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AGENDA

Committee: DEVELOPMENT CONTROL

Date and Time: Tuesday 6th January 2015 at 7.30 p.m.

Venue: Council Chamber

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

Membership: Councillors Ladzrie (Chairman), Smith (Vice Chairman),
Anderson, Blackwell, Burch, Cole, Cross, Hart, Mrs King,
Varker, Mrs Wass, N. Watson and Wood

Canvey Island Town Councillors : Acott and Greig

Officers attending: Steve Rogers – Head of Regeneration and Neighbourhoods
Fiona Wilson – Head of Legal Services
Kim Fisher – Chief Development Control Officer

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 2nd December 2014 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

Report of the Head of Regeneration and Neighbourhoods is attached.

Application No.	Address	Page
1. 14/0591/FUL	84 Warren Road, Benfleet (St James' Ward)	1

Site Visits

Members are advised that no site visits are recommended in respect of items attached to this agenda.

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DEVELOPMENT CONTROL COMMITTEE

2nd DECEMBER 2014

PRESENT: Councillors Ladzrie (Chairman), Smith (Vice-Chairman), Anderson, Blackwell, Burch, Hart, Mrs King, Varker, Mrs Wass, N. Watson, Wood and Canvey Island Town Councillors Acott and Greig.

Councillors Letchford and Skipp also attended.

Apologies for absence were received from Councillors Barrett and Cross.

21. MEMBERS' INTERESTS

There were none.

22. MINUTES

The Minutes of the meeting held on 4th November 2014 were taken as read and signed as correct.

23. DEPOSITED PLANS

(a) 14/0497/FULCLC – LAND R/O 37-46 ST CHRISTOPHER'S CLOSE, CANVEY ISLAND (CANVEY ISLAND WEST WARD) – DEMOLITION OF EXISTING GARAGES AND CONSTRUCTION OF 3 NO. THREE BEDROOMED HOUSES AND ASSOICATED WORKS – CASTLE POINT BOROUGH COUNCIL

The proposal was for the redevelopment of a redundant Council-owned garage site with three dwellings. The site represented the redevelopment of previously developed land within the residential area and satisfactorily conformed with all relevant planning policy and guidance.

The Planning Officer reported that the Environment Agency (EA) had objected to the proposal on the grounds that the Flood Risk Assessment (FRA) failed to consider the effect of a range of flooding events including extreme events on people and property and did not provide GPS topographic levels for the development site. However, further information had been sought from the applicant and subject to the EA being satisfied with what was provided it was considered that the holding objection that had been lodged by the EA could be removed. The proposal was therefore recommended for approval, subject to conditions.

The application was presented to the Committee as the Council was the applicant for the development.

Ms Harrington, a local resident, spoke in objection to the application.

During discussion some Members raised concern about drainage in the location and felt the proposal would increase the likelihood of flooding in the area. Other Members felt that there was no undue risk to future occupiers or harm to the amenity of surrounding residents and that the introduction of rear gardens would result in a more permeable surface which it was believed would assist drainage. It was also considered that the development would help to alleviate incidents of anti-social behaviour in the area.

Following detailed discussion it was:-

Resolved – That subject to the receipt of a new Flood Response Plan, to the satisfaction of the Environment Agency, the Head of Regeneration and Neighbourhoods be authorised to approve the proposal, subject to the conditions as set out in the Planning Officer's report.

- (b) **14/0548/FUL – 44 LONDON ROAD, BENFLEET, ESSEX, SS7 5TJ (APPLETON WARD) – DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF 6 NO. 3 BEDROOMED HOUSES, 1 NO. 2 BEDROOMED BUNGALOW, 2 NO. 1 BEDROOMED FLATS AND 4 NO. 2 BEDROOMED FLATS AND COMMUNAL AMENITY SPACE, LANDSCAPING, PARKING AND ASSOCIATED WORKS, TO PROVIDE 100% AFFORDABLE HOUSING – DOVE JEFFERY HOMES LTD**

The proposed development provided 100% affordable housing which met an identified need in the Borough. There was no significant conflict with Council policies or design guidance that would justify a refusal of the scheme and the recommendation was therefore recommended for approval.

A supplementary report was circulated to advise the Committee of a revised recommendation which was as a result of further information received from the applicant and Moat Homes, the Registered Provider of affordable housing at the site.

It was explained that there was no planning requirement for affordable housing on the land as the number of units fell below the policy threshold of 15 units. However where affordable housing was being provided the Council would normally wish to secure a Nominations Agreement via a S106 Agreement with the Registered Provider to allow the Council to nominate occupants for the dwellings from its Housing Needs Register. Whilst the applicant and Registered Provider were happy to commit to this approach Moat Homes had advised it would not be possible to obtain HCA funding for the scheme as it would not fund any development where a S106 Agreement was in place regarding affordable housing and it would not therefore be possible to proceed with the scheme.

The Head of Law had advised that since the applicant and Registered Provider were not yet owners of the land the optimum way of ensuring delivery of a Nominations Agreement was via a S106 Agreement. Nonetheless, having regard to the further representations received from the applicant and Registered Provider it was considered that a negatively worded planning condition, preventing development until occupation arrangements had been approved by the Council would be satisfactory.

The revised recommendation together with two additional conditions was set out in the supplementary report. The Planning Officer also advised that Condition 2 of the recommendation would be removed as the applicant had now submitted a landscaping scheme.

Mr Davies, a local resident, spoke in objection to the application. This was a multiple objection.

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

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

During discussion some Members raised concern that the proposal was too cramped and represented overdevelopment of the site. It was also suggested that the item be deferred to give residents more time to comment and for the developer to reconsider the layout of the scheme to include adjoining land. The Planning Officer advised that the public consultation period had ended and all objections received had been considered.

A number of those objections were in regard to highway issues and the comprehensive development of the site contrary to Policy H12 of the Adopted Local Plan. It was explained that ECC Highways had raised no objection to the scheme and that the proposal as submitted achieved an acceptable level of development on the site and was not considered to prejudice the development of adjoining land in the future. The Committee was also reminded that applications should be decided in a timely manner and that deferring the application could risk an appeal by the applicant which could result in intervention from the Government.

During discussion other Members felt that the proposal was acceptable and could find no justifiable reason for refusal.

Following the debate it was:-

Resolved – That the Head of Regeneration and Neighbourhoods be authorised to grant permission for this application, subject to the conditions, as amended in the report, with two additional conditions as follows:

29. *No development shall commence on site until the arrangements to ensure that provision for affordable housing on site for both initial and subsequent occupiers of the*

affordable housing and the occupancy criteria to be adopted for determining the identity of prospective and successive occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced, have been submitted to and approved by the Local Planning Authority.

30. *Not to occupy any of the dwellings until the affordable housing has been provided in accordance with Condition 29.*

(c) 14/0557/FUL – 23 ROGGER ROAD, CANVEY ISLAND (CANVEY ISLAND SOUTH WARD) – REAR CONSERVATORY – MR LES CLARK

The application sought permission for a conservatory to the rear of the property. The proposed conservatory was of an acceptable design and would have no adverse impact on the amenity of adjoining residents or the character and appearance of the surrounding area. Whilst the proposal would reduce the level of open garden available to the occupiers of the dwelling, it was not considered that this would necessarily result in a loss of amenity for the occupiers and it was not therefore considered that an objection to the proposal on this basis could be sustained on appeal. The proposal was therefore recommended for approval.

The application was presented to Committee as the agent for the application was related to a Council employee.

Following consideration of the application 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:	14/0591/FUL
Address:	84 Warren Road Hadleigh Benfleet Essex SS9 3TS (St. James' Ward)
Description of Development:	Revision to approved plans (CPT/192/13/FUL) to provide a flat roofed single storey rear extension with a roof lantern and balcony over
Applicant:	Mrs Amanda Macnaughtan
Case Officer	Mrs Ishita Sheth
Expiry Date:	08.01.2015

Summary

This application seeks amendments to a previously approved scheme.

The proposed amendments comprise the provision of a flat roof with a roof lantern and a balcony above the approved single storey rear extension instead of the previously proposed mono-pitched roof.

The proposal complies with all relevant policies and Residential Design Guidance and is therefore recommended for APPROVAL.

This application is presented to the Development Control Committee because the applicant is related to a member of staff.

Site Visit

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

Introduction

The application site is located on the southern side of Warren Road, at its junction with Sanctuary Road. It is a fairly regular shaped site with a width of some 18.5m and a depth of some 34.5m.

A detached house which has been substantially extended to the side and rear currently occupies the site. The rear of the site is partly grassed and partly hardsurfaced with a swimming pool; screening comprises approximately 1.8m high fencing to the west, a wall to the south and a hedge to the east. The front of the site is largely hardsurfaced for parking.

The streetscene is characterised by large detached houses of varying designs.

The Proposal

The applicant seeks revisions to the proposal approved under CPT/192/13/FUL. This scheme sought to demolish an existing conservatory and construct a part single storey, two storey rear extension, the raising of the roof and the conversion of the enlarged roof to living accommodation with 3 pitched roofed rear dormers provided to the rear elevation.

The approved proposal incorporated a single storey mono-pitched roofed rear extension having a maximum depth of some 3.7m, a maximum width of some 14.3m and a maximum height of some 3.6m. Five roof lights were proposed in the roof of the proposed extension.

The applicant now seeks to amend this aspect of the approved scheme to retain a mock pitched roof around the outer edge of the single storey extension, with a flat roof concealed behind this. The revised proposal would have a maximum height of some 3.1m.

A roof lantern has been provided to part of the flat roofed extension measuring some 3.85m by 1.7m and having a maximum height of some 3.4m from ground level.

It is proposed to provide a balcony on the remaining part of this flat roofed extension measuring some 4m by 2m. 1.1m high glazed balustrading is proposed along the southern and eastern edges of the flat roof. An obscure glazed screen having a height of 1.8m is proposed along the eastern edge of the balcony. The balcony would be accessed via a door from the master bedroom.

Works in respect of the recently approved proposal (CPT/192/13/FUL) have commenced and are almost complete. The works proposed as a part of this application have also been carried out except for the screening and balustrading to the balcony.

It was noted during site visit that roof lights have been provided in the rear elevation at second floor level instead of the approved pitched roofed rear dormers. However, specific planning consent is not required for the provision of roof lights and this aspect of the development has therefore not been considered under this proposal.

Relevant Planning History

- o CPT/192/13/FUL – Demolish existing conservatory and construct a part two storey rear extension, raise roof for loft conversion with 3 pitched roofed rear dormers to rear – approved on 2nd July 2013
- o CPT/695/11/FUL - First floor side/rear extension over existing garage – approved on 15th February 2012 – not implemented
- o CPT/462/11/FUL – Front canopy over front entrance and rear first floor extension – approved on the 10th October 2011 – not implemented
- o CPT/BR/567/93 – Pitched roof to side of dwelling over existing attached garage – approved on the 15th September 1993
- o CPT/497/88 – Single storey, pitched roof, rear conservatory extension – approved on the 19th May 1988

- o CPT/537/86 – Single storey, pitched roofed ‘L’ shaped rear extension – approved on the 22nd May 1986
- o CPT/BR/F/58/85 – two storey, pitched roofed, side extension, single storey, sloped roofed, front extension and flat roofed, front and rear extensions to garage – approved on the 7th February 1985
- o CPT/1580/84 – Part two storey, pitched roofed, side extension, part single storey sloped roofed, front extension and single storey flat roofed, front and rear extension to garage – approved on the 3rd January 1985

Relevant Government Guidance and Local Plan Policies

Castle Point Borough Council Adopted Local Plan 1998

EC2 – Design
H17 – Housing Development – Design & Layout
T8 – Parking provision

Adopted parking standards.

Residential Design Guidance

RDG5 – Privacy and Living Conditions

Consultation

No statutory consultations undertaken

Neighbour responses

Two responses have been received from Nos. 59 and 61 Woodlands Park which make the following objections:

1. Overlooking and loss of privacy.

Comments on Consultation Responses

The issues raised will be considered in the evaluation of the proposal.

Evaluation of Proposal

As permission already exists for the majority of the works undertaken on site, this report will only discuss the proposed revision to the scheme.

Policy EC2 of the adopted Local Plan states that a high standard of design will be expected of all alterations and extensions to existing buildings. Policy H17 states that in assessing the design aspects of proposals for housing, the Local Planning Authority will have regard to its adopted design guidelines (RDG). These policies are considered to be in compliance with the National Planning Policy Framework (NPPF).

The proposed mock pitched roof and balcony formed above the single storey rear extension would not be visible in the streetscene and would have no impact on the character or appearance of the area. No objection is therefore raised to the proposal under Policy EC2 of the Council's Adopted Local Plan.

RDG5 states that for all development above ground floor level a distance of 9m shall be provided between windows, edges of balconies or raised amenity space and the boundary it directly faces at first floor level, 15m at second floor level and 18m at third floor level or above.

The proposed development seeks the provision of a balcony in the rear elevation at first floor level.

The proposed rear edge of the balcony would provide a distance of some 14.2m to the rear boundary and is in compliance with the guidance. The western edge of the balcony would be screened by the wall of a projecting wing to the dwelling and a 1.8m high obscure glazed screen is proposed along the eastern edge of the balcony which would mitigate any issues in respect of loss of privacy and overlooking. Subject to a condition requiring the provision and retention of the obscure glazed screen, no objection is raised to the proposal under RDG5.

It is noted that neighbour objections have been received in respect of loss of privacy and overlooking, however, it is not reasonable in a residential area to seek to prevent oblique overlooking.

The proposal has no implications for parking provision on the site.

Conclusion

The proposal complies with all relevant policies and guidance and would have no adverse impact on the character and appearance of the street scene or the amenity of adjoining residents.

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

The proposal is therefore recommended for APPROVAL subject to the following conditions:

- 1 The development hereby permitted shall be begun on or before the expiration of five 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 approved shall be built wholly in accordance with the approved materials.

REASON: To ensure a satisfactory form of development in sympathy with the existing development and the character of the surrounding area.

- 3 Prior to the first use of the balcony/terrace hereby approved an obscure glazed screen to at least Level 3 on the Pilkington Scale and a minimum of 1.8m in height measured from the

finished floor surface of the balcony/terrace shall be erected in the location as indicated on the approved drawing and permanently retained as such thereafter.

REASON: In order to protect the privacy of the occupiers of the adjoining properties.

Informatives

- 1 In undertaking the works hereby approved you are advised to satisfy yourself of your obligations to occupiers of adjoining properties in accordance with the Party Wall etc. Act 1996, details of which can be inspected at these offices or you may obtain details free of charge from the Planning Portal website (www.planningportal.gov.uk) under Building Regulations.
- 2 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.