

SOUTHEND-ON-SEA CITY COUNCIL

Meeting of Development Control Committee

Date: Wednesday, 28th February, 2024

Place: Committee Room 1 - Civic Suite

Present: Councillor N Ward (Chair)
Councillors M Berry, M Borton, C Campbell*, A Dear (Vice-Chair),
N Folkard, J Harland, A Jones, A Line*, R Longstaff, C Mulroney,
M Sadza and R Woodley

(*Substitute in accordance with Council Procedure Rule 30.)

In Attendance: C Galforg, A Greenwood, O Hart, P Keyes, S Mouratidis, M Warren,
K Waters, C White and A Brown

Start/End Time: 2.00 - 5.37 pm

94 Apologies for Absence

Apologies for absence were received from Councillor Beggs (substitute: Councillor Campbell), Councillor Buckley (no substitute) and Councillor Dent (substitute: Councillor Line).

95 Declarations of Interest

The following interests were declared at the meeting:

- i. Councillor Mulroney – Minute Numbers 98,99,101, 104 – Non planning member of Leigh Town Council and Minute Number 104 (Application Ref. No. 23/01974/FULH - 27 Hadleigh Road, Leigh-on-Sea) – properties were originally built by Grandfather but no interest in them.
- ii. Councillor Ward – Minutes Number 98 (Application Ref. No. 23/02012/FUL - 10 Broadway, Leigh-on-Sea) – ex-owner of a Bed and Breakfast Business.

96 Minutes of the meeting held on Wednesday, 31st January 2024

Resolved:-

That the Minutes of the Meeting held on Wednesday, 31st January 2024 be confirmed as a correct record and signed.

97 Supplementary Report

The meeting was adjourned for 10 minutes to enable the supplementary pack to be printed and circulated to the Committee.

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.

98 23/02012/FUL - 10 Broadway, Leigh-on-Sea (Leigh Ward)

Proposal: Erect single storey rear extension, change of use from bank (Class E) to café (Class E) at ground floor front and service accommodation (Sui Generis) at ground floor rear and above with associated cycle parking and refuse stores and reconfigure steps to east elevation.

Applicant: Mr M Hassan of Fish to Go Ltd

Agent: Mr Colin Stone of Stone Me Ltd

Resolved:-

That planning permission be REFUSED for the following reason:

01 The proposed serviced accommodation, by reason of its location, the prevailing busy highway circumstances close to this site including the delivery circumstances of other commercial uses especially those opposite the site at Nos 21-23 Broadway (Tesco) and No 25 Broadway (Factory Shop) coupled with the absence of any off street parking and/ or on site drop off facilities at the application site would adversely impact on the parking, highway safety and traffic network conditions in this area which would be unacceptable and contrary to the National Planning Policy Framework (2023), Policies CP3 and CP4 of the Core Strategy (2007) and Policies DM1 and DM15 of the Development Management Document (2015).

99 24/00046/FULH - 37 Medway Crescent, Leigh-on-Sea (West Leigh Ward)

Proposal: Erect single storey front/side extension and rear extension with new raised terrace to rear

Applicant: Mr and Mrs Christou

Agent: Knight Gratrix Architects

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 this decision.

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

02 The development shall only be undertaken in accordance with the following approved plans: 012 (Rev A), 014 (Rev C).

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 all new work to the outside of the extensions 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 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)

04 Prior to the first use of the raised terrace area hereby approved, the proposed 1.8m high obscure glazed privacy screen shall be installed in accordance with details shown on the approved plans or in accordance with alternative details that shall previously have been submitted to and agreed in writing by the Local Planning Authority under the terms of this planning condition . The privacy screen shall be shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy) and shall be implemented in accordance with the approved details before first use of the terrace and maintained as such for the lifetime of the development.

Reason: To protect residential amenity in accordance with Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM3 and the advice contained in 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 66 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 development 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 the Levy.
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.

100 23/00644/FUL - 25 Towerfield Road, Shoeburyness (West Shoebury Ward)

Proposal: Change of use from commercial/light industrial use to a scrap metal recycling business (sui generis), erect two storey temporary office, single storey storage building, weighbridge with office and 3m screening (retrospective)

Applicant: Mr Shaun Rowley

Agent: Mr Glen Eldridge

Resolved:-

That planning permission be GRANTED subject to the following conditions:

01 The development hereby approved shall be retained and operated in accordance with the approved plans: GE2325/P01 Revision B, GE2325/P02.

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

02 The development hereby approved shall only operate during the following hours: 8am to 5pm Monday to Friday and 8am to 1pm on Saturday and not at all on Sundays and Bank and Public Holidays.

Reason: To protect residential amenity and general environmental quality in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2 and CP4, and Policies DM1 and DM3 of the Development Management Document (2015).

03 The use of the site subject of this permission shall cease, with the exception of facilitating testing for a noise impact assessment, until such time that the mitigation measures, as detailed in the report 'Acoustic Assessment of Waste Metal Processing Centre' by ACA Acoustics dated 3rd October (The Report) have been fully implemented at the site and the results of a post completion noise survey undertaken by a suitably qualified acoustic consultant have been submitted to and approved in writing by the Local Planning Authority. The post completion testing shall assess performance of the noise mitigation measures against the noise levels as set in The Report. Noise measurements for the assessment must be undertaken at the boundary of nearest noise sensitive dwelling in Jena Close. If the mitigation measures tested in the post-completion report prove to be insufficient, the use shall cease to operate until such time as additional noise mitigation measures (where necessary to ensure the appropriate noise levels can be met), have been submitted to and approved in writing by the Local Planning Authority and installed and tested prior to operation. The final noise mitigation measures must be retained and maintained thereafter for the lifetime of the development.

Reason: In the interests of resident amenities further to the National Planning Policy Framework (2023), 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).

04 The rating level of noise for all activities hereby approved at the site (including all process operations) shall be limited to 10dB(A) below the background noise level measured and expressed as a LA90,15minutes from the boundary of the nearest residential property.

Reason: In the interests of residential amenities further to the National Planning Policy Framework (2023), 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).

05 No processing of metal shall take place and no equipment that involves the use of cutting, grinding or crushing metal shall be used on site at any time.

Reason: In the interests of residential amenities further to the National Planning Policy Framework (2023), 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).

06 No more than 2 containers shall be stacked vertically on any part of the site to which this consent relates at any time. The total maximum height of any stacks of containers at the site to which this consent relates shall not exceed 5.3m above the immediately adjacent ground level at any time. Any external storage of materials or waste shall not exceed 3m above the immediately adjacent ground level at any time.

Reason: To safeguard the character and appearance of the surrounding area in accordance with Policy DM1 and DM3 of the Development Management Document (2015) and Policies KP2 and CP4 of the Core Strategy (2007)

07 The use hereby approved shall cease and shall not operate unless within three months of the date of this decision, full details of refuse and recycling facilities for the development, including a waste management strategy, have been submitted to and approved in writing by the Local Planning Authority. The refuse and recycling facilities and waste management strategy shall be provided and made available for use at the site in accordance with the approved details within one month from approval of details pursuant to this condition and shall thereafter be retained for the lifetime of the development.

Reason: In the interests of residential amenities and environmental quality further to the National Planning Policy Framework (2023), 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).

08 The use hereby approved shall cease and shall not operate unless within three months of the date of this decision, full details of drainage systems on site and pollution management methods have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details within one month from approval of details pursuant to this condition and shall be maintained as such thereafter in perpetuity.

Reason: To prevent flooding, drainage, environmental and amenity problems arising from the development, in accordance with Policies KP1 and KP2 of the

Core Strategy (2007), and Policy DM14 of the Development Management Document (2015).

09 The use hereby approved shall cease and shall not operate unless and until the recommendations, including the flood emergency response and evacuation plan for operation of the development, detailed in the Flood Risk Assessment by Evans Rivers and Coastal dated November 2023, have been implemented in full. The development shall solely be operated in accordance with these details of and maintained as such thereafter for its lifetime.

Reason: To reduce the risk of flooding to the proposed development and future users in accordance with National Planning Policy Framework (2023) and Policies KP1, KP2 and KP3 of the Core Strategy (2007).

10 The use hereby permitted shall cease and shall not operate unless within three months of the date of this decision, the 9 car parking spaces shown on the approved plan GE235/P01 Rev B have been fitted with electric vehicle charging infrastructure, at least 3 of them with active and the rest with passive infrastructure. The car parking spaces shall thereafter be retained, maintained and made available for use in association with the use of the site hereby approved.

Reason: To ensure that adequate off-street car parking is provided and retained to serve the development in accordance with Policy CP3 of the Core Strategy (2007), Policy DM15 of the Development Management Document (2015) and the requirements of the Electric Vehicle Charging Infrastructure (EVCI) for new development Supplementary Planning Document (SPD) (2021).

11 The use hereby permitted shall cease and shall not operate unless within three months of the date of this decision, full details of secure, covered cycle storage facilities for no fewer than 5 bicycles have been submitted to and approved in writing by the Local Planning Authority. The secure, covered cycle storage facilities shall be provided and made available for use at the site in accordance with the approved details within one month from the approval of details pursuant to this condition and shall be retained as approved for the lifetime of the development.

Reason: To ensure that adequate cycle storage is provided and retained to serve the development in accordance with Policy CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015).

12 All existing external lighting shall be removed from site unless and until full details of all external lighting for the site have been submitted to and approved in writing by the Local Planning Authority. All external lighting shall be installed or retained solely in accordance with the approved details thereafter.

Reason: In the interests of the amenities of the area, in accordance with Policies DM1 and DM3 of the Development Management Document (2015) and Policies KP2 and CP4 of the Core Strategy (2007).

Positive and Proactive Statement:

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:

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.

3. This permission does not convey any form of consent for external advertisement signs, consent for which may be required under the provisions of the Town and Country Planning Advertisement Regulations.

4. If construction works are to be considered outside of normal hours especially overnight or are expected to cause a nuisance to existing receptors, it is recommended that the applicant applies for a prior consent application under section 61 of the Control of Pollution Act 1974. A consent enables the applicant to conduct the works without the worry of enforcement provided they comply with it. The applicant will have to submit details of any noisy works including type of plant and machinery to be used, proposed daily start and finish times, consultation with nearby residents and businesses and duration and time scales of the works. The applicant will need an acoustically qualified person who will be able to calculate the predicted noise levels from the operation and the impact on nearby residents and then be able to evaluate mitigation measures that can be used.

If the Council becomes aware of any works that are highly likely to cause a nuisance they can serve a notice under section 60 of the Control of Pollution Act 1974 to prevent this. A breach of this will represent a criminal offence.

The application form and guidance is available on the Southend-On-Sea City Council website. The applicant can also contact the Regulatory Services Team at Southend-on-Sea City Council for details.

5. 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 the noise provisions within the Control of Pollution Act 1974. Applicants should contact the Council's Regulatory Services Officer in Environmental Protection for more advice on 01702 215005 or at Regulatory Services, Southend-on-Sea City Council, Civic Centre, Victoria Avenue, Southend SS2 6ER.

6. The applicant may need an environmental permit for flood risk activities if they want to do work in, under, over or within 8 metres (m) from a fluvial main river and from any flood defence structure or culvert or 16m from a tidal main river and from any flood defence structure or culvert. Application forms and further information can be found at: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> . Anyone carrying out these activities without a permit where one is required, is breaking the law.

7. Maintenance of the area close to and within the watercourse, out to the centreline of the channel, is a riparian responsibility and you will find more details about this in the Environment Agency's 'Living on the Edge' document which can be found at:<http://www.environment-agency.gov.uk/homeandleisure/floods/31626.aspx>

8. The architect or applicant is reminded that additional water supplies for firefighting may be necessary for this development. The architect or applicant should contact Water Section at Service Headquarters, 01376 576000.

9. There is clear evidence that the installation of Automatic Water Suppression Systems (AWSS) can be effective in the rapid suppression of fires. Essex County Fire & Rescue Service (ECFRS) therefore uses every occasion to urge building owners and developers to consider the installation of AWSS. ECFRS are ideally placed to promote a better understanding of how fire protection measures can reduce the risk to life, business continuity and limit the impact of fire on the environment and to the local economy. Even where not required under Building Regulations guidance, ECFRS would strongly recommend a risk-based approach to the inclusion of AWSS, which can substantially reduce the risk to life and of property loss. ECFRS also encourage developers to use them to allow design freedoms, where it can be demonstrated that there is an equivalent level of safety and that the functional requirements of the Regulations are met.

10. The applicant must assess whether the operation requires a permit under the Environmental Permitting (England and Wales) Regulations 2016 or any other Environmental Permit or Exemption. Details on process qualifications and applications can be found online. If you think the operations requires a permit please contact Southend-On-Sea City Council or the Environment Agency.

101 23/01639/FUL - Elmtree Lodge, 66 Cranleigh Drive, Leigh-on-Sea (Leigh Ward)

Proposal: Erect additional floor to roof of existing building to provide 3 self-contained sheltered flats, with south facing communal garden at roof level and additional mobility scooter storage at ground floor level

Applicant: Mr Steve Pullan

Agent: Mr Alex Davison of Brian Davison Associates

Resolved:-

That planning permission be REFUSED for the following reason:

01 The proposed development would, by reason of its size, scale, form, detailed design and subsequent visibility from longer public vistas, create an excessively scaled, visually dominant and incongruous feature, out of keeping with and significantly harmful to the character and appearance of the application site, the street scene and wider surrounding area which is typically of lower scale. The harm of granting permission would significantly and demonstrably outweigh the public benefits when considered against the policies of the National Planning Policy Framework taken as a whole and is considered to be an indication of over-development of the site. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009) and the National Design Guide (2021).

102 23/01966/FUL - 51 Old Southend Road, Southend-on-Sea (Kursaal Ward)

Proposal: Change of use from 6 person HMO (Class C4) to 7 person, 7 bedroom HMO (Sui-Generis), install dormer to rear and provide bin and cycle storage (Amended Proposal)

Applicant: Mr Mitch Nunn of Nunn Group Ltd

Agent: Mr Jonathan McDermott of Town Planning Experts

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 this decision.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990. 165

02 The development shall only be undertaken in accordance with the following approved plans: 865-101 Rev 01; 865-102 Rev 00; 865-103 Rev 00; 865-201 Rev 01; 865-202 Rev 01; 865-203 Rev 03.

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).

04 Notwithstanding the details shown on the approved plans, no part of the development hereby approved shall be occupied unless and until full details of secure and covered refuse and recycling facilities have been submitted to and agreed in writing by the Local Planning Authority under the terms of this condition. The refuse and recycling facilities shall be implemented and made available for use in accordance with the approved details before first occupation of any of the development and shall be permanently maintained thereafter.

Reason: To ensure that satisfactory refuse and recycling facilities are provided at the site in the interest of sustainability and amenity in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policy KP2, Policies DM1 and DM8 of the Development Management Document (2015) and the advice in the Southend-on-Sea Design and Townscape Guide (2009).

05 The development hereby approved shall incorporate 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 before it is occupied.

Reason: To minimise the environmental impact of the development through efficient use of water in accordance with the National Planning Policy Framework (2023), Policy KP2 of the Southend-on-Sea Core Strategy (2007), Policy DM2 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

06 Prior to the first use of the building for the purposes hereby approved details of energy efficiency and other sustainability measures to be included in the scheme, including the provision of at least 10% of the energy needs of the development hereby approved being provided from onsite renewable sources, shall be submitted to, agreed in writing by the Local Planning Authority and implemented on site in accordance with the agreed details. The energy efficiency and other sustainability measures shall be maintained for the lifetime of the development.

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 166 the advice contained within the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009)

07 Notwithstanding the provisions of the Town and Country Planning Act 1990 (as amended) the development and use of the building as a House in Multiple Occupation subject of this permission shall not at any time be adapted to enable formation of more than seven (7) bedrooms and the property shall not be occupied by more than seven (7) residents at any one time with all seven (7) bedrooms for single occupancy only.

Reason: To ensure the use hereby approved accords with the development sought, so that it would offer acceptable living conditions for its occupiers in

accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2 and CP4, and Development Management Document (2015) Policies DM1, DM3 and DM8.

08 Notwithstanding the details shown on the approved plans, the development hereby granted shall not be occupied unless and until full details of secure, covered cycle parking for at least 1 no. bicycle per HMO room have been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The cycle parking shall be provided and made available for use by occupiers of the approved development and their visitors prior to first use of the development and shall be retained as such thereafter for the lifetime of the development.

Reason: To ensure that satisfactory cycle 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).

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.
3. Future occupiers will not be eligible for a residential parking permit.
4. If construction works are to be considered outside of normal hours especially overnight or are expected to cause a nuisance to existing receptors it is recommended that the applicant applies for a prior consent application under section 61 of the Control of Pollution Act 1974. A consent enables the applicant to conduct the works without the worry of enforcement provided they comply with it. The applicant will have to submit 167 details of any noisy works including type of plant and machinery to be used, proposed daily start and finish times, consultation with nearby residents and businesses and duration and time scales of the works. The applicant will need an acoustically qualified person who will be able to calculate the predicted noise levels from the operation and the impact on nearby residents and then be able to evaluate mitigation measures that can be used.

If the Council become aware of any works that are highly likely to cause a nuisance, Regulatory Services can serve a notice under section 60 of the Control of Pollution Act 1974 to prevent this. A breach of this will represent a criminal offence.

The application form and guidance is available on the Southend-On-Sea City Council website. The applicant can also contact the Regulatory Services Team at Southend-on-Sea City Council for details.

5. Prior to any alterations to the existing building an appropriate Asbestos survey of the building should be undertaken and a scheme implemented to remove and safely dispose of any asbestos-containing materials in accordance with the Control of Asbestos Regulations 2012 and the applicant's/developer's Waste duty of care.

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.

**103 23/01664/FUL - Land North of Roach Vale, Eastwood, Leigh-on-Sea
(Eastwood Park Ward)**

Proposal: Erect stable block comprising of 3no. stables and tack room with associated north facing LED lighting, hardstanding pen and turn out paddock, part of a menage (part in Rochford Council Boundary), erect barn and timber clad plant container to east side of stables, erect chicken coop, layout drive and parking and install 8000 litre below ground level water storage tank. (Part Retrospective) (Amended Proposal)

Applicant: Mr Paul Whitehair

Agent: Mr Robert Gandy of Enzygo

Resolved:-

That planning permission be GRANTED subject to the following conditions:

01 The development shall only be undertaken in accordance with the following approved plans: CRM.123.005.PL.D.001 Rev B, CRM.123.005.PL.D.002 Rev B, CRM.123.005.PL.D.003 Rev B, CRM.123.005.PL.D.004 Rev B.

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).

02 The materials for the external surfaces of the development hereby approved shall be as set out on plan reference CRM.123.005.PL.D.004 Rev B.

Reason: To safeguard the visual amenities of the area, in accordance with the National Planning Policy Framework (2023) Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM1 and the advice contained 206 Development Control Report Page 19 of 22 within the Southend-on-Sea Design and Townscape Guide (2009) and National Design Guide (2021).

03 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any Order or Act of Parliament revoking and re-enacting that Order with or without modification, the buildings hereby approved shall not be converted to any other use including residential and commercial use as specified within Schedule 2, Part 3, Class Q (Agricultural Buildings to Dwellinghouses) and Class R (Agricultural Buildings to a Flexible Commercial Use) of the Town and Country Planning (General Permitted Development) Order 2015 without the receipt of express planning permission from the Local Planning Authority.

Reason: To enable the Local Planning Authority to regulate and control development in the interest of the openness and character of the Green Belt and the amenity of neighbouring properties and to safeguard the character of the area in accordance the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM1 and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

04 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any revocation, amendment -or re-enactment of that order, there shall be no public events held at, nor any commercial events, activities or uses undertaken at the site without express planning permission having been granted for any such uses or events.

Reason: To enable the Local Planning Authority to regulate and control development in the interest of the amenity of neighbouring properties in accordance the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM1 and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

05 The barn hereby approved shall not be first used until and unless the internal refuse and recycling and cycle storage facilities are provided and made available for use by the users of the site in full accordance with the details shown on approved drawing number CRM.123.005.PL.D.004 Rev B. The refuse and recycling and cycle storage facilities shall be retained for the lifetime of the development in accordance with the approved details. All waste materials, except manure, shall be stored within the barn. Within 1 month of the date of this decision the redundant equipment at the site, as set out in the email from the agent dated 13.11.23, shall be permanently removed from the site.

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 and the openness of the Green Belt, in accordance with the National Planning Policy

Framework (2023), Policies KP2 and CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015).

06 All manure/waste generated with the development hereby approved shall be stored and ultimately disposed of in full accordance with the details contained in the 'Manure Disposal Procedure' document dated 01.12.2023 and plan reference CRM.123.005.PL.D.003 Rev B. No manure or waste materials shall be burned on the land within the application site.

Reason: To enable the Local Planning Authority to regulate and control development 207 Development Control Report Page 20 of 22 in the interest of the amenity of neighbouring properties in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM1 and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

07 External lighting for the development hereby approved shall be in full accordance with the Lighting Strategy by Enzygo reference CRM.0123.001.AQ.R.001 dated December 2023 including that only 3 external lights shall be installed on the north elevation of the stable and these shall not be in use between the hours of 8pm – 8am on any day except in emergencies or any other lighting scheme details of which have been previously submitted to and approved in writing by the Local Planning Authority under the terms of this condition. This scheme shall be implemented in accordance with the Institute of Lighting Professionals "Guidance Note 01/21: Guidance notes for the reduction of obtrusive light" and other industry accepted standards. The scheme shall be retained in accordance with the approved details. There shall be no other lighting of the external areas of the site.

Reason: In the interest of the amenity of neighbouring properties and to ensure any protected species and habitats utilising the site are adequately protected in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policy KP2 and Development Management Document (2015) Policy DM2.

08 The drainage works for the development hereby approved shall be implemented in full accordance with the details set out in the Detailed Drainage Strategy by Enzygo reference CRM.0123.005.HY.R.001.A dated February 2024 and email from agent dated 08.01.24, or any other drainage works which have been previously submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The approved scheme shall be implemented in full before the barn hereby approved is brought into first use.

Reason: To ensure the drainage at the site is properly managed and does not increase flood risk elsewhere in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP1, KP2 and KP3 and Development Management Document (2015) Policy DM14.

09 The development hereby approved shall be carried out in full accordance with the mitigation measures and recommended enhancements set out in Sections 4 and 5 of the submitted Ecological Impact Assessment by Enzygo reference CRM.0123.005.EC.R.001.Rev A dated 23rd November 2023.

Reason: To ensure any protected species and habitats utilising the site are adequately protected during building works in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policy KP2 and Development Management Document (2015) Policy DM2.

10 The tree protection measures as set out in the Arboricultural Impact Assessment and Arboricultural Method Statement by Enzygo reference 23.005.ENZ.XX.00.RP.AR.45.102 dated June 2023 and associated tree protection plan reference 123.005.ENZ.XX.00.DR.AR.45.102 Rev PL01 in relation to the trees covered by TPO 4/67 W1 directly south of the site shall be implemented in full prior to commencement of any works required for the barn, tack room and buried water tank hereby approved and shall be retained throughout the construction phase of the development. Implementation of the development shall be undertaken only in full accordance with British Standard 3998 and British Standard 5837 including supervision of works by a qualified arboriculturalist.

Reason: A pre commencement condition is justified to ensure the trees on and close to the site are adequately protected during building works in the interests of visual amenity and in accordance with Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM1 and advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

11 No additional hardstandings or vehicular access tracks shall be installed at the site other than that shown on plan reference CRM.123.005.PL.D.003 Rev B. The vehicular access track which has been installed shall be topped with grass laid on reinforced mesh as stated on the plan.

Reason: To ensure that the development is satisfactorily serviced in the interests of highway safety and visual amenity and to protect the character of the surrounding area and Green Belt, in accordance with Policies KP2 and CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015).

12 There shall be no parking or storage of caravans, motor homes or any other vehicles on site which are not reasonably associated with and/or do not directly relate to the day-to-day use of the development hereby approved.

Reason To enable the Local Planning Authority to regulate and control the development in the interest of the openness and character of the Green Belt and the amenity of neighbouring properties and to safeguard the character of the area in accordance the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM1 and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

Informatives:

01 The applicant is advised that the planning permission which has been granted relates to the development within the red line boundary only, which falls within the Southend City Council boundary. A separate planning application will need to be made to Rochford District Council for the development, and part of the site within their jurisdiction.

02 Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and it is the responsibility of the landowner(s) to ensure they have fully complied with the requirements of these regulations. A failure to comply with the CIL regulations in full can result in a range of penalties. For full planning permissions, a CIL Liability Notice will be issued by the Council as soon as practicable following this decision notice. For general consents, you are required to submit a Notice of Chargeable Development (Form 5) before commencement; and upon receipt of this, the Council will issue a CIL Liability Notice including details of the chargeable amount and when this is payable. If you have not received a CIL Liability Notice by the time you intend to commence development it is imperative that you contact S106andCILAdministration@southend.gov.uk to avoid financial penalties for potential failure to comply with the CIL Regulations 2010 (as amended). If the chargeable development has already commenced, no exemption or relief can be sought in relation to the charge and a CIL Demand Notice will be issued requiring immediate payment. 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).

03 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.

04 The applicant is reminded that the development on site remains unauthorised. This needs to be remedied either by implementing this permission and /or removing the unauthorised development in situ. Failure to do this may result in the council considering the expediency of enforcement action to seek to remedy the currently 209 Development Control Report Page 22 of 22 identified harm.

05 Please note that it is the applicant's responsibility to ensure a safe site in terms of land contamination and the site cannot be determined as contaminated land in the future as defined by Part 2A of the Environmental Protection Act 1990.

Positive and Proactive Statement:

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.

Proposal: Replace existing door to rear and reinstate wall, form new opening at ground floor in north elevation, replace roof and install 2no. rooflights to roof of rear extension (part retrospective).

Applicant: Mr Tom Brown

Agent: Mr Steven Kearney of SKArchitects

Resolved:-

That the Director of Planning and Economy and/or the Development Control Service Manager be DELEGATED to GRANT PLANNING PERMISSION subject to the conditions set out below, provided that any additional representations received up to the end of 28 February 2024 do not raise any new considerations which have not been addressed within the report. Should further representations be received up to that date which raise new considerations not already addressed within the report the application is to be brought back to Development Control Committee for determination.

01 The development hereby permitted shall be carried out in accordance with the following approved plans: 757P01, 757P02.

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

02 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 impact in the Leigh Conservation Area and complies with Policies DM1 and DM5 of the Development Management Document (2015) and the advice contained within the National Design Guide (2021), the Southend-on-Sea Design and Townscape Guide (2009) and the Leigh Conservation Area Appraisal (2021).

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_inf)

rastructure_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.

105 23/01785/TPO - The Bellhouse Public House, 321 Rayleigh Road, Eastwood, Leigh-on-Sea (Eastwood Park Ward)

Proposal: Fell to ground level one common ash (T4) and replace T4 with a Betula Pendula tree. Prune all trees along the exit road that are interfering with the overhead cables and to improve vehicular access to the site (mixed species group - T1, T2, T3, T5 and T6 covered by TPO 5/90 G1) (retrospective) and undertake remedial works to remove poor pruning cuts in higher crown to suitable growth or target prune to main stem/parent branch if necessary (T1, T2, T3, T5 and T6 covered by TPO 5/90 G1)) (Works to Trees subject to a Tree Preservation Order).

Applicant: D Hampshire

Agent: Mr Wayne Elwell of About Trees Ltd

Resolved:-

That CONSENT BE GRANTED for works to preserved trees, subject to the following conditions:

01 The works covered by this consent shall begin no later than two years from the date of this consent.

Reason: To enable the circumstances to be reviewed at the expiration of the period if the consent has not been implemented, in accordance with National Planning Policy Framework (2023), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the advice contained in the Southend-on-Sea Design and Townscape Guide (2009).

02 The works to the trees covered by Tree Preservation Order 5/1990 shall be restricted as per the submitted description to the following:

- T1 (Fraxinus Excelsior - Common Ash) - remove the lowest 2 branches over exit road to allow for better access (retrospective) and remedial works to remove poor pruning cuts in higher crown to suitable growth or target prune to main stem/parent branch if necessary.
- T2 (Quercus Robur - Pendunculate Oak) - remove the lowest branch over exit road to allow for better access (retrospective) and remedial works to remove poor pruning cuts in higher crown to suitable growth or target prune to main stem/parent branch if necessary.
- T3 (Ulmus Spp. – Elm) - remove the lowest 2 branches over exit road to allow for better access (retrospective) and remedial works to remove poor

- pruning cuts in higher crown to suitable growth or target prune to main stem/parent branch if necessary.
- T4 (Fraxinus Excelsior - Common Ash) - Fell to ground level and replace with a Betula Pendula tree in northern part of the site.
 - T5 (Fraxinus Excelsior - Common Ash) – remove secondary leader over Rayleigh Road (retrospective) and remedial works to remove poor pruning cuts in higher crown to suitable growth or target prune to main stem/parent branch if necessary.
 - T6 (Fraxinus Excelsior - Common Ash) – remove deadwood and two branches over Rayleigh Road from main stem to 6-7m above ground level (retrospective) and remedial works to remove poor pruning cuts in higher crown to suitable growth or target prune to main stem/parent branch if necessary.

Reason: In the interests of visual amenity, to protect the setting of the Listed Building and to protect the trees and any wildlife, in accordance with the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM5 of the Development Management Document (2015) and the advice contained in the Southend-on-Sea Design and Townscape 251 Guide (2009).

03 The works hereby approved, including the new tree planting, shall be carried out in accordance with British Standard BS 3998 (2010) by a suitably qualified person.

Reason: In the interests of visual amenity and to protect the trees and any wildlife, in accordance with the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the advice contained in the Southend-on-Sea Design and Townscape Guide (2009).

04 The proposed remedial works and replacement tree planting hereby approved shall be carried out in line with the specification included within the emails from the agent dated 01/02/24 and 02/02/24 and proposed re-planting site plan. The replacement tree must be a Silver Birch (Betula Pendula) heavy standard minimum 12-14 cm girth. The replacement tree and remedial works must be planted and maintained in accordance with the specification contained within the emails from the agent dated 01/02/24 and 02/02/24. The remedial works must be carried out within 4 weeks of the date of this consent. The replacement tree must be planted within the first planting season following the date of this consent.

If the replacement tree dies, is removed or becomes severely damaged or seriously diseased within five years of planting, it shall be replaced with another tree of the same size and species in a similar location.

Reason: In the interests of visual amenity, to protect the setting of the Listed Building and to protect the trees and any wildlife, in accordance with the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM5 of the Development Management Document (2015) and the advice contained in the Southend-on-Sea Design and Townscape Guide (2009).

Informatives:

1. Failure to undertake the remedial works for trees T1, T2, T3, T5 and T6 and tree T4 replacement planting all outlined in the description of proposed works and those works to be completed in full accordance with the required timeframe set out in condition 02 above is likely to result in the Council taking legal action to address the harm caused by the unauthorised and poor quality works to the trees in situ.

2. The applicant is advised that the removal of deadwood to trees T7 and T8 is exempt from the requirement for planning permission.

106 20/00324/UNAU_B - 203 Westborough Road, Westcliff-on-Sea (Westborough Ward)

Breach of Planning Control: Rear extension

Resolved:-

That ENFORCEMENT ACTION be AUTHORISED to secure:

- a) The removal from the site the rear extension in its entirety, and
- b) The removal from site all materials resulting from compliance with a)

The authorised enforcement action to include (if/as necessary) the service of an Enforcement Notice under Section 172 of the Act with time for compliance three (3) months and the pursuance of proceedings whether by prosecution or injunction to secure compliance with the requirements of the Enforcement Notice.

107 20/00036/UNAU_B - 296 London Road, Westcliff-on-Sea (Milton Ward)

Breach of Planning Control: 296-298, London Road, Westcliff-on-Sea, Essex, SS0 7JJ

Resolved:-

That ENFORCEMENT ACTION be AUTHORISED to secure:

- a) The removal from the site the metal ducting and extraction flue to the rear in its entirety, and
- b) The removal from site all materials resulting from compliance with a)

The authorised enforcement action to include (if/as necessary) the service of an Enforcement Notice under Section 172 of the Act with time for compliance two (2) months and the pursuance of proceedings whether by prosecution or injunction to secure compliance with the requirements of the Enforcement Notice.

108 22/00099/UNAU_B - 19 High Street, Leigh-on-Sea (Leigh Ward)

Breach of Planning Control: Erection of timber screen to side of terrace

Resolved:-

That ENFORCEMENT ACTION be AUTHORISED to secure:

- a) The removal from the site the side privacy screen in its entirety, and
- b) The removal from site all materials resulting from compliance with a)

The authorised enforcement action to include (if/as necessary) the service of an Enforcement Notice under Section 172 of the Act with time for compliance one (1) month and the pursuance of proceedings whether by prosecution or injunction to secure compliance with the requirements of the Enforcement Notice.

Chair:
