons for a changed recommendation.

Following debate, it was

Resolved - That the application be refused due to insufficient parking provision on site.

(b) 22/0797/VAR – LAND TO THE REAR OF 171-217 LINK ROAD, CANVEY ISLAND, ESSEX, SS8 9SP (CANVEY ISLAND WINTER GARDENS WARD) VARIATION OF CONDITION 2 (APPROVED PLANS) OF APPROVAL 21/0817/FULCLC – CASTLE POINT BOROUGH COUNCIL

The application sought an amendment to an existing planning permission for three new council houses to change the ramp design of the two semi-detached houses and to lower the finished floor level.

The proposed change to the approved scheme was not considered to raise any new issues that would make the development unacceptable, and it was recommended that permission be granted for the change to the approved scheme.

In response to questions the Planning Officer explained that the lower finished floor level would not result in an increased flood risk. The electric charge points and the solar panels would be maintained by the council. The precise drainage details in regard to the application would be provided at a later date. The gradient of the ramp would not lead to any increased health and safety risks.

Following debate it was:

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

(c) 22/0814/LBC – DUTCH COTTAGE, CANVEY ROAD, CANVEY ISLAND, ESSEX, SS8 0QD (CANVEY ISLAND WEST WARD) – REPLACE VANDALISED DOOR AND FRAME – CASTLE POINT BOROUGH COUNCIL

The application sought to restore vandalism damage to the Dutch Cottage Museum. The replacement door and frame that were required would be in traditional materials and would support the continued use of the building. The proposal was therefore recommended for approval.

In response to questions the Planning Officer stated that because the Dutch Cottage was a Grade II listed building only traditional materials could be used. Security lighting could be considered in the future but not as part of this application.

Following consideration of the application it was:

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

Chairman

ITEM 1

Application Number:	22/0760/FULCLC
Address:	Land Adj Wooden Park Western Esplanade, Canvey Island, Essex (Canvey Island South Ward)
Description of Development:	New pavilion and associated expansion of existing car park (amendments to approved application 19/0632/FULCLC)
Applicant:	Castle Point Borough Council
Case Officer:	Mr Keith Zammit
Expiry Date:	09.02.2023

Summary

The application seeks permission for a new pavilion building to house a café and public toilets. The addition of car parking and toilets would help with visitor capacity to the Thorney Bay seafront. No conflicts with local and national planning policy have been identified and the proposal is therefore recommended for APPROVAL.

The application is presented to the committee because the council is the applicant and owner of the land.

Site Visit

It is not considered necessary for members to visit the site prior to consideration of this application, as it is a location that will be familiar to most. Should any members wish to view the site unaccompanied, it is easily accessible from Thorney Bay car park.

Introduction

The application relates to land at the sea wall at Thorney Bay. It is currently a grassed slope forming part of the landward side of the sea defence. It is designated as public open space.

The Proposal

Permission is sought for a revised scheme for a building to provide a café and toilets. The building would have a footprint of some 112sqm. Due to the roof design, the height from ground level at the rear of the building (furthest from the beach) would be 7.3m while the pinnacle of the roof would be 8m above the path adjacent to the seawall. The proposed material is larch cladding, with different levels of charring.

Also proposed is a 21-space extension of Thorney Bay car park in a north westerly direction, along with 23 further spaces on a cellular paving system on an area to the south east of the existing car park. This area is already enclosed by bollards and used as overflow parking, but with no hard surfacing or marked out parking spaces.

A corrugated metal bin area for the café would be provided near the car park.

The proposal for surface water drainage is that the existing overspill parking area will be given reinforcement to the existing grassed surface with a cellular paving system. Tanked storage for surface water from proposed building would be provided in this area, with attenuated discharge to the existing surface water sewer at 0.4l/s.

Supplementary Documentation

The application is accompanied by a Design and Access Statement, Flood Risk Statement, Planning Statement, Preliminary Ecological Appraisal and Flood Emergency Procedure which are available to view on the council's website.

Planning History

In December 2019 permission was granted for a two storey pavilion building containing a café with roof terrace and expansion of the nearby car park (19/0632/FULCLC). It had a café at seawall level with toilets on the lower level. This permission has not been implemented and has expired.

Relevant Government Guidance and Local Plan Policies

National Planning Policy Framework (the Framework, 2021):

Local Plan (LP, 1998):

EC2 – Design

EC3 – Residential amenity

EC5 – Crime prevention

EC7 – Natural and semi-natural features in urban area

CF9 – Access and non-domestic development

Consultation

Legal Services – No observations

Environmental Health – There is a need to be mindful of the impact of construction on the locality. Conditions requested to do with possible ground contamination.

Refuse and Recycling – No comments received

Canvey Town Council – No comments received

Highways – No objection with conditions suggested to cover a footpath being kept clear, provision of the car park extension and areas for storage of building materials clear of the carriageway.

Environment Agency – Following concern that there was no demonstration that the structure would not harm the integrity of the seawall, it has been agreed between the applicant and the Environment Agency that this may be the subject of a planning condition.

Public Consultation

No representations received

Comments on Consultation Responses

- o The Environmental Health comment on construction disturbance is noted, although the site is not immediately adjacent to residential properties and there is space for construction related vehicles off the highway, so submission of a construction management plan would appear to be a disproportionate response.
- o Construction work at unsocial hours can be addressed through the statutory nuisance framework.
- o A planning condition requiring the public footpath to be kept clear is not necessary because the highway authority is the body that enforces clearance of the highway.
- o A condition that the south eastern car park extension is provided before the building becomes operational is reasonable, to cater for the increased traffic that it would attract. The applicant states that it is intended to provide only this car park with the main pavilion construction, with the north western car park extension built out later in the development process.

Evaluation of Proposal

The main issues with this application are the principle of constructing a building in this location, design, flood risk and drainage considerations, and its impact on surrounding residents together with any parking implications.

Principle

The proposed building would be located within an area allocated as public open space in the local plan where the provision of a building would initially seem to conflict with the premise of keeping the land open.

The intention, however, is to provide a building for the benefit of the public, as the café and toilets would provide a recreational facility that would enhance the enjoyment of the area. Furthermore, the building would be on a sloping piece of ground that is not really suitable for recreational use and the proposal would not affect the use of the wider area for general public recreation. It is not therefore considered that the proposal would therefore conflict with the designation of the land as public open space and recreational guidance contained in the Framework.

Design

Policy EC2 of the LP seeks a high standard of design in all new buildings. This is consistent with the government's advice at paragraph 130 of the Framework.

Policy EC7 is concerned with natural features, semi-natural features, and open spaces in urban areas, and seeks to retain and enhance them wherever possible. This is consistent with paragraph 130b) of the Framework insofar as it seeks satisfactory landscaping for development.

In design terms, the proposal is less acceptable than the previous scheme. The earlier scheme was designed to pay homage to the 1930s art deco Labworth building further along the seafront. The current proposal is described in the design and access statement as still being art deco inspired with a clamshell structure mimicked in the building's roofscape. This is more than a little difficult to appreciate. The roof design seems to resemble the prow of a ship rather than anything art deco. However, notwithstanding that the design is felt to be less acceptable than previously, this is a somewhat subjective issue and would not be capable of forming a robust reason for refusal.

There is therefore no objection to the proposal on design grounds.

It may of course be the subject of some discussion whether this is a beautiful building as required by the National Planning Policy Framework, however this is a highly subjective matter and officers raise no objection to the proposal on this basis.

The proposal would be fully consistent with the objectives of LP policy CF9 which expects all appropriate development to be designed to be accessible by people with disabilities.

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 areas with the lowest risk of flooding from any source. 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 areas 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 proposal is for a building to form part of the regeneration initiative for Canvey seafront. Therefore, it would need to be located on the seafront to fulfil its purpose and no sequentially preferable sites are available, given that the whole seafront area is within Flood Zone 3A. The proposal therefore passes the sequential test.

The proposal is a 'less vulnerable' use in terms of flood risk and the exception test is not required for such uses in Flood Zone 3A. There is therefore no objection to the proposal on flood risk grounds.

The applicant has provided a flood response plan (entitled 'flood emergency procedure') at Appendix K of the flood risk assessment. This states at 1.6 that the building manager and retail establishment proprietor will be registered to receive the Environment Agency's flood warnings and, in the event that a flood warning is issued, the retail establishment proprietor will not open the retail outlet or, if already open, will close it.

This is considered to be an appropriate response and would ensure that the public were not in attendance at the site in circumstances where a breach of sea defences might be likely to occur. Subject to a condition that the document and procedures set out within is enacted and adhered to, there is no objection to the proposal on flood risk grounds.

Drainage

The Framework states on several occasions including at paragraph 167 that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. This includes ensuring that surface water is dealt with appropriately and does not increase the risk of surface water flooding for nearby sites.

Practice guidance states that, generally, the aim should be to discharge surface runoff as high up the following hierarchy of drainage options as reasonably practicable:

1. Into the ground (infiltration)
2. To a surface water body
3. To a surface water sewer, highway drain or another drainage system
4. To a combined sewer

Canvey Island has particular circumstances due to its flat topography, whereby all rain water that falls on the island is drained by gravity through a network of pipes and other watercourses to a number of pumping stations around the perimeter of the island where it has to be pumped over the sea wall.

The ground conditions on Canvey Island are London Clay which offers poor permeability for rainwater and combined with a high water-table this severely reduces the effectiveness of items such as soakaways or other infiltration methods. For this reason, infiltration is not considered a suitable method for disposal of surface water.

At the time of the last application there was a proposal to drain surface water to Thorneycreek Fleet, a nearby surface water body, at 0.4l/s, however due to a low-level reed bed positioned between the site and the Thorneycreek Fleet, sufficient ground cover to the below ground pipework could not be achieved. It has since been determined that public surface water sewer manhole MH6655 ultimately discharges into the Thorneycreek Fleet and thus the connection has been proposed into this apparatus at 0.4l/s as an equivalent alternative.

There is therefore no objection to the proposal based on surface water drainage.

Impact on surrounding residents

Policy EC3 of the LP seeks to prevent proposals that would have an adverse effect on the residential amenity of the surrounding area by reason of traffic, noise, fumes or other forms of disturbance. This is broadly in accordance with the advice at paragraph 185 of the Framework which is that planning policies and decisions should mitigate and reduce to a minimum the potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life.

Policy EC5 is concerned with crime prevention and expects development schemes to have regard to the desirability of minimising the risk of crime and maximising security by way of their design, layout and landscaping.

The proposed building design shows a void beneath which could become a focus for antisocial behaviour but the plans show this area fenced off so it is not considered that this would represent a reason for refusal of planning permission.

The expansion of the car park could lead to increased vehicular activity in front of the houses along this part of the street but providing increased parking would prevent vehicles seeking parking spaces in surrounding streets, which have parking restrictions for part of the year but may suffer from inappropriate parking at other times. Providing sufficient car parking therefore represents a positive rather than negative aspect of the scheme. There have been no representations received from neighbours objecting to the increased car parking provision.

There is therefore no objection to the proposal on the basis of its impact on neighbours.

Parking implications

Policy T8 of the LP seeks the provision of parking in accordance with adopted standards. The currently adopted standards are the 2009 County Parking Standards which require the provision of a maximum of one space per 20sqm for a retail use and a maximum of one space per 5sqm for a café.

Although the floor plan has a notation of 'retail unit' it has a kitchen, servery and seating area, so it is likely that the end user will be a food business. The floor area of the use is 77sqm therefore a maximum of 16 car parking spaces ought to be provided. Forty-four additional car parking spaces are proposed which might seem excessive in light of the parking standards. However, the Framework cautions against the use of maximum parking standards other than in circumstances where they are necessary for managing the local road network or for optimising the density of development in sustainable locations. Neither of these applies to the application site, therefore restricting the provision of car parking through the use of maximum parking standards would not be appropriate. Accordingly, the expansion of the car park by 44 spaces would provide a good amount of parking that would ensure that anyone wishing to attend the site or the wider seafront has a greater chance of being able to park their car in an appropriate location.

A condition that the 23 spaces in the south eastern car park extension are provided before the building opens is recommended, to ensure that additional parking in surrounding streets does not occur.

Other matters

A preliminary ecology appraisal has been undertaken to assess if the development would be likely to result in any adverse impacts to the habitat or ecology of the area. No harm has been identified

and the proposed works are unlikely to impact upon the coastal grassland and sand environment to the south, identified as PLoWS 1 in the Castle Point Borough Local Wildlife Site Review 2012, where a number of coastal invertebrates have been recorded.

Conclusion

The council's local plan is not up to date therefore the 'tilted balance' at paragraph 11 of the Framework is engaged and permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. In this instance, the proposal would provide a benefit in terms of enhancing the visitor experience at Canvey seafront, providing employment opportunities and for bringing economic activity to the local area. There are no adverse impacts that can be identified so it is recommended that the proposal is approved in accordance with the presumption in favour of sustainable development.

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**

Conditions

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

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

- 2 Prior to the commencement of development, details of the piling design of the development hereby approved shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

REASON: To ensure that the development does not affect the integrity of the tidal sea defence.

- 3 The development shall be constructed in accordance with the approved materials.

REASON: To ensure that the design quality is not diluted following the granting of planning permission through the use of inferior materials, which is of particular importance given that the building would become a landmark.

- 4 The 'Flood Emergency Procedure' at Appendix K of the Flood Risk Assessment and Drainage Strategy prepared by Ingleton Wood shall be enacted upon occupation of the building and thereafter maintained at all times that the building is occupied.

REASON: To minimise the risk from flooding to employees and members of the public.

- 5 The development shall be drained in accordance with the approved surface water drainage arrangements prior to its first occupation. Any changes to the surface water drainage arrangements shall first be submitted to and approved in writing by the local planning authority.

REASON: To ensure that the risk of surface water flooding to the surrounding area is not increased.

- 6 The approved refuse storage area shall be provided and made available for use prior to occupation of the building and thereafter kept available for its approved purpose.

REASON: To ensure that suitable facilities exist for the storage of waste and to prevent the storage of waste in inappropriate locations, in the interest of visual amenity.

- 7 The south eastern extension to the car park shall be provided, marked out and made available for use before the approved building is first opened to the public. Thereafter, this parking shall be retained for its permitted purpose.

REASON: To prevent an increase in parking in surrounding streets, in the interest of the flow of traffic and the amenity and convenience of surrounding residents.

- 8 Any unforeseen ground contamination encountered during development, to include demolition, shall be notified to the local planning authority as soon as is practicable. Unless otherwise agreed in writing by the local planning authority as unnecessary, an appropriate ground investigation and/or remediation strategy shall be submitted to and approved in writing by the Local Planning Authority, and the approved strategy shall be implemented in full prior to further works on site. Following remediation and prior to the occupation of any building, a Completion/Verification Report, confirming the remediation has being carried out in accordance with the approved details, shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure that any potential risks to human health or the wider environment which may arise as a result of potential land contamination are satisfactorily addressed.

- 9 Prior to import to site, soil material or aggregate used as clean fill or capping material, this shall be chemically tested to demonstrate that it meets the relevant screening requirements for the proposed end use. This information shall be submitted to and approved in writing by the local planning authority. No other fill material shall be imported onto the site.

Reason: To ensure that any potential risks to human health or the wider environment which may arise as a result of potential land contamination are satisfactorily addressed.

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 2

Application Number:	22/0878/FUL
Address:	49 Church Road, Thundersley, Benfleet, Essex, SS7 4BP (St George's Ward)
Description of Development:	Demolish existing detached garage, conservatory and porch, erect part single/part two storey rear and side extension with balcony and external stair, convert dwelling to three flats, provide bin and cycle storage to rear and widen vehicular access to Seamore Avenue
Applicant:	Persian Blue Limited
Case Officer:	Mr Keith Zammit
Expiry Date:	09.02.2023

Summary

The application seeks permission for extension and conversion of the property to three flats. While it has been identified that more internal storage space is desirable, and the proposal provides one parking space per flat with one visitor space where ideally the two two-bed flats would have two spaces each, these points do not amount to a defensible reason to refuse planning permission. It is recommended that in accordance with the presumption in favour of sustainable development in the Framework, the proposal is APPROVED.

The application has been 'called in' by Councillor Walter on the basis of cramped development, insufficient parking, close to a hazardous road junction and overlooking nearby properties.

Site Visit

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

Introduction

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

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

The Proposal

Permission is sought for the extension of the existing dwelling and its conversion to three flats. The specific works proposed are:

- o Demolition of the existing detached garage, conservatory and porch
- o Erection of a part single/part two storey rear and side extension
- o Conversion of the property to three flats, one at first floor (2 bed) and two at ground floor (1 bed and 2 bed)
- o A balcony on the roof of the single storey part of the extension
- o External staircase to provide access from the first floor flat to the amenity area
- o Bin and cycle storage to the rear of the property
- o The formation of two parking spaces accessed from Seamore Avenue by widening the existing vehicle access
- o Provision of two parking spaces on the existing hard surfaced frontage by widening the vehicle access from Church Road

Supplementary Documentation

The application is accompanied by a design and access statement which is available to view on the council's website.

Planning History

2014 – permission refused for construction of a three bed detached house (14/0433/FUL) for the following reasons:

1. The proposal by virtue of the inadequate plot width, and the scale and setting of the proposed dwelling, and the proximity of the dwelling to the side boundaries, would provide inadequate space around the building and would result in a dwelling of mean and cramped appearance, out of character with the more spacious setting of dwellings in the surrounding area, contrary to Policy EC2 and H17 of the Council's Adopted Local Plan, RDG2 of the Residential Design Guidance and the Government Guidance as contained within the National Planning Policy Framework.
2. The proposed dwelling, by reason of its size, height and mass, combined with its prominent position, would severely disrupt the strong pattern of development within Seamore Avenue resulting in a poor form of development, detrimental to the spacious character and appearance of the street scene, contrary to Policies EC2 and H17 of the Adopted Local Plan, RDG3 of the Residential Design Guidance and the Government Guidance as contained within the National Planning Policy Framework.
3. The proposal represents overdevelopment of the site as evidenced by the inability of the scheme to provide satisfactory outdoor amenity space for both dwellings. If permitted it is considered that the proposed development would provide unsatisfactory living conditions for future occupiers of both the retained and existing dwelling, contrary to RDG6 of the Residential Design Guidance and the Government Guidance as contained within the National Planning Policy Framework.
4. The proposed parking provision, by reason of its poor internal relationship and constrained manoeuvring facility, would fail to provide sufficient safe and convenient on-site parking provision to meet the needs of the occupiers of the dwellings. If approved it is considered likely that vehicles would be parked on the site in a manner likely to result in a conflict between the two separate residential properties, or within the adjoining highway network, to the detriment of traffic flow and to the danger and inconvenience of other road users, contrary to Policies T8 and EC2 of the adopted Local Plan and RDG12 of the Residential Design Guidance
5. The reduced plot width and deficient side isolation space retained for the existing dwelling at No.49 Church Road, would result in development which lacks appropriate setting, out of character with, and detrimental to, the character and appearance of the street scene and surrounding area, contrary to Policy EC2 and H17 of the Council's Adopted Local Plan, RDG2 of the Residential Design Guidance and the Government Guidance as contained within the National Planning Policy Framework.

This was the subject of an appeal and while the inspector commented that reason 5 on its own – the gap between the proposed and existing dwellings – would not of itself justify dismissing the appeal, the other reasons combined caused him to dismiss the appeal.

2020 – permission refused for demolition of detached garage and construction of 1no. detached dwelling with associated parking (20/0198/FUL) for the following reasons:

1. The proposed dwelling, by reason of its location towards the front of the site, would be a prominent feature in the streetscene and disrupt the strong pattern of development within Seamore Avenue to the detriment of the spacious character and appearance of the street scene, contrary to Policy EC2 of the Adopted Local Plan, RDG3 of the Residential Design Guidance and the Government Guidance as contained within the National Planning Policy Framework.
2. The proposal, by reason of the narrow plot width to the existing dwelling and inadequate provision of isolation space between the existing and proposed dwellings, fails to provide the buildings with an appropriate setting and would result in a cramped form of development which would be out of character with, and detrimental to, the character and appearance of the street scene and surrounding area contrary to Policy EC2 of the Council's Adopted Local Plan, RDG1 and RDG2 of the council's Residential Design Guidance and the Government Guidance as contained within the National Planning Policy Framework.
3. The proposal, by reason of the limited head room at first floor level, fails to provide sufficient usable floorspace to the primary bedroom to meet the needs of future occupiers of the development contrary to current best practice and guidance. As such it constitutes poor design contrary to Policy EC2 of the council's Adopted Local Plan, RDG16 of the council's Residential Design Guidance and government guidance as contained within the National Planning Policy Framework (NPPF).
4. The parking provision for the host dwelling, by encroaching across the front elevation of the proposed dwelling, represents a contrived layout which is indicative of the overdevelopment of the plot. If approved the frontage width and depth of the existing dwelling would be inadequate to accommodate two parking spaces without impeding access to its front door and the proposal therefore fails to provide suitable on-site parking provision contrary to Policy EC2 of the council's Adopted Local Plan, RDG12 of the council's Residential Design Guidance and government guidance set out in the National Planning Policy Framework, which states at paragraph 127 that developments should function well and add to the overall quality of the area.

2021 – permission refused for demolition of detached garage and construction of 1no. detached dwelling with associated parking (revised application) (21/0158/FUL) for the following reasons:

1. The proposed dwelling, by reason of its location towards the front of the site, would be a prominent feature in the streetscene and disrupt the strong pattern of development within Seamore Avenue to the detriment of the spacious character and appearance of the street scene, contrary to Policy EC2 of the Adopted Local Plan, RDG3 of the Residential Design Guidance and the Government Guidance as contained within the National Planning Policy Framework.
2. The proposal, by reason of the narrow plot width to the existing dwelling and inadequate provision of isolation space between the existing and proposed dwellings, fails to provide the buildings with an appropriate setting and would result in a cramped form of development which would be out of character with, and detrimental to, the character and appearance of the street scene and surrounding area contrary to Policy EC2 of the Council's Adopted Local Plan, RDG1 and RDG2 of the council's Residential Design Guidance and the Government Guidance as contained within the National Planning Policy Framework.
3. Under the Conservation of Habitats and Species Regulations 2017 (commonly referred to as the Habitat Regulations) a Habitat Regulations Assessment (HRA) is required for development that is likely to have significant effects on a Habitat Site. Habitat Sites are

protected for their international importance. They are designated through the EU Birds Directive and EU Habitats Directive, and these Directives have been transposed into UK law.

The proposal lies within the Southend and Benfleet, and Blackwater zones of influence and as such would result in increased recreational pressure on wildlife habitat sites on the Essex coast.

The applicant has not offered any mitigation in accordance with the council's adopted Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) or commissioned their own Appropriate Assessment to demonstrate that there would be no significant likely effect and in the absence of either of these the proposal is contrary to guidance set out in the National Planning Policy Framework.

Relevant Government Guidance and Local Plan Policies

National Planning Policy Framework (2021)

Local Plan (LP, 1998):

EC2 – Design

H13 – Location of development

T8 – Parking standards

RDG2 – Space around dwellings

RDG3 – Building lines

RDG4 – Corner plots

RDG5 – Privacy and living conditions

RDG6 – Amenity space

RDG12 – Parking and access

RDG13 – Refuse and recycling storage

RDG16 – Liveable homes

Consultation

Legal services – No objection

Highways – No objection with conditions suggested.

Public Consultation

The following objection comments have been made:

- o Adding more properties would not help the situation at a busy road junction
- o Loss of light to neighbouring properties
- o Lack of parking facilities, would add to on-street parking in the area
- o Overlooking of neighbouring properties
- o Out of character with the street scene
- o Additional residential noise
- o Waste area would cause smells
- o Water mains in the area have burst
- o Devaluation of neighbouring property
- o Sewage pipes back up already
- o Noise and disturbance from building work
- o Doctors' surgery is full

The following comments have also been made in support:

- o Don't see a problem with three flats if there is off-street parking

- o Cheaper properties are needed in the area

Comments on Consultation Responses

- o Existing issues with water mains or sewers cannot be used as a reason to refuse new development as the infrastructure providers have a duty to improve and maintain capacity
- o The development is not of a scale where contributions towards doctors and other services would be sought
- o The impact on neighbouring properties is discussed in the evaluation of the proposal
- o The conditions suggested by the highway authority will be incorporated into any recommendation to grant planning permission where reasonable and necessary.

Evaluation of Proposal

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

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

The policies most relevant to this application are EC2 and T8 which are consistent with the Framework objectives of achieving well-designed places and sustainable transport.

Policy H13, amongst other things, requires developments of flats to be located on or near main roads. The rationale for this is not immediately apparent but in any event it is not entirely consistent with the Framework objective of delivering a sufficient supply of homes as it could prevent consideration of sites for development which might in all other respects be suitable. Only limited weight should be given to policy H13. That said, this is a main road location where there is already an example of properties being extended and converted to flats such as at 60 Church Road on the corner of Kennington Road, which contains four flats. The principle of the development would therefore not be harmful to the character of the area.

Design

LP policy EC2 seeks a high standard of design in all extensions and alterations to existing buildings. In architectural terms, the proposed extensions would replicate the style of the existing property using pitched roofs for the most part. Where a flat roof is used for the single storey rear part of the extension, this has a dummy pitch to maintain the appearance of a pitched roof. In design terms, it is not considered that the proposal would be detrimental to its surroundings.

Within the council's Residential Design Guidance, RDG2 states that the space around all new development should be informed by the prevailing character of space around dwellings or, if there is no clear pattern, should be proportionate to the size of the dwelling. Buildings containing flats or specialist accommodation should have space equivalent to 25% of their width.

The extended building would have a width of approximately 12m. A gap of at least 3m would be provided to the side, between the building and the highway boundary with Seamore Avenue. This is compliant with design guidance. The development on the corner of Kennington Avenue (at 60 Church Road) was approved with a 3m side building line so this proposal would replicate an established example. Overall no objection is raised under RDG2.

RDG3 requires new development to be informed by the prevailing building line to the public realm it faces, without repeating poor forms of development, and avoiding disruption to exceptionally

strong patterns. The proposal would provide a 3m building line to Seamore Avenue which is closer to the highway boundary than dwellings to the north of the site such as 7/9 Seamore Avenue but as the building line on this side of Seamore Avenue is not uniform, it is not judged that this would be visually harmful or out of keeping with the surroundings. It is also worth noting that this development provides more side isolation space than the bungalow on the opposite corner, at 51 Church Road, which has only 1.5m between it and the boundary to Seamore Avenue. Overall, there is no objection on the basis of RDG3.

RDG4 requires development to be designed to turn corners, providing active frontages to all elevations facing the public realm and avoiding excessive lengths of high level garden screening along return frontages.

The side elevation to Seamore Avenue would have an entrance door and several windows which provides a good active frontage in accordance with RDG4. The length of high level garden screening would be reduced from the current situation due to the widening of the vehicular access to Seamore Avenue. The proposal therefore accords with the guidance at RDG4.

Amenity of future occupiers

RDG6 requires the provision of at least 8sqm of amenity space per habitable room, with a minimum of 25sqm per flat. Balconies with a floor area of at least 5sqm and depth of 1.5m may be included. The proposal performs as follows:

	Required	Actual
Flat 1 (GF, 1 bed)	25sqm	30sqm
Flat 2 (GF, 2 bed)	32sqm	47sqm
Flat 3 (FF, 2 bed)	32sqm	62sqm + 18sqm balcony (more than 1.5m deep)

The proposal performs well on amenity space provision and no objection is raised under RDG6.

RDG16 requires all new dwellings to provide appropriate internal space and circulation space reflecting the character of the surrounding area and current best practice. The DCLG 'Technical housing standard – Nationally described space standard' is an example of current best practice.

The flats meet the space standards in terms of overall gross internal areas (GIAs) and bedroom sizes but not storage space. This appears to reflect a current trend for developers/agents to be aware of the national space standards in general terms but the need for storage is still being overlooked. This development has storage requirements as follows:

	Required	Actual
Flat 1 (GF, 1b 2p)	1.5sqm	0.52sqm
Flat 2 (GF, 2b 3p)	2sqm	0.47sqm + 0.84sqm = 1.31sqm
Flat 3 (FF, 2b 4p)	2sqm	0.42sqm + 0.63sqm = 1.05sqm

This is a negative aspect of the proposal and it is a common complaint of occupiers of modern flats that there is not enough storage. Developers are still building flats without sufficient storage despite the publication of national space standards in 2015. This is a negative factor to the proposal. However, each of the flats are provided with sufficient GIAs to accommodate additional built-in storage, and an amended floor plan demonstrating this provision inline with the national space standards could be secured by way of an appropriate condition. Subject to such a condition, no objection is raised to the proposal on this basis.

Impact on neighbours

RDG3 also requires proposals not to cause excessive overshadowing of or dominance to adjacent properties. The rear extension would involve a ground floor rear projection of 3m beyond the adjoining property at no. 47. This is standard practice for semi-detached dwellings and reflects what can normally be achieved using permitted development rights. This is not judged to lead to excessive overshadowing or dominance. The first floor rear part of the extension would be set 1.15m off the boundary which would reduce its impact on the adjoining dwelling and again would not lead to undue overshadowing or dominance.

The properties to the north and east of the site are considered to be sufficiently distant from the proposed development that there would not be a significant adverse impact on living conditions by way of overshadowing or dominance.

RDG5 deals with privacy and living conditions. A distance of 9m should be provided between first floor windows or edges of balconies and the boundary of the site that they face. Windows should be designed and be of a size which provides for adequate natural light and ventilation to enter the rooms they serve.

The accommodation is well served by windows and gives rise to no concern in respect of daylight to the flats.

The windows to the front and side would overlook roads which are within the public realm and not deemed to give rise to undue overlooking of properties opposite. The rear windows and balcony would be situated more than 9m from the boundary with 7 Seamore Avenue. To prevent overlooking of 47 Church Road (the attached neighbour) a screen has been shown along the western section of the balcony and running down the external stair. Provided that this is installed and retained, there would not be undue overlooking caused of 47 Church Road.

A certain amount of overlooking of the ground floor flats' gardens would naturally occur from the first floor flat and balcony but this always occurs when flat conversions have a subdivided rear garden and it would be open to prospective occupants to decide whether there was adequate garden privacy available before deciding to take up occupancy.

Subject to a condition requiring provision and retention of the balcony/stair screen referred to above, there is no objection raised based on RDG5.

Parking

Policy T8 of the LP seeks the provision of parking in accordance with adopted standards. The currently adopted standards are the 2009 county parking standards which require the provision of a minimum of one off-street parking space for one-bedroom properties and two spaces for properties with two or more bedrooms. Visitor parking should be provided at a rate of 0.25 spaces per dwelling, rounded up to the nearest whole space.

The proposed development consists of 1 x 1 bed flat and 2 x 2 bed flats. Five spaces should therefore be provided for residents, with one visitor space.

There are four parking spaces proposed, which are marked as one per flat with one visitor space. The parking provision therefore falls short of the minimum required by the parking standards. These standards, however, allow for reductions of the vehicle standard to be considered if there is development in an urban area that has good links to sustainable transport.

The site is 275m from London Road where there are numerous bus services and local shops. This is viewed as a sustainable location in planning terms where a reduction in the minimum

vehicle standard would be appropriate. It is noted that the main objection from local residents is to the busy nature of the junction of Church Road with Seamore Avenue, and the sentiment is expressed that this area cannot satisfactorily accommodate more vehicles or on-street parking. That view is not shared by the highway authority. Its comments on the proposed development are that there is no objection from a highway point of view subject to conditions relating to the widening of existing vehicle crossovers, amongst other things.

While the local opposition to the proposal is strong, planning permission may only be reasonably refused if it can be shown that the development would be likely to have a severe impact on the highway network. While it was observed at the time of the officer's site visit that this is a busy junction even outside of peak hours, with vehicles often waiting to let each other pass due to Seamore Avenue effectively being reduced to a single lane by parking, in order to refuse permission it would have to be shown that this proposal would make the situation demonstrably worse. Acknowledging that this is an emotive issue in the local area, the advice of planning officers is that the addition of two dwellings to the area (over and above the existing single dwelling house) would not worsen local highway conditions so severely that a reason for refusal based on this could be robustly defended at appeal.

In fact, a refusal based on insufficient parking or harm to highway safety would not only likely be overturned on appeal, there is the strong possibility of an award of costs in favour of the applicant and against the council, as the council would be unable to substantiate its reason for refusing planning permission.

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

RDG12 requires parking not to be detrimental to visual or residential amenity. The provision of two spaces on the site frontage would not look out of place as this area is already hard surfaced and used for parking. The provision of an additional space next to the existing space accessed from Seamore Avenue might be said to slightly increase the visual dominance of parking, but in the context of the local area where most properties have some form of parking on their frontages this would not harm the street scene or cause the site to become unduly car-dominated.

The provision of parking in the manner shown would be unlikely to have a significant adverse effect on the amenity of surrounding residents, given that off-street parking is something that residents are accustomed to and occurs widely throughout the locality. There is therefore no objection based on RDG12.

Other matters

The parking standards also require cycle storage: one space per dwelling and one visitor space. Storage for four cycles is indicated which satisfies this requirement.

RDG13 requires the provision of safe, adequate and suitable means of refuse and recycling storage. The proposed bin store is not suitable for the council's refuse collection staff because the access to it is only 0.9m wide. However, as only three flats are proposed, each with their own garden, a better solution would be to omit the bin store and the flats would simply be on kerbside collection and could have a dustbin in their private garden. Subject to a condition that the bin store indicated is not provided, there is no objection to the proposal based on RDG13.

It has been identified that population growth in Essex is likely to significantly affect wildlife habitat sites on the coast through increased recreational pressure. To counter this, the council has, along with other districts in the county, adopted the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) which sets out a tariff applied to all net new residential development within the zones of influence of the habitat sites. For 2022/23 this is £137.71 per

dwelling. Once collected this goes into a fund to avoid and mitigate adverse effects from increased recreational disturbance. Alternatively, the developer can commission their own Appropriate Assessment.

The proposal lies within two zones of influence: Benfleet and Southend Marshes, and the Blackwater estuary. The developer has provided a unilateral undertaking to pay a RAMS contribution for the two net additional dwellings, thereby fulfilling his obligation. There is therefore no objection to this facet of the development.

Conclusion

The council's local plan is not up to date therefore the 'tilted balance' at paragraph 11 of the Framework is engaged and permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. In this instance, the proposal would provide a benefit in terms of a (limited) boost to housing supply as well as providing economic activity to the local area during the construction period.

On the negative side, it has been identified that the flats lack the required number of parking spaces set out in the parking standards, notwithstanding the conclusion that a reason for refusal solely on this reason could not be robustly defended at appeal and therefore in the absence of evidence to demonstrate harm to highway conditions that no objection has been raised to the proposal

The under-delivery of new housing in the borough in recent years has been severe. Great weight is therefore placed upon the provision of new housing. The economic boost during the construction phase would be transient, so only a little weight can be attached to that. The harm from the lack of parking carries a moderate amount of weight against the proposal. When the provision of new housing and economic boost on one side are balanced against the lack of parking on the other, the advantages of granting planning permission easily outweigh the disadvantages so it is recommended that the proposal is approved in accordance with the presumption in favour of sustainable development.

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**

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 No development shall take place, including any ground works or demolition, until a construction management plan has been submitted to, and approved in writing by, the local

planning authority. The approved plan shall be adhered to throughout the construction period. The plan shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and underbody washing facilities

REASON: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interest of highway safety.

- 4 The development shall be finished externally in accordance with the details of materials noted on the submitted drawings.

REASON: In the interest of visual amenity.

- 5 Prior to occupation of any flat, the approved parking spaces shall be provided, hard surfaced and drained, all in accordance with details which shall first be submitted to and approved in writing by the local planning authority. Thereafter, these spaces shall be kept available for the parking of vehicles.

REASON: To make and retain provision for parking off the highway.

- 6 Prior to occupation of any flat, the vehicle accesses shall be provided as follows:

- i. The existing vehicle access on Church Road shall be widened in a westerly direction only, away from the adjacent junction, and shall not be more than 4.5 metres wide at its junction with the highway.
- ii. The existing shared vehicle access on Seamore Avenue shall be widened in a southerly direction and the section that aligns with the proposed parking area shall not be more than 6 metres wide at its junction with the highway.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety.

- 7 Prior to occupation of any flat, the approved cycle store shall be provided, made available for use and thereafter retained for its approved purpose.

REASON: To make and retain provision for cycle parking in the interest of sustainable travel.

- 8 The bin store shown on the submitted plans is excluded from this permission and shall not be provided.

REASON: The access to it is of insufficient width to allow rubbish to be safely removed. Refuse and recycling will be collected at the kerbside.

- 9 The obscure glass screen shown on the submitted drawings shall be provided prior to occupation of the first floor flat and thereafter retained. It shall be obscure to at least level 3 on the Pilkington scale (or such equivalent as may be agreed in writing with the local planning authority).

REASON: To prevent overlooking and loss of privacy being caused to the adjacent residential property.

- 10 Notwithstanding the detail shown on the submitted plans, the proposed internal floor layouts are specifically excluded from this permission. Prior to commencement of development, revised floor layouts shall be submitted demonstrating internal storage space for each flat in accordance with the DCLG Technical housing standards - Nationally described space standard (2015) or such document as may supersede it. Development shall thereafter be carried out in accordance with the approved details.

REASON: To deliver the high quality of housing sought by the Framework.

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.