

# Public Document Pack

## SOUTHEND-ON-SEA BOROUGH COUNCIL

### Meeting of Development Control Committee

**Date: Wednesday, 7th March, 2018**

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

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

**In Attendance:** Councillor C Willis  
P Geraghty, M Smith, K Waters, P Keyes, C Galforg, C White and  
T Row

**Start/End Time:** 2.00 p.m. - 3.25 p.m.

#### **786 Apologies for Absence**

Apologies for absence were received from Councillors Buckley (Substitute: Cllr McGlone), D Garston (Substitute: Cllr Butler) and McDonald (Substitute: Cllr Jones).

In the absence of Councillor D Garston, Councillor Arscott was appointed Vice-Chairman for the meeting.

#### **787 Declarations of Interest**

The following interests were declared at the meeting:

(a) Councillor Borton – Agenda Item No. 7 (17/01017/FULM – Chalkwell Lodge, 35-41 Grosvenor Road, Westcliff on Sea) – Non-pecuniary interest: Governor at Milton Hall School, which is mentioned in the report;

(b) Councillor Jones – Agenda Item No. 7 (17/01017/FULM – Chalkwell Lodge, 35-41 Grosvenor Road, Westcliff on Sea) – Non-pecuniary interest: Governor at Milton Hall School, which is mentioned in the report;

(c) Councillor Mulroney – Agenda Item No. 15 (17/02042/FULH – 14 Leigh Park Road, Leigh on Sea) and Agenda Item No. 16 (17/02146/FUL – Car Wash 120 Broadway, Leigh on Sea) – Non-pecuniary interest: Member of Leigh Town Council (non-participant in planning);

(d) Councillor Norman MBE – Agenda Item No. 16 (17/02146/FUL – Car Wash 120 Broadway, Leigh on Sea) – Non-pecuniary interest: Had used the cash wash facility;

(e) Councillor Van Looy – Agenda Item No. 12 (17/00050/UCOU\_B – 164 Southbourne Grove, Westcliff on Sea) Non-pecuniary interest: Son lives in the same street;

(f) Councillor Walker – Agenda Item No. 15 (17/02042/FULH – 14 Leigh Park Road, Leigh on Sea) – Non-pecuniary interest: Neighbour of the application site is known to him;

(g) Councillor Ward – Agenda Item No. 12 (17/00050/UCOU\_B – 164 Southbourne Grove, Westcliff on Sea) Non-pecuniary interest: Owns a guest house; and

(h) Councillor Ward – Agenda item No. 14 (17/02218/FULH – 168 The Fairway, Leigh on Sea) – Non-pecuniary interest: Applicant is known to him.

**788 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.

**789 Minutes of the meeting held on Wednesday 13th December 2017**

Resolved:-

That the Minutes of the meeting held on Wednesday, 13<sup>th</sup> December 2017 be received, confirmed as a correct record and signed.

**790 Minutes of the meeting held on Wednesday 10th January 2018**

Resolved:-

That the Minutes of the meeting held on Wednesday, 10<sup>th</sup> January 2018 be received, confirmed as a correct record and signed.

**791 Minutes of the Meeting held on Wednesday 7th February 2018**

Resolved:-

That the Minutes of the Meeting held on Wednesday, 7<sup>th</sup> February 2018 be received, confirmed as a correct record and signed.

**792 17/02056/OUT - Land Adjacent to 5 Shorefield Gardens, Westcliff-on-Sea (Milton Ward)**

**Proposal: Erect building comprising three self-contained flats with terraces to front and Juliette balconies to rear at first and second floor level with layout parking to front**

**Applicant: Southend-on-Sea Borough Council**

**Agent: SKArchitects**

Application WITHDRAWN

**793 17/01017/FULM - Chalkwell Lodge, 35-41 Grosvenor Road, Westcliff-on-Sea (Chalkwell Ward)**

**Proposal: Demolish existing buildings and erect three storey building comprising of 16 self-contained flats with balconies/terraces, undercroft parking at ground floor level, layout cycle and bin stores with communal amenity space**

**Applicant: Sanctuary Group**

**Agent: MEPK Architects**

Resolved:-

(a) That the Deputy Chief Executive (Place), Director of Planning and Transport or Group Manager of Planning & Building Control be DELEGATED to GRANT PLANNING PERMISSION subject to completion of a PLANNING AGREEMENT UNDER SECTION 106 of the Town and Country Planning Act 1990 (as amended) and all appropriate legislation to secure the provision of:

- A minimum of 4 units of affordable housing units including:  
2 x 1 bedroom (2 person) dwellings      Affordable Rent  
1 x 2 bedroom (3 person) dwellings      Affordable Rent  
1 x 1 bedroom (2 person) dwellings      Shared Ownership
- A financial contribution towards secondary education provision of £5,087 (index-linked), specifically providing increased capacity at Chase High School.
- If on the date of Practical Completion both the Affordable Housing Units and all of the Market Housing Units are made ready for Occupation for Affordable Housing then the Education Contribution will no longer be required to be paid.

(b) The Director of Planning and Transport or the Group Manager (Planning & Building Control) be authorised to determine the application upon completion of the above obligation, so long as planning permission when granted and the obligation when executed, accords with the details set out in the report submitted and the conditions listed below:

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 shall be carried out in accordance with the approved plans: 1667\_SLP-01, 17204\_001, 17204\_002, 17204\_003, 17204\_004, 1667\_P-01, 1667\_P-02-A, 1667\_P-03-A, 1667\_P-04-A, 1667\_P-05-A, 1667\_P-06-A, 1667\_P-08, 1667\_P-09-A, 1667\_P-10-A

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

03 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works shall take place until samples of the materials to be used in the construction of the external elevations of the building hereby permitted, including balconies, balustrades, screening and fenestration,

have been submitted to and approved in writing by the local planning authority. Development shall be carried out in full accordance with the approved details before it is occupied.

Reason: To safeguard character and appearance of surrounding area in accordance with Policies KP2 and CP4 of the BLP and policies DM1 and DM3 of the Development Management Document 2015

04 No construction works other than demolition works shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include: proposed finished levels or contours; means of enclosure (including any gates to the car parks); car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, loggia, bollards, play equipment, refuse or other storage units, signs, lighting etc.) Details for the soft landscape works shall include the number, size and location of the trees, shrubs and plants to be planted together with a planting specification, the management of the site (e.g. the uncompacting of the site prior to planting) and the initial tree planting and tree staking details. The development shall be implemented in full accordance with the approved details before any of the development is first occupied or brought into use.

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 DPD1 with CP4 of the Core Strategy DPD1 and policies DM1 and DM3 of the Development Management DPD 2015.

05 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved by the local planning authority prior to first occupation of any of the development. The landscaping of the site shall be managed in accordance with the approved plan in perpetuity.

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 DPD1 and Policy DM1 of the Development Management DPD 2015.

06 No part of the development shall be occupied until space has been laid out within the site in accordance with drawing 1667 P-02 A for 16 cars to be parked and for vehicles to turn so that they may enter and leave the site in a forward gear. The parking spaces shall be permanently retained thereafter for the parking of occupiers to the development and their visitors.

Reason: To ensure that adequate car parking is provided and retained to serve the development in accordance with Policies CP3 of the Core Strategy DPD1 and Policy DM15 of the Development Management DPD 2015.

07 No part of the development shall be occupied until details of refuse and recycling facilities, a waste management plan and service plan have been submitted to and agreed in writing by the Local Planning Authority. The refuse and recycling facilities, waste management and servicing of the development shall thereafter be implemented in accordance with the approved details before

first occupation of any of the development and shall be permanently maintained thereafter.

Reason: To ensure that the development is satisfactorily serviced and that satisfactory waste management is undertaken in the interests of highway safety and visual amenity and to protect the character of the surrounding area, in accordance with Policies KP2 and CP3 of the Core Strategy DPD1 and Policy DM15 of the Development Management DPD 2015.

08 No part of the development shall be occupied until details of the secure, covered cycle parking spaces to serve the residential development and cycle parking spaces have been submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details prior to first occupation of the development and shall be permanently maintained thereafter.

Reason: To ensure that adequate cycle parking is provided and retained to serve the development in accordance with Policies CP3 of the Core Strategy DPD1 and Policy DM15 of the Development Management DPD 2015.

09 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide, amongst other things, for:

- i) the parking of vehicles of site operatives and visitors
- ii) loading and unloading of plant and materials
- iii) storage of plant and materials used in constructing the development
- iv) the erection and maintenance of security hoarding
- v) measures to control the emission of dust and dirt during construction
- vi) a scheme for recycling/disposing of waste resulting from demolition and construction works that does not allow for the burning of waste on site
- vii) measures to limit noise and disturbance.

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 DPD1 with CP4 of the Core Strategy DPD1 and Policy DM1 of the Development Management DPD 2015.

10 No development shall take place, other than demolition works, until details of the implementation, maintenance and management of a scheme for surface water drainage works (incorporating Sustainable Urban Drainage (SuDs) Principles) have been submitted to and approved by the local planning authority. The approved scheme shall be implemented (and thereafter managed) in accordance with the approved details before any of the development is first occupied and brought into use and be maintained as such thereafter. Those details shall include:

- i) An investigation of the feasibility of infiltration SUDS as the preferred approach to establish if the principles of any infiltration based surface water drainage strategy are achievable across the site, based on ground conditions. Infiltration or soakaway tests should be provided which fully adhere to BRE365

guidance to demonstrate this. Infiltration features should be included where infiltration rates allow;

ii) Drainage plans and drawings showing the proposed locations and dimensions of all aspects of the proposed surface water management scheme. The submitted plans should demonstrate the proposed drainage layout will perform as intended based on the topography of the site and the location of the proposed surface water management features;

iii) a timetable for its implementation; and

vi) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site for the lifetime of the development and to prevent environmental and amenity problems arising from flooding in accordance with Policy KP2 and CP4 of the Core Strategy 2007 and area in accordance with policies KP2 and CP4 of the Core Strategy DPD1 and Policy DM2 of the Development Management DPD 2015.

11 A scheme detailing how at least 10% of the total energy needs of the development will be supplied using on site renewable sources must be submitted to and agreed in writing prior to first occupation of any part of the development hereby approved 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 and Development Management Document policy DM2.

12 Demolition or construction works associated with this permission shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays and at no time Sundays or Bank Holidays.

Reason: In order to protect the amenities of occupiers of the development surrounding occupiers and to protect the character the area in accordance with policies KP2 and CP4 of the Core Strategy DPD1 and Policies DM1 and DM3 of the Development Management DPD 2015.

13 Before the development is occupied or brought into use, the development hereby approved shall be carried out in a manner to ensure that 2 of the flats hereby approved comply with the Building Regulation M4 (3) 'wheelchair user dwellings' standard and the remaining 14 flats comply with the Building Regulation part M4(2) 'accessible and adaptable dwellings' standard.

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, DPD1 (Core Strategy)

policy KP2, DPD2 (Development Management Document) policy DM2 and SPD1 (Design and Townscape Guide).

14 Notwithstanding the details shown in the plans submitted and otherwise hereby approved the dwellings hereby granted consent shall not be occupied unless and until plans and other appropriate details are submitted to the Local Planning Authority and approved in writing which specify the size, design, materials and location of all privacy screens to be fixed to the proposed building. Before any of the building hereby approved is first occupied the development shall be implemented in full accordance with the agreed details and specifications approved under this condition and shall be permanently retained as such thereafter.

Reason: To safeguard character and appearance of surrounding area and the amenities of neighbouring occupiers in accordance with Policies KP2 and CP4 of the Core Strategy 2007, Policy DM1 and DM3 of the Development Management Document 2015 and the Design and Townscape Guide 2009.

15 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 safeguard the privacy and amenities of occupiers of neighbouring residential properties and the future occupiers of the proposed residential dwellings, in accordance with the National Planning Policy Framework (NPPF), Core Strategy (2007) policy CP4, Development Management Document (2015) policy DM1 and The Design and Townscape Guide (2009).

(c) In the event that the planning obligation referred to in part (a) above has not been completed before the 9th March 2018 or an extension of this time as may be agreed by the Director of Planning and Transport or Group Manager (Planning & Building Control) authority is delegated to the Director of Planning and Transport or the Group Manager (Planning and Building Control) to refuse planning permission for the application on the grounds that the development will not secure the necessary contributions to affordable housing or education provision. As such, the proposal would be contrary to Policies KP2, KP3, CP6, CP8 and DM7 of the development plan.

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 Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy Regulations 2010 (as amended). A Community Infrastructure Levy (CIL) Liability Notice will be issued as soon as practicable following this decision notice. 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 also to the relevant sections of the Control of Pollution Act 1974. The provisions apply to the construction phase and not solely to the operation of the completed development. Contact 01702 215005 for more information.

03 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 the provision of affordable housing, a financial contribution towards secondary education

- 794 17/02047/FUL - 30-32 The Leas, Westcliff-on-Sea (Chalkwell Ward)**  
**Proposal: Demolish existing buildings, erect part three/part four storey building comprising of 9 self-contained flats, layout lower ground parking and cycle store and form vehicular access onto The Leas**  
**Applicant: Elmore Homes Limited**  
**Agent: APS Design Associates Ltd**

Application WITHDRAWN

- 795 17/02009/FUL - 2A Portland Avenue, Southend-on-Sea (Milton Ward)**  
**Proposal: Replace existing external staircase (Partially retrospective)**  
**Applicant: Mr William Price**  
**Agent: Tony Merry**

Resolved:-

1. 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: 91336 01, 91336 02 revision C, 91336 03.

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

03 The proposed additional balustrade, planter and screen shown on approved plan 91336 02 revision C shall be installed in full, in accordance with the approved plan within eight weeks of the date of the grant of this permission, and shall be retained in perpetuity thereafter as such.

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

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 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](http://www.southend.gov.uk/cil) for further details about CIL.

02 For the avoidance of doubt should this development not be implemented in full accordance with the terms of this consent the Local Planning Authority will need to consider whether or not it is appropriate to take enforcement action against the current structure.

2 . That, in the event that the development is not completed within 3 months from the date of the decision, the Deputy Chief Executive (Place), Director of Planning and Transport or the Group Manager for Development and Building Control be authorised to commence enforcement action to secure the removal of the existing structure.

- 796 **17/02159/FULM - 25 Roots Hall Avenue, Southend-on-Sea (Prittlewell Ward)**  
**Proposal: Demolish existing building and erect 4 storey block comprising of 18 self-contained flats with associated car parking and amenity space and refuse and cycle stores and vehicular access onto Roots Hall Avenue.**  
**Applicant: Icon ECDB Ltd**  
**Agent: RD Architecture**

Application WITHDRAWN

- 797 **18/00045/ADV - Unit 4 Greyhound Trading Park, Southend-on-Sea (Victoria Ward)**  
**Proposal: Install 1 x internally illuminated Totem Sign, 2 x internally illuminated single faced logo disk signs, 2 x internally illuminated double sided high directional signs, 1 x high single sided directional sign, 1 x illuminated LED lettering sign, 1 x illuminated building directional sign and vinyl graphics**  
**Applicant: 23.5 Degrees Limited**  
**Agent: 23.5 Degrees Limited**

Resolved:-

That consideration of the application be DEFERRED.

- 798 **17/00050/UCOU\_B - 164 Southbourne Grove, Westcliff-on-Sea (Westborough Ward)**  
**Breach of Control: Without planning permission, the change of use from a dwelling to a hotel.**

Resolved:-

That consideration of the application be DEFERRED for at least 2 months following which the matter to be reported back to Development Control Committee subject to the outcome of pre-application discussion with the owner.

- 799 **17/00299/UNAU\_B - 194 Leigh Road, Leigh-on-Sea (Leigh Ward)**  
**Breaches of Control: Without planning permission, the installation of a raised platform and pergola roof the rear**

Resolved:-

That ENFORCEMENT ACTION be AUTHORISED to secure (a) the removal of the external raised platform and roof structure, (b) the removal of all wood, materials and equipment associated with complying with the notice.

The authorised enforcement action 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.

When serving an Enforcement Notice the local planning authority must ensure a reasonable time for compliance. In this case a compliance period of 4 weeks is considered reasonable for the removal of the unauthorised structures.

**800 17/02218/FULH - 168 The Fairway, Leigh-on-Sea (Belfairs Ward)**  
**Proposal: Form roof extension, erect dormer to side and alter front elevation (Amended Proposal)**  
**Applicant: Mr And Mrs Upton**  
**Agent: DK Building Designs Ltd - Danny Knott**

Mr Ward, a local resident spoke as an objector to the application. Mr Upton, the applicant, responded.

Resolved:-

That planning permission be REFUSED for the following reason:

1. The proposed development, by reason of its bulk, would result in an overbearing form of development upon the amenities of the neighbouring occupiers of 164 The Fairway, contrary to The National Planning Policy Framework (NPPF), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the guidance contained within the Design and Townscape Guide (2009).

**801 17/02042/FULH - 14 Leigh Park Road, Leigh-on-Sea (Leigh Ward)**  
**Proposal: Install bi-folding doors to rear, raised decking to rear and render dwellinghouse. Install cladding and roof lantern to single storey side extension. New boundary fencing, landscaping and changes to land levels. Form additional parking area to front (retrospective)**  
**Applicant: Ms Law**  
**Agent: DK Building Designs Ltd**

Resolved:-

1. That planning permission be REFUSED for the following reason:

The cladding and roof lantern to the side extension and the garden boundary treatments by reason of their unduly stark contemporary design and appearance result in incongruous and obtrusive features in the streetscene and garden setting which cause material harm to the character and appearance of the host dwelling and the Leigh Conservation Area. Whilst this material harm is less than substantial, no public benefits have been identified to outweigh this harm. The development is therefore unacceptable and contrary to Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM5 of the Development Management Document (2015) and the advice contained within the Design and Townscape Guide (2009) and the Leigh Conservation Area Appraisal (2010).

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.

## 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](http://www.southend.gov.uk/cil) for further details about CIL.

2. That ENFORCEMENT ACTION be AUTHORISED to secure the removal of the harmful unauthorised development on the grounds that it harms the appearance of the property and the streetscene by reason of the unsympathetic materials, inappropriate style to the extent that it is detrimental to the character and appearance of the Leigh Conservation Area contrary to the National Planning Policy Framework, Policies CP4 and KP2 of the Southend-on-Sea Core Strategy, Policies DM1, DM3 and DM5 of the Southend-on-Sea Development Management Document and the advice contained within the Council's Design and Townscape Guide.

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. In this case, the necessary research and quotes have already been undertaken and any time delay in manufacture and installation is likely to be dictated by the suppliers lead time. It is considered that a compliance period of 3 months is deemed reasonable.

- 802 17/02146/FUL - Car Wash 120 Broadway, Leigh-on-Sea (Leigh Ward)**  
**Proposal: Demolish existing buildings, erect four storey building comprising nine self-contained flats with balconies, terraces and commercial (Class A1) at ground floor, associated landscaping, layout parking and install vehicular access onto Victor Drive**  
**Applicant: Mr L. Panormo, Plaistow Broadway Filling Stations**  
**Agent: Mr M. Calder, Phase 2 Planning and Development**

Resolved:-

That planning permission be REFUSED for the following reason:

01 The proposal by reason of the design approach proposed results in a significant under provision in the total number of new dwellings within the development compared with that which could reasonably be achieved on this brownfield site in Leigh Broadway having regard to adopted planning policy. The under provision of dwellings fails to contribute appropriately both to the Borough's housing needs and also creates a contrived ability for the proposal to sit beneath the policy threshold for making a potential contribution towards affordable housing. The proposal therefore constitutes a materially inefficient and ineffective use of the brownfield site. The proposal would therefore not represent sustainable development and is thus contrary to the objectives of the National Planning Policy Framework (2012), Policies KP1, KP2, CP4 and CP8 of the Core

Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

#### Informatives

01 Please note that this application would be liable for a payment under the Community Infrastructure Levy Regulations 2010 (as amended) if planning permission had been granted. Therefore if an appeal is lodged and subsequently allowed, the CIL liability will be applied. Any revised application would also be CIL liable.

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.

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

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