

# **SOUTHEND-ON-SEA BOROUGH COUNCIL**

## **Meeting of Development Control Committee**

**Date: Wednesday, 10th January, 2018**

**Place: Committee Room 1 - Civic Suite**

**Present:** Councillor F Waterworth (Chair)  
Councillors D Garston (Vice-Chair), B Ayling, M Borton, H Boyd,  
S Buckley, M Butler\*, T Callaghan, J Garston, R Hadley, A Jones\*,  
D McGlone\*, C Mulrone, D Norman MBE, P Van Looy and C Walker  
\*Substitute in accordance with Council Procedure Rule 31.

**In Attendance:** Councillors D Jarvis  
P Geraghty, K Waters, C Galforg, M Smith and T Row

**Start/End Time:** 2.00 p.m. - 3.20 p.m.

### **625 Apologies for Absence**

Apologies for absence were received from Councillors Arscott (Substitute: Councillor Butler), Folkard (Substitute: Councillor McGlone), McDonald (Substitute: Councillor Jones) and Ward (no substitute).

### **626 Declarations of Interest**

The following interest was declared at the meeting:

(a) Councillor Mulrone – Agenda Item No. 5 (17/01708/AMDT - 22A Woodfield Gardens, Leigh on Sea) – Non-pecuniary interest: Member of the objector's family is known to her.

### **627 Minutes of the Meeting held on Wednesday 8th November 2017**

Resolved:-

That the Minutes of the Meeting held on Wednesday, 8<sup>th</sup> November 2017 be received, confirmed as a correct record and signed.

### **628 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.

**629 17/01708/AMDT - 22A Woodfield Gardens, Leigh on Sea (Leigh Ward)**  
**Proposal: Application to vary condition 02 (approved plans) and condition 03 (matching materials) relocation of glazed area to flank wall and amendments to materials (Minor Material Amendment of Planning Application 15/01313/FUL dated 29.09.2015)**  
**Applicant: Ms Karen Daly**  
**Agent: Mr David Grew**

Mr Ashworth, a local resident, spoke as an objector to the application. Mr Grew, the applicant's agent, responded.

Resolved:

That planning permission be GRANTED subject to the following conditions:

01 The development hereby permitted shall be retained in accordance with the following approved plans: 15/26 No.1 A; 15/26 No.3 (2) A.

Reason: In the interests of visual amenities, pursuant to the National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy 2007 and Policies DM1 and DM3 of the Development Management Document 2015.

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.

**630 17/00644/FUL - Cambridge House, 121 Ness Road, Shoeburyness (West Shoebury Ward)**  
**Proposal: Demolish building and erect two detached dwellinghouses with juliette balconies to rear, associated amenity space, landscaping, layout parking and form new vehicular accesses on to Ness Road (Amended Proposal)**  
**Applicant: Mrs M Smith**  
**Agent: Phase 2 Planning**

Mr Chandler, a local resident, spoke as an objector to the application.

Resolved:

That planning permission be 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: 1800/Ex1; 1800/01 F; 1800/02G; 1800/03E, 1800/L1

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

03 The development hereby approved shall be carried out in full accordance with the mitigation measures identified in the Flood Risk Assessment carried out by Ardent Consulting Engineers dated April 2017 reference 170090-01 and drawings 1800/01 F; 1800/02G; 1800/03E before the dwellings are occupied.

Reason: To ensure the site is protected to the standard that the development is designed and modelled to within the submitted Flood Risk Assessment National Planning Policy Framework and policy KP2 of Core Strategy.

04 Once occupied the development hereby permitted shall operate and be occupied at all times in full accordance with the Flood Response Plan in Section 4 of the Flood Risk Assessment carried out by Ardent Consulting Engineers dated April 2017 reference 170090-01 submitted with this application

Reason: To ensure that the Flood Warning and Evacuation Plan meets with the requirements of the Environment Agency's Flood Warning Service.

05 Prior to the commencement of the development hereby approved, samples and product details for the external materials to be used in the construction of the dwellings shall be submitted to and approved in writing by the Local Planning Authority. Only the approved materials shall subsequently be used in the construction of the dwelling hereby approved 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 the National Planning Policy Framework, Core Strategy (2007) policy KP2 and CP4, Development Management Document (2015) policy DM1, and Southend Design and Townscape Guide (2009).

06 The development shall not be occupied until the garages, car parking spaces and turning head have been provided at the site in accordance with drawing 1800/01 Revision F, together with properly constructed vehicular accesses to the adjoining highway, all in accordance with the approved plans. The parking spaces shall be permanently retained thereafter only for the parking of occupiers of and visitors to the development. Permeable paving shall be used for the hardstanding area created unless otherwise agreed by the local planning authority.

Reason: To ensure that adequate car parking is provided and retained to serve the development in accordance with policy CP3 of the Core Strategy (2007) and policy DM15 of the Council's Development Management Document (2015).

07 Notwithstanding the details shown in the plans submitted and otherwise hereby approved none of the buildings hereby granted consent shall be occupied unless and until plans and other appropriate details are submitted to the Local

Planning Authority and approved in writing which specify all windows in the proposed buildings that are to be permanently glazed with obscured glass and fixed shut or provided with only a fanlight opening and the manner and design in which these windows are to be implemented. Before the buildings hereby approved are occupied the development shall be implemented in full accordance with the details and specifications approved under this condition and shall be permanently retained as such thereafter.

Reason: To protect the privacy and environment of people in neighbouring residential properties, in accordance with the National Planning Policy Framework (2012), Core Strategy (2007) policy CP4, Development Management Document (2015) policy DM1, and the Southend Design and Townscape Guide (2009).

08 Privacy screens not less than 1.7m high above patio level shall be fitted to the north and southern side of each rear raised patio area in accordance with details that have previously been submitted and approved by the local planning authority prior to first occupation of the development. The screens shall be retained for the lifetime of the development in accordance with the approved details.

Reason: To protect the privacy and environment of people in new and neighbouring residential properties, in accordance with the National Planning Policy Framework (2012), Core Strategy (2007) policy CP4, Development Management Document (2015) policy DM1, and advice contained within the Design and Townscape Guide (2009).

09 No development shall take place until full details of both hard and soft landscape works to be carried out at the site and details of all boundary treatments have been submitted to and approved in writing by the local planning authority. The approved hard landscaping works shall be carried out prior to first occupation of the development and the soft landscaping works prior to or within the first planting season following first occupation of the development, unless otherwise agreed in writing by the local planning authority. The details submitted shall include, but not limited to:-

- i. proposed finished site levels or contours;
- ii. details of the proposed ramps and means of enclosure of the site including any gates or boundary fencing;
- iii. car parking layouts;
- iv. other vehicle and pedestrian access and circulation areas;
- v. hard surfacing materials;
- vi. minor artefacts and structures (e.g. street furniture, loggia, bollards, play equipment, refuse or other storage units, signs, lighting, etc.);
- vii. details of the number, size and location of the trees, shrubs and plants to be retained and planted together with a planting specification;
- viii. 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

Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping and tree protections measures are implemented pursuant to Policy DM1 of the Development Management Document (2015) and Policy CP4 of the Core Strategy (2007) and advice contained within the Southend Design and Townscape Guide (2009).

10 The development shall not be occupied until refuse and cycle storage has been provided in accordance with details which shall previously have been submitted to and agreed in writing with the Local Planning Authority. The refuse and cycle storage shall permanently retained thereafter.

Reason: To ensure that adequate refuse storage and cycle parking is provided and retained to serve the development in accordance with Policies KP2, CP3 and CP4 of the Core Strategy (2007) and Policies DM1 and DM15 of the Development Management Document (2015) and the Southend Design and Townscape Guide (2009).

11 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 prior to commencement of the development and implemented in full in accordance with the approved details prior to the first occupation of the dwellings. This provision shall be made for the lifetime of the development.

Reason: In the interests of providing sustainable development in accordance with Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM2 and the Southend Design and Townscape Guide (2009)

12 Prior to first occupation of the development the surface water attenuation strategy (SuDS) for the site shall be implemented in full as set out in Section 5 of the Flood Risk Assessment by Ardent Consulting Engineers dated April 2017 reference 170090-01 and it shall be retained as such in perpetuity thereafter.

Reason: To ensure satisfactory drainage of the site in accordance with policy KP2 of the Core Strategy (2007) and Development Management Document (2015) policy DM2.

13 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 shall be implemented prior to first occupation of the development and be permanently retained thereafter.

Reason: To minimise the environmental impact of the development through efficient use of water in accordance with the National Planning Policy Framework, Core Strategy (2007) policy KP2, Development Management Document (2015) policy DM2 and the Southend Design and Townscape Guide (2009).

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

Reason: To ensure the residential units hereby approved provides high quality and flexible internal layouts to meet the changing needs of residents in accordance with National Planning Policy Framework, Core Strategy (2007) policy KP2, Development Management Document (2015) policy DM8 and the Southend Design and Townscape Guide (2007).

15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any order revoking and re-enacting that Order with or without modification, no development shall be carried out at the dwellings hereby approve falling within Schedule 2, Part 1, Class A, B, C, D and E of that order.

Reason: To protect the character of the area and the privacy and environment of people in neighbouring residential properties and ensure sufficient amenity space is retained for future occupiers pursuant to Core Strategy (2007) policy CP4, Development Management Document (2015) policy DM1 and the Southend Design and Townscape Guide (2009).

16 Demolition or construction works shall not take place outside 8:00 hours to 18:00 hours Mondays to Fridays and 8:00 hours to 13:00 hours on Saturdays and at no time on Sundays or Bank Holidays.

Reason: To protect residential amenity and general environmental quality in accordance with the National Planning Policy Framework, Core Strategy (2007) policy KP2 and CP4, and Development Management Document (2015) policy DM1.

17 The proposed site clearance and construction works shall be carried out to comply with the recommendations set out in Section 6 of the Ecology Report by SES dated August 2016 in full. This includes undertaking a Bat Survey and implementing any associated mitigation measures or other recommendations thereafter.

Reason: To ensure that the development does not have an adverse impact on the biodiversity of the environment in accordance with the wildlife Act, National Planning Policy Framework and Development Management Document (2015) Policy DM3.

18 No development shall take place until a site investigation of the nature and extent of land contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before the construction of the new houses begins. If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local

planning authority. The remediation of the site shall incorporate the approved additional measures in full before the dwellings are occupied.

Reason: To ensure that any contamination on the site is identified and treated so that it does not harm anyone who uses the site in the future, and to ensure that the development does not cause pollution in accordance with Development Management Document (2015) policy DM14.

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.

#### Informatives

01 Please note that the development the 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 Community Infrastructure Levy (CIL) Liability Notice for the attention of the applicant and any person who has an interest in the land. This contains details including the chargeable amount, when this is payable and when and how exemption or relief on the charge can be sought. You are advised that a CIL Commencement Notice (CIL Form 6) must be received by the Council at least one day before commencement of development. Receipt of this notice will be acknowledged by the Council. Please ensure that you have received both a CIL Liability Notice and acknowledgement of your CIL Commencement Notice before development is commenced. Most claims for CIL relief or exemption must be sought from and approved by the Council prior to commencement of the development. Charges and surcharges may apply, and exemption or relief could be withdrawn if you fail to meet statutory requirements relating to CIL. Further details on CIL matters can be found on the Council's website at [www.southend.gov.uk/cil](http://www.southend.gov.uk/cil).

02 The applicant is reminded that this permission does not bestow compliance with other regulatory frameworks. In particular your attention is drawn to the statutory nuisance provisions within the Environmental Protection Act 1990 (as amended) and construction noise provisions within the Control of Pollution Act 1974. Applicants should contact the Council's Environmental Health Officer for more advice on 01702 215810 or at Regulatory Services, P.O. Box 5558, Southend-on-Sea Borough Council, Civic Centre, Victoria Avenue, Southend-on-Sea, SS2 6ZQ.

03 Please note the use of existing materials reclaimed from the demolition of the existing building would be referred and any external materials should reflect the character and appearance of the neighbouring buildings.

**631 17/01426/DOV5 - 1307 London Road, Leigh on Sea (Belfairs Ward)**  
**Proposal: Modification of planning obligation (Section 106 agreement)**  
**dated 13th July 2017 pursuant to application 16/01780/FULM to vary the**  
**requirement to provide affordable housing.**  
**Applicant: Mr James Dove**  
**Agent: Michael Calder of Phase 2 Planning Ltd**

Resolved:

That the Deputy Chief Executive (Place), Director of Planning and Transport or Group Manager for Planning and Building Control be DELEGATED to AGREE A MODIFICATION OF THE PLANNING OBLIGATION dated 13th July 2017 pursuant to planning application 16/01780/FULM to provide a financial contribution for affordable housing of £80,000 (index-linked) in lieu of on-site provision payable prior to occupation of the 5th dwelling.

(Councillor Walker withdrew from the meeting prior to the consideration of this item.)

**Chairman:** \_\_\_\_\_