

SOUTHEND-ON-SEA CITY COUNCIL

Meeting of Development Control Committee

Date: Wednesday, 24th July, 2024

Place: Committee Room 1 - Civic Suite

- Present:** Councillor M Borton (Vice-Chair in the Chair)
Councillors M Berry, A Dear, M Dent*, F Evans, N Folkard,
S Habermel, J Harland, A Jones, R Longstaff, C Mulroney,
J Norman, D Poulton, D Richardson and J Warren*
(*Substitute in accordance with Council Procedure Rule 30.)
- In Attendance:** Councillors D Cowan and R Woodley
K Waters, P Keyes, J Benn, C Galforg, C White, M Warren, A Brown
and T Row
- Start/End Time:** 5.00 pm - 6.30 pm

27 Apologies for Absence

Apologies for absence were received from Councillors D Garston (Substitute: Councillor J Warren), C Webster (Substitute; Councillor M Dent) and N Ward (no substitute).

28 Declarations of Interest

The following interest was declared at the meeting:

(i) Cllr John Harland – Minute No. 11 23/00142/UADV_B – 12 Pier Hill, Southend-on-Sea – Is a Member of Southend Seafront Partnership, Southend Business Partnership and local Pub Watch but has no direct contact with the applicant or company concerned.

29 Minutes of the Meeting held on Wednesday 3rd April 2024

Resolved:-

That the Minutes of the meeting held on Wednesday, 3rd April 2024 be confirmed and signed as a correct record.

30 Minutes of the Meeting held on Wednesday 29th May 2024

Resolved:-

That the Minutes of the meeting held on Wednesday, 25th May, 2024 be confirmed and signed as a correct record.

31 Minutes of the Meeting held on Wednesday, 26th June, 2024

Resolved:-

That the Minutes of the Meeting held on Wednesday, 26th June, 2024 be confirmed and signed as a correct record.

32 Supplementary Report

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

33 24/00715/FUL - 7 Westminster Drive, Westcliff-on-Sea (Westborough Ward)

Proposal: Change of use from Nursery (Class C2) to form two self-contained flats (Class C3) with separate access for flats, convert loft into habitable accommodation with front and rear dormers, rooflights to front elevation and provide associated amenity space to rear

Applicant: Mr Suneel Kumar Murari Setty

Agent: Mr Wilton Nodoro of Krystal Architecture Ltd

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: 924-100; 924-102 Rev 02; 924-104 Rev 02; 924-105.

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 No development above ground level shall take place unless and until full details of both hard and soft landscape works to be carried out at the site have been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The approved hard landscaping works shall be carried out prior to first occupation of the development and the soft landscaping works within the first planting season following first occupation of the development. The details submitted shall include, but not be limited to:

- i.) means of enclosing and subdividing the site including any gates or boundary fencing;
- ii.) hard surfacing materials;
- iii.) details of the number, size and location of the trees, shrubs and plants to be retained and planted together with a planting specification;
- iv.) details of measures to enhance biodiversity within the site; and
- v.) details of any permeable paving or other sustainable drainage measures to be implemented.

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 agreed in writing by the Local Planning Authority under the terms of this condition.

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

04 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 under the terms of this condition and implemented in full prior to the first occupation of the development. This provision shall be made for the lifetime of the development and in accordance with the agreed details.

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

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

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

06 Hours of works associated with this consent shall be 8am – 6pm Monday to Friday, 8am – 1pm Saturday. No works shall be carried out on Sundays or Bank or Public Holidays.

Reason: In the interests of the residential amenity of the adjoining residents and to ensure that the development complies with the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the advice within the Southend-on-Sea Design and Townscape Guide (2009).

07 Prior to the first occupation of the development hereby approved, full details (including scaled elevations) shall be submitted to and approved in writing by the Local Planning Authority identifying the provision of secure and covered refuse and recycling storage and secure and covered cycle storage for a minimum of 2no. bicycles (1 per dwelling) for the approved development at the site. The approved refuse, recycling and cycle storage shall be provided in full and made available for use by the occupants of the approved dwellings prior to the first occupation of the dwellings hereby approved and shall thereafter be retained as such for the lifetime of the development.

Reason: In the interest of visual amenity in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2, CP3 and CP4, Development Management Document (2015) Policies DM1, DM3, DM8 and DM15, and the advice contained within the National Design Guide (2021), the Southend-on-Sea Design and Townscape Guide (2009), and the Waste Storage, Collection and Management Guide for New Developments (2019).

08 Before the development hereby approved is first 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).

Informatives

1. 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).

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. 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 Regulatory Services Team become 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.

4. Prior to any alterations to the existing building an appropriate Asbestos survey of the buildings 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

5. The applicant should check the room layout of existing dwellings that will be above or below the proposed and ensure that the stacking arrangement

compliments this. If this is not the same as those proposed in the application additional sound insulation may be required in the ceiling in order to protect against noise from the normal use of the dwellings in the block due to conflicting activities e.g. sleep and living spaces. The applicant should be aware of this as should complaints arise when it is occupied because of this Southend-on-Sea City Council cannot require action under other primary legislation it has i.e. for statutory nuisance.

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.

- 34 23/01338/AD - Land Between Barge Pier Road and Ness Road (Shoeburyness Ward)**
Proposal: Application for approval of details pursuant to condition 03 (strategy for lorry movements) of planning permission 22/01602/RES dated 02.12.2022 (Earthworks phase only)
Applicant: Bellway Homes Limited (Essex)
Agent: Mr Guiseppe Cifaldi of Savills

Resolved:-

That the discharge of the following condition be approved:

Condition 03 (Strategy for Lorry Movements) (Earthworks phase only)

The details of the lorry monitoring procedure, as set out in the Strategy for Lorry Movements, Land Between Barge Pier Road and Ness Road, Shoeburyness Revision B dated 20.06.2024, are acceptable and agreed in accordance with the requirements of condition 03 of planning permission reference 22/01602/RES in relation to the construction of the raised development platforms only.

Informative

01 The applicant is advised that this approved Lorry Movements Strategy would apply to any version of the engineering stage Construction Management Plan which may be submitted to and approved in writing by the Local Planning Authority.

35 23/00112/UNAU_B - 49 Christchurch Road, Southend-on-Sea (Kursaal Ward)
Breach of Planning Control: Use of dwellinghouse for short term lets

Resolved:-

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

a) Cease use of the site for the provision of short term lets (sui generis);

AND

b) Revert the site to a dwellinghouse (Class C3);

AND

c) Restore the land to its condition before the breach took place;

AND

d) Remove from site all materials resulting from compliance with a) above.

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

For the following reason(s):

01 The development is not appropriately located for the purposes of providing visitor accommodation and the use of the property for visitor accommodation and as a short term let reduces the provision of valuable residential resources, to the detriment of the quantity and quality of the City's housing stock against the background of a demonstrable un-met strategic housing need. The development is therefore unacceptable and contrary to the National Planning Policy Framework (2023), Policies KP2, CP4 and CP8 of the Southend-on-Sea Core Strategy (2007) and Policy DM12 of the Southend-on-Sea Development Management Document (2015).

02 It has not been satisfactorily demonstrated that the development is not causing, and would not cause, a loss of amenity for neighbouring occupiers through noise and disturbance associated with the types, levels and times of activity undertaken by the premises' occupiers nor that such impacts can reasonably be overcome through planning conditions. The development is significantly harming the living conditions of neighbours in this respect. This is unacceptable and contrary to the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

**20/00135/UCOU_B - 76 Park Road, Westcliff-on-Sea (Milton Ward)
Breach of Planning Control: Change of use from a Use Class C4 HMO to seven (7no) self-contained flats**

Resolved:-

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

a) Cease the unauthorised use as seven (7) self-contained flats;

AND

b) Remove from all units at least one of the following:

i.) Toilets, shower tubs, bath tubs or any other facility associated with a WC or a bathroom; or

ii.) Cooker, hob, oven, microwave oven, kettle or any other cooking equipment or facility associated with a kitchen;

AND

c) Remove from one unit all beds, sofa-beds or any sleeping equipment or facility so that in the property there are no more than six (6no) bedrooms.

AND

d) Restore the land to its condition before the breach took place, including with provision of any communal facilities for the six bedrooms at the properties.

AND

e) Remove from site all materials resulting from compliance with requirements (a) to (d) above.

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

For the following reason(s):

01 The development, by reason of the limited size of the units and their lack of any storage space, would result in cramped living conditions and a poor-quality residential environment for the existing and future occupiers to the significant detriment of their amenity. This is unacceptable and contrary to the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Southend Core Strategy (2007), Policies DM1, DM3 and DM8 (as amended by the Technical Housing Standards - Policy Transition Statement 2015) of the Development Management Document (2015) and the advice contained within the Technical Housing Standards – Nationally Described Space Standard (2015).

02 The development offers no reasonable mitigation of the in-combination effect of the net increase of six (6no) dwellings (taking into account that the lawful HMO

would be one (1no) unit) on habitats and species in accordance with the Habitats Regulations as identified in the adopted Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) SPD (2020). This is unacceptable and contrary to the RAMS, and Policies KP1, KP2 and CP4 of the Core Strategy and Policy DM6 of the Development Management Document which seek to protect the natural environment with specific reference to the coastal habitats.

**37 23/00142/UADV_B - 12 Pier Hill, Southend-on-Sea (Milton Ward)
Breach of Planning Control: Unauthorised fascia and shopfront**

Resolved:-

That consideration of any enforcement action be DEFERRED until the outcome of the current appeal against the refusal of planning permission has been determined.

Chair: _____