

SOUTHEND-ON-SEA CITY COUNCIL

Meeting of Development Control Committee

Date: Wednesday, 18th September, 2024

Place: Committee Room 1 - Civic Suite

Present: Councillor N Ward (Chair)
Councillors K Buck, P Collins*, A Dear, M Dent*, F Evans, N Folkard,
S Habermel, A Jones, R Longstaff, S Nadeem*, C Nevin*, J Norman,
M O'Connor, D Poulton and J Warren*
(*Substitute in accordance with Council Procedure Rule 40.)

In Attendance: K Waters, P Keyes, S Mouratidis, M Warren, A Brown and T Row

Start/End Time: 5.00 pm - 5.45 pm

51 Apologies for Absence

Apologies for absence were received from Councillors Borton (substitute: Cllr Nevin), Garston (substitute: Cllr Warren), Mulroney (substitute: Cllr Collins), Richardson (substitute: Cllr Nadeem), Webster (substitute: Cllr Dent) and Berry (no substitute).

52 Declarations of Interest

The following interests were declared at the meeting:

(i) Councillor Habermel – Minute No. 57 (Application Ref. No. 24/01146/AMDT – 32 Cobham Road, Westcliff-on-Sea) - has spoken to residents about procedure but has not pre-determined the matter; and

(ii) Councillor Folkard – Minute No. 57 (Application Ref. No. 24/01146/AMDT – 32 Cobham Road, Westcliff-on-Sea) - has received communication from local residents about the application.

53 Minutes of the meeting held on Wednesday 21st August 2024

Resolved:-

That the Minutes of the meeting held on Wednesday, 21st August 2024, be confirmed as a correct record and signed.

54 Minutes of the special meeting held on Monday, 2nd September, 2024

Resolved:-

That the Minutes of the special meeting held on Monday, 2nd September 2024 be confirmed as a correct record and signed.

55 Supplementary Report

The Committee received and noted a supplementary report by the Executive Director (Environment & Place) that provided additional information on the items referred to elsewhere on the Agenda since the publication of the reports.

56 24/01170/FULH - 56 Silversea Drive, Westcliff-on-Sea (Blenheim Park Ward)

Proposal: Erect single storey side/rear extension

Applicant; Miss Sophie Vincett

Agent: N/A

Resolved:-

That planning permission be GRANTED subject to the following conditions:

01 The development hereby permitted shall begin no later than three years from the date of the 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 only in accordance with the following approved plans: Location Plan, Existing Site Plan, Proposed Site Plan, Drawing Number 01.

Reason: To ensure the development is carried out in accordance with the consent sought, has an acceptable design and complies with Policy DM1 of the Development Management Document (2015).

03 Before the development hereby approved is occupied the materials used on the external surfaces of the development must match those used on the external surfaces of the existing property. This applies unless differences are shown on the drawings hereby approved or are required by other conditions on this permission.

Reason: To ensure the development is carried out in accordance with the consent sought, has an acceptable design and complies with Policy DM1 of the Development Management Document (2015) and the advice contained within the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009).

04 The roof of the extension hereby approved shall not be used as a balcony, roof garden or similar amenity area or for any other purpose unless express planning permission has previously been obtained. The roof can however be used for the purposes of maintenance or to escape in an emergency.

Reason: To protect the privacy and environment of people in neighbouring residential properties, in accordance with the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

Positive and Proactive Statement:

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:

1. You are advised that as the proposed extension(s) or change of use to your property equates to less than 100sqm of new floorspace and does not involve the creation of a new dwelling (Class C3), 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 the Planning Portal (www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy) or the Council's website (www.southend.gov.uk/cil) for further details about CIL.

2. You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council will seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the City.

- 57 **24/01146/AMDT - 32 Cobham Road, Westcliff-on-Sea (Chalkwell Ward)**
Proposal: Application to vary condition 02 (Approved Plans)-change layout of ground floor 3 bed flat and alter layout of first-floor units by removing the loft accommodation to flat 3 and having the two first-floor flats provided over one floor only (Material Amendment of planning permission 22/01046/FUL dated 12/07/2022)
Applicant: Mr Engel
Agent: Mr. Shloime Godlewsky of Redwoods Projects

Ms Falken, a local resident, spoke as an objector to the application.

Resolved:-

That planning permission be GRANTED subject to the following conditions:

General Conditions

01 The development hereby permitted shall begin no later than three 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 approved shall be carried out solely in accordance with the approved plans: E00, E01, E02, E03, E04, E05, E06, E07, P01, P02, P03, P04, P05, P06, P07

Reason: To ensure the development is carried out in accordance with the development plan.

Design and character related conditions

03 The residential units hereby approved shall not be occupied unless and until full details of both hard and soft landscaping works to be carried out at the site have been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. The approved hard landscaping works shall be carried out prior to first occupation of the development and the soft landscaping works within the first planting season following first occupation of the development. The details submitted shall include, but not limited to:-

- (i.) means of enclosure and boundary treatment for the site plus internal boundaries within the site including any gates or boundary fencing;
- (ii.) hard surfacing materials;
- (iii.) details of the number, size and location of the trees, shrubs and plants to be retained and planted together with a planting specification;
- (iv.) details of measures to enhance biodiversity within the site.

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 under the provisions of this condition.

Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping are implemented pursuant to Policy DM1 of the Development Management Document (2015) and Policy CP4 of the Core Strategy (2007).

Highways and bin storage

04 The car parking spaces shown on approved plan P01A shall be provided and made available for use at the site prior to the first occupation of the development hereby approved. Both of the resident parking spaces shall be fitted with an active electric vehicle charging point prior to first occupation of the residential units hereby approved. The car parking spaces shall thereafter be permanently retained only for the parking of vehicles of the occupiers and visitors to the residential units hereby approved.

Reason: To ensure that satisfactory off-street car parking is provided in the interests of residential amenity and highways efficiency and safety, in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM15 and the guidance in the Southend-on-Sea Design and Townscape Guide (2009) and the Electric Vehicle Charging Infrastructure (EVCI) for New Development Supplementary Planning Document (SPD) (2021)

05 Notwithstanding the details submitted and otherwise hereby approved full details (including elevations) shall be submitted to and approved in writing by the

Local Planning Authority under the provisions of this condition identifying the provision of refuse and recycling storage in line with the Waste Storage, Collection and Management Guide for New Developments (2019) and at least one covered and secure cycle parking per residential unit for the approved development at the site before the development is occupied. The approved refuse and recycling store and covered and secure cycle store facilities shall be provided in full and made available for use by the residential occupants of the dwellings prior to the first occupation of the residential units hereby approved and shall be retained as such in perpetuity.

Reason: To ensure the provision of adequate cycle, refuse and recycling storage in accordance with Policies DM3, DM8 and DM15 of Development Management Document (2015) and guidance contained in the Waste Storage, Collection and Management Guide for New Developments (2019).

Energy and water sustainability

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

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 (2023), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM2, and the advice contained within the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009).

07 Prior to first occupation of the development hereby approved water efficiency 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 shall be installed in the development hereby approved and be retained in perpetuity thereafter.

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 (2023), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM2, and the advice contained within the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009).

08 Notwithstanding the provisions of the Town & Country Planning Use Classes Order 1988 (as amended) and the Town & Country Planning General Permitted Order 2015 (as amended), or any order modifying, revoking or reenacting these orders, the residential units within the development hereby approved shall each only be used for purposes falling within Use Class C3 of the Use Classes Order and shall not be used for the provision of House in Multiple Occupation Units including uses falling within Class C4 of the Use Classes Order.

Reason: To ensure that the end use of the development accords with the approved details and in the interests of the amenity and parking conditions of the surrounding area in accordance with Policies KP2 and CP4 of the Core Strategy (2007), Development Management Document (2015) Policies DM1 and DM3.

09 Construction hours for the development hereby approved shall be restricted to 8am to 6pm Monday to Friday, 8am to 1pm on Saturdays and not at all on Sundays or Bank Holidays.

Reason: To protect the environment of people in neighbouring residential properties, in accordance with the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

Positive and Proactive Statement

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:

1. Please note that the development the subject of this application is not liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). It is not development for CIL purposes as defined in CIL Regulation 6 ('Meaning of "development"'). Further details on CIL matters can be found on the Planning Portal (www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy) or the Council's website (www.southend.gov.uk/cil).
2. You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council will seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the city.
3. Please note that you are required to apply to the Highways Authority for consent to enlarge an existing vehicular crossover installed on Cobham Road.
4. This permission does not regularise the identified breach of planning control at the site. You must ensure that the development at the site complies with this permission, including with the requirements of the imposed conditions, failing which the Council will consider the expediency of taking planning enforcement action to seek to remedy any identified harm.

**58 TPO 01/2024 - 19 Clifftown Parade, Southend-on-Sea (Milton Ward)
Proposal: Tree Preservation Order Confirmation**

Resolved:-

That, on the basis of the information contained in the submitted report and given the high amenity value of this Monkey Puzzle Tree, TPO 1/2024 be CONFIRMED and be made permanent.

**59 22/00304/UCOU_B - 67 West Road, Shoeburyness (West Shoebury
Ward)
Breach of Planning Control: Material change of use from shop (Use Class E)
to dwellinghouse (Use Class C3).**

Resolved:-

That ENFORCEMENT ACTION be AUTHORISED to include (if/as necessary) the service of an Enforcement Notice under Section 172 of the Act and the pursuance of proceedings whether by prosecution or injunction to secure compliance with the requirements of the Enforcement Notice to require those issued with a copy of the Enforcement Notice to:

(a) Cease the use of the ground floor part of the building as a self-contained dwelling (Use Class C3); and

(b) Remove from the building all residential fixtures and fittings which facilitate the use including but not limited to:

(i.) shower/bath tab and/or any other item which can be used for washing (showering or bathing); and

(ii.) oven and/or hob and/or any other item which can be used for cooking; and

(iii.) fridge and/or freezer or other items which allows the storage of food; and

(iv.) clothes washing and/or drying equipment; and

(v.) beds and/or sofa/beds and/or other items which can be used for sleeping.

With time for compliance of three (3) calendar months.

For the following reasons:

01 The development disrupts the continuity of the Primary Shopping Frontage and reduces activity in a key shopping area. No evidence has been provided to show that there is no reasonable prospect of the re-use of the premises as shops or services within Use Class E. It is therefore found that the material change of use of the site is significantly and demonstrably harmful to the character, function and thus the sustainability of the Primary Shopping Frontage in a key shopping area. The significant harm identified is not outweighed by the benefits of the development, including the limited provision of additional housing. The development is unacceptable and contrary to the National Planning Policy Framework (2023), Policies KP1, KP2, CP1, CP2 and CP4 of the Core Strategy (2007) and Policies DM1, DM3 and DM13 of the Development Management Document (2015).

02 The development offers no reasonable mitigation of the in-combination effect of the net increase of one dwelling on habitats and species in accordance with the Habitats Regulations as identified in the adopted Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) Supplementary Planning Document (2020). This harm is not outweighed by the benefits of the development, including the additional housing proposed. This is unacceptable and contrary to the RAMS Supplementary Planning Document (2020), Policies KP1, KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM6 of the Development Management Document (2015) which seek to protect the natural environment with specific reference to the coastal habitats.

60 20/00308/UNAU_B - 186 Leigh Road, Leigh-on-Sea (Leigh Ward)

Breach of Planning Control: Installation of external ducting and flue to side and rear elevations.

Resolved:-

That ENFORCEMENT ACTION be AUTHORISED to include (if/as necessary) the service of an Enforcement Notice under Section 172 of the Act and the pursuance of proceedings whether by prosecution or injunction to secure compliance with the requirements of the Enforcement Notice] to require those issued with a copy of the Enforcement Notice to:

- (a) Remove the unauthorised extraction flue to the rear and side; and
- (b) Remove from site all materials and debris resulting from compliance with requirement (a) above.

With time for compliance of 3 (three) calendar months.

For the following reason:

01 In the absence of any valid application, it has not been demonstrated that the unauthorised development does not give rise to unacceptable odours and fumes, vibration, noise and disturbance. In the absence of noise, odour and vibration impact assessments and any professionally recommended mitigation, it has not been demonstrated that the development is not materially harmful to residential amenity. The unauthorised development is therefore unacceptable and contrary to the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Core Strategy (2007), Development Management Document (2015) Policies DM1 and DM3 and the guidance contained within the Southend-on-Sea Design and Townscape Guide (2009).

Chair: _____