

DEVELOPMENT MANAGEMENT COMMITTEE

TUESDAY 6th APRIL 2021

PRESENT: Councillors Cutler (Chairman), Hart, Johnson, Thornton and Walter.

Substitute Members Present: Councillor Drogman for Councillor Wass

Also Present: Councillor Skipp was present as a Ward Member.

Apologies for absence were received from Councillors Acott, Anderson, Fuller, Taylor and Wass.

1. WELCOME BY CHAIRMAN

The Chairman welcomed everyone to the first meeting of the new Development Management Committee. Councillor Cutler thanked officers of the Planning Department on behalf of himself and the previous Chairman, Councillor Dick, for all of their hard work during the recent global pandemic.

2. MEMBERS' INTERESTS

With regard to Agenda Item No. 5(c), the land the subject of the planning application being considered fell under the ownership of Mr Ali who was the owner of the Tandoori Parlour restaurant, Thundersley, Benfleet where many charitable and fundraising events had been held and many of those had been attended by local Conservative Party Members. Mr Ali was known to most Conservative Members of the Development Management Committee and this knowledge was recorded as a Disclosable Non-Pecuniary Interest for those Members present.

Councillor Johnson disclosed a non-pecuniary interest in agenda item 5(b) as he was a Ward Member for Appleton Ward.

Councillor Skipp stated that he was attending the meeting as a Ward Member for Appleton Ward and not as a member of the Committee.

3. MINUTES

The Minutes of the meeting held on 3 March 2020 were taken as read and signed as correct.

4. DEPOSITED PLANS

(a) **21/0059/FUL - LAND BETWEEN 44 AND 54 WINTERSWYK AVENUE CANVEY ISLAND ESSEX SS8 8PA (CANVEY ISLAND EAST WARD) - DEVELOPMENT OF PART OF VACANT SITE WITH 8 DETACHED DWELLINGS WITH OFF-STREET CAR-PARKING AND 8 NEW CROSS-OVERS - BRANCH COMPANY LTD**

The proposal sought consent for the provision of 8 detached four bedroomed houses fronting Winterswyk Avenue, on land forming the northern half of the former site of the Jellicoe Public House.

The site represented a brownfield site in an urban area, the redevelopment of which for residential purposes was entirely consistent with the provisions of the National Planning Policy Framework, adopted Local Plan and Residential Design Guidance. The proposal met an identified housing need and subject to appropriate conditions was considered satisfactory and therefore recommended for conditional approval.

The proposal attracted a requirement for a contribution towards the mitigation of recreational disturbance on the European designated site (Southend and Benfleet Marshes Site of Special Scientific Interest), Special Protection Area and Ramsar site). It was explained that this requirement could be secured through a S106 agreement.

During discussion a Member raised concern that a previous resolution to grant consent for 40 flats would result in a higher number of units on site. The Planning Officer confirmed the applicant had a resolution to grant consent for 40 flats providing that the applicant entered into a S106 Agreement including a certain level of affordable housing. The applicant currently considered that development unviable with the level of affordable housing requested and was therefore not looking to progress that application. If this application was approved the applicant could choose which consent they wished to use however the maximum units on the site would be 40 flats.

A Member raised the possibility of electric charging points being installed at each property. Following consideration of this suggestion it was noted that government grants were available to occupiers for this purpose and it was not necessary to add this as a condition to any planning consent.

It was confirmed that the distance of the development from the nearby pumping station was compliant with Anglian Water requirements.

Following discussion it was:

Resolved – That the application be approved subject to a Section 106 Agreement with the conditions as set out in the Planning Officer's report.

(b) 20/0647/FUL - 663 HIGH ROAD BENFLEET ESSEX SS7 5SF (APPLETON WARD) - DEMOLITION OF EXISTING BUILDINGS AND CONSTRUCTION OF NO.3 MIXED USE BUILDINGS INCLUDING NO.35 DWELLINGS, COMMERCIAL SPACE, OFFICE SPACE AND ASSOCIATED ACCESS ARRANGEMENTS – FURNITURE KINGDOM

The Planning Officer firstly drew the Committee's attention to the report and an amendment to Condition 1 in the recommendation. This referred to a financial contribution towards the provision of affordable housing however the preference was actually for 2 units on site therefore Condition 1 should read "*for the provision of 2 units on site and in the event that such provision cannot be made then the provision of a financial contribution to be secured through a Section 106 Agreement*".

The proposal sought consent for the provision of a mixed commercial and residential use on land on the western side of High Road and south of London Road at Tarpots. The application site represented a sustainable location, the development of which with a mixed commercial/residential scheme would, in principle, be consistent with the provisions of the National Planning Policy Framework and the emerging Local Plan.

The submitted scheme exhibited a number of elements, such as the need to obscure glaze some windows to primary living accommodation, which arose from the specific conditions found on this edge of centre site and resulted in a particular form of development which might not be acceptable in any other context, but was considered acceptable in this case because of the specific location of the site and the capacity of the scheme to accommodate the specific characteristics of the site whilst still achieving appropriate living conditions for both future and existing residents.

Whilst there was some concern in respect of the proposed arrangements for the collection of waste from the site, the absence of an arrangement with the Local Authority was not considered to constitute a robust reason for refusal. The applicant was advised however that should he be unable to secure an appropriate waste collection contractor, the role could not be filled by the Local Authority with the current layout.

The application was therefore recommended for conditional approval subject to a S106 Agreement to secure the provision of an appropriate contribution towards the provision of affordable housing and the mitigation of recreational disturbance in designated sites (RAMS).

Mr Carpenter, a representative of the applicant, declined his opportunity to speak as he did not wish to add anything further to the Planning Officer's presentation.

Councillor Skipp, a Ward Member, stated he was generally supportive of the application however asked the Committee to consider the refuse collection and lack of parking provision on site as part of its deliberations.

In response to questions from Members the Planning Officer stated the following:

The Holy Family Church still had access to the site and there was a private arrangement between the developer and the Church as to the continuing use of that access, if the application was approved it was possible to add a condition to the S106 Agreement to ensure that the access was maintained in the future.

The current policy regarding affordable housing would require 25% contribution on site which would equate to 9 units with the new Local Plan that was currently at examination that would increase to 40% which would equate to 14 units but all those requirements were based on there being financial viability within the scheme to achieve those levels. Following extensive and detailed negotiations with the developer it had been concluded that this site could only afford 2 units.

With regard to the private waste collection and whether this would include recycling this was a contract matter between the developer and whoever was contracted to undertake the work. It was not something the Committee could impose conditions on.

Access for emergency vehicles onto the site was a matter for building regulations.

During debate, Members stated that whilst they were supportive of development on the site they were disappointed the scheme did not meet the required level of affordable housing, that the Local Authority would not be able to provide a waste collection service and it was not possible to impose conditions on the private waste collection contract to include a recycling element. Furthermore, the parking provision on site was considered to be inadequate for the number of units on the site.

For these reasons it was therefore:

Resolved – That the application be refused due to insufficient parking provision on site, the inability to collect refuse from the site and a deficit in affordable housing contribution. That the appropriate wording of the reasons for refusal be delegated to the Planning Officer in consultation with the Chairman.

(c) 20/0753/FUL - 458 LONDON ROAD BENFLEET ESSEX SS7 1AW (BOYCE WARD) - DEMOLITION OF EXISTING BUILDING AND ERECTION OF THREE-STOUREY BUILDING CONTAINING 10NO. AFFORDABLE HOUSINGS UNITS WITH CAR PARKING – R ALI

The application sought permission for replacement of an existing single storey building located within the Green Belt with a three storey block of 10 flats. The accommodation proposed was affordable housing for which there was a continuing demand and shortfall of provision.

The replacement building would have a materially greater impact than the existing building and result in substantial harm to the openness of the Green Belt due to the very strong contribution the site made towards north/south Green Belt linkages and in maintaining the strategic gap between the urban areas at the

bottom and top of the hill, which at its narrowest extent was approximately 450m wide.

The Planning Officer reported that the proposal therefore constituted inappropriate development and would be contrary to national guidance set out in the National Planning Policy Framework. Though pressing, in accordance with ministerial statements, the need for affordable housing was not considered to outweigh the harm to the Green Belt resulting from the proposal and therefore the very special circumstances necessary to approve the proposal did not exist. The application was therefore recommended for refusal.

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

In response to questions from the Committee the Planning Officer explained that the openness of a site related to the level of built development on the site, currently development was at a low level on this site as there was one small building. The proposed scheme would result in a substantially taller and bigger building which would clearly have a greater impact on the openness of Green Belt. The Committee was advised to consider whether the affordable housing element proposed would outweigh the harm caused to the openness of Green Belt.

Following consideration of the report it was:-

Resolved – That the application be refused because the proposal is situated within an area of Green Belt as delineated within the Council's Adopted Local Plan where inappropriate development is only permitted in very special circumstances. The development, by reason of its height, mass and footprint, would have a greater impact on the openness of the Green Belt than the existing development and result in substantial harm to openness, to the detriment of the strategic function of this part of the Green Belt. The proposed affordable housing provision does not overcome the harm to the Green Belt, and in accordance with Ministerial Statements is not considered to constitute a very special circumstance. No other factors, either individually or in combination with the proposed affordable housing have been identified which might outweigh the harm resulting from the proposal and the application is therefore contrary to government Green Belt guidance as set out in the National Planning Policy Framework.

Chairman