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Southend-on-Sea Borough Council

Department for Corporate Services

John Williams - Head of Legal & Democratic Services

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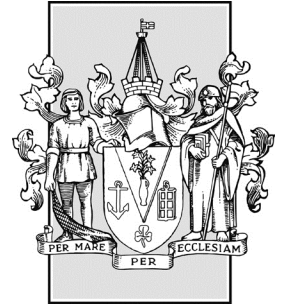
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Dear Councillor

DEVELOPMENT CONTROL COMMITTEE - WEDNESDAY, 2ND MARCH, 2016

Please find enclosed, for consideration at the next meeting of the Development Control Committee taking place on Wednesday, 2nd March, 2016, the following report that was unavailable when the agenda was printed.

Agenda No	Item
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9.	Supplementary Report (Pages 1 - 10)
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Yours faithfully

Encs

Distribution

1. Agenda and reports to all Members of the Development Control Committee

SUPPLEMENTARY INFORMATION

Agenda Item 4b – Report on Planning Applications

Page 3

15/02053/OUTM

Land between Barge Pier Road and Ness Road, Shoebury

Public Consultation

6.13 One additional letter has been received questioning the routing of the drainage and ownership of the C-X drains.

Page 56

15/01842/FULM

**The Esplanade Public House, Western Esplanade,
Southend On Sea**

4. 0 Appraisal

The applicant has requested that conditions 21 and 22 be amended in the light of additional information that has been submitted, however officers are of the view the wording of the condition is necessary to ensure the development is carried out in an acceptable manner and should remain as set out in the main report.

10. Recommendation

Revised wording for part a) of the Recommendation:

DELEGATE to the Head of Planning and Transport or Group Manager of Planning to GRANT PLANNING PERMISSION subject to completion of a PLANNING AGREEMENT UNDER SECTION 106 of the Town and Country Planning Act 1990 (as amended) and all appropriate legislation to seek the following:

- **Highways works contribution of £14,000 – including funding a TRO to facilitate the introduction of the loading bay, a re-provision of parking spaces and dropped kerbs;**
- **Travel Plan including provision of Travel Packs for residents;**
- **Public art contribution/provision to the value of £40,000;**
- **Replacement tree planting contribution of £5,500;**
- **Review mechanism requiring the viability to be reassessed if the scheme is not completed within 57 months of the completed S106 agreement to**

establish if a policy compliant position is viable in respect of affordable housing provision.

Revised wording for part c) of the Recommendation:

In the event that the planning obligation referred to in part (a) above has not been completed by 30th March 2016 the Head of planning and Transport or Group Manager (Development Control & Building Control) be authorised to refuse planning permission for the application on the grounds that the development fails to:- i) provide alterations to the highway to provide for a satisfactory method of servicing the development and replacement parking; ii) provide an effective means of delivering a Travel Plan and Travel packs; iii) provide for a satisfactory provision of public art; iv) provide for replacement trees; and v) protect the Council's position in respect of securing a policy compliant provision of affordable housing should, after the agreed completion date, the viability of the scheme allow. As such, the development would result in service vehicles blocking the highway and the loss of on street car parking and is likely to result in increased parking demand and place increased pressure on public services and infrastructure to the detriment of the general amenities of the area, The proposed development would fail make provision to reassess the ability of the development 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 loss of trees and failure to provide public art would have an adverse impact on the character of the area, contrary to Policies KP2, KP3, CP3, CP4, CP6 and CP8 of the Core Strategy, Policies DM1, DM7 and DM15 of the Development Management DPD and the Design and Townscape Guide (2009).

Remove informatives: 7,8,9 and 13

Additional informatives:

15. Please note that the proposed development subject of this application is liable for a charge under the Community Infrastructure Levy Regulations 2010 (as amended). Enclosed with this decision notice is a CIL Liability Notice for the applicant's attention and any other person who has an interest in the land. This contains details of the chargeable amount and how to claim exemption or relief if appropriate. There are further details on this process on the Council's website at www.southend.gov.uk/cil .

16. This permission is governed by a legal agreement between the applicant and the Borough Council under Section 106 of the Town and Country Planning Act 1990. The agreement relates to a highway work contribution, Travel Plan and Travel Packs, public art contribution/provision, tree replacement contribution and

a viability review mechanism linked to an agreed development completion date.

**Page 126
15/01545/FULM**

1043 London Road, Leigh on Sea

The description of development should read "4 storey".

**Page 141
15/01898/FULM**

**Temple Sutton Primary School, Eastern Avenue,
Southend-on-Sea, Essex, SS2 4BA**

9. Recommendation

The applicant's agent has advised that the applicant, local residents and the Ward Councillors have discussed the hours of use of the proposed facility and agreed on the hours of use that are more restrictive than the restriction that was suggested by the Council's Environmental Health Officer. Although not recommended by Officers, if Councillor's should wish, condition 03 could be amended to reflect the agreed hours as follows:

03. The sports pitch and floodlights hereby approved shall only be used between the following times:

Monday to Friday (During School Teaching Terms) – 0800 to 2000

Monday to Friday (Outside School Teaching Terms) – 1000 to 1600

Saturday – 1000 to 1600.

The use of the sports pitch and floodlights Outside of School Teaching Terms shall be limited to the three 'half term' weeks and a maximum of four weeks in the 'summer holiday'.

The sports pitch and floodlights shall not be used during any other weeks that are not allowed for by the above conditions.

**Page 141
15/01545/FULM**

1043 London Road, Leigh-on-Sea, SS9 3JY

4. Appraisal

Conclusion

4.67 The figure in this paragraph should read: £262,837.82.

**Page 149
16/00116/DOV**

**Essex House, Southchurch Avenue, Southend-on-Sea, SS1
2LB**

4. Appraisal

4.6 The applicant has provided some revised open market sales values for the 5 affordable housing units as £147,000 for the one bedroom flat, £183,000 for the two bedroom flats, and £240,000 for the three bedroom flats. When the applicant originally provided the estimated sales values it would appear that they had not researched actual market sales prices in the locality and the developer was therefore overly optimistic in terms of what they thought could be achieved in terms of sales prices. Now having regard to actual sales prices in the local property market, values have been revised and it is considered that when compared to recent flat sales in the area the values provided are reasonable. On the basis of these values, the revised financial contribution in lieu of on-site provision of affordable housing is **£318,010.91**.

5. Conclusion

5.2 The revised financial contribution towards affordable housing in lieu of on-site provision of affordable housing is **£318,010.91**, and this has now been agreed with applicant.

10. Revised Recommendation

10.1 Members are recommended to delegate to the Head of Planning and Transport or the Group Manager for Planning and Building Control to GRANT A MODIFICATION OF THE PLANNING OBLIGATION dated 15th July 2015 pursuant to planning application 15/00521/FULM to provide a commuted sum payment for affordable housing of £318,010.91 in lieu of on-site provision.

**Page 161
15/01997/FUL**

Land adjacent to 10-11 New Garrison Road, Shoeburyness

A letter has been received from the agent stating:

"We refer to Agenda item for the 2 March Development Control Committee in respect of the above planning application on behalf of our client, The Garrison LLP. We also refer to a further application for determination on the Agenda in respect of 15/02053/OUTM for 172 dwellings 14,130 sq.m of offices at Barge Pier Road, Shoeburyness. Our client's site is part of the Phase 1 Garrison Development. The application for Barge Pier Road relates to Phase 2 of the Garrison Development. Our client's application is recommended for refusal on flooding and employment matters whilst the Barge Pier Road application is recommended for approval. We make the following points:

1. The Barge Pier Road application proposes the change of use of 6.62 hectares of land from employment to residential use. The New Garrison Road application proposes just 0.13

hectares to provide 4 houses. This represents just 2% of the proposed land release at Barge Pier Road;

2. The New Garrison Road site is "Brownfield" previously-developed land - The Barge Pier Road site is Greenfield.

There is a presumption in favour of Brownfield redevelopment;

3. The New Garrison Road site has the benefit of a Market Viability report submitted with the application which shows employment use is unviable. Units in Phase 1 have remained empty for over a decade. One of the units was permitted to change to Sainsbury's retail use because an office user could not be found. There is compelling market evidence that the application site is unviable for employment.

4. In respect of flooding the New Garrison Road site's sequential test showed there were no other sites to provide housing. The garage courts referred to in the Committee Report were not available and are already in the five-year housing supply for the future so are not a suitable alternative. The New Garrison Road site is within the five-year housing supply as a windfall allowance.

5. Logically, if the Barge Pier Road application is approved, then surely so must the New Garrison Road application and in fact, the New Garrison Road has met the Sequential Test.

Overall, it is not possible to take a diametrically opposite position on these two applications, as these they are dealing with identical matters on the same strategic site, if the Barge Pier Road application is approved, then the New Garrison Road application should be approved as well. If the Barge Pier Road is approved and the New Garrison Road is refused, then any appeal will highlight this inconsistency".

In relation to the above comments please find detailed below officer comments:

Employment

With respect to the employment land, as set out in paragraph 4.5 and 4.9 of the main report Policy DM11 of the Development Management Document DPD2 requires that any application needs to provide sufficient information to justify an exception to current planning policy. It is acknowledged the NPPF makes it clear that the long term protection of sites allocated for employment should be avoided. However, in this instance the viability report and subsequent statement fails to demonstrate there is no long term or reasonable prospect of the site being developed and used for Class B purposes, nor that the use is compatible with and will not compromise the operating conditions for other employment users, nor that the alternative use cannot be reasonably located elsewhere. It is therefore considered insufficient information has been submitted to demonstrate that the land is no longer useable as Class B1. Thus the proposal is contrary to Policy CP1 of the Core Strategy and Policy DM11 of the Development Management Document.

Whilst the applicant refers to application 15/02053/OUTM, the 2010 Employment Land Review considered this site (as part of

the Phase I employment) and 3.2ha on the remaining development land was required to, and is to be retained for employment.

Flood Risk

Following a review of further information in relation to the sequential test, a review of sites available in Shoebury in the Strategic Housing Land Availability Assessment and discussions with Councils Housing team, it is apparent that the garage sites as referred to in paragraph 4.17 of the main report are no longer available. Therefore there are no other reasonable sites available within Shoebury to accommodate development as proposed and in light of this the proposed development is considered a windfall site. Therefore, no objections are now raised to the proposed development on flood risk grounds, as there are no other reasonably available sites and the flood risk assessment has demonstrated the development would be safe in flood risk terms. Reason 1 as detailed on page 167 of the main report is therefore removed from this recommendation.

9. Recommendation

1. The proposal would result in the loss of land for employment use, the loss of which has not been sufficiently justified. The loss of this land would impair economic led regeneration contrary to the National Planning Policy Framework, Policy CP1 of the Southend on Sea Core Strategy DPD1, Policy DM11 of the Development Management Document DPD2, which seek to promote building a strong, competitive economy.

**Page 174
15/02017/FUL**

The Rifle Shed, Rampart Street, Shoeburyness

7.4. Public Consultation.

Since the preparation of the Officer's Report, one additional letter of objection has been received which raises objections on similar grounds to those which have been listed in the Officer's report.

Additional correspondence has been received from an objector which reiterates objections that have been previously raised, highlights that a Freedom of Information Request has been submitted and argues that local democracy has been restricted.

**Page 188
15/02106/FUL**

48 Alexandra Street, Southend-on-Sea, SS1 1BJ

The applicant has demonstrated that the proposed development will meet Building Regulation Part M4(2) – 'Accessible and Adaptable dwellings'.

6. Representation Summary

Essex County Fire and Rescue Service

6.5 No objection. Access is considered satisfactory.

8. Recommendation

Condition 03 amended to incorporate B1(a) (office) use and worded as follows:

03. The ground floor of the main building shall only be used for purposes which fall within classes A1 (retail), A2 (financial and professional services) or B1 (a) (offices) and must not be used for any other purpose within the Town and Country Planning (Use Classes) Order 1987, as amended April 2005 (or any statutory modification or re-enactment or replacement thereof (as the case may be) for the time being in force).

**Page 205
15/01293/FUL**

13-17 Alexandra Street, Southend-on-Sea

6. Representation Summary

Essex County Fire and Rescue Service

No objection. Access is considered satisfactory.

**Page 218
15/01877/FUL**

21 Cromer Road, Southend on Sea

Traffic and Transport Issues

It should be noted an amended site plan has been received retaining the existing street tree providing four parking spaces for the four new flats, which is policy compliant in accordance with policy DM15 of the Development Management Document DPD2.

9 Recommendation

Please note the drawing number change in conditions 2 and 4 below:

The development hereby permitted shall be carried out in accordance with the approved plans Existing and Proposed Site and Block Plans Revision 02; Proposed Elevations Revision 02; Proposed Plan- Ground Revision 03; Proposed Plan-First Floor Revision 02.

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

4. Car parking spaces shall be provided in accordance with plan no. Proposed plan-ground Revision 03 prior to occupation of the flats hereby approved and shall thereafter be permanently retained for the parking of

private motor vehicles solely for the benefit of the occupants of the dwellings to which they relate and for no other purpose unless otherwise agreed in writing by the local planning authority. Permeable paving shall be used for the hardstanding area to the front unless otherwise agreed by the Local Planning Authority.

Reason: To ensure that satisfactory off-street car parking is provided for occupants of the new dwellings and in the interests of residential amenity and highway efficiency and safety, in accordance with the National Planning Policy Framework, DPD1 (Core Strategy) 2007 policy KP2, DPD2 (Development Management Document) policy DM15, and SPD1 (Design and Townscape Guide).

Page 227
15/01990/FUL

75 Newington Avenue, Southend on Sea

9. Recommendation

11 The windows to the east elevation serving the managers office and west elevation at first floor shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing with the local planning authority) and fixed shut, except for any top hung fan light which shall be a minimum of 1.7 metres above internal floor level unless otherwise agreed in writing by the local planning authority. In the case of multiple or double glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4.

Reason: To protect the privacy and environment of people in neighbouring residential properties, DPD1 (Core Strategy) 2007 policy CP4, DPD2 (Development Management Document) policy DM1 and SPD1 (Design and Townscape Guide).

Page 258
15/02070/FUL

40 Kilworth Avenue

6. Representation Summary

Public Consultation

6.6 One additional letter of representation has been received which objects to the proposed development on the following grounds:

- Cars using the existing frontage already overhang and obstruct the pavement and there is currently only one off-street space suitable for one vehicle (and not two).
- Overlooking and security
- Increased noise

- External lighting would be required for the external staircase which would affect neighbours.
- Impact on infrastructure and facilities such as drains, electricity, etc.

8. Recommendation

Reason for refusal number 03 reworded to read:

03. The proposed development by reason of the proposed extension and external staircase would be overbearing upon and result in noise, disturbance, overlooking and loss of privacy to the detriment of the amenities of neighbouring occupiers either side of the site. This is contrary to the National Planning Policy Framework, Core Strategy Policies KP2 and CP4 and Development Management Document Policy DM1.

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