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Southend-on-Sea Borough Council

Legal & Democratic Services

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09 December 2020

Dear Councillor

DEVELOPMENT CONTROL COMMITTEE - WEDNESDAY, 9TH DECEMBER, 2020

Please find enclosed, for consideration at today's meeting of the Development Control Committee a copy of the supplementary report which provides updated information on applications since the publication of the Agenda.

Yours faithfully

Tim Row
Principal Democratic Services Officer

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Southend-on-Sea Borough Council

Development Control Committee 9th December 2020

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SUPPLEMENTARY INFORMATION

Agenda Item 4 Pages 05 – 120

20/01227/OUTM Land Between Barge Pier Road and Ness Road, Shoeburyness

Page 14 4 Representation Summary

Natural England:

Since the preparation of the committee report, further comments have been received from Natural England which query whether the LPA have carried out an appropriate assessment as part of the Habitats Regulations Assessment. An appropriate assessment has been undertaken. The appropriate assessment undertaken by the LPA confirms that the development is in accordance with Natural England's recommendations for larger scale residential developments (100+ dwellings) within the Essex Coast RAMS zone of influence. In this instance, the scheme includes high quality open spaces throughout the site, which will offer alternative open spaces, recreation and dog walking facilities for residents which would help to reduce the pressure on the European sites. A financial contribution in accordance with the adopted RAMS SPD is also to be provided via the S106 agreement.

Council's Flood, Drainage and SuDS Engineers:

Having received the detailed model information from the applicant, the Coastal Protection Authority has confirmed that it is satisfied with the information submitted relating to the wave conditions which have been used to calculate the overtopping events, the methodology used for calculating the overtopping volumes and the output of the overtopping volume calculations. This information validates the assumptions made in the Flood Risk Assessment.

There is a typographical error in the report at paragraph 4.15, this is amended below.

Council's SuDS, Drainage and Flood Engineers

4.15 Southend Borough Council as Coastal Protection Authority recommends that the application is approved subject to planning conditions requiring the construction to be in line with the recommendations of the Flood Risk Assessment submitted including that all ground levels are to be set to 3.0m AOD and ~~6.06.1m~~ 6.1m AOD, that all

construction should conform to the Resistance and Resilience measures as identified in paragraphs 5.30, 5.31, 5.32 and 5.33 of the Flood Risk Assessment and that all domestic dwellings will have provision for refuge greater than the 0.1% Annual Exceedance Probability (AEP) plus climate change level of 6.5m AOD...

Additional letters of representation received:

3 additional neighbour letters of objection have been received which make the following summarised comments:

- Residential proposal is better than industrial but still concerns.
- Concerns inadequate consultation undertaken and that application is being rushed through and that consultation took place during the pandemic.
- Close to a Conservation Area – concerns scale and intensity of development would not sit well with the Conservation Area.
- Concerns relating to the density proposed.
- Overdevelopment of land and of the capacity of infrastructure including roads, medical services, GPs schools.
- Concerns that the representation plans are not accurate.
- Concerns relating to the scale and height of the development and its impact on skylines.
- Concerns health centre not wanted by NHS and as such its use would be changed immediately. Already a chemist close by.
- Inappropriate flood assessment and concerns relating to the impact of the development on flooding in the area, including from impervious surfaces and diversion of storm water that will overwhelm the sewers.
- Concerns owners will not be able to obtain flood insurance.
- Inadequate S106. Concerns that there is no funding for primary school and that the highways contributions are inadequate. S106 should include requirement to clear existing drainage ditches, restoring gates/valves and fund maintenance of flood defences.
- Concerns relating to traffic, disruption, health and safety and highway safety and the convenience of road users.
- Land raising concerns in respect of disruption and noise, and noise from traffic and development during construction.
- Ecology and wildlife concerns. European sites close to site.
- Downscaling of proposal needed.
- Contrary to planning policy.
- Residential amenity concerns.
- Visual impact.
- Overbearing, out of scale and character.
- Loss of views.
- Constitutes urban sprawl.
- Oversupply of small flats.

- Does not benefit society or improve quality of life for residents.
- Concerns development would not be affordable.
- Loss of privacy and overlooking.

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9 Recommendation:

Positive and proactive statement

The following positive and proactive statement was omitted from the officer's report and should be included on the decision notice:

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.

Condition 7

It is recommended that condition 07 be amended to enable the spoil heaps to be moved to enable the necessary field work to be undertaken, as required by the condition as follows:

Notwithstanding the information submitted with the application, no development **other than moving of on-site spoil heaps**, shall be undertaken, unless and until a field investigation including a programme of archaeological recording and analysis, a watching brief and details of the measures to be taken should any archaeological finds be discovered, has been submitted to and approved in writing by the local planning authority. The approved recording/watching brief and measures are to be undertaken throughout the course of the works affecting below ground deposits and are to be carried out by an appropriately qualified archaeologist. The subsequent recording and analysis reports shall be submitted to the local planning authority before the development is brought into first use.

Reason: Required to allow the preservation by record of archaeological deposits and to provide an opportunity for the watching archaeologist to notify all interested parties before the destruction of any archaeological finds in accordance with the National Planning Policy Framework (2019) and Policy DM5 of the Development Management Document (2015).

Condition 26

For clarity it is recommended that Condition 26 be altered from (this has been agreed with the Council's Flood, Drainage and SuDS Engineers):

~~The development hereby approved shall be implemented and undertaken in strict accordance with the findings, recommendations and mitigation measures, including within Chapter 5, and including the minimum floor levels as set out within Chapter 5 (no habitable accommodation below 6.50m Above Ordinance Datum (AOD)) and the resilience measures as outlined within parts 5.30, 5.31, 5.32 and 5.33 of the submitted Flood Risk Assessment by Ardent ref.185320-01B dated July 2020. All ground levels are to be set with development platforms to 3.0m AOD for residential apartments and 6.0m AOD for residential houses and all domestic dwellings must have provision for refuge greater than the 0.1% Annual Exceedance Probability (AEP) plus climate change level of 6.5m AOD.~~

~~Reason: To ensure the approved development is safe and does not increase flood risk elsewhere in accordance with National Planning Policy Framework (2019), Core Strategy (2007) Policies KP1, KP2 and KP3.~~

To:

Before any phase of the development hereby approved is occupied or brought into use that phase shall have been implemented and undertaken in strict accordance with the findings, recommendations and mitigation measures, including within Chapter 5, and including the minimum floor levels as set out within Chapter 5 (no habitable accommodation below 6.50m Above Ordinance Datum (AOD)) and the resilience measures as outlined within parts 5.30, 5.31, 5.32 and 5.33 of the submitted Flood Risk Assessment by Ardent ref.185320-01B dated July 2020. **All less vulnerable uses (non-living residential apartment space and commercial) finished floor levels, to be set at a minimum level of 3.0m AOD. For more vulnerable uses (living and sleeping accommodation – residential and health centre) minimum finished floor levels to be set at 6.5m AOD.**

Reason: To ensure the approved development is safe and does not increase flood risk elsewhere in accordance with National Planning Policy Framework (2019), Core Strategy (2007) Policies KP1, KP2 and KP3.

Changes to conditions to enable phasing of the development:

Following the publication of the agenda, the applicant's agent has requested that conditions 19, 22, 28 and 41 are amended to allow details to be submitted in phases, as the development is likely to be developed in phases. This is a reasonable approach and not unusual for a scheme of this scale. As such, it is recommended that these conditions are amended as follows:

Condition 19

For phasing reasons, the applicant's agent has requested that condition 19 be split into two separate conditions for the residential and commercial uses which is reasonable. Condition 19 should therefore be amended to:

~~19. The development shall not be first occupied unless and until 502~~ **The onsite car parking spaces comprising 210 spaces for the flats, and 198 spaces for houses, 16 spaces for the commercial (Class A1, A2 and A3) uses and 78 spaces for the Health Centre (Class D1) use hereby approved have been shall be provided and made available for use in full accordance with drawing 032- S2-P003 Rev. H, prior to first occupation of any part of the phase of the development hereby approved they fall within, together with properly constructed vehicular access to the adjoining highway, all in accordance with the approved plans.**

The parking spaces shall be permanently maintained thereafter solely for the parking of occupiers of and visitors to the development.

~~19a. The development shall not be first occupied unless and until 502~~ **The onsite car parking spaces comprising 210 spaces for the flats, and 198 spaces for houses, 16 spaces for the commercial (Class A1, A2 and A3) uses and 78 spaces for the Health Centre (Class D1) use hereby approved have been shall be provided and made available for use in full accordance with drawing 032- S2-P003 Rev. H, prior to first occupation of any part of the phase of the development hereby approved they fall within, together with properly constructed vehicular access to the adjoining highway, all in accordance with the approved plans.**

The parking spaces shall be permanently maintained thereafter solely for the parking of occupiers of and visitors to the development.

Condition 22

*Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the development hereby permitted shall not be first occupied unless and until a car park management plan has been submitted to and approved in writing by the local planning authority. The car park management plan must be implemented in full accordance with the details approved under this condition **prior to first occupation of any part of the phase of the development hereby approved they fall within** and shall be maintained as such in perpetuity.*

Condition 28

It is recommended that condition 28 is altered as follows (to take account of the possible phasing of the development) (this has been agreed with the Council's Flood, Drainage and SuDS Engineers):

No drainage infrastructure associated with this consent shall be undertaken at this site unless and until full details of the drainage infrastructure and a drainage strategy have been submitted to and approved in writing by the local planning authority. The strategy submitted shall apply the sustainable drainage principles and the sustainable drainage hierarchy. Where more sustainable methods of drainage are discounted clear evidence and reasoning for this shall be included within the strategy submitted. The approved drainage infrastructure and strategy shall be implemented in full accordance with the approved scheme prior to the first occupation **of any part of the phase of the development hereby approved they fall within** and be retained as such thereafter.

Condition 41

1. Site Characterisation

No development other than site preparation works shall take place, **on any of the phase of the development hereby approved they fall within**, until and unless an assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site.

Moreover, it must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to: human health, property, existing or proposed, including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments;

2. Submission of Remediation Scheme

No development other than site preparations works shall take place, **on any part of the phase of the development hereby approved they fall within**, until and unless a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

3. Implementation of Approved Remediation Scheme

The remediation scheme shall be implemented in accordance with the approved timetable of works. Within 3 months of the completion of measures identified in the approved remediation scheme, a validation report that demonstrates the effectiveness of the remediation carried out must be submitted to the Local Planning Authority.

4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 7 days to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site. An assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of condition 2. The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the Local Planning Authority in accordance with condition 3.

5. Long Term Monitoring and Maintenance

*E1) No development shall take place, **on any part of the phase of the development hereby approved they fall within**, until a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 5 years, and the provision of reports on the same must both be submitted to and approved in writing by the Local Planning Authority.*

E2) Following completion of the measures identified in that scheme and when the remediation scheme is complete, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be submitted to the Local Planning Authority.

Part C of the recommendation:

An extension of time to determine the application has been agreed until 8th January 2021. This would enable the S106 to be finalised.

Agenda Item 5

Pages 121-184

19/02255/FULM 245 Sutton Road, Southend

Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS)

A unilateral undertaking has been submitted for this application which will secure the RAMS tariff to be paid on commencement of the development. This document is with the Councils Legal Section for checking.

Agenda Item 6 Pages 185-232

20/01180/FUL St Stephens Church, Alton Gardens

A coloured elevation drawing has been provided and is included in **Appendix 1** of this report.

Comment from Ward Councillors (Councillor Flewitt and Councillor McGlone)

'Having now read the full application we recognise the much improved contents especially the facilitation of extra parking spaces and generally in terms of quality of building design and enhanced sound proofing. Whilst we are cognisant of a reduced play area to assist building position and enlarged parking area we acknowledge the overall benefit to the local residents and to the wider Community that a modern building and improved facilities brings.'

Agenda Item 9 Pages 279-308

20/01450/FUL 91-93 Prince Avenue

Comment from Ward Councillors (Councillor Flewitt and Councillor McGlone)

'We are aware of the planning application report which considers conditions regarding a noise assessment and odour monitoring prior to occupation of the first floor accommodation above the restaurant and to neighbouring residential properties within the block. We also make reference to further development schemes within the immediate area.'

Agenda Item 10 Pages 309-338

20/01641/BC3 Garages Rear of 40, 42, 44 and 46 Anson Chase

7.39 Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS)

The RAMS tariff has been paid so this decision can be issued.

Agenda Item 12 Pages 407-442

20/01654/FUL - Penthouse, 33 - 34 The Leas, Westcliff-on-Sea

4. Representation Summary

The Council's Environmental Health raised no objection to the proposal subject to condition controlling construction hours.

Public Consultation

Paragraph 4.2

Since the draft of this report, additional objecting comments have been received by two interested third parties. The comments can be summarised as follows:

- The development is out of keeping with the conservation area.
- Previous works by the applicant resulted in roof leak.
- The management company for the building turned down the proposal.
- The reason for the lift is to allow the rental of the flat to multiple tenants and not for medical reasons, the property has already been advertised for renting once.
- Loss of privacy, light and views.
- Increase of noise and disturbance from the lift.
- Vibration from the lift.
- The existing parking contains eight spaces but only six are allocated and two are for visitors.
- The applicant has destroyed the building and the Council allows him to do what he wants.
- The proposed lift cannot be built within the proposed dimensions, a through lift arrangement is shown when an adjacent lift arrangement is needed.

[Officer comment: The additional objecting comments do not give rise to any new material planning considerations that have not already been discussed within the report.

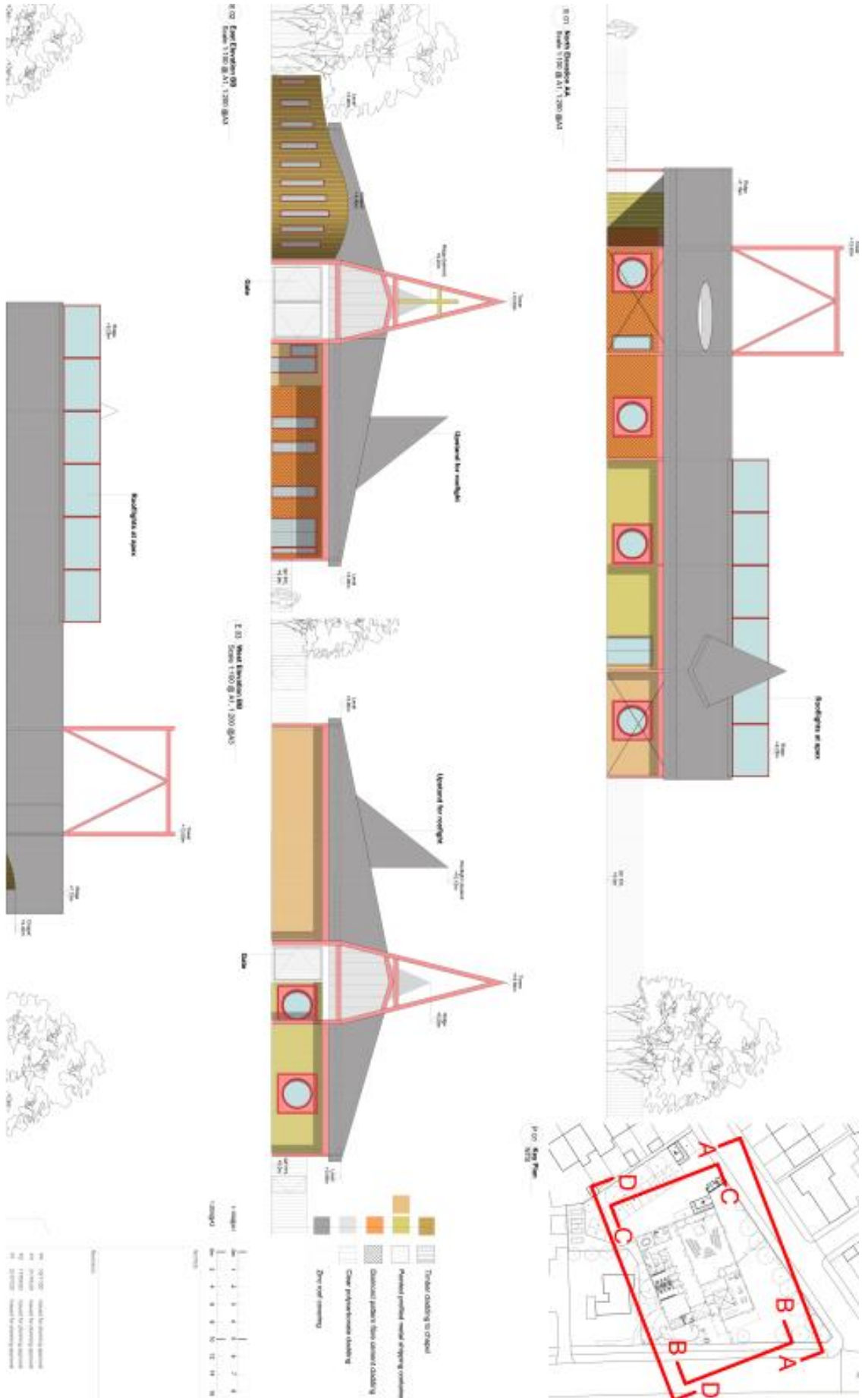
In relation to the quality of works and the roof leak caused apparently from previous works, this is not a planning related matter. Construction quality is controlled by Building Regulations.

Whether the management company would not allow the erection of the proposal is immaterial to the consideration of this application as a private matter between the parties and vice versa, whether the Local Planning Authority would grant planning permission is immaterial to any consent required by the land owner or the management company of the building.

The claim that the proposed development is of limited weight as it is not part of the proposal, there is no apparent separation of the flat shown within the submitted plans and the creation of a separate, self-contained flat would require planning permission. Whether the applicant would rent a room out within the property, it is not a matter that would require planning permission by the Local Planning Authority.

If the proposed size of the lift shaft is not suitable for the proposal and a materially different lift shaft is required, a new planning permission would be required.]

Appendix 1 - St Stephens Church Coloured Elevations



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