

# Southend-on-Sea Borough Council

Development Control Committee 14<sup>th</sup> September 2016

## SUPPLEMENTARY INFORMATION

### Pre Meeting Site Visits

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16/00820/FULH

85 Thorpedene Gardens

#### 7. Representation Summary

##### Public Consultation

7.2 An additional letter of representation has been received stating that the proposed development site is affected by a covenant from 1930 relating to the drainage and sewers which runs across this area. The covenant states that:

*' the Covenanters or other the owner or owners for the time being of the said premises or any part thereof shall not nor will at any time hereafter erect or set up or permit to be erected or set up on or over any part of the said drain any message erection or building or any description whatsoever other than dividing walls or fences'*

**[Officer Comment: the presence of a covenant is not a material planning consideration it is a matter between the owner of the property and those responsible for maintaining the drains/sewers, however, a copy of the document was passed to the Council's Environmental Protection Team who comments that:**

**'The paragraphs relating to drainage contained within the 1930 indenture merely serve to remind the owners of their responsibility to maintain their drain under the provisions of the 1875 Public Health Act (it wasn't a private sewer as far as we are able to determine) and of the power of the Local Authority to carry out rechargeable works in default. That Act was subsequently repealed, the provisions ultimately being re-enacted within section 17 of the 1961 Public Health Act with respect to cleansing, and section 59 of the Building Act 1984 in regards to maintenance. The Authority retains powers under those pieces of legislation to serve Notice on the owner and carry out rechargeable works in the event of default.**

**Section 27 referred to the erection of temporary structures, being repealed by section 346 and Schedule 3 III of the 1936 Public Health Act and superseded by Section 344 of that Act. The 1936 consent (for the garage) was renewed in**

1977 by SoS BC under section 344. That legislation too was repealed by section 133(2) and Schedule 7 of the Building Act 1984.

Responsibility for ensuring proper protection of any drain that is to be built over rests with the owner of the property and falls within the provisions of the Building Regulations.

Full responsibility for maintenance of the lateral drain between the main public sewer running beneath Thorpedene Gardens and the boundary of No. 85 was transferred from the property owner to Anglian Water in 2011.'

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Sea.

Southend Bowls Club, 7 Tunbridge Road, Southend-on-

Please note that paragraphs 7.2 and 7.3 should have been labelled 9.2 and 9.3 and positioned after paragraph 9.1.

### Report on Planning Applications

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16/01210/RESM

845-849 London Road, Westcliff-on-Sea

#### 6. Representation Summary

##### Public Consultation

6.1 It should be noted a letter of representation has been received stating:

- Insufficient time has been provided for local residents to attend this meeting and it is unfair planning permission has been given and the building is underway and the developers can continue to submit a new application. **[Officer Comment: The agenda has been published and neighbour notification of the meeting carried out in accordance with statutory guidance]**
- The proposal will result in overdevelopment and loss of privacy. **[Officer comment - It should be noted that the overall height of this building and location of windows has already been established following the approval of applications 15/01785/AMDT and 16/01030/AMDT].**

### **143 Green Lane, Eastwood, Leigh-on-Sea**

#### **Representation Summary**

6.1. It should be noted that the second public consultation period that was undertaken due to the receipt of amended plans came to an end on 09/09/16 and therefore the report was written before the end of the public notification period.

Since the preparation of the Officer's Report letters of objection have been received from the occupants of three properties which object on the following grounds:

- Concerns previously raised by Officers have not been addressed and yet the recommendation has changed.
- The proposed development would be closer to the boundary with 137 Green Lane than the existing dwelling.
- The angle of overlooking from the balcony would be harmful to residential amenity.
- The proposed boundary treatment at the frontage of the site is unacceptable and should replicate the existing dwelling.
- The scale and form of the dwelling is out of character with surrounding properties.
- The roof would be taller than other surrounding properties.
- The proposed windows within the roofspace would overlook neighbouring properties.
- The dwelling would be larger than the existing dwelling.
- When the dwellings in this section of Green Lane were approved they were all built to be 24.5 metres from the highway. This should be retained.
- The rear boundary of the site represents the edge of planning policy designations that are set out within the planning policies of Rochford District Council (Green Belt and Special Landscape Area) and therefore the application should have regard to those policies.
- The proposed materials would be oppressive and out-of-keeping with the character of the area.

### **Sandy Lodge, 1a Southchurch Avenue, Shoeburyness**

Please note ward name should state Shoeburyness rather than Milton.

It should be noted the 3 existing parking spaces to the front are to be retained but no other spaces are proposed to be created

as previously stated under paragraphs 1.1 and 4.12 of the main report. This does not affect the officers recommendation.

## 6. Representation Summary

### Private Sector Housing

For clarity Paragraph 7.1 should read as follows:

The property appears to be only two stories and this being the case would not require an HMO under current legislation however the applicant should be made aware that extended HMO licensing is proposed to come in nationally.

The bedroom sizes are not shown on the plan. Bedrooms should be of minimum sizes as below as per the Essex Approved Code of Practice, full copy of which is available online at [www.southend.gov.uk](http://www.southend.gov.uk) Without knowing the proposed bedroom sizes it cannot be confirmed whether the proposed rooms are of sufficient size.

<b>No. of occupiers per rooms</b>	<b>Space for sleeping where kitchen facilities are provided SEPARATELY</b>	<b>Space for sleeping where kitchen facilities are provided WITHIN the room</b>
ONE	8.5m <sup>2</sup>	11m <sup>2</sup>
TWO	12m <sup>2</sup>	15m <sup>2</sup>

The application form Part 7 states that there are no plans for waste and recycling storage and collection however this is a requirement under the HMO Management Regulations (2006). The duty is on the Manager of the HMO to ensure satisfactory provision.

Recommended conditions or informatives if the application is granted:

1. It is the HMO Manager's responsibility to ensure any necessary HMO licence is applied for to Private Sector Housing and the applicant is pointed to the current regulations for licensing which are due to be extended.
2. The applicant should be aware that a Manager for the HMO must be appointed and notified to the Council's Private Sector Housing Team. All Management Regulations must be complied with including the Manager's duties 3 – 9 of the Regulations which can be viewed [here:](http://www.legislation.gov.uk/uksi/2006/372/contents/made)  
<http://www.legislation.gov.uk/uksi/2006/372/contents/made>

In particular, the Manager should note their responsibilities to provide information (Duty 3), take safety measures (Duty 4), maintain water supply and drainage (Duty 5), supply and maintain gas and electricity (Duty 6), maintain the common parts (including outdoor curtilage), fixtures, fittings and appliances (Duty 7), maintain living accommodation (Duty 8) and to provide sufficient waste disposal facilities (Duty 9).

3. A fire and heat detection and alarm system appropriate for a two storey bedsit type HMO in accordance with the latest Building Regulations must be installed and operative prior to becoming occupied.
4. The applicant is directed to Private Sector Housing's Landlords' Forum and is invited to join at no charge at [landlordsforum@southend.gov.uk](mailto:landlordsforum@southend.gov.uk)

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**16/01215/FUL**  
**SS1 2SY**

**Mayas Restaurant, 42 London Road, Southend-on-Sea,**

### **7.3 Environmental Health Officer**

The Council's Environmental Health Officer has raised no objection to the application subject to the imposition of conditions to require more details to be submitted and agreed to ensure the following:

- The sound insulation provided by the proposed glazing is adequate.
- All plant and extraction equipment is assessed before it is provided at the site to ensure that it complies with set criteria.
- Any proposed lighting shall be positioned and directed to prevent nuisance.
- Construction hours should be limited and the burning of waste should be prevented.

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**16/01237/FUL**

**274 Elmsleigh Drive, Leigh-on-Sea.**

### **Highway and Transport Issues**

4.19 Notwithstanding the content of paragraph 4.19 of the Officer Report, it is noted that at paragraph 6.1 the Highway Authority have objected to the application on the grounds that the access would be extended towards the bus stop, being unacceptably close to the bus stop which could obstruct future enhancements to the bus stop.

## **Recommendation**

Due to the above it is recommended that the application be refused for the following reason:

**1. The proposed development would have insufficient parking to meet the needs of occupiers and would therefore be likely to result in vehicles parking within the highway to the detriment of highway safety and the free flow of traffic. Moreover it is considered that the extended access would be unacceptably close to the existing bus stop and that this would restrict future opportunities to improve sustainable transport infrastructure. The proposal is therefore contrary to the National Planning Policy Framework, policy CP3 of DPD1 (Core Strategy) and policies DM3 and DM15 of DPD2 (Development Management).**

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**11 Leigh Park Road, Leigh-on-Sea.**

### **7.4 Representation Summary**

Additional representations have been received from two neighbouring residents which object on the following grounds that were not expressed within the Officer's Report

- The applicant should not profit from a breach of planning control.
- The applicant has shown contempt for planning regulations and the planning process.
- The works have devalued neighbouring properties.
- If the works are approved, neighbours will undertake unauthorised works themselves.

They have also submitted various photographs of the development that has occurred. Some of the photographs are as follow:









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103 Kensington Road, Southend-on-Sea, SS1 2SY

## 6. Representation Summary

### Public Consultation

6.2 Two additional letters of representation have been received which state the following:

- The application property breached permitted development three years ago for a conservatory. **[Officer comment: See section 7 of report which details the history of the site].**
- The author considers that the proposed development is contrary to policies KP2/CP4/DM1 and paragraph 366 of the Design and Townscape Guide and that the report to the committee is inaccurate in their opinion.
- The dormer is considered to dominate the neighbour's garden, especially with the present colour of cladding.
- The cladding on no. 105 is only in the roof apex on the front of the house and not on a rear dormer and should not set a precedent.
- The author considers that paragraph 4.8 of the report is misleading. No sign of cladding on no. 105 and all

other dormers have been softened by hanging tiles or white render.

- The dormer is out of place in the rear streetscape due to deliberate and calculated breaches of permitted development.
- The layout of the house will no doubt become a multi-occupancy residence. The off-street parking has been rented out to two local businesses/cars in the daytimes often causing problems for the residents next door.
- Questions why the neighbours were not consulted with regard to scaffolding or the party wall agreement  
**[Officer comments: These are private matters which the Local Planning Authority has no control over.]**
- Queries the number of letters of representation received and detailed in the report.

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**16/01379/FULH**

#### **40 The Broadway, Thorpe Bay, Essex**

Notwithstanding the content of the Officer Report, it is noted paragraph 4.9 refers to the combined impact of the proposed north and south elevations therefore the reason of refusal must refer to both elevations. The recommendation should be revised as follows:

#### **9. Recommendation**

**The proposed roof extensions to the north and south elevation by reason of size, design and siting would be dominant and out of keeping with the existing dwelling and surrounding 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).**

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**16/01343/FULH**

#### **6 Vardon Drive, Leigh-On-Sea, Essex**

#### **7. Representation Summary**

##### **Public Consultation**

7.1 One additional letter of representation has been received which state the following:

- The current two storey building is already tall and thin.
- The dormer window would overlook the neighbouring bedrooms and garden and result in loss of privacy.  
**[Officer comment: The impact on the neighbours'**

**amenity has been assessed. Please refer to 'Impact on residential amenity' section].**

- All dormer conversions in the area have been to single storey bungalows which have not affected the privacy of the neighbours.

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## **71 Marine Parade, Leigh-On-Sea, Essex**

### **7 Representation Summary**

#### **7.1 Public Consultation**

Four neighbouring properties were notified and a site notice was posted at the site. Five letters of objection were received however three letters were from the same individual. One letter of support was received stating both house and parade would be enhanced by the proposals. The following objections were received:

- The proposals are monstrous overdevelopment and the roof dormers will overlook 3 bedrooms of No. 77 Marine Parade, infringing on their privacy
- All elevations will present ugly overdevelopment on a small plot
- The character of the house will be lost
- The additional living space in the loft would increase parking stress in the area
- The existing property is an attractive style and would become a mixture of contemporary housing estate style added onto a 1920's house.
- The proposed roof extension and front and rear dormers would create an over dominant building, detrimental to the general appearance of the street and neighbouring properties.
- The house is a traditional Goldsworthy design and the proposed alterations would harm the property's appearance and be out of keeping with the surrounding houses
- 

#### **7.3 Leigh Town Council**

Object to the dormer windows by size and bulk. The hip to gable roof extension is not a loft conversion, but is adding a third storey to the property. It is an overdevelopment to the property, and detrimental to the street scene, especially the fully glazed window at the front. It is unsympathetic to the original architect, and the surrounding area – Marine Parade and Harley Street.

**Written Representation received from the applicant, Mr.**

**Gibbons**

- The accommodation in its current form does not provide sufficient accommodation for our 5 children. The motive for expansion is therefore practical and for family reasons
- Increase to the ridge height was proposed to provide adequate head height for the planned second floor accommodation. Without this increase in height the alternative would have been to reduce the height of the existing ceiling on first floor, adversely affecting the character of the high ceilings within the house.
- Section 4.9 of the officers' report refers to the proposed three pitched roof dormers as being dominant and not in keeping with the character of the area. There is an example of a 2 storey house on the corner of Theobalds Road and Marine Parade with at least 3 dormers.
- Section 4.13 states that "it is considered the proposed three pitched roof dormers to the elevation would not be overbearing or result in a sense of enclosure for the occupants of the surrounding properties. How on the one hand can we state they are dominant, yet on the other state they are not overbearing or provide a sense of enclosure?"
- 5.1 can be challenged on 2 counts
  - a) The front elevation being proposed is consistent with adjacent properties at numbers 70 & 69. The pitch being proposed will bring my property up to a height which is only consistent with these properties. Additionally there are numerous properties along Marine Parade where the mass and scale is far in excess of what is being proposed, including a number of 3 story properties.
  - b) The dormer proposed to the east flank elevation is stated within the report under section 4.15 'as not being materially worse than the impact of that development (being the development of 'No 70 Marine Parade which has recently added a large dormer / roof extension'). These 2 statements regarding the dormer appear contradictory. If the impact is considered detrimental to the surrounding area, surely the same argument could be applied to the large dormer at No 70?
- It is asked why this application has been called in by Cllr Evans
- The proposals in my view provide an opportunity to create a property which is keeping with the scale and mass of many other properties on Marine Parade yet at the same time provide much needed accommodation for large family.