

SOUTHEND-ON-SEA CITY COUNCIL

Meeting of Development Control Committee

Date: Wednesday, 14th December, 2022

Place: Committee Room 1 - Civic Suite

Present: Councillor N Ward (Chair)
Councillors M Borton (Vice-Chair), H Boyd*, K Buck, M Dent, F Evans,
N Folkard*, D Garston, A Jones, C Mulroney, M Sadza, A Thompson and
C Walker

*Substitute in accordance with Council Procedure Rule 31.

In Attendance: C Galforg, G Gilbert, P Keyes, S Tautz, M Warren and K Waters

Start/End Time: 2.00 pm - 3.05 pm

561 Apologies for Absence

Apologies for absence were received from Councillor M Berry (no substitute), Councillor S Habermel (Substitute: Councillor H Boyd), Councillor D Jarvis (Substitute: Councillor N Folkard) and Councillor I Shead (no substitute).

562 Declarations of Interest

The following interests were declared at the meeting:

(a) Councillors M Dent and M Sadza - Planning Application Ref: 21/00220/FUL (613 to 619 and Garages to rear of 593 to 647 Southchurch Road, Southend-on Sea) - Both councillors have received correspondence from residents of neighbouring properties with regard to the application and the planning process.

(b) Councillors N Ward (Chair) and C Mulroney - Planning Application Ref: 22/01867/FUL (Peter Boat Car Park, High Street, Leigh-on-Sea) – Both councillors know the owner of the property subject of the planning application.

563 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, since the publication of the reports.

564 21/00220/FUL - 613 to 619 and Garages to rear of 593 to 647 Southchurch Road, Southend-on Sea (Kursaal Ward)

Proposal: Demolish existing garages and erect 4no. two-storey dwellings, erect single storey extension to rear of existing commercial unit at 615-617 Southchurch Road to form self-contained flat, layout hardstanding, parking and refuse stores, together with alterations to vehicular accesses at Ilfracombe Road and Lovelace Gardens

Applicant: Harrison-Moore

Agent: AWW Sherlock of AWW

Mr M Gregory, a local resident, spoke as an objector to the application. Mr N Mulholland, the agent for the applicant, responded.

Resolved:

That planning permission be GRANTED subject to the following conditions:

(1) 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.

(2) The development hereby permitted shall be carried out in accordance with the following approved plans:

0100 A Location Plan
0110 B Existing Site Plan
0111 E Proposed Site
0150 B Existing Ground Floor Site Plan
0200 E Proposed Ground Floor Site Plan
0151 Existing First Floor Site Plan
0201 E Proposed First Floor Site Plan
0152 Existing Garage Plans
0153 A Existing Commercial Ground & First Floor Plans
0212 E Proposed Flat Plans
0209 A End House 2 Plans
0210 D Proposed End Terrace House Plans
0211 C Proposed Mews Plans
0160 Existing Site Elevations
0300 A Proposed Site Elevations
0307 C Proposed (New Rear Flat) Elevation
0305 C Proposed House 1 Elevations
0308 Proposed House 2 Elevations
0306 C Mews House Elevations
0400 B Axonometric Drawings
0900 3D Views.

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

(3) The first-floor rear windows on the mews houses as shown on the approved plans including 0111E shall only be oriel windows as shown on plan 0211C.

Reason: In the interests of neighbour amenities further to the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3, and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

(4) No demolition or development of any kind shall take place at the site unless and until a scheme for the protection of the street tree on Lovelace Gardens identified as T5 on the submitted Arboricultural Assessment in accordance with British Standard BS5837 (Trees in Relation to Construction – Recommendations) has been submitted to and agreed in writing by the Local Planning Authority. The approved scheme of protection measures shall be fully installed before the commencement of works and maintained throughout construction. The development shall be implemented in full accordance with the approved scheme, measures and methods.

Reason: In the interests of visual amenity further to the National Planning Policy Framework (2021), 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).

(5) 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 2021, 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).

(6) Other than demolition, no development above ground floor slab level shall take place until samples and specifications of the materials to be used on all the external elevations of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out 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 2021, 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 National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009).

(7) No development other than demolition and site preparation works shall take place 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. The details submitted shall include, but not be limited to:

- (i) hard surfacing materials
- (ii) details of the number, size and location of the trees, shrubs and plants to be retained and planted together with a planting specification
- (iii) details of measures to enhance biodiversity within the site, including bat boxes, hedgehog passes, and bird boxes
- (iv) details of any permeable paving or other sustainable drainage measures to be implemented
- (v) all and any means of enclosing the site and subdividing it, including clear demarcation of dwelling curtilages and parking areas.

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 in writing with the Local Planning Authority.

Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping and drainage is implemented pursuant to Policy CP4 of the Core Strategy (2007) and Policy DM1 of the Development Management Document (2015).

(8) If, during the development, land contamination not previously considered is identified, then the Local Planning Authority shall be notified immediately, and no further works shall be carried out until a method statement detailing a scheme for dealing with

suspect contamination has been submitted to and agreed in writing with the Local Planning Authority. The remediation of the site shall incorporate the approved remediation measures and shall be carried out in full with a validation report provided and agreed in writing before the development is occupied.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other receptors in accordance with National Planning Policy Framework 2021, Policies KP2 and CP4 of the Core Strategy (2007) and Policy DM2 of the Development Management Document (2015).

(9) At least 10% of the total energy needs of the new dwellings hereby approved shall be supplied using on site renewable sources as identified in the submitted documents. Prior to occupation of the dwellings, details of the position and appearance of the renewable sources shall have been submitted to and approved in writing by the Local Planning Authority. The provision shall be implemented in accordance with the agreed details in full prior to the first occupation of the dwellings and shall be made for the lifetime of the development.

Reason: In the interests of providing sustainable development in accordance with the National Planning Policy Framework (2021), Policy KP2 of the Core Strategy (2007), Policy DM2 of the Development Management Document (2015).

(10) Prior to the first occupation of the development hereby approved the access road, together with properly constructed vehicular access, car parking and turning areas identified on the plan 0111 E hereby approved shall have been provided and made available for use by the occupants of the proposed dwellings and their visitors and shall be retained as such for the lifetime of the development.

Reason: To ensure the provision of adequate vehicular access and car parking in accordance with the National Planning Policy Framework (2021), 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).

(11) Prior to first occupation of the dwellings hereby approved, no fewer than 5 active electric vehicle (EV) charging points shall have been provided at the site to serve each residential parking space. The arrangements shall be retained thereafter for the lifetime of the development.

Reason: To ensure the provision for adequate EV car parking and charging in accordance with the National Planning Policy Framework (2021), 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 Electric Vehicle Charging Infrastructure for new development Supplementary Planning Document (2021).

(12) The development hereby approved shall not be occupied until and unless provision for secure covered cycle and refuse/recycling storage for occupiers of the development has been provided at the site in accordance with the details shown on plan 0200 E. The facilities shall be maintained thereafter for the lifetime of the development.

Reason: To ensure the provision of adequate cycle parking and waste/recycling storage in accordance with the National Planning Policy Framework 2021, 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).

(13) The development hereby approved shall be carried out in a manner to ensure the dwellings comply fully with Building Regulation M4(2) 'accessible and adaptable dwellings' before they are 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 2021, 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).

(14) Notwithstanding the provisions of Classes A, AA, B, C, D, E and F of Part 1, and Class A of Part 2, of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any statutory amendment, modification or re-enactment or replacement thereof (as the case may be) for the time being in force), no extensions, porches, roof extensions, outbuildings or external boundary treatments (gates, walls and fences) shall be erected at the dwellings hereby approved without the prior receipt of express planning permission.

Reason: To allow consideration of impacts on neighbouring occupiers, in the interests of neighbour amenities, further to the National Planning Policy Framework (2021), 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).

(15) Prior to first occupation of the dwellings hereby approved, a scheme of external lighting to the vehicular access serving the development as shown on the approved plans including 0111 E Proposed Site shall have been implemented at the site having previously been submitted to and approved in writing by the Local Planning Authority. The scheme of lighting shall incorporate the recommendations provided in the submitted Nocturnal Bat Survey Report, Collington Winter, July 2022, Reference: CW20-397 RPT 001 Rev III. No additional lighting or changes to the approved scheme shall be installed or implemented without the details having previously been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to mitigate impacts of the development on protected species, further to the National Planning Policy Framework (2021) and Policies KP1, KP2 and CP4 of the Southend-on-Sea Core Strategy (2007).

(16) Prior to first occupation of any part of the development hereby approved, a car parking and access management plan for the alleyway, with the objective of optimising the availability of parking and the free flow of traffic, and including review procedures, shall have been submitted to and approved in writing by the Local Planning Authority. The approved plan shall be implemented as part of the development and retained thereafter for the lifetime of the development.

Reason: To ensure the provision of adequate car parking in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP3 of the Southend-on-Sea Core Strategy (2007), Policy DM15 of the Southend-on-Sea Development Management Document (2015).

(17) No development shall take place at the site, including any works of demolition, until details of a Construction Management Plan have been submitted to, and approved in writing by, the Local Planning Authority. The approved Plan shall be fully adhered to throughout the construction period and 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) measures to restrict the duration of noisy activities and locating them away from the periphery of the site
- (vii) a scheme for recycling/disposing of waste resulting from construction works that does not allow for the burning of waste on site
- (viii) maintenance of access for existing occupiers
- (ix) standard mitigation measures in relation to badgers in the wider area.

Reason: A pre-commencement condition is needed in the interests of visual amenity, the amenities of neighbouring occupiers, ecology and maintaining reasonable access to adjacent properties pursuant to Policies KP1, KP2, CP3 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM15 of the Development Management Document (2015) and the Natural Environment and Rural Communities Act (2006).

(18) The roofs of the buildings and extension hereby approved shall not be used as balconies, roof gardens or similar amenity areas or for any other purpose unless express planning permission has previously been obtained. The roofs can however be used for the purposes of maintenance or to escape in an emergency.

Reason: In the interests of neighbour amenities further to the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3, and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

(19) 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 2021, 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).

(20) No removal of vegetation that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation shall then be submitted to and approved by the planning authority before any works start on site.

Reason: To ensure no nesting birds are harmed during vegetation clearance, further to the National Planning Policy Framework (2021) and Policies KP1, KP2 and CP4 of the Southend-on-Sea Core Strategy (2007).

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.

Informatives:

There is clear evidence that the installation of Automatic Water Suppression Systems (AWSS) can be effective in the rapid suppression of fires. Essex County Fire & Rescue Service (ECFRS) therefore uses every occasion to urge building owners and developers to consider the installation of AWSS. ECFRS are ideally placed to promote a better understanding of how fire protection measures can reduce the risk to life, business continuity and limit the impact of fire on the environment and to the local economy. Even where not required under Building Regulations guidance, ECFRS would strongly recommend a risk based approach to the inclusion of AWSS, which can substantially reduce the risk to life and of property loss. We also encourage developers to use them to allow design freedoms, where it can be demonstrated that there is an equivalent level of safety and that the functional requirements of the Regulations are met.

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).

You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council will 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.

Standard mitigation measures in relation to potential local badger activity:

While it has been found that the site is unlikely to provide habitat and the development is unlikely to materially affect badgers, the following best practice recommendations in regard to roaming badgers and construction should be noted:

- Any trenches or deep pits should be securely covered overnight to stop any badgers falling in and becoming trapped. Alternatively, a rough plank can be provided, at an angle no steeper than 45 degrees, to allow any badgers a suitable means of escape.
- Any trenches/pits should be inspected each morning and evening to ensure no badgers have become trapped.
- The storage of topsoil or other 'soft' building materials within the site should be given careful consideration. Badgers will readily adopt such mounds as setts, which would then be afforded the same protection as established setts. So as to avoid the adoption of any mounds, they should be subject to daily inspections before work commences.
- During the work, the storage of any chemicals should be contained in such a way that they cannot be accessed or knocked over by any roaming badgers.
- Open pipework with a diameter of more than 120mm should be properly covered at the end of the work day to prevent badgers entering and becoming trapped. Again,

should a badger trap itself then formal ecological advice must be sought before work commences for the day.

The granting of this permission does not negate the need for Highways Consent for the formation of a permanent vehicular crossing and there is no guarantee that you will automatically be granted Highways Consent for such works. Applications for permanent vehicular crossings can be made at www.southend.gov.uk.

565 22/01867/FUL - Peter Boat Car Park, High Street, Leigh-on-Sea (Leigh Ward)

Proposal: Erection of glass collection station in front car park (part retrospective)

Applicant: East Anglia Pubs

Agent: Stone Me Ltd

Resolved:

That planning permission be REFUSED for the following reasons:

(1) The proposed development, by reason of its functional design and appearance and its position, would detrimentally impact on the openness of the area and be harmful to the character of the Leigh Old Town Conservation Area, including views of the estuary from the High Street. It would also contribute to the overall sense of clutter and level of paraphernalia at the site which also causes harm to the character of the conservation area. Whilst this collective harm identified would be less than substantial, it is nevertheless significant in degree and not outweighed by any public benefits of the proposal. This is unacceptable and contrary to the National Planning Policy Framework (2021), policies KP2 and CP4 of the Core Strategy (2007), policies DM1, DM3, DM5 and DM6 of the Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009) and the Leigh Old Town Conservation Area Appraisal (2021).

(2) The proposed development would involve the collection, cleaning and general multiple handling of glassware in an open area which would significantly and unnecessarily contribute to noise and disturbance generated on the open parts of the site, especially into later evening hours. This would add harmfully to noise and disturbance for the occupiers of nearby dwellings, particularly those facing the site at Nos 59 and 60 High Street, Leigh-on-Sea, detrimental to their living conditions. This would be unacceptable and contrary to the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

Chair: _____