

## **SOUTHEND-ON-SEA CITY COUNCIL**

### **Meeting of Development Control Committee**

**Date: Wednesday, 6th April, 2022**  
**Place: Council Chamber - Civic Suite**

**Present:** Councillor N Ward (Chair)  
Councillors A Dear (Vice-Chair), D Cowan, M Dent, F Evans,  
D Garne, S Habermel, D Jarvis, A Jones, D McGlone, K Mitchell,  
C Mulroney, A Thompson, S Wakefield and C Walker  
(\*Substitute in accordance with Council Procedure Rule 31.)

**In Attendance:** Councillor A Line  
K Waters, P Keyes, S Mouratidis, M Warren and T Row

**Start/End Time:** 2.00 - 3.30 pm

#### **892 Apologies for Absence**

Apologies for absence were received from Councillors D Garston (substitute: Councillor McGlone) and Buck (no substitute).

#### **893 Declarations of Interest**

The following interests were declared at the meeting:

(i) Councillor Cowan – Minute No. 863 (Application Ref. No. 21/02034/OUT – Land Adjacent, 1 Smallholdings, Eastwoodbury Lane) – Non-pecuniary interest: Has been in extensive correspondence with residents about the application;

(ii) Councillor Line – Minute No. 865 (Application Ref. No. 20/00098/UNAU\_B – 369 Westborough Road, Westcliff on Sea) – Non-pecuniary interest: Has spoken with the applicant about the matter;

(iii) Councillor McGlone – Minute No. 863 (Application Ref. No. 21/02034/OUT – Land Adjacent, 1 Smallholdings, Eastwoodbury Lane) – Non-pecuniary interest: Has been in correspondence with residents about the application;

(iv) Councillor Mulroney – Minute No. 864 (Application Ref. No. 22/00236/FULH – 11B New Road, Leigh on Sea) – Non-pecuniary interest: Member of Leigh Town Council and the Leigh Society, non-participant in planning; and

(v) Councillor Thompson – Minute No. 864 (Application Ref. No. 22/00236/FULH – 11B New Road, Leigh on Sea) – Non-pecuniary interest: Had been lobbied by residents.

#### **894 Minutes of the meeting held on Wednesday 1st December 2021**

Resolved:-

That the Minutes of the meeting held on Wednesday, 1<sup>st</sup> December 2021 be received, confirmed as a correct record and signed.

**895 Minutes of the meeting held on Wednesday 5th January 2022**

Resolved:-

That the Minutes of the meeting held on Wednesday, 5<sup>th</sup> January 2022 be received, confirmed as a correct record and signed.

**896 Minutes of the meeting held on Wednesday 9th February 2022**

Resolved:-

That the Minutes of the meeting held on Wednesday, 9<sup>th</sup> February 2022 be received, confirmed as a correct record and signed.

**897 Minutes of the Meeting held on Wednesday, 2nd March, 2022**

Resolved:-

That the Minutes of the meeting held on Wednesday, 2<sup>nd</sup> March 2022 be received, confirmed as a correct record and signed.

**898 Supplementary Report**

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

**899 21/02034/OUT - Land Adjacent, 1 Smallholdings, Eastwoodbury Lane (St Laurence Ward)**

**Proposal: Erect nine dwellinghouses with associated landscaping and car parking (Outline)**

**Applicant: Millen**

**Agent: N/A**

Mr Peck, a local resident, attended the meeting and spoke as an objector to the application. Mr Lowry attended the meeting remotely via MS Teams and responded on behalf of the applicants.

Resolved:-

That OUTLINE planning permission be GRANTED subject to the following conditions:

General conditions

01 Details of the appearance, scale, and landscaping (hereinafter called the "reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved under the reserved matters. Application for approval of the reserved matters shall be made to the Local Planning Authority not later than 3 (three) years from the date of this permission. The development hereby permitted

shall begin not later than 2 (two) years from the date of approval of the last of the reserved matters to be approved.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 (as amended) and because the application is for outline planning permission only and the particulars submitted are insufficient for consideration of details mentioned.

02 The development shall be carried out in accordance with the approved plans: Location Plan; SEOS001 Rev 1; SEOS004.

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

#### Design related conditions

03 Notwithstanding the details shown on the plans submitted and otherwise hereby approved the development hereby permitted shall not commence, other than for groundworks and site preparation works, unless and until full details of the materials to be used for all the external surfaces of the proposed buildings at the site including facing materials, roof detail, windows, doors, balustrading, fascia and balconies have been submitted to and approved in writing by the Local Planning Authority. The works must then be carried out in full accordance with the approved details before the dwellings hereby approved are first occupied.

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

04 Notwithstanding the details shown on the plans submitted and otherwise hereby approved the dwellinghouses hereby permitted shall not exceed 8.2m in height.

Reason: To safeguard the character and appearance of the area and the visual amenities of neighbouring occupiers plus aviation safety in accordance with Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM4 of the Development Management Document (2015) and the Design and Townscape Guide (2009).

#### Construction related conditions

05 No development shall take place, including any site preparation works, unless and until a Construction Management Plan to include Noise and Dust Mitigation Strategies has been submitted to, and approved in writing by the Local Planning Authority. The approved Construction Management Plan shall be adhered to in full 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, dirt and noise 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) a dust management plan to include mitigation and boundary particulate monitoring during demolition and construction.
- viii) details of the duration and location of any noisy activities.

Reason: This pre-commencement condition is required in the interests of the amenities of nearby and surrounding occupiers pursuant to Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015).

06 Demolition or construction works associated with this permission shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:00hours to 13:00hours on Saturdays and at no time on Sundays or Bank Holidays.

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

#### Landscaping related conditions

07 No development above ground level shall be undertaken unless and until details of existing and proposed site levels at and surrounding the site have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken and completed at the levels shown on the approved drawing and shall not exceed the highest level of land adjacent to the application site.

Reason: In the interests of the residential amenity of adjoining residents and the character and appearance of the area and to ensure that the development complies with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the Design and Townscape Guide (2009).

08 Notwithstanding the details shown on the plans hereby approved, no development shall take place, other than ground and site preparation works, unless and until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping for the site.

The submitted hard and soft landscaping schemes shall include full details of the number, size and location of the trees and shrubs to be planted together with measures for their protection whilst being established and a planting specification, details of the treatment of all hard and soft surfaces, including any earthworks to be carried and all means of enclosing the site, including boundaries within the site.

Prior to first occupation of the dwellings hereby approved, the approved hard landscaping scheme shall be implemented and completed in full accordance with the details approved pursuant to this condition. Within the first available planting season (October to March inclusive) following the first use of the development hereby approved, the approved soft landscaping scheme shall be implemented and completed in full accordance with the details approved under the provisions of this condition.

Within a period of five years from the completion of the development hereby approved, or from the date of the planting of any tree or any tree planted in its replacement, if any tree existing or planted as part of the approved landscaping scheme is removed, uprooted, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree of the same species and size as that of the original tree shall be planted in the same place or in accordance with alternative tree replacement details approved under the scope of this planning condition.

Reason: In the interests of visual amenity, biodiversity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policies KP2 and CP4 of the Core Strategy, Policies DM1 and DM3 of the Development Management Document (2015) and the Design and Townscape Guide (2009).

#### Ecological related conditions

09 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the development hereby permitted shall not commence unless and until the biodiversity mitigation measures outlined within the Reptile Survey (by Hybrid Ecology Ltd. dated September 2021) which includes mitigation in relation to reptiles, badgers and their habitats have been carried out in full. A timescale for the implementation of these measures shall first be submitted to the Local Planning Authority and approved in writing pursuant to this condition. The measures shall be implemented in accordance with the approved timescale and retained as approved thereafter.

Reason: This pre-commencement condition is required in the interest of biodiversity in accordance with National Planning Policy Framework (2021) and Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

10 Prior to first occupation of the dwellings hereby approved, the biodiversity enhancement measures outlined within the Design and Access Statement (or alternative details which have previously been submitted and approved in writing by the Local Planning Authority under the provisions of this condition) shall be implemented and completed in full. These measures shall be retained for the lifetime of the development.

Reason: In the interest of biodiversity in accordance with National Planning Policy Framework (2021) and Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

11 Tree removal works shall not take place between March and August and shall only be carried out (including which trees will be removed) in accordance with the recommendations contained in the Tree Survey and Arboricultural Impact Assessment V1.1 (ref no. 22\_5837\_02\_42) by ROAVR Environmental Ltd.

Reason: In the interest of biodiversity in accordance with National Planning Policy Framework (2021) and Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

12 No development shall take place on site unless and until details of tree protection measures for the trees to be retained on site, have been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. The development shall be carried out in full accordance with the approved tree protection measures throughout the construction phase of the development.

Reason: This pre-commencement condition is needed to safeguard the character and appearance of the surrounding area in accordance with policies DM1 and DM3 of the Development Management Document (2015) and Policies KP2 and CP4 of the Core Strategy (2007).

#### Highways related conditions

13 The development hereby approved shall not be first occupied unless and until 18 on site car parking spaces (2no. for each dwelling) have been provided and made available for use at the site in full accordance with drawing SEOS001 Rev 1, together with properly constructed vehicular access to the adjoining highway, all in accordance with the approved plans. At least one of the parking spaces for each approved residential unit, shall be fitted with an active electric vehicle charging point. The parking spaces shall be permanently maintained thereafter solely for the parking of occupiers of and visitors to the development.

Reason: To ensure that satisfactory off-street car parking is provided in the interests of residential amenity and highways efficiency and safety, in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) policy KP2, Development Management Document (2015) policy DM15 and the guidance in the Southend Design and Townscape Guide (2009) and the Electric Vehicle Charging Infrastructure (EVCI) for New Development Supplementary Planning Document (SPD) (2021).

14 The development hereby approved shall not be first occupied or brought into first use unless and until full details (including elevations) of the covered and secure cycle parking to serve the new dwellings have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in full accordance with the approved cycle storage details and the cycle storage shall be provided and made available for use prior to the first occupation of the dwellings hereby approved.

Reason: To ensure that adequate cycle parking is provided to serve the residential development in accordance with Policies KP2 and CP3 of the Core Strategy (2007) and Policies DM1 and DM15 of the Development Management Plan (2015).

#### Waste storage related conditions

15 The residential dwellings hereby approved shall not be first occupied unless and until full details (including elevations) of the refuse and recycling stores have been submitted to and approved in writing by the Local Planning Authority. The approved refuse and recycling stores shall be provided in accordance with the approved plans and details and shall be made available for use prior to the first occupation of the dwelling to which they relate and shall be retained as such for the lifetime of the development.

Reason: To ensure that the development provides adequate refuse and recycling facilities in the interests of highway safety and visual amenity and to protect the character of the surrounding area, in accordance with Policies KP2 and CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015) and Design and Townscape Guide (2009).

#### Drainage related conditions

16 No drainage infrastructure associated with this consent shall be undertaken at this site unless and until full details of the drainage infrastructure and a drainage strategy have been submitted to and approved in writing by the Local Planning Authority. The strategy submitted shall apply the sustainable drainage principles and the sustainable drainage hierarchy. Where more sustainable methods of drainage are discounted clear evidence and reasoning for this shall be included within the strategy submitted. The approved drainage infrastructure and strategy shall be implemented in full accordance with the approved scheme prior to the first occupation of the development hereby approved and be retained as such for the lifetime of the development.

Reason: To ensure satisfactory drainage of the site in accordance with Policy KP2 of the Core Strategy (2007) and Development Management Document (2015) Policy DM14.

#### Sustainability related conditions

17 Prior to construction of the development hereby approved above ground floor slab level 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 by the Local Planning Authority. No building in the scheme shall be occupied until and unless it has been implemented in accordance with the details approved under this condition. This provision shall be made for the lifetime of the development.

Reason: In the interests of providing sustainable development and ensuring a high quality of design in accordance with Policy KP2 of the Core Strategy (2007) and the Design and Townscape Guide (2009).

18 Prior to occupation of the development hereby approved water efficiency 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 shall be installed in the development hereby approved and be retained for the lifetime of the development.

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 Councils Design and Townscape Guide (2009).

19 The development hereby approved shall be carried out in a manner to ensure that the dwellings fully comply with the Technical Housing Standards – Nationally

Described Space Standards (2015) and with Building Regulation M4(2) 'accessible and adaptable dwellings' before they are brought into use and first occupied.

Reason: To ensure provision of high quality and flexible internal layouts to meet the changing needs of residents in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM8 and Design and Townscape Guide (2009).

Neighbour amenity safeguarding related conditions

20 Prior to the occupation of each dwelling hereby approved, obscure glazing shall be installed in accordance with an obscure glazing strategy for the site which shall have previously been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. The submitted strategy shall include details of which plots on site and which windows on each plot require obscure glazing. The openings that are identified as needing to be glazed in obscure glass, shall only be so with 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 finished floor level of the room or area served by the window. 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 on the Pilkington scale.

Reason: To ensure the development has an acceptable design and protects the amenities of neighbouring occupiers in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM3 and DM8 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the National Design Guide (2021) and Southend-on-Sea Design and Townscape Guide (2009).

21 No external lighting shall be installed on the site subject of this permission unless it is in accordance with the details and specifications of a Lighting Strategy which has previously been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. All lighting shall be retained on site in accordance with the approved scheme for the lifetime of the development.

Reason: In the interest of the residential amenity of future occupiers in accordance with the National Planning Policy Framework (2021), 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 the advice contained within the National Design Guide (2021) and Southend-on-Sea Design and Townscape Guide (2009).

22 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 on the new dwellinghouses within Schedule 2, Part 1, Classes A, AA, B, D, E or F of that Order without the receipt of express planning permission.



Reason: To safeguard the character and appearance of the area and in the interest of the residential amenity of the adjoining residents in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and Design and Townscape Guide (2009).

Informatives:

01 Please note that the proposed development subject of this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). The amount of levy due will be calculated at the time a reserved matters application is submitted. Further information about CIL can be found on the [Planning Portal \(www.planningportal.co.uk/info/200136/policy\\_and\\_legislation/70/community\\_infrastructure\\_levy\)](http://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy) or the Council's website ([www.southend.gov.uk/cil](http://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 City.

03 Please note that you are required to apply to the Highways Authority for consent to have a vehicular crossover installed on Eastwoodbury Lane and that the private access road for this development will be expected to support the weight of refuse freighters in accordance with the Council's Waste Storage, Collection and Management Guide for New Developments (2019).

04 The applicant is advised that refuse stores should not be prominently located within the development. As such it is recommended that the refuse stores are not located to the front of the dwellings.

05 No waste as part of the development shall be burnt on site.

06 Please note that if you require a crane or piling rig to construct the proposed development, this will need to be safeguarded separately and dependant on location may be restricted in height and may also require full coordination with the Airport Authority. Any crane applications should be directed to [sam.petrie@southendairport.com](mailto:sam.petrie@southendairport.com) / 01702 538521.

07 The applicant is advised to consider installation of Automatic Water Suppression Systems (AWSS) within the new dwellings.

**900 22/00236/FULH - 11B New Road, Leigh-on-sea (Leigh Ward)**

**Proposal: Replace existing wooden sash windows with UPVC windows to all elevations (retrospective)**

**Applicant: Mr M Good and Ms C Harper**

**Agent: Mr Thomas Sharman of Smart Planning Ltd**

Resolved:-

1. That planning permission be REFUSED for the following reason:

01. The replacement windows, by reason of their materials and detailed design are considered to be detrimental to the historic character and significance of the existing property and the wider Leigh Conservation Area. The identified harm to the conservation area is less than substantial, albeit significant, and any public benefits arising from the development do not outweigh the identified harm. The development is contrary to the National Planning Policy Framework (2021), Policies KP2 and CP4 of Core Strategy (2007), Policies DM1 and DM5 of the Development Management Document (2015) and the Design and Townscape Guide (2009).

2. That ENFORCEMENT ACTION be AUTHORISED to require from anyone with an interest in the land (the site) to:

- (a) remove the unauthorised windows UPVC; and
- (b) remove from site all materials resulting from compliance with (a) 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 six (6) months is considered reasonable for the removal of the unauthorised windows, considering that planning permission is required for the installation of new appropriate windows.

**901 20/00098/UCOU\_B - 369 Westborough Road, Westcliff-on-Sea  
(Westborough Ward)**

**Breach of planning control: Use of the rear part of the building as a residential unit**

Resolved:-

That ENFORCEMENT ACTION be AUTHORISED to Members are recommended to AUTHORISE ENFORCEMENT ACTION to require from anyone with an interest in the land (the site) to:

- (a) cease the residential use of the rear part of the building on site;
- (b) remove all kitchen appliances from the ground floor of the rear part of the building on site;
- (c) remove all bathroom facilities from the first floor of the rear part of the building on site;
- (d) remove all facilities that facilitate the use of the rear part of the building on site as a residential unit; and
- (e) remove from site all materials and debris resulting from compliance with requirements (a), (b), (c) and (d) 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 6 months is considered reasonable for the above works.

**902 19/00190/UNAU\_B - 18 Parkgate, Westcliff-on-Sea (Milton Ward)**

**Breach of planning control: Replacement of timber windows with UPVC windows in a Conservation Area**

Resolved:-

That ENFORCEMENT ACTION be AUTHORISED Members are recommended to AUTHORISE ENFORCEMENT ACTION to require from anyone with an interest in the land (the site) to:

- (a) remove the unauthorised UPVC windows; and
- (b) remove from site all materials and debris resulting from compliance with (a) 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 six (6) months is considered reasonable for the removal of the unauthorised windows, considering that planning permission is required for the installation of new appropriate windows.

**903 Vote of Thanks**

The Committee thanked the Chair for the kind, yet firm, and reasonable way in which he had chaired the meetings of the municipal year.

**Chair:** \_\_\_\_\_