

SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Development Control Committee

Date: Wednesday, 6th March, 2019

Place: Committee Room 4a - Civic Suite

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

In Attendance: T Hartley, T Row, G Gilbert, K Waters, M Warren, P Keyes, C White
and A Greenwood.

Start/End Time: 2.00pm - 2.45 pm

749 Apologies for Absence

No apologies were received for this meeting.

750 Declarations of Interest

The following declarations were made at the meeting:-

Councillor Arscott – Agenda item 7 (18/02211/FUL – Park Road Methodist Church) – Non-pecuniary interest: Surveyor mentioned in report is known to him.

Councillor Borton – Agenda item 9 (18/01122/FUL – Mariner House, 157 High Street) – Non-pecuniary interest: Resident of Mariner House is known to her.

Councillor D Garston – Agenda item 7 (18/02211/FUL – Park Road Methodist Church) – Non-pecuniary interest: Surveyor mentioned in report is known to him.

Councillor J Garston – Agenda item 7 (18/02211/FUL – Park Road Methodist Church) – Non-pecuniary interest: Surveyor mentioned in report is known to him.

Councillor Ward – Agenda item 11 (18/00185/UNUA_B – 53 Westcliff Park Drive) – Non-pecuniary interest: The Company he works for has scaffolded the building.

751 Minutes of the meeting held on Wednesday, 12th December, 2018

Resolved:-

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

752 Minutes of the meeting held on Wednesday, 9th January, 2019

Resolved:-

That the Minutes of the meeting held on Wednesday 9th January 2019 be confirmed as a correct record and signed.

753 Minutes of the Meeting held on Wednesday, 6th February, 2019

Resolved:-

That the Minutes of the Meeting held on 6th February 2019 be confirmed as a correct record and signed.

754 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.

755 18/02211/FUL - Park Road Methodist Church, Park Road, Westcliff-on-Sea (Milton Ward)

Proposal: 1. Partial demolition to church and church hall, erect single storey extension to west side of church, erect gabled extensions to north-east and north-west corners of church hall with internal alterations to convert into six dwellings, associated garages and cycle storage, layout amenity space and one visitor car parking space, form vehicular access onto Avenue Road, install boundary railings, install rooflights and alter elevations.

Proposal 2. Partial demolition to church and church hall, erect single storey extension to west side of church, erect gabled extensions to north-east and north-west corners of church hall with internal alterations to convert into six dwellings, associated garages and cycle storage, layout amenity space and one visitor car parking space, form vehicular access onto Avenue Road, install boundary railings, install rooflights and alter elevations (Listed Building Consent)

Applicant: David Morton

Agent: Ayshford and Sansome

Mr Atkinson, a local resident, spoke as an objector.

Resolved:-

That PLANNING PERMISSION be REFUSED for the following reasons:

01 The proposal has failed to demonstrate that the church and church hall can be converted into residential dwellings without harming the special character and significance of the listed building. In particular the extent of roof alterations to the principal roofslope, and the visual impact of the ventilation equipment and louvres and the extent of roof demolition for the church hall are harmful to the character and integrity of the listed building and the viable alternative uses report / marketing information submitted with the application is insufficient and out of date and has failed to demonstrate that other more

sensitive uses would not be practical and viable. This is unacceptable and contrary to the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007) Policies DM1, DM3 and DM5 of the Southend-on-Sea Development Management Document (2015) and guidance contained within the Southend-on-Sea Design and Townscape Guide (2009). This is unacceptable and contrary to the National Planning Policy Framework (2018), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007) Policies DM1, DM3 and DM5 of the Southend-on-Sea Development Management Document (2015) and guidance contained within the Southend-on-Sea Design and Townscape Guide (2009).

02 The proposed church hall extension would give rise to an unacceptable level of overlooking of the neighbouring occupiers of number 5 Park Road and its private amenity area. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework (2018), 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 guidance contained within the Southend-on-Sea Design and Townscape Guide (2009).

03 The proposed church conversion, by reason of the inadequate levels of light and outlook to the northern units, would result in an inadequate quality living environment, to the detriment of the amenities of the future occupiers of the proposed dwelling. This is unacceptable and contrary to National Planning Policy Framework (2018), policies KP2 and CP4 of the Core Strategy (2007), policies DM1, DM3 and DM8 of the Development Management Document (2015) and the advice contained within the Design and Townscape Guide (2009).

04 The proposed parking layout as shown in drawing reference 1716/T/004 is unacceptable because the garages proposed fail to meet the garage standards as set out in the Development Management Document (2015) paragraph 7.12 and the spaces would therefore not be useable for the parking of vehicles. In the absence of this the proposal would be provided with inadequate parking to the detriment of the free flow of traffic and highway safety. The design also fails to make adequate provision for refuse and recycling storage for future occupiers and is likely to harm to the character, significance and setting of the heritage asset. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework (2018), Policies KP2, CP3 and CP4 of the Southend Core Strategy (2007) and Policies DM1, DM3, DM5 and DM15 of the Development Management Document (2015).

05 The proposal has failed to assess the impact on bats and has therefore not demonstrated that there would not be an adverse impact on the ecology of the site. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework (2018) and Policies KP2 and CP4 of the Southend Core Strategy (2007).

That LISTED BUILDING CONSENT be REFUSED for the following reasons:

01 The proposal has failed to demonstrate that the church can be converted into 4 dwellings over 3 floors without harming the special character and significance of the listed building.

In particular the impact of the sub division on the integrity of the main worship space, the extent of the loss of the ecclesiastical features within the building, the

extent of roof alterations to the principal roofslope, the visual impact of the ventilation equipment and louvers and the extent of roof demolition for the church hall are harmful to the character and integrity of the listed building. This is unacceptable and contrary to the National Planning Policy Framework (2018), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007) Policies DM1, DM3 and DM5 of the Southend-on-Sea Development Management Document (2015) and guidance contained within the Southend-on-Sea Design and Townscape Guide (2009).

Informatives

01 Please note that this application would be liable for a payment under the Community Infrastructure Levy Regulations 2010 (as amended) if planning permission had been granted. Therefore if an appeal is lodged and subsequently allowed, the CIL liability will be applied. Any revised application would also be CIL liable.

02 It is noted that some of the proposed drawings show the replacement of the fleche/spire. This would be a positive addition to the proposal and welcomed subject to detailing but it is understood that this has now been omitted from the proposal and is therefore an error on the drawing. This needs to be clarified in any amended proposal.

756 18/01985/FUL - 241 Carlton Avenue, Westcliff-on-Sea (Prittlewell Ward)

Proposal: Demolish existing bungalow, erect two semi-detached two storey dwellinghouses with dormers to rear, associated landscaping and extend existing vehicular access on to Carlton Avenue (Amended Proposal).

Applicant: Mr Hughes

Agent: RD Architecture Ltd

Resolved:-

That PLANNING PERMISSION be GRANTED subject to the following conditions:

1. 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

2. The development shall be carried out in accordance with the following approved plans: 1619/305/P1, 1619/310/P0, 1619/320/P1, 1619/441/P0, 1619/450/P0, 1619/300/P2, 1619/410/P2, 1619/420/P2, 1619/430/P2.

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

3. Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no development shall take place, other than for demolition works and the construction up to ground floor slab level, until samples of the materials to be used in the construction of the external elevations of the building hereby permitted have been submitted to and

approved in writing by the local planning authority. The development shall be carried out in full accordance with the approved details before it is occupied.

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) Policies DM1 and DM3, and the guidance contained within the Design and Townscape Guide (2009).

4. A scheme detailing how at least 10% of the total energy needs of the development will be supplied using on site renewable sources must be submitted to and agreed in writing and implemented in full prior to the first occupation of the development. This provision shall be made for the lifetime of the development.

Reason: In the interests of providing sustainable development in accordance with Policy KP2 of the Core Strategy and Development Management Document policy DM2.

5. Water efficient design measures as set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems shall be installed prior to the first occupation of the development hereby approved and retained in perpetuity.

Reason: To minimise the environmental impact of the development through efficient use of water in accordance with the National Planning Policy Framework, Core Strategy (2007) policy KP2, Development Management Document (2015) policy DM2 and the guidance within the Design and Townscape Guide (2009).

6. No part of the development shall be occupied until space has been laid out within the site in accordance with drawing 1619/420/P2 for 4 cars to be parked. The parking spaces shall be made available for use prior to first occupation of the dwellings hereby approved and shall be permanently retained thereafter only for the parking of occupiers of the development hereby approved and their visitors.

Reason: To ensure that adequate car parking is provided and retained to serve the development in accordance with Policies CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015).

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) Order 2015, or any order revising or re-enacting that Order with or without modification, no development shall be carried out at the application site within Schedule 2, Part 1, Classes A, B, D, E, F or G to those Orders without the receipt of express planning permission.

Reason: To safeguard the living conditions of the future occupiers of the site and in the interest of the residential amenity of the adjoining residents and the character and appearance of the site and the wider area in accordance with the National Planning Policy Framework (2018), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and Design and Townscape Guide (2009).

8. Prior to first occupation of the development hereby granted, secure, covered refuse and recycling storage areas to serve the development shall be provided in accordance with details that have previously been submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the development and these facilities shall be permanently retained as such thereafter.

Reason: To ensure that adequate waste storage is provided and retained to serve the development in accordance with Policies CP3 of the Core Strategy (2007) and Policies DM1 and DM15 of the Development Management Document (2015).

9. The proposed first and second floor flank windows 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. The windows shall be retained in accordance with the agreed details in perpetuity thereafter.

Reason: To protect the privacy and environment of people in neighbouring residential properties, in accordance with the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy CP4, Development Management DPD policy DM1 and SPD1 (Design and Townscape Guide).

10. Before the development is occupied or brought into use, the development hereby approved shall be carried out in a manner to ensure that the dwellings hereby approved comply with the Building Regulation M4(2) 'accessible and adaptable dwellings' standard.

Reason: To ensure the residential units hereby approved provides high quality and flexible internal layouts to meet the changing needs of residents in accordance with National Planning Policy Framework, DPD1 (Core Strategy) policy KP2, DPD2 (Development Management Document) policy DM2 and SPD1 (Design and Townscape Guide).

11. Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the development shall not be first occupied unless and until full details of both hard and soft landscape works to be carried out at the site have been submitted to and approved in writing by the local planning authority. The approved hard landscaping works shall be carried out prior to first occupation of the development and the soft landscaping works within the first planting season following first occupation of the

development, unless otherwise agreed in writing by the local planning authority. The details submitted shall include, but not limited to:-

- i. proposed finished site levels or contours;
 - ii. means of enclosure, of the site including any gates or boundary fencing;
 - iii. hard surfacing materials and their permeability;
 - iv. details of the number, size and location of the trees, shrubs and plants to be retained and planted together with a planting specification
 - v. details of measures to enhance biodiversity within the site;
12. Any trees or shrubs dying, removed, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed with the Local Planning Authority.

Reason: In the interests of visual amenity, drainage, flood risk and the amenities of occupiers and to ensure a satisfactory standard of landscaping and tree protections measures are implemented pursuant to Policy DM1 of the Development Management Document (2015) and Policies KP2 and CP4 of the Core Strategy (2007).

13. Notwithstanding the details shown on the drawings submitted and otherwise hereby approved, details of the garage doors to be installed as part of the development shall be submitted to the local planning authority and approved in writing before the development is brought into use. The development shall not be brought into use until the garage doors have been installed in accordance with the details approved under this condition.

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 (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3, and the guidance contained within the Design and Townscape Guide (2009).

Informative

1. 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.

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.

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.

757 18/01122/FUL - Mariner House, 157 High Street, Southend-on-Sea (Milton Ward)

Proposal: Change of use from shop (Class A1) to restaurant (class A3) and install extraction vent to rear.

Applicant: Pillingstone Ltd

Agent: UPP – Urban Planning Practice

The matter was DEFFERED to enable the agent the opportunity to respond to a proposed speaking objector.

758 18/00097/UNAU_B - 162 Hainault Avenue, Westcliff on Sea (Westborough Ward)

Breach of Control: Without planning permission the installation of two dormer windows to the front elevation.

Case Officer: Steve Jones

Resolved:-

That ENFORCEMENT ACTION be AUTHORISED to secure the removal of the unauthorised dormer windows to the front elevation.

The authorised enforcement action to include (if/as necessary) the service of an Enforcement Notice under Section 172 of the Act and the pursuance of proceedings whether by prosecution or injunction to secure compliance with the requirements of the Enforcement 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 considered reasonable for the removal of the existing dormer windows.

Taking enforcement action in this case may amount to an interference with the owners' and/or occupiers' Human Rights. However, it is necessary for the local planning authority to balance the rights of the owners and/or occupiers against its

legitimate aims to regulate and control land within its area. In this particular case it is considered reasonable, expedient, and proportionate and in the public interest to pursue enforcement action on the grounds set out in the formal recommendation.

**759 18/00185/UNAU_B - 53 Westcliff Park Drive, Westcliff-on-Sea
(Westborough Ward)**

Breaches of Control: Without planning permission, the construction of a roof replacement, hip to gable roof extension, dormer to rear and first floor rear extension above existing single storey extension.

Case Officer: Hayley Thompson

Resolved:-

That ENFORCEMENT ACTION be AUTHORISED to secure the removal of the rear dormer window and first floor rear extension.

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.

**760 18/00232/UCOU_B - 582 Rayleigh Road, Eastwood, Leigh-on-Sea
(Eastwood Park Ward)**

Breaches of Control: Without planning permission the Unauthorised Change of Use from A1 retail to Car sales (Sui Generis).

Case Officer: Steve Jones

Resolved:-

That ENFORCMENT ACTION be AUTHORISED to secure the cessation of use of the site as car sales.

The authorised enforcement action to include (if/as necessary) the service of an Enforcement Notice under Section 172 of the Act and the pursuance of proceedings whether by prosecution or injunction to secure compliance with the requirements of the Enforcement Notice.

When serving an Enforcement Notice the local planning authority must ensure a reasonable time for compliance. In this case a compliance period of 1 calendar month is considered reasonable for the site to stop operating as vehicle sales.

Taking enforcement action in this case may amount to an interference with the owners' and/or occupiers' Human Rights. However, it is necessary for the local planning authority to balance the rights of the owners and/or occupiers against its legitimate aims to regulate and control land within its area. In this particular case it is considered reasonable, expedient, and proportionate and in the public interest to pursue enforcement action on the grounds set out in the formal recommendation.

Chairman: _____

