

SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Development Control Committee

Date: Wednesday, 11th January, 2017

Place: Committee Room 1 - Civic Suite

Present: Councillor F Waterworth (Chair)
Councillors D Garston (Vice-Chair), B Arscott, M Assenheim,
B Ayling, M Borton, M Butler, T Callaghan, F Evans, N Folkard,
J Garston, S Habermel*, A Jones, C Mulroney, D Norman MBE,
P Van Looy and C Walker
(*Substitute in accordance with Council Procedure Rule 31.)

In Attendance: J K Williams, P Geraghty, C Galforg, M Warren, I Harrison, K Walters
and T Row

Start/End Time: 2.00 p.m. - 4.10 p.m.

609 Apologies for Absence

Apologies for absence were received from Councillor Hadley (Substitute: Councillor Habermel).

610 Declarations of Interest

The following interests were declared at the meeting:

(a) Councillor Arscott – Agenda Item No. 8 – 16/01773/FUL – 19 Kings Road, Westcliff-on-Sea, Essex, SS0 8LL – Non-pecuniary interest: Applicant is a co-opted Member of the Council's People Scrutiny Committee;

(b) Councillor Assenheim – Agenda Item No. 8 – 16/01773/FUL – 19 Kings Road, Westcliff-on-Sea, Essex, SS0 8LL – Non-pecuniary interest: Applicant is a co-opted Member of the Council's People Scrutiny Committee;

(c) Councillor Borton – Agenda Item No. 8 – 16/01773/FUL – 19 Kings Road, Westcliff-on-Sea, Essex, SS0 8LL – Non-pecuniary interest: Applicant is a co-opted Member of the Council's People Scrutiny Committee;

(d) Councillor Butler – Agenda Item No. 8 – 16/01773/FUL – 19 Kings Road, Westcliff-on-Sea, Essex, SS0 8LL – Non-pecuniary interest: Applicant is a co-opted Member of the Council's People Scrutiny Committee;

(e) Councillor Evans – Agenda Item No. 5 – 16/01693/FUL – 104 Salisbury Road, Leigh-on-Sea, Essex SS9 2JN – Non-pecuniary interest: Governor at St. Michael's School which is attended by the applicant's children;

(f) Councillor Evans – Agenda Item No. 9 – 16/02040/FULH – 43 Theobalds Road, Leigh-on-Sea – Non-pecuniary interest: Owns a property in the road;

- (g) Councillor D Garston – Agenda Item No. 8 – 16/01773/FUL – 19 Kings Road, Westcliff-on-Sea, Essex, SS0 8LL – Non-pecuniary interest: Applicant is a co-opted Member of the Council’s People Scrutiny Committee;
- (h) Councillor Habermel – Agenda Item No. 8 – 16/01773/FUL – 19 Kings Road, Westcliff-on-Sea, Essex, SS0 8LL – Non-pecuniary interest: Applicant is a co-opted Member of the Council’s People Scrutiny Committee;
- (i) Councillor Habermel – Agenda Item No. 13 – 16/00189/UNAU_B – 96 The Ridgeway, Westcliff-on-Sea – Non-pecuniary interest: Lives in the vicinity of the restaurant;
- (j) Councillor Jones – Agenda Item No. 8 – 16/01773/FUL – 19 Kings Road, Westcliff-on-Sea, Essex, SS0 8LL – Non-pecuniary interest: Applicant is a co-opted Member of the Council’s People Scrutiny Committee;
- (k) Councillor Mulroney – Agenda Item No. 5 – 16/01693/FUL – 104 Salisbury Road, Leigh-on-Sea, Essex SS9 2JN – Non-pecuniary interest: Member of Leigh Town Council (non-participant in planning);
- (l) Councillor Mulroney – Agenda Item No. 7 – 16/01760/FULH - 78 Hadleigh Road, Leigh-on-Sea - – Non-pecuniary interest: Member of Leigh Town Council (non-participant in planning);
- (m) Councillor Mulroney – Agenda Item No. 9 – 16/02040/FULH – 43 Theobalds Road, Leigh-on-Sea – Non-pecuniary interest: Member of Leigh Town Council (non-participant in planning);
- (n) Councillor Mulroney – Agenda Item No. 10 – 16/01572/FUL – The Sarah Moore Public House, 57 - 59 Elm Road, Leigh-on-Sea – Non-pecuniary interest: Member of Leigh Town Council (non-participant in planning);
- (o) Councillor Mulroney – Agenda Item No. 11 – 16/02097/AMDT - 50 Vernon Road, Leigh-on-Sea – Non-pecuniary interest: Member of Leigh Town Council (non-participant in planning);
- (p) Councillor Mulroney – Agenda Item No. 12 – 16/02036/FULH - The Old Coach House, 2a Lymington Avenue, Leigh-on-Sea – Non-pecuniary interest: Member of Leigh Town Council (non-participant in planning) and resident of Southsea Avenue;
- (q) Councillor Norman MBE – Agenda Item No. 11 – 16/02097/AMDT - 50 Vernon Road, Leigh-on-Sea – Disqualify non-pecuniary interest: Lives opposite the application site (withdrew);
- (r) Councillor Van Looy – Agenda Item No. 13 – 16/00189/UNAU_B – 96 The Ridgeway, Westcliff-on-Sea – Non-pecuniary interest: Knows a person at the restaurant;
- (s) Councillor Walker – Agenda Item No. 10 – 16/01572/FUL – The Sarah Moore Public House, 57 – 59 Elm Road, Leigh-on-Sea, Essex – Non-pecuniary interest: Applicant is known to him and has spoken with him regarding the application (withdrew);

(t) Councillor Walker – Agenda Item No. 8 – 16/01773/FUL – 19 Kings Road, Westcliff-on-Sea, Essex, SS0 8LL – Non-pecuniary interest: Applicant is a co-opted Member of the Council's People Scrutiny Committee, one of the applicant's son is a member of the choir managed by his wife at West Leigh Junior School and another son is in the infants choir.

611 Minutes of the meeting held on Wednesday 9th November 2016

Resolved:

That the Minutes of the meeting held on Wednesday, 9th November 2016 be received, confirmed as a correct record and signed.

612 Supplementary Report

The Committee received a supplementary report by the Deputy Chief Executive (Place) that provided additional information on items referred to elsewhere on the Agenda.

**613 16/01693/FUL - 104 Salisbury Road, Leigh-on-Sea (West Leigh Ward)
Proposal: Demolish existing dwellinghouses at 104 - 106 Salisbury Road, erect three dwellinghouses with garages to rear and alter existing vehicular crossovers onto Salisbury Road (Amended Proposal)
Applicant: Mr D. MacDonald
Agent: Mr G. Coxall (Third Dimension Arch. Design Ltd)**

Mr Colyer, a local resident spoke as an objector the application. Mr Coxall, the applicant's agent, responded.

Planning permission REFUSED for the following reason:

01. The proposed dwellings would, by reason of their elevational design, be out of context with and visually harmful to the character and appearance of the surrounding area. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework, policies KP2 and CP4 of the Southend Core Strategy (2007), policies DM1 and DM3 of the Southend Development Management Document (2015) and the advice contained within the Southend Design and Townscape Guide (2009).

**614 16/01659/AMDT - 40 Westbury Road, Southend-on-Sea (St Lukes Ward)
Proposal: Application to vary condition 02 (Approved Plans) (Minor Material Amendment to planning permission 14/00198/FUL dated 21 May 2014)
Applicant: Dr Saqib Mahmud
Agent: Mr Graham Miles**

Planning permission REFUSED for the following reason:

01. The conservatory that has been erected, by virtue of its design, the materials used in its construction, its size and its relationship to the existing building, is harmful to the character and appearance of the existing building and the surrounding area more widely. The proposal is therefore unacceptable and

contrary to the National Planning Policy Framework, policies KP2 and CP4 of the Southend Core Strategy (2007), policies DM1 and DM3 of the Southend Development Management Document (2015) and the advice contained within the Southend Design and Townscape Guide (2009).

The Committee also resolved that the Deputy Chief Executive (Place), Director of Planning and Transport or Group Manager for Planning and Building Control be DELEGATED to AUTHORISE ENFORCEMENT ACTION for the removal of the unauthorised development. This is because of the harm it causes to the character and appearance of the exiting building and the area more widely, contrary to the National Planning Policy Framework, policies KP2 and CP4 of the Southend Core Strategy (2007), policies DM1 and DM3 of the Southend Development Management Document (2015) and the advice contained within the Southend Design and Townscape Guide (2009).

The authorised enforcement action to include (if/as necessary) the service of an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 and the pursuance of proceedings whether by prosecution or injunction to secure compliance with the requirements of said Notice.

When serving an Enforcement Notice the local planning authority must ensure a reasonable time for compliance. It is considered that a one month compliance period is reasonable in these circumstances.

- 615 16/01760/FULH - 78 Hadleigh Road, Leigh-on-Sea (West Leigh Ward)**
Proposal: Raise roof height to form habitable accommodation in roof, dormer to rear and alterations to front, side and rear elevations (Amended Proposal)
Applicant: Mr & Mrs Hall
Agent: Knight Gratrix Architects

Mr Richardson spoke as an objector to the application. Mr Hall, the applicant, responded.

Planning permission GRANTED subject to the following conditions:

01. The development hereby permitted shall begin not later than three years from the date of this decision.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

02. The development hereby permitted shall be carried out in accordance with the following approved plans: 1043 010 E, 1043 011 D

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

03. All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings hereby approved or are required by conditions to this permission.

Reason: To safeguard the visual amenities of the area, in accordance with National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy CP4, policy DM1 of Development Management Document DPD2 and SPD1 (Design and Townscape Guide).

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

Informative

You are advised that as the proposed extension(s) to your property equates to less than 100sqm of new floorspace the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See www.southend.gov.uk/cil for further details about CIL.

616 16/01773/FUL - 19 Kings Road, Westcliff-on-Sea (Chalkwell Ward)
Proposal: Erect treehouse in rear garden (Retrospective)
Applicant: Mrs E. Lusty

Planning permission REFUSED for the following reason:

01. The treehouse development, by virtue of its size, scale, height, design and makeshift appearance, is considered to be harmful to visual amenity and out-of-keeping with the character and appearance of the application site and the surrounding area. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework (NPPF), Southend Core Strategy (2007) policies KP2 and CP4, Southend Development Management Document (2015) policies DM1 and DM3, and the advice contained with the Southend Design and Townscape Guide (2009).

02. The treehouse development, by virtue of its height and design, is considered to be harmful to residential amenity as it enables unacceptable overlooking and causes a loss of privacy at Kingholme, Drake Road and 2 Drake Road to the detriment of the amenities of the occupiers of these properties. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework (NPPF), Southend Core Strategy (2007) policies KP2 and CP4, Southend Development Management Document (2015) policies DM1 and DM3, and the advice contained with the Southend Design and Townscape Guide (2009).

The Committee also resolved that the Deputy Chief Executive (Place), Director of Planning and Transport or Group Manager for Planning and Building Control be DELEGATED to AUTHORISE ENFORCEMENT ACTION for the removal of the unauthorised development. This is because of the harm it causes to the character and appearance of the site and surrounding area and the amenities

of the occupiers of neighbouring properties (by reason of overlooking and loss of privacy) contrary to the National Planning Policy Framework, Southend Core Strategy (2007) policies KP2 and CP4, Southend Development Management Document (2015) policies DM1 and DM3 and the advice contained within the Southend Design and Townscape Guide (2009).

The authorised enforcement action to include (if/as necessary) the service of an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 and the pursuance of proceedings whether by prosecution or injunction to secure compliance with the requirements of said Notice.

When serving an Enforcement Notice the local planning authority must ensure a reasonable time for compliance. It is considered that a one month compliance period is reasonable in these circumstances.

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The detailed analysis is set out in a report prepared by officers. In the circumstances the proposal is not considered to be sustainable development. The Local Planning Authority is willing to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development, should the applicant wish to exercise this option in accordance with the Council's pre-application advice service.

Informative

You are advised that as the proposed extension(s) to your property equates to less than 100sqm of new floorspace the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See www.southend.gov.uk/cil for further details about CIL.

617 16/02040/FULH - 43 Theobalds Road, Leigh-on-Sea (West Leigh Ward)
Proposal: Erect single storey outbuilding at rear to be used as a summer house
Applicant: Mr & Mrs Webb
Agent: Knight Gratrix

Mrs Webb, a local resident, spoke as an objector to the application. Mrs Webb, the applicant, responded.

Planning permission GRANTED subject to the following conditions:

01. The development hereby permitted shall begin not later than three years from the date of this decision.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

02. The development hereby permitted shall be carried out in accordance with the following approved plans: 1057/010/F

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

03. The facing materials used in construction of the development must be in accordance with submitted details.

Reason: To safeguard the appearance of the area, in accordance with National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy CP4, policy DM1 of Development Management Document DPD2 and SPD1 (Design and Townscape Guide).

04. The outbuilding hereby permitted shall not be occupied at any time other than purposes incidental to the residential use of the dwelling known as 43 Theobalds Road.

Reason: To ensure the use of the building remains incidental to the main dwelling in accordance with policies DM1 and DM3 of the Development Management Document DPD2.

618 16/01572/FUL - The Sarah Moore Public House, 57 - 59 Elm Road, Leigh on Sea (Leigh Ward)

Proposal: Erect two storey roof extension comprising of six self-contained flats with balconies, relocate extraction flue, erect refuse and cycle stores and alter elevations (Amended Proposal).

Applicant: Mr M. Thornton (Stronghold Estates)

Agent: BGA Architects

Planning permission GRANTED subject to the following conditions:

01. The development hereby permitted shall be begun not later than 3 years beginning with the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

02. The development hereby permitted shall be carried out in accordance with approved plans 0-001, 0-002, 0-200, 1-001, 1-002 A, 1-003, 1-050, 2-001, 2-002, and 15-001

Reason: To ensure that the development is carried out in accordance with the policies outlined in the Reason for Approval.

03. No development shall take place until samples of the materials to be used on the external elevations including walls, roof, windows, and balustrading shall be submitted to and approved in writing by the local planning authority. The works must then be carried out in accordance with the approved materials unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of the area. This is as set out in National Planning Policy Framework, DPD1 (Core Strategy) 2007 policy KP2 and CP4, Development Management DPD Policy DM1 and SPD1 (Design and Townscape Guide).

04. The acoustic mitigation installations recommended within the submitted Noise Assessment (prepared by Sharps Redmore and dated 09/06/16) shall be installed prior to the first occupation of the flats hereby approved and retained in perpetuity.

Reason: In the interests of residential amenity for future occupants as set out in the National Planning Policy Framework, DPD1 (Core Strategy) 2007 policy KP2 and CP4, and Development Management DPD Policy DM1.

05. Prior to the commencement of the development hereby approved, full details of refuse and bicycle storage facilities at the site shall be submitted to and approved in writing by the Local Planning Authority. Subsequently, refuse and bicycle storage facilities shall be provided at the site in accordance with the approved details prior to the first occupation of any of the flats hereby approved.

Reason: In the interests of residential amenity for future occupants, the provision of adequate parking and visual amenity as set out in the National Planning Policy Framework, DPD1 (Core Strategy) 2007 policy KP2 and CP4, and Development Management DPD Policies DM1, DM8 and DM15.

06. Prior to the occupation of the flats a scheme shall be submitted to and agreed in writing by the Local Planning Authority for the construction and laying out of six parking spaces to the north of the building at the application site. The parking spaces shall be provided in accordance with the approved details and made available for use by the occupants of the flats hereby approved from the time that they are first occupied and thereafter shall be retained and used for no other purpose than to serve the flats hereby approved.

Reason: To ensure that adequate residential parking is provided at the site. In accordance with the National Planning Policy Framework, policies KP2, CP3 and CP4 of the Southend-on-Sea Core Strategy (2012), policies DM1, DM3 and DM15 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Council's Design and Townscape Guidance (SPD1).

07. Prior to the commencement of development a renewable energy assessment shall be submitted to and agreed in writing with the Council to demonstrate how at least 10% of the energy needs of the development will come from onsite renewable options (and/or decentralised renewable or low carbon energy sources. The scheme as approved shall be implemented and brought into use on first occupation of the development unless otherwise agreed in writing with the Local Planning Authority.

Reason: To minimise the environmental impact of the development through efficient use of resources and better use of sustainable and renewable resources in accordance with the National Planning Policy Framework, DPD1 (Core Strategy) policy KP2, DPD2 (Development Management) policy DM2 and SPD1 (Design and Townscape Guide).

08. Prior to occupation of the development hereby approved details of the water efficient design measures set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting.

Reason: To minimise the environmental impact of the development through efficient use of water in accordance with the National Planning Policy Framework, DPD1 (Core Strategy) policy KP2, DPD2 (Development Management Document) policy DM2 and SPD1 (Design and Townscape Guide).

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. The detailed analysis is set out in a report on the application prepared by officers.

Informative

01. Please note that the proposed development subject of this application is liable for a charge under the Community Infrastructure Levy Regulations 2010 (as amended). Enclosed with this decision notice is a CIL Liability Notice for the applicant's attention and any other person who has an interest in the land. This contains details of the chargeable amount and how to claim exemption or relief if appropriate. There are further details on this process on the Council's website at www.southend.gov.uk/cil.

02. Please be aware that the residents of the flats will not be eligible to apply for parking permits within nearby restricted residential parking areas.

619 16/02097/AMDT - 50 Vernon Road, Leigh-on Sea (West Leigh Ward)
Proposal: Replace plan no. 30/16/A/Rev01 and 30/16/B with 1620 TP-01 to amend footprint of single storey rear projection (Application for variation of condition to planning permission 16/01126/FUL dated 14.9.2016)
Applicant: Mr & Mrs Smith
Agent: Metson Architects LTD

Planning permission GRANTED subject to the following conditions:

01. The development hereby permitted shall begin not later than three years from the date of the original permission (19.09.2016).

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

02. The development hereby permitted shall be carried out in accordance with the approved plans: 1620 TP-01; 1620 BC-01-A & 1620 BC-02-A.

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

03. No development shall take place until samples of the materials to be used on the external elevations of the dwellings, on any screen/boundary walls, fences and gates, and on any driveway, access road, forecourt or parking area have been submitted to and approved by the Local Planning Authority. Details of the proposed boundary treatments shall be provided. The development shall only be carried out in accordance with the approved details.

Reason: To safeguard character and appearance of the area and amenities of neighbouring occupiers in accordance with Policies KP2 and CP4 of the Core Strategy, Policies DM1 and DM3 of the Development Management Document and the Design and Townscape Guide, 2009 (SPD1).

04. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping. This shall include details of all the existing trees and hedgerows on the site and details of any to be retained, together with measures for their protection in the course of development; details of the number, size and location of the trees and shrubs to be planted together with a planting specification, details of the management of the site, e.g. the uncompacting of the site prior to planting, the staking of trees and removal of the stakes once the trees are established; details of measures to enhance biodiversity within the site and details of the treatment of all hard and soft surfaces (including any earthworks to be carried out). The landscaping shall be implemented in accordance with the agreed details, unless otherwise first agreed in writing by the Local Planning Authority.

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. All planting in the approved landscaping scheme 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.

06. 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 occupation of the dwellinghouses. 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.

07. Prior to the first occupation of the dwellinghouse, two car parking spaces for the dwellinghouse hereby approved and for no. 50 Vernon Road shall be provided and permanently retained in accordance with the approved plans. The car parking spaces shall be permanently retained for occupants and visitors of the application site and be used for no other purpose unless otherwise agreed in writing by the Local Planning Authority.

Reason: To provide satisfactory off-street parking for the dwellinghouses, in accordance with Policy DM15 of the Development Management Document.

08. Notwithstanding conditions 02 and 07 above, prior to the first occupation of the dwellinghouse, an amended site plan shall be submitted to and agreed in writing by the Local Planning Authority which shows the size of the crossover to measure no wider than 4.8m. The development shall only be carried out in accordance with the agreed site plan.

Reason: In the interest of highway and pedestrian safety in order to overcome the concerns of the Highway Authority in accordance with Policy DM15 of the Development Management Document and the Department for Place Vehicle Crossing Policy & Application Guidance.

09. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, or any Order revoking or re-enacting that Order with or without modification, no development shall be carried out within Schedule 2, Part 1, Classes A, B, C, D or F of those Orders.

Reason: To safeguard the design and appearance of the dwellinghouses, in the interest of the standard of accommodation and to ensure that satisfactory amenity space remains for the amenities of future occupiers, in accordance with Development Management Document Policies DM1, DM3 and DM8 and the Design and Townscape Guide, 2009 (SPD1).

10. The flat roof to the dwellinghouses hereby approved shall not be used as a balcony, roof garden or similar amenity area or for any other purpose unless otherwise agreed in writing by the Local Planning Authority. The roof can however be used for the purposes of maintenance.

Reason: To protect the privacy and environment of people in neighbouring residential properties in accordance with Policy CP4 of the Core Strategy and Policy DM1 of the Development Management Document.

11. Demolition or construction works shall not take place outside 07:30 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays and at no time on Sundays or Bank Holidays, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect residential amenity and general environmental quality in accordance with Core Strategy Policies KP2 and CP4 and Policy DM2 of the Development Management Document.

12. No burning of construction or demolition waste is to take place on the site.

Reason: To protect the amenities of neighbouring properties and general environmental quality in accordance with Core Strategy Policies KP2 and CP4 and Policy DM1 of the Development Management Document.

13. Prior to first occupation of the development hereby approved details of the water efficient design measures set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting.

Reason: To minimise the environmental impact of the development through efficient use of water in accordance with the National Planning Policy Framework, DPD1 (Core Strategy) policy KP2, DPD2 (Development Management Document) policy DM2 and SPD1 (Design and Townscape Guide).

14. The development hereby approved shall be carried out in a manner to ensure the proposed dwellinghouse comply with building regulation M4(2) 'accessible and adaptable dwellings'.

Reason: To minimise the environmental impact of the development through efficient use of water in accordance with the National Planning Policy Framework, DPD1 (Core Strategy) policy KP2, DPD2 (Development Management Document) policy DM2 and SPD1 (Design and Townscape Guide).

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. The detailed analysis is set out in a report on the application prepared by officers.

Informatives

01. Community Infrastructure Levy (CIL): This application, made pursuant to Section 73 of the Town and Country Planning Act 1990, is CIL liable. As there is an increase in floorspace since the original permission, and therefore a change in the amount of CIL payable, CIL Regulation 9(7) applies. The chargeable development is the most recently commenced chargeable development; hence a new CIL Liability Notice has been issued with this permission that supersedes CIL Liability Notice ref. 16/01126/FUL/0001.

02. Notwithstanding condition 08 above, the applicant is advised that separate consent of the Local Highways Authority would be required for works to extend the existing vehicular crossover.

620 **16/02036/FULH - The Old Coach House, 2a Lymington Avenue (Leigh Ward)**
Proposal: Install cladding to elevations (Retrospective)
Applicant: Mr Bryant
Agent: Mr Howell

Mrs Dooley, a local resident, spoke as an objector to the application.

Planning permission REFUSED for the following reason:

01. The cladding that has been installed to the elevations is not in-keeping with and harmful to the character and appearance of the existing building and the streetscene in Lymington Avenue. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework, policies KP2 and CP4 of the Southend Core Strategy (2007), policies DM1 and DM3 of the Southend Development Management Document (2015) and the advice contained within the Southend Design and Townscape Guide (2009).

The Committee also resolved that the Deputy Chief Executive (Place), Director of Planning and Transport or Group Manager for Planning and Building Control be DELEGATED to AUTHORISE ENFORCEMENT ACTION for the removal of the unauthorised cladding.

This is because the unsympathetic use of materials creates an incongruous feature in the streetscene and harmfully conflicts with the character and appearance of the surrounding area and the neighbouring properties contrary to the National Planning Policy Framework; Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007); Policies DM1, DM3 and DM6 of the Southend-on-Sea Development Management Document (2015); and the advice contained within the Southend-on-Sea Design and Townscape guide (2009).

The authorised enforcement action to include (if/as necessary) the service of an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 and the pursuance of proceedings whether by prosecution or injunction to secure compliance with the requirements of said Notice.

When serving an Enforcement Notice the local planning authority must ensure a reasonable time for compliance. It is considered that a one month compliance period is reasonable in these circumstances.

621 **16/00189/UNAU_B - 96 The Ridgeway, Westcliff-on-Sea (Chalkwell Ward)**
Breach of Control: Without planning permission erection of canopies and other alterations to the frontage of the application site.

Resolved:

That ENFORCEMENT ACTION be AUTHORISED for the removal of the unauthorised canopies, heaters and the planters that have been affixed to the boundary enclosure at the frontage of the site.

This is because the use of the canopy covered part of the site, aided by the addition of outdoor heaters, would be intensified and create additional noise and

disturbance, which would be detrimental to the amenities of the occupiers of nearby residential properties. The development is therefore unacceptable and contrary to the National Planning Policy Framework, Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007); and Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015).

It is also considered that the canopies, heaters and the elevated planters would, by reason of their size, design, siting and number, fail to integrate with the existing building and be out of keeping with and detrimental to the character and appearance of the existing building and the area more widely. The developments are therefore contrary to the National Planning Policy Framework, Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM3 and DM13 of the Southend-on-Sea Development Management Document (2015); the advice contained within the Southend-on-Sea adopted Design and Townscape Guide (2009).

The Enforcement Action should only be taken after and depending on the outcome of the determination of the appeal against the refusal of application 16/01529/FUL.

The authorised enforcement action to include (if/as necessary) the service of an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 and the pursuance of proceedings whether by prosecution or injunction to secure compliance with the requirements of said Notice.

When serving an Enforcement Notice the local planning authority must ensure a reasonable time for compliance. It is considered that a one month compliance period is reasonable in these circumstances.

Chairman: _____