

SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Development Control Committee

Date: Wednesday, 5th February, 2020

Place: Committee Room 1 - Civic Suite

Present: Councillor N Ward (Chair)
Councillors M Borton (Vice-Chair), B Ayling, J Beck, A Chalk, D Cowan, A Dear, F Evans, D Garston, S Habermel, D Jarvis, A Jones, H McDonald, C Mulroney, A Thompson, S Wakefield and C Walker

In Attendance: P Geraghty, K Waters, P Keyes, A Farrell, M Warren, C Galforg, T Row, T Hartley and G Gilbert

Start/End Time: 2.00 - 3.30 pm

785 Apologies for Absence

No apologies for absence were received.

786 Declarations of Interest

The following declarations of interest were made at the meeting:

1. Councillor Ayling – Agenda Item No. 4 (19/02134/FUL - Rear Of 1 Shoebury Avenue, Shoeburyness) – Non-Pecuniary Interest: The applicant is known to him – supplies his coal order.
2. Councillor Chalk – Agenda Item No. 8 (19/02178/FULH - 112 Undercliff Gardens, Leigh-on-Sea) – Non-Pecuniary Interest: Lives close by to the development and knows the residents.
3. Councillor F Evans – Agenda Item No. 5 (19/02036/FUL - 228 Highlands Boulevard - Leigh-on-Sea) – Non-Pecuniary Interest: Lives close by.
4. Councillor Garston – Agenda Item No. 7 (19/01840/FULH - 472 Woodgrange Drive, Southend-on-Sea) – Non-Pecuniary Interest: The Neighbour is known to him.
5. Councillor Mulroney – Agenda item Nos. 5 (19/02036/FUL - 228 Highlands Boulevard - Leigh-on-Sea), 8 (19/02178/FULH - 112 Undercliff Gardens, Leigh-on-Sea), 9 (19/02179/FULH - 112 Undercliff Gardens, Leigh-on-Sea) and 11 (19/02143/FUL - Development Land, Underwood Square, Leigh-on-Sea) – Non-Pecuniary Interest: A Non Planning Member of Leigh Town Council.
6. Councillor Wakefield – Agenda Item No. 4 (19/02134/FUL - Rear Of 1 Shoebury Avenue, Shoeburyness) – Non-Pecuniary Interest: Was involved in the development before becoming a member of Development Control Committee

7. Councillor Walker – Agenda Item No. 11 (19/02143/FUL - Development Land, Underwood Square, Leigh-on-Sea) – Non-Pecuniary Interest: A retired officer of Southend-on-Sea Borough council lives in Lime Avenue and residents of Fairview Lodge are known to him.
8. Councillor Ward – Agenda Item No. 11 Applicant is known to him and the company he works for has worked on the development in the past.

787 Supplementary Report

The Committee received a supplementary report by the Deputy Chief Executive and Executive Director (Growth and Housing) that provided additional information on the item referred to elsewhere on the Agenda.

788 19/02134/FUL - Rear Of 1 Shoebury Avenue, Shoeburyness (Shoeburyness Ward)

Proposal: Erect 5 two storey dwellinghouses and a single block of 3 self contained flats incorporating lift at former Coal Yard with associated parking, amenity area, cycle and refuse storage (Amended Proposal)

Applicant: Mr A Thorpe and Mr H Hyde

Agent: Mr Paul Seager of APS Design Associates Ltd

Mr Gray spoke as an objector to the application and Mr Thorpe responded.

Resolved:-

That PLANNING PERMISSION be REFUSED for the following reasons:

01 The proposal, by reason of its overall layout and cramped nature constitutes overdevelopment of the site and would be dominated by hardsurfacing and car parking, resulting in a contrived and incongruous scheme that would cause material harm to the character and appearance of the site and the surrounding area. This is unacceptable and contrary to National Planning Policy Framework (2019), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the advice contained within the Design and Townscape Guide (2009).

02 The siting, size and design of the proposed development is such that the development would result in material overlooking and loss of privacy, dominance and a material sense of enclosure to the material detriment of the amenities of the occupiers of neighbouring dwellings in Shoebury Avenue and Wakering Avenue. The development is therefore unacceptable and contrary to the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the advice contained within the Design and Townscape Guide (2009).

03 The proposed development, by reason of its failure to comply with the Nationally Described Space Standards would provide substandard living conditions for the future occupiers of Proposed Flat 1 to the detriment of their amenity. This is unacceptable and contrary to the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM8 (as amended by the Technical Housing Standards Policy Transition Statement (2015)) of the

Development Management Document (2015) and the advice contained within the Design and Townscape Guide (2009).

Informatives:

01 Please note that this application would have been 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 may also be CIL liable.

789 19/02036/FUL - 228 Highlands Boulevard - Leigh-on-Sea (West Leigh Ward)

Proposal: Erection of dwelling house following demolition of existing (part-retrospective)

Applicant: Mr Richard Chalmers

Agent: Mr Oliver Beacham

Resolved:-

That PLANNING PERMISSION be GRANTED subject to the following conditions:

01 The development hereby permitted shall begin not 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: 17.102-01, 17.102-02, 17.102-03, 17.102-04, 17.102-05, 17.102-06, 17.102-07, 17.102-08 D, 17.102-09 D, 17.102-10 D, 17.102-11 D, 17.102-12 D, 17.102-13 D, 17.102-14 D, 17.102-15 D, 17.102-16 D, 17.102-17 D.

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

03 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: To protect the privacy and environment of people in neighbouring residential properties, in accordance with 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 the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

04 The development shall only be carried out using external materials, samples and the specifications of which shall have previously been submitted to and approved in writing by the local planning authority. The development shall be carried out only in accordance with the approved details before it is occupied.

Reason: In the interests of visual amenity and to ensure that the appearance of the buildings makes a positive contribution to the character and appearance of the area, further 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 the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

05 Hard and soft landscape works and boundary treatments shall only be carried out at the site in accordance with details to have been previously submitted to and approved in writing by the local planning authority. The approved boundary treatments and hard landscaping shall be installed prior to first occupation of the development and the soft landscaping works within the first planting season following first occupation of the development.

Reason: In the interests of visual amenity and neighbour amenities and to ensure that the appearance of the building makes a positive contribution to the character and appearance of the area, further to the National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the advice contained within the Design and Townscape Guide (2009).

06 Notwithstanding the details shown on the approved plans, the proposed first floor flank windows, and second floor rooflights, on the north and south elevations shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy) and fixed shut, except for any top hung fan light which shall be a minimum of 1.7 metres above internal floor level and shall be retained as such in perpetuity thereafter.

Reason: To protect the privacy and environment of people in neighbouring residential properties, in accordance with 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 the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

07 Prior to the first occupation of the dwelling hereby approved the car parking and turning area identified on the plans hereby approved shall be provided and made available for use by the occupants of the proposed dwelling and their visitors and shall be retained as such in perpetuity thereafter.

Reason: To ensure the provision of adequate car parking in accordance with the National Planning Policy Framework, Policies KP2 and CP3 of the Southend-on-Sea Core Strategy (2007), Policy DM15 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

08 Construction hours for the development hereby approved shall be restricted to 8am to 6pm Monday to Friday, 8am to 1pm on Saturdays and not at all on Sundays or Bank Holidays.

Reason: To protect the environment of people in neighbouring residential properties, in accordance with 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 the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

09 Notwithstanding the provisions of Classes A, B and E of Part 1 of Schedule 2 to the Town and Country Planning General Permitted Development Order 2015 (or any statutory amendment, modification or re-enactment or replacement thereof (as the case may be) for the time being in force), no extensions shall be erected at the building hereby approved without the receipt of express planning permission.

Reason: To safeguard the amenities of neighbours and the character and appearance of the surrounding area in accordance with 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 the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

10 The development hereby approved shall be carried out in a manner to ensure the dwelling complies fully with Building Regulation M4(2) 'accessible and adaptable dwellings' before it is occupied.

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 the National Planning Policy Framework, Policy KP2 of the Southend-on-Sea Core Strategy (2007), Policy DM2 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

11 A scheme detailing how at least 10% of the total energy needs of the dwelling will be supplied using on site renewable sources must be submitted to and agreed in writing by the Local Planning Authority and implemented in full prior to the first occupation of the dwelling.

Reason: In the interests of providing sustainable development in accordance with Policy KP2 of the Southend-on-Sea Core Strategy (2007), and Policy DM2 of the Southend-on-Sea Development Management Document (2015).

12 The development hereby approved shall incorporate water efficient design measures 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 such as grey water and rainwater harvesting.

Reason: To minimise the environmental impact of the development through efficient use of water in accordance with the National Planning Policy Framework, Policy KP2 of the Southend-on-Sea Core Strategy (2007), Policy DM2 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea 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

01. 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.

02. Notwithstanding the approved plans, no permission is hereby granted for the use of white cedar vertical Hardie plank cladding or white composite cladding on the proposed development.

03. Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and it is the responsibility of the landowner(s) to ensure they have fully complied with the requirements of these regulations. A failure to comply with the CIL regulations in full can result in a range of penalties. For full planning permissions, a CIL Liability Notice will be issued by the Council as soon as practicable following this decision notice. For general consents, you are required to submit a Notice of Chargeable Development (Form 5) before commencement; and upon receipt of this, the Council will issue a CIL Liability Notice including details of the chargeable amount and when this is payable. If you have not received a CIL Liability Notice by the time you intend to commence development it is imperative that you contact S106andCILAdministration@southend.gov.uk to avoid financial penalties for potential failure to comply with the CIL Regulations 2010 (as amended). If the chargeable development has already commenced, no exemption or relief can be sought in relation to the charge and a CIL Demand Notice will be issued requiring immediate payment. Further details on CIL matters can be found on the Planning Portal (www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy) or the Council's website (www.southend.gov.uk/cil).

790 19/02312/FUL - 39 Chalkwell Esplanade, Westcliff-on-Sea (Chalkwell Ward)

Proposal: Demolish dwellinghouse, erect detached three storey building to form two self-contained flats and layout parking to rear, amenity areas and landscaping (Amended Proposal)

Applicant: Barron Homes South East Ltd

Agent: Metson Architect Ltd

Mr Perkin spoke as an objector to the application and Mr Metson responded.

Resolved:-

That PLANNING PERMISSION be REFUSED for the following reason:

01 The proposal, by reason of its scale, form, design and siting would create an overbearing relationship resulting in a material sense of enclosure and material reduction of outlook for residents of 37 Chalkwell Esplanade and 1-6 Viceroy Court to the detriment of the amenities of these occupiers. This is unacceptable and contrary to the National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the advice contained within the Southend Design and Townscape Guide (2009).

791 19/01840/FULH - 472 Woodgrange Drive, Southend-on-Sea (Thorpe Ward)

Proposal: Erect single storey rear extension (Amended Proposal)

Applicant: Miss Neelam Prashar

Agent: Mr Stephen Ladner of SJCS

Resolved:-

That PLANNING PERMISSION be REFUSED for the following reasons:

1. The proposed development by reason of its size, scale and bulk as well as its lack of architectural merit would result in a dominant and incongruous feature and would result in a detrimental impact upon the character and appearance of the existing dwelling and the wider area. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework (2019), 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).
2. The proposed development by reason of its siting, size, height and rearward projection would materially harm the amenity of the occupiers of 474 Woodgrange Drive by way of perceived and actual dominance, overshadowing and sense of enclosure, contrary to the National Planning Policy Framework (2019), 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.

Informative

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.

792 19/02178/FULH - 112 Undercliff Gardens, Leigh-on-Sea (Leigh Ward)

Proposal: Part demolish existing garage, erect single storey side extension, single storey side and rear extension, first floor extension, install replacement glass balustrade to first floor, layout parking and alter elevations.

Applicant: Mr And Mrs Clark

Agent: Mr Dale Perry of Stone Me Ltd

Resolved:-

That PLANNING PERMISSION be REFUSED for the following reasons:

01 The proposed upper floor extension, by reason of its scale, form and siting, would harm the open character of the area, would obstruct public views towards the estuary and would be an awkward and incongruous addition to the host building to the detriment of the character and appearance of the site, streetscene and wider area. This is an unacceptable form of development which is contrary to the National Planning Policy Framework (2019); Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007); Policies DM1, DM3 and DM6 of the Southend-on-Sea Development Management Document (2015); and the advice contained within the National Design Guide (2019) and the Southend-on-Sea 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. The Local Planning Authority is willing to discuss the best course of action in respect of any future application for a revised development.

Informatives:

01 You are advised that as the proposed extension(s) or change of use to your property equates to less than 100sqm of new floorspace, and does not involve the creation of a new dwelling (Class C3), 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 the Planning Portal (www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy) or the Council's website (www.southend.gov.uk/cil) for further details about CIL.

793 19/02179/FULH - 112 Undercliff Gardens, Leigh-on-Sea (Leigh Ward)

Proposal: Part demolish existing garage, erect single storey side extension, single storey side and rear extension, install replacement glass balustrade to first floor, layout parking and alter elevations.

Applicant: Mr and Mrs Clark

Agent: Mr Dale Perry of Stone Me Ltd

Resolved:-

That PLANNING PERMISSION be GRANTED subject to the following conditions:

01 The development hereby permitted shall begin not 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 only in accordance with the following approved plans: 1840 19, 1840 20A, 1840 22B.

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 hereby approved must be in accordance with the details shown on the approved plan 1840 22B unless details of alternative materials have been submitted to and agreed in writing by the Local Planning Authority under the scope of this condition in which case the development shall be carried in accordance with these agreed, alternative details.

Reason: In the interest of visual amenity in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3, and the advice contained within the National Design Guide (2019) and the Design and Townscape Guide (2009).

04 No construction above ground level for the development hereby approved shall take place until details of a hard and soft landscaping scheme have been submitted to and approved in writing by the Local Planning Authority. The hard landscaping scheme shall include details of materials to be used on hardsurfacing and elevations and details of materials for the boundary treatment of the site. The hard landscaping scheme shall be carried out in full accordance with the approved details prior to the first use of the development hereby approved. The soft landscaping scheme shall be carried out in full accordance with the approved details within the first available planting season (October to March inclusive) following the first use of the development hereby approved.

Reason: In the interest of visual amenity in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3, and the advice contained within the National Design Guide (2019) 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) or change of use to your property equates to less than 100sqm of new floorspace, and does not involve the creation of a new dwelling (Class C3), 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 the Planning Portal (www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy) or the Council's website (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.

794 19/00175/UNAU_B - 10 Grand Drive, Leigh-on-Sea (Leigh Ward)

Breach of Control: Without planning permission the erection of second and third floor rear extensions and balcony.

Resolved:-

That ENFORCEMENT ACTION be AUTHORISED to:

- a) secure the removal of the unauthorised rear roof extension at second and third floors.
- b) secure the removal of the unauthorised roof balcony or reduce to that found lawful as proposed under Certificate of Lawful Development 18/01144/CLP.
- c) remove from site all materials resulting from compliance with a) & b) above

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 4 months is considered reasonable for the removal of the existing rear extensions and balcony.

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.

795 19/02143/FUL - Development Land, Underwood Square, Leigh-on-Sea (West Leigh Ward)

Proposal: Erect No.1 5 bedroom detached dwellinghouse, layout parking to front with associated crossover onto Underwood Square (Amended Proposal)

Applicant: Mr G Newton

Agent: Steven Kearney of SKArchitects

Resolved:-

That PLANNING PERMISSION be REFUSED for the following reasons:

01 The proposal by reason of its scale, design, and position would be materially harmful to the character and appearance of the streetscene and wider surroundings. This would be unacceptable and contrary to the National Planning Policy Framework (2019), policies KP2 and CP4 of the Core Strategy (2007) and policies DM1 and DM3 of the Development Management Document (2015) and advice contained within the Southend Design and Townscape Guide (2009).

Chairman: _____