

Public Document Pack

Southend-on-Sea Borough Council

Legal & Democratic Services

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17 May 2021

Dear Councillor

DEVELOPMENT CONTROL COMMITTEE - WEDNESDAY, 3RD FEBRUARY, 2021

Please find enclosed, for consideration at the meeting of the Development Control Committee taking place on Wednesday, 3rd February, 2021, a copy of the Supplementary Report which provides further information on applications being considered since the publication of the Agenda.

Tim Row

Principal Democratic Services Officer

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Southend-on-Sea Borough Council

Development Control Committee 3rd February 2021

SUPPLEMENTARY INFORMATION

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Note for all applications:

The Community Infrastructure Levy (CIL) rates have been updated as of 1st January 2021 as follows:

Development Type	2015 Adopted CIL rate per square metre	Updated CIL rate per square metre from 1 st January 2021
Residential (Class C3 and C4) – Zone 1	£20	£25.62
Residential (Class C3 and C4) – Zone 2	£30	£38.42
Residential (Class C3 and C4) – Zone 3	£60	£76.85
Extra care and retirement housing ¹	£20	£25.62
Supermarkets and superstores ² and retail warehousing ³ (net retailing space of over 280 square metres)	£70	£89.65
Development by a predominantly publicly funded or 'not for profit' organisation ⁴ (see below for definition) including medical and health services, social care, education, emergency services, waste facilities, community facilities, sport and leisure facilities only	£0	£0
All other uses not cited above	£10	£12.81

Agenda Item 4 **Pages 5 - 118**

20/00728/OUTM **The Old Vienna Restaurant, 162 Eastwood Road, Leigh on Sea (Belfairs Ward)**

Page 5 The title “Delegated Report” has been left in the report by error and should be ignored.

Page 9 **4 Representation Summary - Call in**

Paragraph 4.1 of the report is amended to read:

4.1 The application has been called in for consideration by the Development Control Committee by Councillors Dear and Aylen. Councillor Aylen advised that there is an objection as to the three-storey nature of the

proposed building due to design considerations and concerns regarding safety of flight paths.

Public Consultation

Following the publication of the report a letter by a third part has been received. The points raised in the submitted representation are summarised as follows:

- The building on site is used as habitat by birds.

Page 14

7 Appraisal – Ecology - Essex Coast RAMS

In light of the comments received by the third party, paragraph 7.15 of the report shall be amended to read:

“[...] dwelling on habitats and species. Given that the presence of breeding birds on site has been reported by an interested party, the development should be supported by breeding birds survey which can be secured with a planning condition. Subject to such a condition, the development is acceptable and in line with policies in this regard.”

Pages 18 -23

9 Recommendation - Conditions

Following on from the previous changes, a condition 20 is added to the recommended conditions:

“Ecology

- 19 No development shall take place on site, including any works of demolition, unless and until a breeding bird survey has been submitted and approved in writing by the Local Planning Authority. The development hereby approved shall be implemented and operated thereafter in strict accordance with the findings, recommendations and mitigation measures of the approved breeding bird survey.

Reason: In the interest of biodiversity in accordance with National Planning Policy Framework (2019) and Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

Pages 79 to 84

Appendix 1

This Appendix 1 is relevant to Agenda Item 5 not Agenda Item 4.

Agenda Item 5

Page 119

20/01759/FULM

Car Wash Site, 120 Broadway, Leigh-on-Sea

The site photos have been omitted from the main agenda so have been added as Appendix 1 of this Supplementary Report.

The appeal decision relating to application reference 18/01820/FULM which is relevant to this proposal has been mistakenly included with agenda item 4 in the hard copies of the agenda, but can be found at pages 79 to 84 of the agenda packs.

Agenda Item 6 **Pages 177 - 238**
20/00599/FUL **27 Leigh Park Road, Leigh-on-Sea (Leigh Ward)**
Page 179 **4 Representation Summary**

Following the publication of the report consultation responses by the Council's tree officer and the Lead Local Flood Authority have been received. The points raised in the submitted consultation responses are summarised as follows:

Tree Officer - No objection subject to conditions:

- The submitted Arboricultural Reports have been considered.
- No access was gained on site at this time, but the trees on site were inspected and assessed as part of a previous application.
- The trees on site are not of significant quality and there is no objection to their removal.
- The Yew tree, although subject to a Tree Preservation Order, is not an outstanding specimen and could be replaced.
- The proposal with regard to trees is acceptable.
- The retained tree in the adjacent property should be protected as per the submitted Tree Protection Plan.

Lead Local Flood Authority - No objection subject to condition:

- The applicant has not provided any drainage proposals with the application.
- The development is not major, the site is outside of any Critical Drainage Zones and within Flood Zone 1 (low probability).
- A condition will be appropriate in this instance.
- Due to the presence of the spring on site the applicant should consider the current hydrology and hydrogeology conditions and relevant flood risk (including the spring) when developing the surface water drainage strategy.

Agenda Item 8 **Pages 281-302**
20/2016/FUL **90 Caulfield Road, Shoeburyness**
Pages 283-284 **4.1 Consultations – neighbour comments dated 28.01.2021**

Since the publication of the Agenda, four additional public representations have been received from original objectors. The previously-received objections are summarised in the main report, and the concerns raised in the additional representations are further summarised as follows:

- Overlooking and loss of privacy to neighbours from the existing first floor windows, as a result of the changed use;
- Impacts of noise and disturbance to neighbouring occupiers;
- Impacts of crime and anti social behaviour on occupiers within the vicinity of the site;
- Impacts on health and well being of surrounding occupiers;
- Impact on amenities of neighbours and amenities of area generally;
- Unsuitability of existing property and area for the proposed use and for vulnerable occupiers;
- Lack of engagement by the applicant, agent or the Council with the local community;
- Concern at notification and consultation process of application.

4.6 Consultations - Highways dated 21.01.2021

Having reviewed the application consideration has been given to the existing use and the number of vehicle movements associated with the current use. This has been compared to the proposed use. It is proposed that the use will require overnight stays for 2 of the care/teaching staff. When compared to the existing dwelling use the parking provision the proposal would provide a neutral impact. On street parking is available within the local area. It is not considered that the proposal will have a detrimental impact upon the public highway. Therefore no objections are raised”.

4.7 Consultations - Essex Police dated 21.01.2021

The full comments are as follows:

“To whom it may concern:

I have been asked to provide information held by Essex Police, in relation to 90 Caulfield Road, Shoeburyness, in respect of a change of use application.

I have researched our incident recording system (STORM) and could not find any incidents relating to this address in the last year. I have also researched our crime and intelligence recording system (Athena). This shows three intelligence reports, relating to the address. Two of the reports relate to occupants at the address, dealing drugs, from within. These were both in May 2018. The third report, recorded in December 2018, details that the people dealing drugs have left the address and provides a new address

for them. There are no other crimes or intelligence reports associated to 90 Caulfield Road, Shoeburyness.

As the Local Community Policing Team Inspector, I oversee the local Children and Young Persons officers and the Missing Person Liaison Officer for the Southend District. My team will work closely with the service provider, to ensure that any issues that arise as a result of the change of use, are dealt with promptly, adopting a multiagency approach, to minimise or negate any impact on the surrounding community.

I see no reason why Essex Police would not support this change of use application.

Yours faithfully

Paul Hogben
T/Inspector 74405
Southend Community Policing Team”.

4.7 Consultations - Essex Police dated 26.01.2021

In addition, Essex Police has separately commented: “As the proposed childrens’ home would be housing and supporting potentially young and vulnerable children we would like to invite the applicant to contact us with a view to discussing crime prevention through environmental design”.

Agenda Item 9 Pages 303 – 330

20/02066/AMDT 71 Chalkwell Esplanade, Westcliff-on-Sea (Chalkwell Ward)

Page 305 4.1 Consultation – Neighbour comments dated 28.01.2021

Since the publication of the Agenda one additional public representation has been received, and the concerns raised are summarised as follows:

- The window in question is contrary to the obscure glazing condition attached to the initial permission;
- Cannot understand why Council’s instructions ignored;
- The window in question does not belong within a bay feature.

Page 306 7 Appraisal

There are the following typographical errors in the report:

Paragraph 7.6 – should say west flank elevation, not east.

Paragraph 7.10 - should say west flank elevation, not east.

Agenda Item 10 Pages 331 - 352

The title “Delegated Report” has been left in the report by error and should be ignored.

The report omitted that the application was called in to Committee by Cllr Garston.

4 Representation Summary – Public Consultation

Following the publication of the report a letter by an objector has been received. The points raised in the submitted statement are summarised as follows:

Principle and character of the area

- Impact on the character of the area.
- Inappropriate place for the development.

Impact on residential amenity of neighbouring occupiers

- Impact on residential amenity of neighbours.
- Impact on privacy of neighbours from use of driveway and cameras.
- Noise and disturbance would arise from the use and proposed outdoor activities throughout the day.

Traffic and transportation issues

- Impact on highway and parking conditions of the area.
- Severe parking impacts on the close.

Other matters

- There was no engagement by the applicant with neighbours and the true intentions were concealed.
- The development is in breach of planning regulations.
- The development is in breach of covenants contained in the property title.
- No compliance with party wall legislation.
- The driveway is supposed to be for private use as per the existing right of way.
- Impact on value of properties in the Close.

7 Appraisal – Traffic and Transportation Issues

A “not” has been omitted in error from the second sentence at paragraph 7.13, which ought to read:

“7.13 [...] garage space. Given that the garage did not meet the minimum dimensions of 7m by 3m required for parking, it is not considered as a lost parking space. The site [...]”

Agenda Item 11 **Pages 353 - 368**

20/01972/FULH **The Lodge by The Bridge, Eastern Avenue, Southend on Sea
(St Luke's Ward)**

Page 332 **4 Representation Summary – Public Consultation**

Following the publication of the report a letter by an objector has been received. The points raised in the submitted representation are summarised as follows:

Principle and character of the area

- Impact on the character of the area.
- The use of the building does not fit in the area.
- The sheds can be used or rented out and this is not reasonable in a back garden.

Other matters

- The officer's recommendation is biased because of the applicant's position.
- The development is in breach of planning regulations.
- Retrospective applications should be granted only in very rare circumstances.
- The planning history is missing events from 15 years ago which show that the applicant knew that permission was required.
- Retrospective applications are used deliberately to press the Council to grant planning permission.
- The proposed condition 2 has already been breached as members of the applicant's family are using the sheds as habitable accommodation.
- This condition is not enforceable.

Site from west



Site from south



Relationship with neighbour to east



View from SE



Relationship to Grand



South elevation of 136



Relationship with 136 to North



View from broadway



Terminating view from conservation area

