

SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Development Control Committee

Date: Wednesday, 5th August, 2015

Place: Jubilee Room, Civic Centre, Southend-on-Sea

Present: Councillor A Crystall (Chairman),
Councillors M Assenheim (Vice-Chairman), B Ayling, M L Borton, M
Butler, T K Byford, L Davies*, M F Evans, N J Folkard, D A Garston, R E
Hadley, A P Jones*, D C McGlone, K R Robinson, P R Van Looy, C W
Walker, N D Ward

(*Substitute in accordance with Council Procedure Rule 31)

In Attendance: Councillor S T Ayles
J K Williams, D Hermitage, C Galforg, A Tastsoglou, D Skinner, T Row

Start/End Time: 2.00 p.m./3.20 p.m.

**** **Part I**

192 Apologies and substitutions.

Apologies for absence were received from Councillors T Callaghan (Substitute Councillor Davies) and J McMahon (Substitute: Councillor Jones).

193 Declarations of interest.

The following interests were declared at the meeting:

(i) Councillor Byford - 15/00290/FUL - Non-pecuniary interest: Relative works for Fairfield BMW;

(ii) Councillor Davies - 15/00930/BC4 - Non-pecuniary interest: Lives in the vicinity of the application;

(iii) Councillor D A Garston - 15/00155/FULM - Non-pecuniary interest; Knows the developer and son lives in Cliftown Parade;

(iv) Councillor Van Looy - 15/00155/FULM - Non-pecuniary interest: Friend lives next to the application site.

194 Minutes of the Meeting held on Wednesday, 3rd June, 2015

Resolved:

That the Minutes of the meeting held on Wednesday 3rd June 2015 be received, confirmed as a correct record and signed.

195 Minutes of the Meeting held on Wednesday, 8th July, 2015

Resolved:

That the Minutes of the meeting held on Wednesday 8th July 2015 be received, confirmed as a correct record and signed.

196 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.

197 Reports on Planning Applications

The Committee received reports of the Corporate Director for Place which reported on applications which had been deposited with the Council.

The decision of the Committee in relation to each application is set out below:-

(a) Eastwood Park Ward

15/00290/FUL

Form vehicular crossover onto Hazelwood Grove
Fairfield BMW, Arterial Road, Leigh-on-Sea, SS9 4XX
Fairfield Garage (Leigh-on-Sea)
Brook Radley

Planning Permission GRANTED subject to the following conditions:

01 The development hereby permitted shall begin not later than 3 (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 and details: 1266/14/02 Rev A

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

03 The development hereby approved shall be fitted with lowerable security bollards as shown on plan 1266/14/02A prior to its first use and shall be used for egress/exit from the site only.

Reason: To define the scope of this permission with regards to highway safety, efficiency and the general amenities of the area in accordance with Policies KP2 and CP3 of the Core Strategy DPD1

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.

(b) Milton Ward

15/00155/FULM

Demolish existing building, erect 5 storey building comprising 24 self-contained flats with ground floor restaurant and basement parking, layout amenity area,

refuse and cycle storage and landscaping, form new vehicular access onto Western Esplanade.

The Esplanade Public House, Western Esplanade, Southend-on-Sea
Mr CG Pettersson, Redab Commercial Ltd
Stagg Architects Limited

Planning Permission REFUSED for the following reasons:

01 The development, as a result of its scale, mass and detailed design, is considered to have an unacceptable impact on the Streetscene and the character of the area. The development is therefore considered to be contrary to policies KP2 and CP4 of the Core Strategy, together with DM1, DM2, DM4 and DM6 and the Design and Townscape Guide and SPD 1 Design and Townscape Guide 2009.

02 The proposed development fails to provide a sustainable housing mix in terms of provision of affordable housing and would fail to contribute to the creation of a sustainable and balanced community. The proposal is therefore considered to be contrary to the National Planning Policy Framework, Policy CP8 of the Core Strategy DPD1 and policy DM7 of the Development Management DPD.

03 In the absence of a signed legal agreement, the proposed development fails to:- i) provide an effective means of enforcing/delivering a Travel Plan; ii) provide for a satisfactory provision of public art iii) provide affordable housing based on local need iv) provide for replacement tree planting and vi) provide for a satisfactory method of servicing the development. As such, the proposal would not make a satisfactory contribution towards the quality of the built environment within the vicinity of the site, would result in service vehicles blocking the highway to the detriment of highway safety and is likely to place 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, DM7 and DM15 of the DM DPD the Design and Townscape Guide (2009)

(c) Kursaal Ward
15/00930/BC4

Layout external raised decked area with Aluminium framed, glazed enclosure and part retractable roof.

Bourgee Restaurant, 1 Eastern Esplanade, Southend-on-Sea, Essex, SS1 2ER
Mr James Welling (Bourgee Ltd)
Mr Andrew Smith (RDD)

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: 1.1.05 D, 02.02.02 B, 02.02.03 B, 0.02 A, 1.106 B, 0.04, 0.05 and 01.01.09 B

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

03 No development shall take place until samples of the materials to be used on all the external elevations and details of the design of the frame and any other supporting structures required as part of this development have been submitted to and approved by the local planning authority. The development shall only be carried out in accordance with the approved details.

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, and SPD1 (Design and Townscape Guide).

04 Notwithstanding the Town and Country Planning (Control of Advertisements) Regulations 2007, no adverts shall be affixed to the glazed structures hereby approved.

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, and SPD1 (Design and Townscape Guide).

05 No external lighting shall be installed at the site unless a scheme of lighting has first been submitted to and approved 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, and SPD1 (Design and Townscape Guide).

06 The finished floor level of the proposed outdoor seating area should be no lower than existing floor levels (whichever is lower) unless otherwise approved in writing by the Local Planning Authority.

Reason: To minimise the potential impacts of flooding which the dwelling is at risk of, in accordance with National Planning Policy Framework 2012 and Core Strategy Policy KP2.

07 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.

(d) Prittlewell

15/00954/AMDT

Application to vary condition 02 (approved plans) to amend height of garage of planning permission 14/01691/FULH dated 30th December 2014.

47 Earls Hall Avenue, Southend-on-Sea, Essex, SS2 6PB

Mrs Lindsay Furness

Planning Permission REFUSED for the following reasons:

01 The garage, by reason of the increased roof height and the orientation of the gable roof would be out of the context with the surrounding area and will appear incongruous in the streetscene to the detriment of the character and appearance of the area contrary to National Planning Policy Framework, Core Strategy Policies KP2 and CP4, the Design and Townscape Guide, 2009 (SPD1) and Development Management DPD Policy DM1.

Resolved:

That ENFORCEMENT ACTION be AUTHORISED to either demolish and remove all associated materials and debris from the site or build the garage in accordance with approved plans submitted with planning application Ref No.: 14/01691/FULH dated 31st December.

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.

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The detailed analysis is set out in a report prepared by officers. In the circumstances the proposal is not considered to be sustainable development. The Local Planning Authority is willing to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development, should the applicant wish to exercise this option in accordance with the Council's pre-application advice service.

(e) Milton Ward

15/01070/DOV

Deed of Variation

Modification of planning obligation (Section 106 agreement) dated 17/04/2014 pursuant to application 13/00438/FULM allowed on appeal dated 17/12/2014 to vary the requirement to provide affordable housing.

British Heart Foundation, 3 - 5 High Street, Southend-on-Sea, Essex SS1 1JE

David Jarman (Hobbs Parker)

DELEGATED to the Corporate Director for Place Head of Planning and Transport or the Group Manager for Planning and Building Control to GRANT A MODIFICATION OF THE PLANNING OBLIGATION dated 17th April 2014 pursuant to application 13/00438/FULM allowed on appeal to provide a commuted sum payment for affordable housing of £187,914 in lieu of on-site provision.

(f) Belfairs Ward

15/00979/FULH

Erect two storey side extension (Amended Proposal)

1 Great Hays, Leigh-on-Sea, Essex, SS9 4RR

Mr R. Cherry

Mr A. Collinson (New World Designers)

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: 2545/2/36A

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

03 Unless otherwise agreed in writing with the local planning authority, the development hereby permitted shall be constructed entirely of materials that match the materials used in the construction of the existing dwelling.

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, and SPD1 (Design and Townscape Guide).

Reason for decision: In this case, the Committee concluded that the proposed extension would not cause planning harm to the neighbourhood.

(g) Shoeburyness Ward

15/01090/FULH

Demolish existing single storey rear extension, erect new single storey rear extension.

104 Waking Avenue, Shoeburyness, Southend-on-Sea, Essex, SS3 9BB

Mr & Mrs Lord

Mr N. Kenney (The Draughtsman)

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: Location Plan and WA/NAK/01

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

03 Unless otherwise agreed in writing with the local planning authority, the development hereby permitted shall be constructed entirely of materials that match the materials used in the construction of the existing dwelling.

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, 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.

198 Enforcement of Planning Control

The Committee received a report of the Corporate Director for Place which reported on alleged breach of planning control.

(a) Victoria Ward

EN/15/00134/UNAU_B

Without planning permission installed PVC framed windows to front elevation at first floor level

17A West Street Southend on Sea Essex SS2 6HH

Resolved:

That ENFORCEMENT ACTION be AUTHORISED for the removal of the unauthorised windows at first floor level in the front elevation. This is because of the detriment to the historic and visual character and amenities of the Conservation Area, contrary to the NPPF, policy DM1 of the emerging Development Management DPD, policy C4 of the Borough Local Plan, 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.

Chairman: _____