

SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Development Control Committee

Date: Wednesday, 7th November, 2018

Place: Committee Room 1 - Civic Suite

Present: Councillor B Arscott (Vice-Chair, in the Chair)
Councillors B Ayling*, S Buckley, A Chalk, A Dear, F Evans,
N Folkard*, D Garne, J Garston, S Habermel, R Hadley, A Jones*,
H McDonald, C Mulroney, D Norman MBE, P Van Looy, C Walker
and N Ward

*Substitute in accordance with Council Procedure Rule 31.

In Attendance: Councillors S Aylen and L Salter
P Geraghty, G Gilbert, K Waters, P Keyes, M Warren, T Row and
T Hartley

Start/End Time: 2.00 pm - 3.15 pm

443 Apologies for Absence

Apologies for absence were received from Councillor D Garston (Substitute: Councillor Folkard), Councillor Borton (Substitute: Councillor Jones) and Councillor Van Looy (Substitute: Councillor Ayling).

444 Declarations of Interest

The following interests were declared at the meeting:

(a) Councillor Aylen – Agenda item No.8 (18/01374FULH Arterial Road) – Non-Pecuniary Interest: Applicant is known to him.

(b) Councillor Jones – Agenda Item No.9 (18/00924/FUL Milton Road) – Non-Pecuniary Interest: Her daughter's school is on the same road.

(c) Councillor Walker – Agenda item No.8 (18/01374FULH Arterial Road) – Non-Pecuniary Interest: Applicant is known to him.

(d) All Councillors present declared a Non-Pecuniary Interest in Agenda Item No.10 (18/01142/FUL Queens Road) as a fellow Councillor's family business is run from the opposite side of the road to the proposed site.

445 Minutes of the meeting held on Wednesday, 1st August 2018

Resolved: That the Minutes of the meeting held on Wednesday 1st August 2018 be confirmed as a correct record and signed.

446 Minutes of the meeting held on Wednesday, 12th September 2018

Resolved: That the Minutes of the meeting held on Wednesday 12th September 2018 be confirmed as a correct record and signed.

447 Minutes of the meeting held on Wednesday, 3rd October 2018

Resolved: That the Minutes of the Meeting held on 3rd October 2018 be confirmed as a correct record and signed.

448 Supplementary Report

The Committee received a supplementary report by the Deputy Chief Executive (Place) that provided additional information on items referred to elsewhere on the Agenda.

**449 18/01606/FUL - 149 Kingswood Chase, Leigh-on-Sea (Belfairs Ward)
Proposal: Demolish existing dwelling, erect three 2 storey dwellinghouses with dormers to rear, layout parking to front and install vehicular accesses on to Kingswood Chase (Amended Proposal)
Applicant: Narrate Properties Limited
Agent: Smart Planning**

Ms O'Shea, a local resident, spoke as an objector to the application. Ms Lai, the applicant's agent, responded.

Resolved: That PLANNING PERMISSION be REFUSED for the following reason:

The proposal would, by reason of the size, siting, bulk and scale of the buildings proposed and the extent of hardstanding sought at the sites frontage, create a poor and cramped form of development, which has an overly dominant relationship with the neighbouring property to the south, to the detriment of the character and appearance of the application site and the wider area. This is unacceptable and contrary to the National Planning Policy Framework, Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

**450 18/01374/FULH - 530 Arterial Road, Leigh-on-Sea (Belfalrs Ward)
Proposal: To erect a first floor rear extension and alter roof to single storey rear extension (Amended Proposal).
Applicant: Mr Michael Peach**

Resolved: That PLANNING PERMISSION be REFUSED for the following reasons:

01 The proposed first floor rear extension would, by reason of its excessive depth, height and resulting scale, appear as a dominant and disproportionate addition that is out of keeping with and harmful to the character and appearance of the existing dwelling and the wider area. This is unacceptable and contrary to the National Planning Policy Framework, Southend Core Strategy (2007) policies KP2 and CP4, Southend Development Management Document (2015) policies DM1 and DM3 and the advice contained with the Southend Design and Townscape Guide (2009).

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.

451 18/00924/FUL - 58 Milton Road, Westcliff-on-Sea (Milton Ward)
Proposal: Change of use from Hot Food Takeaway (Class A5) to Drinking Establishment/Restaurants/Cafes (Class A4/A3) and erect single storey side extension.
Applicant: Mr Terrence Thomas

Resolved: That PLANNING PERMISSION be GRANTED subject to the following conditions:

01 The development hereby permitted shall begin no 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 begin no 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.

03 The premises shall not be open to customers other than between the hours of 11:00am to 23:00 Sunday to Thursday and 11:00am to 00:00am (midnight) Fridays and Saturdays.

Reason: To protect the amenity of surrounding occupiers and to protect the character the area in accordance with the National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

04 There shall be no outside dining/seating areas to the front of the building at any time without the receipt of express planning permission from the Local Planning Authority.

Reason: In the interests of visual amenity and to protect the residential amenity of surrounding occupiers and to protect the character the area in accordance with the National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

05 No extraction and ventilation equipment shall be installed at the site in connection with the use hereby approved, unless and until full details of its location, design and specifications together with a noise assessment including any necessary noise mitigation measures have first been submitted to, and

approved in writing by, the Local Planning Authority. Extraction and ventilation equipment shall only be carried out at the site in full accordance with details approved under this condition. With reference to British Standard 4142 the noise rating level arising from all plant and extraction/ventilation equipment installed shall be at least 5dB(A) below the prevailing background at 3.5 metres from the ground floor facades and 1m from all other facades of the nearest noise sensitive property with no tonal or impulsive character.

Reason: In order to protect the amenities of the character and appearance of the site and the wider area and the amenities of surrounding residents in accordance with policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document 2015.

06 The use of the development hereby approved shall be only for a restaurant and drinking establishment falling under Use Classes A3 and A4 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or any statutory instrument revoking and re-enacting that Order, with or without modification and shall not be used for any other purpose, including any change of use permitted under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any order revoking and re-enacting that Order with or without modification.

Reason: In order to protect the amenities of the character and appearance of the site and the wider area and the amenities of surrounding residents in accordance with policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document 2015.

07 The extended property shall only be occupied for the purpose hereby approved (a restaurant and drinking establishment) and in full accordance with a noise mitigation management plan. The details of which will have previously been submitted to the Local Planning Authority and approved in writing.

Reason: To protect the environment of people in neighbouring properties and general environmental quality in accordance with Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and Design and Townscape Guide (2009).

08 No external refuse or recycling storage shall take place at the site other than in accordance with details that have previously been submitted to the Local Planning Authority, approved in writing and retained as such thereafter.

Reason: In order to protect the amenities of the character and appearance of the site and the wider area and the amenities of surrounding residents in accordance with policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document 2015.

INFORMATIVES

01 Compliance with the decision notice does not bestow compliance with other regulatory frameworks. In particular, your attention is drawn to the statutory nuisance provisions within the Environmental Protection Act 1990 (as amended). Contact the Council's Environmental Health department on 01702 215005 for further information.

02 Please note that any new fascia signs etc. will require separate Advertisement Consent. For further information please visit: https://www.planningportal.co.uk/info/200130/common_projects/4/adverts_and_signs

03 You are advised that as the proposed development equates to less than 100sqm of new floorspace the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See www.southend.gov.uk/cil for further details about CIL.

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application 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.

452 18/01142/FUL - 1B Queens Road, Southend on Sea (Milton Ward)
Proposal: Change of use of first floor Social Club (Class D1) to form 5 self-contained flats (Class C3) with juliet balconies, erect additional floor to form 4 self-contained flats (Class C3) with terraces/privacy screens and provide secure cycle parking and refuse storage.
Applicant: Eaglelink Investments Ltd
Agent: SMB Town Planning Ltd

Resolved: That the PLANNING PERMISSION be GRANTED subject to the following conditions:

01 The development hereby permitted shall be begun not later than 3 years beginning with the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

02 The development shall be carried out in accordance with the approved plans: 305, 350, 351, 155, 301, 157, 355, 356, 357, 300, 100, 101/0, 153, 150, 200/C, 151, 201/D, 202/B, 152, 203, 156.

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

03 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the extension shall not commence until samples of the materials to be used in the construction of the external elevations of the building hereby permitted, including cladding, screening and fenestration have been submitted to and approved in writing by the local planning authority. Development shall be carried out in full accordance with the approved details before it is occupied.

Reason: To safeguard the character and appearance of the surrounding area in accordance with the National Planning Policy Framework (2018), Southend Central Area Action Plan (SCAAP) (2018) Policies DS1 and PA1, Development Management Document (2015) Policies DM1 and DM3 and Core Strategy (2007) Policies KP2 and CP4.

04 No part of the development shall be occupied until details of the cycle parking and refuse and recycling facilities have been submitted to and agreed in writing by the Local Planning Authority. The refuse and recycling and cycle parking facilities shall be implemented in accordance with the approved details before first occupation of any of the development and shall be permanently maintained thereafter.

Reason: To ensure that satisfactory cycle parking facilities and refuse and recycling facilities are provided at the site in the interest of sustainability and amenity in accordance with the National Planning Policy Framework (2018), Core Strategy (2007) Policy KP2, Policies DM1 and DM8 of the Development Management Document (2015) and the Design and Townscape Guide (2009).

05 The roof of the building hereby approved shall not be used as a balcony, roof garden or similar amenity area or for any other purpose. The roof can however be used for the purposes of maintenance or to escape in an emergency.

Reason: In the interests of the residential amenity of nearby residents and in the interests of the visual amenity of the area, to ensure that the development complies with the National Planning Policy Framework (2018), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and The Design and Townscape Guide (2009).

06 No part of the development shall be occupied until a waste management plan has been submitted to and agreed in writing by the Local Planning Authority. The waste management of the development shall thereafter be implemented in accordance with the approved details before first occupation of any of the development and shall be permanently maintained thereafter.

Reason: To ensure that waste management is undertaken in the interests of highway safety and visual amenity and to protect the character of the surrounding area, in accordance with the National Planning Policy Framework (2018), Southend Central Area Action Plan (SCAAP) (2018) Policies DS1 and DS5, Policies KP2 and CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015).

07 The privacy screens for the balconies hereby granted on the east elevation of the building shall be implemented in full in obscure glazing only in accordance with details that have previously been submitted to and agreed in writing by the Local Planning Authority prior to occupation of the flats and shall be retained in perpetuity as such thereafter.

Reason: To safeguard character and appearance of surrounding area and the amenities of neighbouring occupiers in accordance with Policies KP2 and CP4 of the Core Strategy 2007, Policy DM1 and DM3 of the Development Management Document 2015 and the Design and Townscape Guide 2009.

08 Notwithstanding the details shown in the plans submitted and otherwise hereby approved none of the dwellings hereby granted consent shall be occupied unless and until plans and other appropriate details are submitted to the Local Planning Authority and approved in writing which specify all windows in the proposal that are to be permanently glazed with obscured glass and fixed shut or provided with only a fanlight opening and the manner and design in which these windows are to be implemented. Before the dwellings hereby approved are occupied the development shall be implemented in full accordance with the details and specifications approved under this condition and shall be permanently retained as such thereafter.

Reason: To safeguard the privacy and amenities of occupiers of neighbouring residential properties and the future occupiers of the proposed residential dwellings.

09 No development shall take place, apart from demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be fully adhered to throughout the construction period. The Statement shall provide, amongst other things, for:

- i) the parking of vehicles of site operatives and visitors
- ii) loading and unloading of plant and materials
- iii) storage of plant and materials used in constructing the development
- iv) the erection and maintenance of security hoarding
- v) measures to control the emission of dust and dirt during construction
- vi) A scheme for recycling/disposing of waste resulting from construction works that does not allow for the burning of waste on site
- vii) hours of construction

Reason: This condition is needed in the interests of visual amenity and the amenities of neighbouring occupiers pursuant to Policy CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

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.

INFORMATIVE

01 Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy Regulations 2010 (as amended). A Community Infrastructure Levy (CIL) Liability Notice will be issued as soon as practicable following this decision notice. This contains details including the chargeable amount, when this is payable and when and how exemption or relief on the charge can be sought. You are advised that a CIL Commencement Notice (CIL Form 6) must be received by the Council at least one day before commencement of development. Receipt of this notice will be

acknowledged by the Council. Please ensure that you have received both a CIL Liability Notice and acknowledgement of your CIL Commencement Notice before development is commenced. Most claims for CIL relief or exemption must be sought from and approved by the Council prior to commencement of the development. Charges and surcharges may apply, and exemption or relief could be withdrawn if you fail to meet statutory requirements relating to CIL. Further details on CIL matters can be found on the Council's website at www.southend.gov.uk/cil.

02 You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council may seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the borough.

03 Please note that occupiers of the development are not eligible for Town Centre parking concessionary season tickets. For more information please visit: https://www.southend.gov.uk/info/200361/car_parks_parking_and_permits/333/residents_parking_permits/12

453 17/00130/UNAU_B - Viceroy House, 117 Victoria Avenue, Southend-on-Sea (Victoria Ward)

Breaches of Control: Without planning permission, the unauthorised Development and Change of Use from an office (Use Class B1) and warehouse (Use Class B8) to 6 self-contained flats (Use Class C3).

Resolved: That the ENFORCEMENT ACTION be AUTHORISED to:

- (a) secure cessation of the unauthorised use of the building as 6 self-contained flats.
- (b) removal of the window opening/s to the east wall facing Colchester Road,
- (c) removal of internal fixtures and fixings serving the residential use to include kitchen units, baths and showers, domestic appliances and domestic furniture,
- (d) cessation of the use of the yard area used for residential parking
- (e) removal of all rubble and other materials and equipment associated with complying with the notice.

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. In this case, a compliance period of 6 months is deemed reasonable.

454 18/00018/UNAU_B - 137 Rayleigh Road, Leigh-on-Sea (Eastwood Park

Ward)

Breaches of Control: Without planning permission, the construction of two dormer windows to the front and north side elevations.

Resolved: That the ENFORCEMENT ACTION be AUTHORISED to secure the removal of the dormer windows to the front and north side elevation.

The authorised enforcement action to include (if/as necessary) the 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. In this case a compliance period of 3 months is deemed reasonable.

- 455 18/01479/FULM - 85 London Road, Southend-on-Sea (Victoria Ward)**
Proposal: Convert Existing A1 unit into two A1 units, raise roof height, install mezzanine floor and shutter to unit 2, erect security fencing to north side of building, canopies to south side of building, alter all elevations, replace security fencing and install electric gate to substation, reconfigure and create additional parking and associated works.
Applicant: George Capital 2 (Southend) Ltd Retail Estate
Agent: Montagu Evans

WITHDRAWN

- 456 18/01436/FULH - 34 Birchwood Drive, Leigh-on-Sea (Blenheim Park)**
Proposal: Erect single storey side and rear extension
Applicant: Mrs Stone
Agent: Barker Woodrow

Resolved: That PLANNING PERMISSION be GRANTED for the following reasons:

01 The development hereby permitted shall begin no 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: 607 Rev B

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

03 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings hereby approved or are required by conditions to this permission.

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 (2018), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM1, and the Design and Townscape Guide (2009).

04 The roof of the building/extension hereby approved shall not be used as a balcony, roof garden or similar amenity area or for any other purpose unless otherwise agreed in writing by the local planning authority. The roof can however be used for the purposes of maintenance or to escape in an emergency.

Reason: In the interests of the residential amenity of the adjoining residents and to ensure that the development complies with the National Planning Policy Framework (2018), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the Design and Townscape Guide (2009)

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.

INFORMATIVES

1. You are advised that as the proposed extension(s) to your property equates to less than 100sqm of new floorspace the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See www.southend.gov.uk/cil for further details about CIL.

2. You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council may seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the Borough.

Chairman: _____