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Southend-on-Sea Borough Council

Department for Corporate Services

John Williams - Head of Legal & Democratic Services

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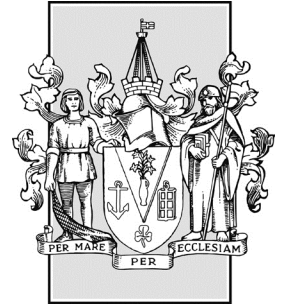
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Dear Councillor

DEVELOPMENT CONTROL COMMITTEE - WEDNESDAY, 13TH APRIL, 2016

Please find enclosed, for consideration at the meeting of the Development Control Committee taking place on Wednesday, 13th April, 2016, the following report(s) that were unavailable when the agenda was printed.

Agenda No	Item
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5a	<u>Supplementary Report</u> (Pages 1 - 12)
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Yours faithfully

Encs

Southend-on-Sea Borough Council

Development Control Committee 13th April 2016

5a

SUPPLEMENTARY INFORMATION

Agenda Item 3 – Pre-Meeting Site Visits

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15/02084/FUL

Toulouse Restaurant, Western Esplanade, Westcliff-On-Sea

7.1 Public Consultation

Three additional representations have been received, as follows:

- Two letters raising no objection to the proposal have been received from four owners/tenants along The Leas and Mount Liell Court West.
- The neighbours have been requested lighting to be kept to a minimum to alleviate disturbance.

It is noted that a letter has been sent by the applicant responding to neighbouring objections, as follows:

- This public land has been used by dog owners the last eight years and Toulouse would be paying rent, another income for SBC.
- The area would be used only during the summer and there is no intention to be used after 10pm.
- There is no intention to be used as bar.
- There is no intention to play music.
- The entrance door would be locked by 10pm.
- Only parasols would be used, no fixed roof.
- No bad smells are generated from the restaurant.
- No complaint relating to noise has been received the last eight years.
- Regarding accessibility to the public toilets, the applicant has adhered strictly to the agreement with the council. It is stated that there are more toilets than originally asked for, and on sunny days there are queues to use the facility and a permanent cleaner is employed to over see.
- The applicant states that all residents in the block from Cobham Road to Pembury Road (omitting flat 4) have been contacted by the applicant regarding the proposed development.

Agenda Item 4 – Report on Planning Applications

10. Recommendation

The list of planning contributions stated within the Officer's Report is not complete. The required obligations are as follows:

- **A financial contribution towards affordable housing provision in-lieu of on-site affordable housing.**
- **A financial contribution of £33,852.80 towards primary and secondary education.**
- **A £3,000 contribution towards the upgrade of a nearby bus stop.**

It is also advised that the following informative should be added:

This application is CIL liable. However, as this application has been made pursuant to Section 73 of the Town and Country Planning Act 1990, Community Infrastructure Levy (CIL) Regulation 128A applies. In this instance there will be no CIL charge on this permission as there is no net increase in floorspace between the original permission and the S73 permission.

4. Appraisal

Design and Impact on the Streetscene

4.24 Additional information: An Arboricultural Report and Impact Assessment in line with BS5837:2012, together with a tree constraints and protection plan have been submitted. Three trees are proposed to be removed as a result of the proposed development which includes two Robina Trees and a Crab Apple. Protective fencing is proposed around the nearby preserved Oak and Lime trees to the south of the proposed sports hall.

Traffic and Transportation

4.29 Additional information: Details of the relined car park have been received which demonstrates that the proposed development will not affect the numbers of staff car parking spaces. Condition 2 has been amended to incorporate this plan and condition 08, as detailed on the agenda, deleted.

6. Representation Summary

Design

6.2 Important to maintain a natural screen along the eastern boundary of the site given that this is within the Green Belt. Replacement trees should be provided to replace those lost in this location. **[Officer comment: Additional conditions are detailed below.]**

Parks

6.6 Agree with the assessment and categories allocated to the trees T1, T2 & T3 which are proposed to be removed. The trees have limited public amenity value due to their size and position being at the rear of the site with their condition being fair/poor.

In respect of Oak T4 and mixed species G1 which are 'A category' trees of importance, it is recommended that the tree protection measures outlined in the Arboricultural Impact Assessment section 6.2 are made a condition and that protective fencing is in place before work starts and remains for the duration of the development works and subsequent landscaping.

8. Recommendation

Conditions 02, 04, 05 and 06 reworded to read:

02. The development hereby permitted shall be carried out in accordance with the approved plans: 265.P03 Rev A, 265.P04 Rev A, 265.P05 Rev A, 265.P06 Rev A, 265.P07 Rev A, 265.P08 Rev A, 265.P09 Rev A, 265.P10 Rev C, SKA/THS/01, Arboricultural Report and Impact Assessment dated 08.04.16.

Reason: To ensure that the development is carried out in accordance with provisions of the Development Plan.

04. The proposed landscaping shall be implemented in accordance with planting plan ref. 265.P09 Rev A, unless otherwise agreed in writing by the Local Planning Authority. Such agreed details shall be permanently retained.

Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policy CP4 of the Core Strategy, Policy DM1 of the Development Management Document and the Design and Townscape Guide, 2009.

05. Details of replacement trees to be planted along the eastern boundary shall be submitted to and agreed in writing by the Local Planning Authority prior to first occupation of the building.

Reason: In the interests of visual amenity and to ensure a satisfactory standard of landscaping, pursuant to Policy CP4 of the Core Strategy DPD1 and Policy DM1 of the Development Management Document.

06. All planting in the landscaping scheme referred to in conditions 04 and 05 above shall be carried out within the first available planting season following the completion of the development. Any trees or shrubs dying, removed, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed with the Local Planning Authority.

Reason: In the interests of visual amenity and to ensure a satisfactory standard of landscaping, pursuant to Policy CP4 of the Core Strategy DPD1 and Policy DM1 of the Development Management Document.

Renumbered conditions:

07. A scheme detailing how at least 10% of the total energy needs of the development will be supplied using on site renewable sources shall be submitted to and agreed in writing by the Local Planning Authority and implemented in full prior to the first occupation of the development. This provision shall be made for the lifetime of the development.

Reason: In the interests of providing sustainable development in accordance with Policy KP2 of the Core Strategy, the Design and Townscape Guide (SPD1) and Development Management Document Policy DM2.

08. The use of sports hall, fitness suite and changing facilities hereby approved shall not commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority. The agreement shall cover hours of use, types of bookings accepted, restrictions on community use, pricing policy, and anything else which the Local Planning Authority in consultation with Sport England considers necessary in order to secure the effective community use of the facilities. The development shall not be used at any other time other than in strict compliance with the approved agreement.

Reason: To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to accord with Core Strategy Policy CP7.

Additional conditions:

09. Prior to the commencement of development, the protective fencing shall be in place in accordance with the drawing number SKA/THS/01 and be permanently retained for the duration of the building works associated with the proposed development.

Reason: To ensure adequate protection of nearby preserved trees in the interest of visual amenities in accordance with the National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy, Policy DM1 of the Development Management Document and the Design and Townscape Guide (SPD1).

10. The details of any extraction and ventilation equipment including its design, appearance and siting shall be submitted to and approved in writing prior to first installation.

Reason: In the interest of the visual amenities of the proposed building and character and appearance of the locality, in accordance with Policies KP2 and CP4 of the Core Strategy, Policy DM1 of the Development Management Document and the Design and Townscape Guide (SPD1).

**Page 25
16/00204/FULM**

659-665 London Road, Westcliff-on-Sea

6.5 Public Consultation

Since the preparation of the Officer Report, 12 letters of objection, 11 of which were in the form of pro-forma letters, have been received which object on the following grounds:

- London Road has been overdeveloped with flats. In this regard this application should be considered in addition to all other previous applications.
- The doctor's surgery and schools are already unable to cope with the demand placed on their services.
- The refuse storage provision would be inadequate.
- The proposed development would impact on the flow of traffic within the surrounding area.
- The development is not in-keeping with the surrounding area.
- Inadequate amenity space is provided.
- The proposal is not different to the previous proposal.

Cllr Velmurugan has objected to the proposal as it proposes flats in an area which has already been overdeveloped with flats and the proposal will add to existing parking stress.

8. Recommendation

It is requested that condition 02 is amended to refer to the submission of Revision A of plan 06 which was submitted to demonstrate that the internal arrangement of the flats would accord with the Technical Housing Standards:

06. The development shall be carried out in accordance with the approved plans: 01, 02, 03, 04, 05, 06A, 07, 08 and 09.

It is recommended that the following condition is added:

07. Prior to the commencement of development at the site, a scheme of surface water run-off attenuation measures to be included within the development shall be submitted to and approved in writing by the Local Planning Authority. Subsequently, the proposed development shall only be undertaken in accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of providing sustainable development and encouraging sustainable drainage at the site in accordance with the NPPF and Policy KP2 of the Core Strategy (DPD1).

It is also recommended that the following Informative is added:

2. Please note that the applicant is encouraged to provide signage within the application site, near to the vehicular access, to highlight that Fleetwood Avenue is a one way street and therefore it is only possible to turn left when leaving the site.

Page 45
16/00028/AMDT&
16/00096/DOV

The Bell Hotel and land adjacent to 20 Leigh Hill

4. Appraisal

Developer Contributions – additional comments (page 51)

The original S106 agreement (dated 25 June 2013) was drafted on the basis that should any future Viability Assessment demonstrate that affordable housing provision is viable within the scheme, this affordable housing would be provided on-site. However, this would require that a specified number of open market units be held back unoccupied until the whole scheme has been completed. The agreement currently requires that no more than 6 of the market housing units are occupied until affordable housing is provided, if established as viable should the Completion Date not be met. It is noted that unexpected delays in the build programme (as a result of the hotel collapse) have now made the anticipated timescales unrealistic and to retain the occupancy trigger will only have a

further detrimental effect on the viability of the scheme as units are unlikely to sell with this restriction. Also, recent experience has shown that Registered Providers are unlikely to be interested in a small number of affordable units within such a scheme.

On the basis of the above, it is considered should any affordable housing be viable in the future, an off-site contribution be accepted.

8. Recommendation

Please note the following changes to the recommendation as detailed on page 56-60 of the main agenda:

(a) Members are recommended to DELEGATE AUTHORITY TO THE GROUP MANAGER OF PLANNING & BUILDING CONTROL or HEAD OF PLANNING & TRANSPORT to GRANT PLANNING PERMISSION, subject to the completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:-

- **Planning obligation dated 25/06/2013 pursuant to application 13/00396/OUTM (as varied by Deed of Variation dated 17 July 2014 and 20 February 2015) to be linked to Application A;**
- **Modification of planning obligation dated 25/06/2013 pursuant to application 13/00396/OUTM (as varied by Deed of Variation dated 17 July 2014 and 20 February 2015) to:**
 - **allow an extension to the development's "Completion Date" to 18 months from the date of permission being granted pursuant to Application A;**
 - **allow for a financial contribution to be payable in lieu of on-site provision of affordable housing following a Viability Assessment and agreement or determination of the sum due;**
 - **require that if all the Dwellings are not completed and ready for occupation by the Completion Date then a further Viability Assessment is to be provided to the Council to establish any education or affordable housing contribution deemed viable. Until such time that the further Viability Assessment has been submitted and that any contribution(s) have been agreed and paid, no further occupations of Dwellings are permitted on the Site. In any event, any contributions payable shall be paid within 28 days of the agreement or determination of the financial contribution(s) payable.**

(b) Corporate Director of Place, Head of Planning & Transport or the Group Manager of Planning & Building Controls be authorised to determine the application upon completion of the above obligation provided the planning permission when granted and the obligation when executed, accord with the details set out in this report and the conditions listed below:

No changes to list of Conditions included in Main Report

(c) In the event that the planning obligation referred to in part (a) above has not been completed by 20.05.2016 such that planning permission would have been granted, then the Corporate Director of Place, Head of Planning & Transport or Group Manager of Development Control & Building Control be authorised to consider whether permission should be refused on the grounds that it has not proved possible to complete a S106 agreement within an appropriate timescale, and that the proposals are unacceptable in the absence of the obligation that would have been secured; if so, the Corporate Director of Place, Head of Planning & Transport or Group Manager of Development Control & Building Control are authorised to determine the application and agree appropriate reasons for refusal under delegated authority.

Informatives – change to informative 2 to read:

This permission is governed by a legal agreement between the applicant and the Borough Council under Section 106 of the Town and Country Planning Act 1990. The agreement relates to affordable housing and education contributions, including a viability review mechanism.

**Page 61
16/00343/AMDT**

590 Raleigh Road, Eastwood.

7.1 Public Consultation.

Since the drafting of the committee report, Officer's have received the following photographs of the use of the hardstanding at the application site:



104 Salisbury Road, Leigh-on-Sea

Consultation

Airport Director - no objections. If there is a requirement for a crane or piling rig to construct the proposed development this will need to be safeguarded separately and dependant on location.

Please note the typographical error in relation to the planning reference number on page 68 of the main report. The correct number is 16/00025/FUL.

8. Recommendation

Since the publication of the agenda the applicant has provided an additional drawing ref 105 demonstrating that the three houses will be compliant with building regulations M4(2) and demonstrated its accessibility and adaptability for future occupiers satisfying policy DM8 of the Development Management Document DPD2.

Therefore reason 02 of the refusal is now omitted.

The recommendation now solely relates to the detailed design as stated below and please note the change of wording:

01 The proposed dwellings, by way of their poor detailed design would be out of keeping appearing out of context and visually harmful to the detriment of the surrounding area. This is contrary to the National Planning Policy Framework policies KP2 and CP4 of the Core Strategy DPD1, Policies DM1 and DM3 of Development Management Document DPD2 and policies and the Design and Townscape Guide.

Raymond House, 7 - 9 Clifton Terrace, Southend-On-Sea

7.6 Public Consultation

13 additional letters of objection have been received which objects to the application for the following reasons:

- No notification letters has been sent to an occupiers living close to the application site. **[Officer comment: It is noted that the Council's written notification requirement includes the notification of the occupiers of all adjacent sites abutting the application site. Letters have been sent to those properties and also a site notice has been posted on site.]**

- Inadequate parking and additional traffic generated by the proposed use. Extra pressure on parking spaces from the hotel guests, staff and visitors. Residents already pay for parking permits. **[Officer comment: Please refer to paragraphs 4.27 – 4.30.]**
- Neighbours are worried to park away from the area and have to walk late at night.
- The proposed roof terrace would increase noise levels if it used for social functions/event and result in overlooking. **[Officer comment: It is noted that the proposed roof terrace would only be accessible via the rooms in the roof.]**
- Concerns regarding noise generated by people leaving the hotel at all hours, taxis, delivery vehicles and guests' cars driving past the adjacent residential units. **[Officer comment: Please refer to paragraph 4.21 regarding levels of activity.]**
- Not a suitable location for a new hotel and no need for a new in the area. **[Officer comment: Please refer to paragraphs 4.1, 4.3 – 4.5 regarding principle of development and policy DM12 of the Development Management DPD regarding key areas for visitor accommodation.]**
- The proposal would put other small hotels and guest houses out of business.
- Concerns regarding Health and Safety considerations for the proposed roof terrace.

It is noted that a letter has been sent by a resident notifying the nearby occupants of site about the proposal and raising concerns regarding the proposed development.

Page 145
16/00305/FUL

97 Salisbury Road, Leigh-on-Sea

To correct a typing error on the submitted plans, the applicant submitted Revision A to plan 1-300. The list of submitted plans should therefore be amended to read as follows:

0-300, 0-002, 1-300 A, 1-001, 0-001 and 2-300.

6.3 Public Consultation

An additional letter of objection has been received which objects to the application for the following reasons:

- Quotes from Members of Parliament and extracts from National and Local require the retention of bungalows.
- The proposal would cause the loss of two on-street parking spaces.
- An objection is raised to balconies which would cause a loss of privacy.
- Dimensions should be shown on the submitted plans.
- The proposal would include too much hardstanding and not enough soft landscaping.

[Officer Note – These matters are addressed within the Officer’s Report where appropriate].

Agenda Item 5 – Enforcement of Planning Control

Page 15

15/00251/OCOU-B 22 Parkway Close, Leigh-on-Sea

Information has been received from the householder which indicates that damage to the unadopted private road leading from the public highway to numbers 18, 20 and 22 Parkway Close was an on-going issue prior to the commencement of the business operations being the subject of this report. Copies of letters dated May and June 2011, which refer to such damage, were submitted to the Council for information and have been placed on the case file.