

SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Development Control Committee

Date: Wednesday, 6th July, 2016

Place: Committee Room 4a - Civic Suite

Present: Councillor F Waterworth (Chair)
Councillors D Garston (Vice-Chair), B Arscott, M Assenheim,
B Ayling, M Borton, M Butler, T Callaghan, F Evans, N Folkard,
J Garston, R Hadley, A Jones, C Mulroney, D Norman MBE,
P Van Looy and C Walker

In Attendance: Councillor D Jarvis
J K Williams, P Geraghty, D Hermitage, I Harrison, C Galforg,
L Tweedie, M Warren and T Row

Start/End Time: 2.00 pm - 3.30 pm

83 Apologies for Absence

There were no apologies for absence.

84 Declarations of Interest

The following interests were declared at the meeting:

(a) Councillor Evans – 16/00460/FULH – Disqualifying non-pecuniary interest: One of the objectors is a close personal friend (withdrew);

(b) Councillor Jones – EN/16/00027/UNAU_B – Non-pecuniary interest: Friend lives in the vicinity;

(c) Councillor Mulroney – 16/00460/FULH – Non-pecuniary interest: Member of Leigh Town Council but not a member of its Planning Committee and the neighbour to the application is known to her;

(d) Councillor Mulroney – 16/00832/FUL – Non-pecuniary interest: Member of Leigh Town Council but not a member of its Planning Committee;

(e) Councillor Van Looy – 15/01191/BC3 – Non-pecuniary interest: Daughter attends the college;

(f) Councillor Walker – 16/00460/FULH – Non-pecuniary interest: A resident who lives close by is known to him.

85 Supplementary Report

The Committee received a supplementary report by the Corporate Director for Place that provided additional information on items referred to elsewhere on the Agenda.

86 Reports on Planning Applications - Pre-Meeting Site Visits

**(a) Leigh Ward
16/00460/FULH**

Raise roof height to form chalet style dwelling, erect dormers to front and rear, form two storey front gable projection, layout parking and install new vehicular access on to Marguerite Drive

80 Marguerite Drive, Leigh-on-Sea, Essex, SS9 1NW

Mr and Mrs Adams

Brian Davison Associates

Mrs Peters, a local resident spoke, as an objector to the application. Mr Adams, the Applicant responded.

Planning permission REFUSED for the following reasons

01 The proposed development by reason of the increase in height and bulk of the roof would result in a dwellinghouse that is out of proportion and dominates its surroundings to the detriment of the character of the existing dwelling and streetscene contrary to the National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy, Policy DM1 of the Development Management Document and the Design and Townscape Guide, 2009 (SPD1).

02 The proposed development by reason of its siting, scale and rear dormer windows would result in an overbearing form of development and result in loss of privacy to No.67 and 71 Cliffsea Grove, contrary to the National Planning Policy Framework, policies KP2 and CP4 of the Core Strategy, policy DM1 of Development Management Document DPD2, and the Design and Townscape Guide.

87 Reports on Planning Applications - Main Plans List

**(a) Blenheim Park Ward
16/01030/AMDT**

Application to vary condition 13 of planning permission 15/01785/AMDT to extend the timeframe by which details of the access, appearance, landscaping, layout and scale (hereinafter called the reserved matters) shall be submitted to the local planning authority to 18th July 2016.

845 - 849 London Road, Westcliff-on-Sea, Essex

Venture Capital Associates Ltd

Phase 2 Planning and Development

(a) DELEGATED to the Corporate Director for Place, Head of Planning & Transport or Group Manager of Planning & Building Control, to GRANT PLANNING PERMISSION subject to the completion of a S106 legal agreement seeking:

(i) a commuted sum payment for affordable housing of £134,673 in lieu of on-site provision (subject to the conditions set out in paragraph 4.11 above);

(ii) £37,458.58 education contribution;

(iii) S106 monitoring fee

(b) The Corporate Director for Place, Head of Planning and Transport or the Group Manager (Development Control & 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 Details of the access, appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be submitted to the local planning authority not later than 18th July 2016. The development hereby permitted shall begin not later than the 19th March 2018.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 (as amended) and because the application is for outline planning permission only and the particulars submitted are insufficient for consideration of the details mentioned.

02 The development hereby permitted shall be carried out in accordance with plans 356.207.00; 356.206.02; 356.207.00; 356.208.00.

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

03 Within sixth months of the date of the last reserved matters approved details of materials shall be submitted to and agreed in writing by the local planning authority.

Reason: In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of the area. This is as set out in the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy KP2 and CP4, DPD2 (Development Management Document) policy DM1, and SPD1 (Design and Townscape Guide).

04 No flat shall be occupied until 23 car parking spaces have been provided, together with a properly constructed vehicular access to the adjoining highway, all in accordance with the approved plans, unless otherwise agreed in writing by the Local Planning Authority. The car parking hereby approved shall be retained for the use of occupiers or visitors to the residential units in perpetuity unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that satisfactory off-street car parking is provided in the interests of residential amenity and highways efficiency and safety, in accordance with the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy KP2, DPD2 (Development Management Document) policy DM15 and SPD1 (Design and Townscape Guide).

05 Within sixth months of the date of the last reserved matters approved details of hard and soft landscaping shall be submitted to and agreed in writing by the local planning authority.

All planting in the approved landscaping plan drawing PR024-01B landscape plan shall be carried out within the first planting season of first occupation of the development. Any trees or shrubs dying, removed, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with

trees or shrubs of such size and species as may be agreed with the local planning authority.

Reason: In the interests of visual amenity and the character and appearance of the area. This is as set out in the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy KP2 and CP4, DPD2 (Development Management Document) policy DM1, and SPD1 (Design and Townscape Guide).

06 The details of renewable energy shall be implemented in accordance with the Sustainability and Energy Report by David Plant Architecture agreed under application as shown on drawing 356.201.02, shall be implemented prior to occupation of the flats to provide at least 10% onsite renewable energy, unless otherwise agreed in writing by the local planning authority.

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, DPD1 (Core Strategy) policy KP2 and CP4, DPD2 (Development Management Document) policy DM2 and SPD1 (Design and Townscape Guide).

07 The acoustic fence shall be installed to the northern boundary as shown on drawing 356.205.00 and the supporting information from David Plant Architecture submitted on the 26.03.2015 shall be installed prior to the occupation of the flats hereby approved unless otherwise agreed in writing by the local planning authority.

Reason: In order to protect the amenities of surrounding residents in accordance with policies KP2 and CP4 of the Core Strategy DPD1 and Development Management DPD 2015 policy DM1.

08 No flats hereby approved shall be occupied until cycle parking spaces have been provided in accordance with the approved plan 356.207.00, and cycle parking shall be retained in perpetuity unless otherwise agreed in writing with the Local Planning Authority.

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

09 No flat roofed areas of the proposed development, with the exception of the roof terrace specified on plan 356.208.00, are to be used for sitting out or as any type of amenity space unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to protect the amenities of surrounding residents in accordance with policies KP2 and CP4 of the Core Strategy DPD1 and Development Management DPD 2015 policy DM1.

10 The privacy screens shall be implemented in accordance with drawings 356.306.03 and 356.304.03, and shall be installed prior to the first occupation of the residential flats hereby approved, unless otherwise agreed in writing by the local planning authority. The screens shall be permanently retained, thereafter.

Reason: In order to protect the amenities of surrounding residents in accordance with policies KP2 and CP4 of the Core Strategy DPD1 and Development Management DPD 2015 policy DM1.

11 Prior to first occupation of the development the gate to the undercroft shall be installed in accordance with drawing 356.204.01 and shall be permanently retained thereafter unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity and to ensure the protection of residential amenities of surrounding residents in accordance with policies KP2 and CP4 of the Core Strategy DPD1 and Development Management DPD 2015 policy DM1.. This is as set out in the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy KP2 and CP4, DPD2 (Development Management Document) policy DM1, and SPD1 (Design and Townscape Guide).

12 The waste management details as shown on drawing dapa_356_207.00 shall be implemented prior to the first occupation of the development unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of amenity and waste management in accordance with the National Planning Policy Framework, DPD1 (Core Strategy) policy KP2, DPD2 (Development Management Document) policy DM2 and SPD1 (Design and Townscape Guide) and the Waste Management Guide.

13 Prior to occupation of the development hereby approved details of the water efficient design measures set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting, shall be submitted to the local planning authority for approval the development shall be carried out in accordance with the approved details.

Reason: To minimise the environmental impact of the development through efficient use of water in accordance with the National Planning Policy Framework, DPD1 (Core Strategy) policy KP2, DPD2 (Development Management Document) policy DM2 and SPD1 (Design and Townscape Guide).

Informatives

1 As this application has been made pursuant to Section 73 of the Town and Country Planning Act 1990, Community Infrastructure Levy (CIL) Regulation 128A applies. You are advised that in this instance there will be no CIL charge on this permission as there is no net increase in floorspace between the original permission and the S73 permission.

2 You are advised that the development hereby approved is likely to require approval under Building Regulations. Our Building Control Service can be contacted on 01702 215004 or alternatively visit our website http://www.southend.gov.uk/info/200011/building_control for further information.

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.

(c) In the event that the planning obligation referred to in part (a) above has not been completed by 06.09.2016 the Corporate Director for Place, Head of Planning and Transport or Group Manager (Planning & Building Control) be authorised to refuse planning permission for the application on the grounds that the development fails to:- 1) provide for education facilities to serve the development, 2) provide affordable housing to meet the needs of the Borough. As such would result in increased pressure on public services and infrastructure to the detriment of the general amenities of the area, contrary to Policies KP2, KP3, CP3, CP4, CP6 and CP8 of the Core Strategy, Policies DM1, DM3, DM7, DM15 and the Design and Townscape Guide (2009).

(b) West Shoebury Ward

16/00688/FUL

Erect five terraced dwellinghouses with parking to rear (Amended Proposal)

**12 Bridge Cottages, North Shoebury Road, Shoeburyness,
Southend-on-Sea, Essex, SS3 8UN**

Mr S. Riaz (Pimco UK Ltd)

Glen Eldridge Architects

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

Planning permission REFUSED for the following reason:

01 The proposed development, by virtue of the scale, form and architectural features of the proposed dwellings, would cause harm to the appearance of the neighbouring dwellings and be a discordant and incongruous addition to the street-scene. The proposal is therefore contrary to the National Planning Policy Framework, policies KP2 and CP4 of DPD1 (Core Strategy), policy DM1 of DPD2 (Development Management) and the advice contained within SPD1 (Design and Townscape Guidance)

(c) West Leigh Ward

16/00832/FUL

Demolish existing dwellinghouses at 104-106 Salisbury Road, erect three detached dwellinghouses with garages to rear and alter existing vehicular crossovers onto Salisbury Road (Amended Proposal)

104 Salisbury Road, Leigh-on-Sea, Essex SS9 2JN

Mr D. MacDonald

Mr G. Coxall (Third Dimension Arch. Design Ltd)

Planning permission REFUSED for the following reason:

01 The proposed dwellings, by reason of their elevational design would be out of context and visually harmful to the detriment of the surrounding area. This is contrary to the National Planning Policy Framework policies KP2 and CP4 of the Core Strategy DPD1, Policies DM1 and DM3 of Development Management Document DPD2 and policies and the Design and Townscape Guide.

(d) Kursaal Ward

15/01191/BC3

Install biomass boiler plant, a flue, screening fencing and associated equipment to the rear of the main building.

Southend Adult Community College, Ambleside Drive, Southend-on-Sea, Essex, SS1 2UP

Mr Stephen Lay (Southend Adult Community College)

Dr Terence Lewis (Southend Borough Council)

Planning permission 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: SACC-002 A, SACC Southend/003 C and 1370/P/01.

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

03 The installation and operation of the biomass boiler shall be restricted to the specification provided within the application. The boiler specified in the application is the Lindner & Sommereaur SL110 110Kw biomass boiler.

Reason: In the interests of protecting residential amenity and preventing pollution as required by the National Planning Policy Framework, DPD1 (Core Strategy) 2007 policy KP2, DPD2 (Development Management) policy DM1 and SPD1 (Design and Townscape Guide).

04 Prior to initial operation of the biomass boiler, a completed Biomass Boiler Information Request Form detailing on site operation and maintenance of the boiler shall be submitted to, and approved by, the Local Planning Authority.

Reason: In the interests of protecting residential amenity and preventing pollution as required by the National Planning Policy Framework, DPD1 (Core Strategy) 2007 policy KP2, DPD2 (Development Management) policy DM1 and SPD1 (Design and Townscape Guide).

05 Deliveries of fuel associated with the use of the biomass boiler shall not take place before 08:00 or after 18:00 Monday to Friday, before 09:00 or after 13:00 Saturday, nor at anytime on Sundays or Bank Holidays.

Reason: In the interests of protecting residential amenity as required by the

National Planning Policy Framework, DPD1 (Core Strategy) 2007 policy KP2, DPD2 (Development Management) policy DM1 and SPD1 (Design and Townscape Guide).

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:

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.

You are advised that as the proposed 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 CIL.

88 Enforcement of Planning Control

(a) Chalkwell Ward

EN/16/00080/UNAU_B

Without planning permission installed fences on both sides of garden at front of the dwellinghouse

105 Crowstone Road, Westcliff on Sea Essex

Resolved: That ENFORCEMENT ACTION be AUTHORISED for the removal of the unauthorised fences at the front of the site. This is because of their poor appearance and height, and loss of sight lines, to the detriment to pedestrian safety, and detriment to visual and residential amenity, contrary to Policy DM1 of the DM DPD, Policies KP2 and CP4 of the Core Strategy, and advice contained within the Design and Townscape Guide (SPD1).

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. It is considered that a one month compliance period is reasonable in these circumstances.

(b) Chalkwell Ward

EN/15/00277/UNAU

Without planning permission installed PVC framed windows to front and side elevations

Crowstone House, Crowstone Road, Southend on Sea

Resolved: That ENFORCEMENT ACTION be AUTHORISED for the removal of the unauthorised PVC windows in elevations facing Chalkwell Esplanade and Crowstone Avenue. This is because of the detriment to the historic and visual character and amenities of the locally listed building and the Conservation Area, contrary to Policies DM1 and DM5 of the DPD, Policies KP2 and CP4 of the Core Strategy, and advice contained within the Design and Townscape Guide (SPD1).

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. It is considered that a three months compliance period is reasonable in these circumstances.

(c) Thorpe Ward

16/00048/UNAU-B

Without planning permission, the erection of an outbuilding which exceeds 2.5m in height and is located within 2.0m of a boundary of the curtilage of the dwellinghouse.

42 Kensington Road, Southend-on-Sea SS1 2SY.

DEFERRED

(d) Milton Ward

16/00108/UNAU_B

Without planning permission installation of windows, erection of porch and provision of soil pipe to South elevation.

49 Milton Road, Southend on Sea

DEFERRED

(e) Victoria Ward

EN/16/00027/UNAU-B

Without planning permission, the erection of an enclosed raised platform/balcony at first floor level to the rear of the property.

323a London Road, Westcliff-on-Sea, Essex SS0 7BX

Resolved: That ENFORCEMENT ACTION be AUTHORISED to secure the removal of the raised platform/balcony constructed to the rear of the property at first floor level on the grounds that the unauthorised development is detrimental to the character and visual amenities of the area by reason of its height, bulk, poor design and inappropriate materials which render its appearance incongruous and out of keeping in the area contrary to the National Planning Policy Framework (NPPF), Core Strategy DPD Policies KP2 (Development Principles) and CP4 (The Environment and Urban Renaissance), Policy DM1 of

the Development Management DPD and the Design & Townscape Guide (SPD1).

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, the necessary remedial works would probably require quotes to be obtained and contractors to be engaged so a compliance period of 3 months is considered reasonable.

Chairman: _____