

# Public Document Pack

**Southend-on-Sea Borough Council**

**Legal & Democratic Services**

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09 September 2020

Dear Councillor

## **DEVELOPMENT CONTROL COMMITTEE - WEDNESDAY, 9TH SEPTEMBER, 2020**

Please find enclosed, for consideration at today's meeting of the Development Control Committee a copy of the Supplementary Report which provides the latest information on the applications referred to on the Agenda.

**Tim Row**

Principal Democratic Services Officer

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# Southend-on-Sea Borough Council

Development Control Committee 9<sup>th</sup> September 2020

# 7

## SUPPLEMENTARY INFORMATION

**Introduction**                    **Pages 51-52**

**Page 51**                         **Paragraph (i)**

**Recommendations in capitals at the end of each report are those of the Deputy Chief Executive and Executive Director Growth & Housing, are not the decision of the Committee and are subject to Member consideration.**

**Page 52**                         **Use Classes**

From 1st September 2020, the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 came in force and amended the Use Classes Order 1987. The new Use Classes are listed below. The changes took effect after the reports in the agenda for this meeting were drafted but do not alter the recommendations made in those reports.

Use Classes generally in force

Class B1 - Business

Class B2 - General industrial

Class B8 - Storage or distribution

Class C1 - Hotels

Class C2 - Residential institutions

Class C2A - Secure residential institutions

Class C3 - Dwellinghouses

Class C4 - Houses in multiple occupation

Class E - Commercial, Business and Service

Class F.1 - Learning and non-residential institutions

Class F.2 - Local community

Sui Generis - A use on its own, for which any change of use will require planning permission.

Deleted Use Classes (limited effect on prior approvals until 31st July 2021)

Class A1 - Shops

Class A2 - Financial and professional services

- Class A3 - Restaurants and cafes
- Class A4 - Drinking establishments
- Class A5 - Hot food takeaways
- Class D1 - Non-residential institutions
- Class D2 - Assembly and leisure

**Agenda Item 9**

**Pages 53 - 116**

**18/01975/FULM**

**Land at Barge Pier Road, Shoeburyness (Shoeburyness Ward)**

**Page 56**

**4.1 Public Consultation**

Following the publication of the report a statement by the Garrison Residents' Association has been received. The points raised in the submitted statement are summarised as follows:

- Transport – The submitted transport statement is overly optimistic, there is currently congestion caused during peak hours in the surrounding roads, use by HGVs will likely damage the road surface, unsuitable layout of road network and roundabouts, conflict with pedestrian movements at the entrance of the site.
- Size and scale – The scale is imposing, particularly of Unit 9, the development is out of keeping with the area, there are many similar properties vacant in the area.
- Flooding – The area is at high risk of flooding and development would harm its natural drainage benefit impacting the wider area. The development will impact on existing overloaded sewer systems increasing the risk of flooding elsewhere. No mitigation for potentially contaminated run off water entering Barge Pier ditch.

The comments contained in the statement have been taken fully into consideration but do not identify any points which would warrant a different recommendation being made by Officers to the one made in the published committee report.

**Agenda Item 9**

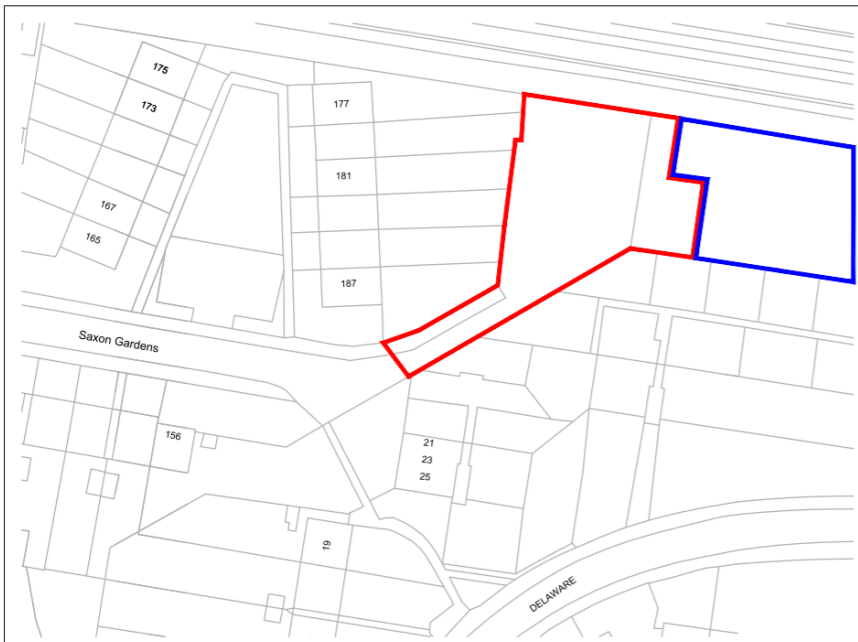
**Pages 117-138**

**20/00817/BC3**

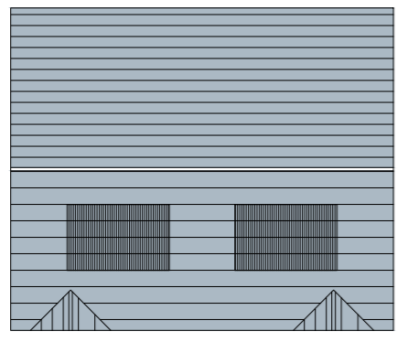
**Garages Rear of 187 Saxon Gardens, Shoeburyness (West Shoebury Ward)**

Following the publication of the committee report, an amended plan was received. The following amendments to the report are, therefore, required:

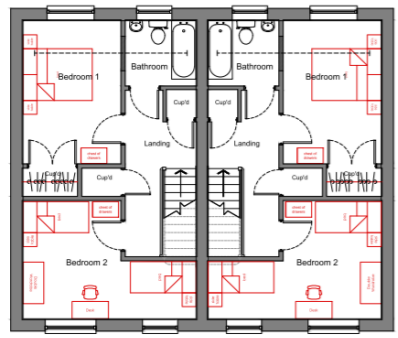
<b>Page 117</b>	<b>Plan Nos: 4634.105 REV PL9</b>
<b>Page 118</b>	<b>2 The Proposal</b>
	The application has been amended to propose a larger gate for access to the neighbouring allotments site and a different location for the proposed toilet block.
<b>Page 119</b>	<b>Public Consultation</b>
	4.3 A representation from a party previously objecting to the proposal has been received following the amendment of the submitted plans. The interested party suggests that their objection points in relation to the access to the neighbouring allotments have been overcome with the proposed amendments to the proposed scheme.
<b>Page 125</b>	<b>Traffic and Transportation Issues</b>
	7.28 [...] secured by conditions. The submitted amended plan shows acceptable access arrangements for both neighbouring sites.
<b>Page 128</b>	<b>02 [...] approved plans: 4634.105 REV PL9</b>
<b>Page 130</b>	<b>11 [...] as shown on the approved plan 4634.105 REV PL9 have been provided [...]</b>
	<b>12 No construction works, other than demolition and excavation works and works associated with this condition, shall take place unless and until useable accesses have been provided in full accordance with details shown on the approved plan 4634.105 REV PL9 for the rear of the neighbouring terrace to the west, including access for mobility scooters, and the allotments to the east, including access for HGVs. The accesses shall be retained thereafter for the lifetime of the development.</b>
<b>Page 135</b>	The plan is replaced with the following plan:



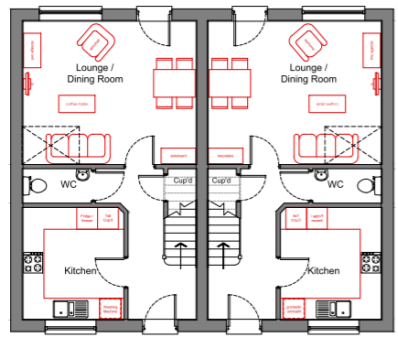
Site Location Plan  
1:1250



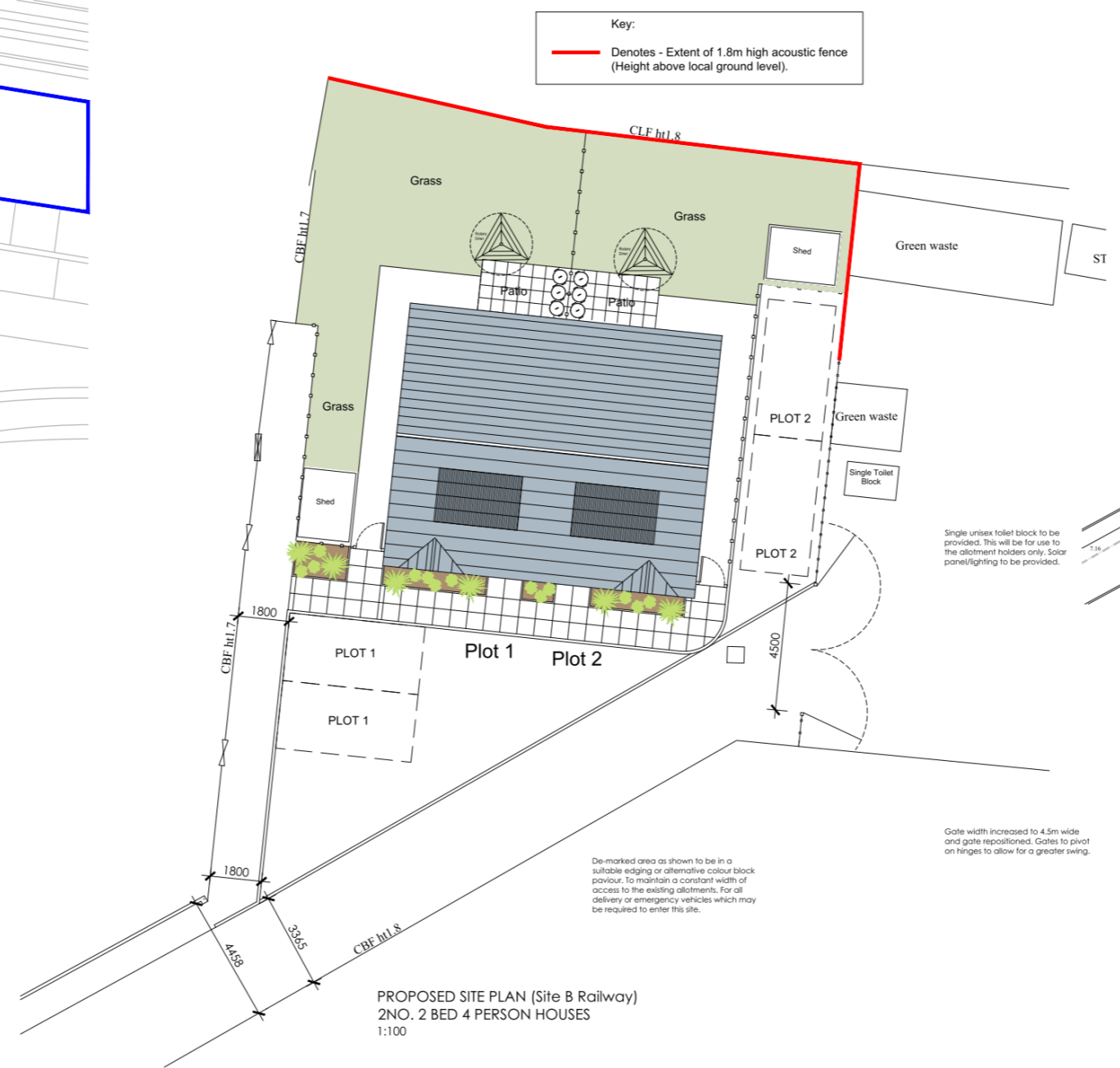
Roof Plan  
1:100



First Floor Plan  
1:100



Ground Floor Plan  
1:100



PROPOSED SITE PLAN (Site B Railway)  
2NO. 2 BED 4 PERSON HOUSES  
1:100

Key:  
— Denotes - Extent of 1.8m high acoustic fence  
(Height above local ground level).

Single unisex toilet block to be provided. This will be for use to the allotment holders only. Solar panel/lighting to be provided.

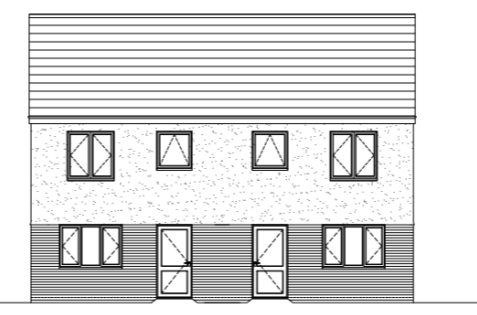
Gate width increased to 4.5m wide and gate repositioned. Gates to pivot on hinges to allow for a greater swing.

De-marked area as shown to be in a suitable edging or alternative colour block paviour. To maintain a constant width of access to the existing allotments. For all delivery or emergency vehicles which may be required to enter this site.

EXISTING SITE PLAN (Site B Railway)  
1:200



Front Elevation  
1:100



Rear Elevation  
1:100

© This drawing is copyright  
Do not scale from this drawing.  
AKDP to be informed of any discrepancies.  
Contractor to check all dimensions on site.

**PLANNING**

REV	DATE	DESCRIPTION	BY	APPD
PL9	04.09.20	Toilet block repositioned to North of the new proposed gates. Gates moved to allow for easier access onto site and overall width of gates increased to 4.5m wide.	DBL	DBL
PL8	10.08.20	Red line boundary revised to include toilet block. Blue line boundary added to show Southend Council's ownership of adjacent allotments.	DBL	DBL
PL7	07.08.20	Gate width increased to match existing gate of 3.5m wide. Footpath width increased to 1.8m wide. Small toilet block to be provided for allotment site.	DBL	DBL
PL6	23.04.20	Location of Acoustic fence shown.	DBL	DBL
PL5	27.02.20	Site detail added and floor plans and elevations added.	DBL	DBL
PL4	29.11.19	2No. Tandem parking spaces shown to the side of the righthand 2 bedroom house.	DBL	DBL
PL3	18.10.19	Pre-App Submission	DBL	DBL
PL2	23.08.19	Layout Updated	DBL	DBL

CLIENT

PROJECT  
SAXON GARDENS,  
SOUTHEND-ON-SEA,  
SS3 9PX

DRAWING TITLE  
PROPOSED SITE B (Railway)  
FLOOR & ROOF PLANS, ELEVATIONS  
AND SITE PLAN  
2No. 2 BED 4 PERSON HOUSES  
@ 86M<sup>2</sup> GIFA

DATE	AUG 2019	DWG. No.	4634.105	REV.	PL9
SCALE	1:100 (A1)	DRAWN BY:	JOH	DATED	19:08:2019
CHECKED BY:	-	DATED	-		

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**Agenda Item 10**

**Pages 139-222**

**20/00320/FUL  
& 20/00321/LBC**

**Cockethurst Farm (St Laurence Ward)**

**Page 144**

### **4.3 Environment Agency**

An updated consultation response has been received from the Environment Agency as follows:

‘Thank you for providing us with the updated plans for this development. We have reviewed these and are able to remove our previous holding objection.

Our maps show the site lies within fluvial Flood Zone 3a defined by the ‘Planning Practice Guidance: Flood Risk and Coastal Change’ as having a high probability of flooding. The proposal is to convert existing farm buildings into 2 dwelling houses, which is classified as a ‘more vulnerable’ development, as defined in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance. Therefore, to comply with national policy the application is required to pass the Sequential and Exception Tests and be supported by a site specific Flood Risk Assessment (FRA).

To assist you in making an informed decision about the flood risk affecting this site, the key points to note from the submitted FRA, referenced 402.08714.00004 and dated December 2019, are:

#### **Actual Risk**

- The site mainly within the flood extent for a 1% (1 in 100) annual probability event, including an allowance for climate change.
- The site does not benefit from the presence of defences.
- Finished ground floor levels have been proposed at 14.90m AOD. This is above the 1% (1 in 100) annual probability flood level including a 35% allowance for climate change of 14.64m AOD and therefore dry of flooding in this event.
- The site levels are a minimum of 14.38m AOD and therefore flood depths on site could be up to 0.26m in the 1% (1 in 100) annual probability flood event including a 35% allowance for climate change.
- Therefore assuming a velocity of 0.5m/s the flood hazard is danger for most including the general public in the 1% (1 in 100) annual probability flood event including climate change. This proposal does have a safe means of access in the event of flooding from all new buildings to an area wholly outside the floodplain up to a 1% (1 in 100) annual probability including climate change flood event. A Flood Evacuation Plan has been proposed.
- A safe refuge area has been provided in one bedroom of each building which will be set at 15.50m AOD which is above the 0.1% (1 in 1000) annual probability flood event including climate change
- Flood resilience/resistance measures have been proposed
- Compensatory storage is not required.’

**Agenda Item 14**

**Pages 349-396**

**20/00889/FUL**

**20 Berkeley Gardens, Leigh-on-Sea (West Leigh Ward)**

**Pages 371-373**

These pages show the previously approved plans for the previously determined scheme mentioned in the main body of the report.

**Agenda Item 15**

**Pages 397-446**

**20/00923/FUL**

**Land Rear of 26-30 Lime Avenue, Leigh-on-Sea (West Leigh Ward)**

**Page 399**

**4 Representation Summary**

Following the publication of the committee report an email and a letter by the applicants have been received. The points raised in the submitted email and letter are summarised as follows:

- The applicants expected advanced notice of the officer's recommendation.
- There was no opportunity to discuss suitable amendments hence the Council failed to act positively and proactively.
- The scheme refused planning permission in 2014 is not comparable given the size of that site and the scale of that proposal. Stating that was a comparable scheme the officer made a very misleading statement. Similarly, the proposal is not in the 'same rear garden location' as stated by the officer. The previous refusal should not be afforded significant weight for the consideration of the current proposal.
- Since 2014 there have been amendments and revisions to local and national policy hence the planning context has changed contrary to the officer's statement in the report. Southend-on-Sea Borough Council is underperforming in housing delivery and cannot demonstrate a Five-Year Housing Land Supply. These should be given significant weight as material considerations in favour of the scheme.
- There would not be undue overlooking and loss of privacy to 2 Belfairs Close, this was not highlighted during the pre-application enquiry, the officer has not visited the site and relied on the findings of the 2014 Appeal Decision which was for a larger property. Given that the finding of the harm is 'on balance' the presumption in favour of sustainable development should have been applied.
- The applicants are uncertain as to what ecological value has been lost, there was no request for an ecological appraisal either during the pre-application stage or during the application.
- Applicants fail to understand how the officer can be critical of the design but this issue to not form a reason for refusal.
- The whole committee report conveys an inherent and highly subjective dislike of 'backland development' without properly assessing the merits of this individual proposal.
- The reasons for refusal - damage of ecological assets and loss of privacy to no 2 Belfairs Close – do not stand up to scrutiny.
- The applicants sought pre-application advice before submitting the current application and reasons for refusal 2 and 3 were not raised at pre-application stage.



- If the Local Planning Authority persist with reason for refusal 4 (loss of ecological assets) the applicants will seek an award of costs on appeal, the issue was not raised at pre-application stage or during the application when further information could be provided.

The comments contained in the applicants' submissions have been taken fully into consideration but do not identify any points which would warrant a different recommendation being made by Officers to the one made in the published committee report. Most of the issues raised by the applicants have been addressed in the officer's report. It should be noted that pre-application advice is given by an officer of the Council in their professional capacity and although forms a material planning consideration they cannot bind the Local Planning Authority to a particular decision. Furthermore, pre-application enquiries are not subject to public consultation which may give rise to matters that were not previously identified. The planning team's policy is that officers should not indicate their recommendations to agents or applicants until those recommendations have been signed off by management.

**Page 405**                                    **Standard of Accommodation and Living Conditions for Future Occupiers**

7.18 [...] that the proposed dwellings would meet [...]

**Page 437-439**                              These pages show the previously refused plans for the previously determined scheme mentioned in the main body of the report.

**Agenda Item 17**                            **Pages 479 – 530**

**20/01049/AMDT**                         **88 Woodside, Leigh-on-Sea (Belfairs Ward)**

**Pages 525 -529**                         These pages show the previously approved plans for the previously determined scheme mentioned in the main body of the report.

**Agenda Item 18**                            **Pages 1-29 of the Supplementary Reports Pack for Items 18 and 19**

**19/02066/BC4M**                         **Airport Parking, Southend Airport, Eastwoodbury Crescent (St Laurence Ward)**

Following the publication of the report and in light of the overall number of reports included in the agenda for this meeting, an agreement for a further extension of time was sought for this application to allow the timely determination of the application following any potential required post-committee actions.

**Page 1**                                        **Expiry Date: 14th September 2020**

**Page 5**                                        **Public Consultation**

Following the publication of the report a statement by an objector has been received. While the statement would not be read out as there is already an objector addressing the committee, the points raised in the submitted statement are summarised as follows:

- Road congestion – Cumulatively with other development there is a significant issue with current capacity on highways adjacent the site and further away. This development would make the congestion worse.  
[Officer's response: see paragraphs 7.29 to 7.34 of committee report]
- Environment/ Air Quality – Nitrogen Dioxide levels are already worse than comparable areas with airports and the proposal can only make things worse.  
[Officer's response: see paragraph 7.28 of committee report]
- LSA Review – the application needs to be considered alongside the wider plans for the airport.  
[Officer's response: see paragraph 7.7 and 7.28 of committee report]
- Limited benefit – The development will benefit only those using the airport, not the town.  
[Officer's response: see paragraph 7.7 of committee report]

The comments contained in the statement have been taken fully into consideration but do not identify any points which would warrant a different recommendation being made by Officers to the one made in the published committee report.