

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

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

**Date: Wednesday, 13th September, 2023**

**Place: Committee Room 1 - Civic Suite**

**Present:** Councillor N Ward (Chair)  
Councillors F Evans (Vice-Chair), B Beggs, M Borton, S Buckley,  
A Dear, M Dent, N Folkard, J Harland, A Jones, R Longstaff,  
C Mulroney, M Sadza and R Woodley

**In Attendance:** Councillor H Boyd  
R Tinlin, P Keyes, A Brown, S Mouratidis, O Hart, M Warren and  
T Row

**Start/End Time:** 2.00 pm - 3.20 pm

#### **39 Apologies for Absence**

Apologies for absence were received from Councillor Walker (no substitute).

#### **40 Declarations of Interest**

The following interests were declared at the meeting:

(i) Councillor Buckley – Minute No. 44 (23/00826/AMDT – Memory House, 6-9 Marine Parade, Leigh on Sea) – Husband is a Leigh Town Councillor which is mentioned in the report; and

(ii) Councillor Mulroney – Minute No. 44 (23/00826/AMDT – Memory House, 6-9 Marine Parade, Leigh on Sea) and 45 (Application Ref. no. 23/01191/FUL – 995-1003 London Road, Leigh on Sea) – Non-planning Member of Leigh Town Council.

#### **41 Minutes of the Meeting held on Wednesday, 2nd August 2023**

Resolved:-

That the Minutes of the meeting held on Wednesday, 2<sup>nd</sup> August 2023 be received, confirmed as a correct record and signed.

#### **42 Minutes of the Meeting held on Wednesday, 30th August, 2023**

Resolved:-

That the Minutes of the meeting held on Wednesday, 30<sup>th</sup> August 2023 be received, confirmed as a correct record and signed.

**43 Supplementary Report**

The Committee received and noted a supplementary report by the Executive Director (Environment & Place), that provided additional information on the items referred to elsewhere on the agenda since the publication of the reports.

**44 23/00826/AMDT - Memory House, 6 - 9 Marine Parade, Leigh on Sea (West Leigh Ward)**

**Proposal: Application to vary condition of 02 (Approved Plans) - addition of a basement and associated external staircase and small lightwells to planning permission 22/00601/FULM - demolish existing Building and erect replacement Care Home (Class C2) comprising of 50 Bed Care Units with private amenity space, landscaped frontage, refuse and cycle Stores to rear, and lay out parking at rear (Amended Proposal) dated 14/10/2022**

**Applicant: Mr Tom Sanders**

**Agent: Mr Stewart Rowe of The Planning and Design Bureau Ltd.**

Resolved:-

That planning permission be GRANTED subject to the following conditions:

01 The development hereby permitted shall be carried out in accordance with the following approved plans: 001 Rev H; 2473-19-PB-19 Issue 1; 36313\_T Rev 0; WD05 Rev D; WD05S; PA01 Rev B; PA01S; PA02 Rev A; PA03 Rev A; PA04A; PA05A; PA04 Rev A; PA05 Rev A; PA06; PA07 Rev A; PA08; PA09; PA15B; 205390/AT/A01 Rev D; 9628-D-AIA Rev A.

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

02 The development hereby approved shall be constructed in accordance with the materials details of which were approved under the approval of details application reference 23/0973/AD, or any other alternative details which have previously been submitted to and approved in writing by the Local Planning Authority under the terms of this condition before the development is first occupied.

Reason: To safeguard the character and appearance of the surrounding area in accordance with policy DM1 of the Development Management Document (2015) and Policies KP2 and CP4 of the Core Strategy (2007).

03 Prior to first occupation of the development hereby approved, soft landscaping including planting and maintenance arrangements shall be carried out on site and incorporated in the development hereby approved in full accordance with the details which were approved under the approval of details application reference 23/0973/AD, or any other alternative details which have previously been submitted to and approved in writing by the Local Planning Authority under the terms of this condition.

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: To safeguard the character and appearance of the surrounding area in accordance with the National Planning Policy Framework (2021), Policies DM1 and DM3 of the Development Management Document (2015), Policies KP2 and CP4 of the Core Strategy (2007) and the advice contained in the Southend-on-Sea Design and Townscape Guide (2009).

04 The development hereby approved shall be provided in full accordance with the landscape management details which were approved under the approval of details application reference 23/0973/AD, or any other alternative details which have previously been submitted to and approved in writing by the Local Planning Authority under the terms of this condition before the development is first occupied. The landscaping of the site shall be managed in accordance with the approved plan in perpetuity.

Reason: To safeguard the character and appearance of the surrounding area and the amenities of the occupants of the development in accordance with Policies DM1, DM3 and DM8 of the Development Management Document (2015) and Policies KP2 and CP4 of the Core Strategy (2007).

05 All works on site shall cease and no further works shall take place on site unless and until the tree protection measures approved under the approval of details application reference 23/0973/AD have been implemented at the site. The development shall be carried out in full accordance with the approved tree protection measures throughout the construction phase of the development.

Reason: This 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).

06 Prior to the first occupation of the development hereby approved, hard landscaping shall be carried out and incorporated in the development in full accordance with the details which were approved under the approval of details application reference 23/0973/AD, or any other alternative details which have previously been submitted to and approved in writing by the Local Planning Authority under the terms of this condition before the development is first occupied. The approved hard landscaping works shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policy CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the advice contained in the Southend-on-Sea Design and Townscape Guide (2009).

07 The development hereby approved shall be provided in full accordance with the Energy Statement which was approved under the approval of details application reference 23/0973/AD, or any other alternative details which have previously been submitted to and approved in writing by the Local Planning Authority under the terms of this condition before the development is first occupied. The approved energy strategy detailing how at least 10% of the total energy needs of the development hereby approved will be supplied using on site renewable sources shall be implemented in full prior to the first occupation of the

development. This provision shall be made for the lifetime of the development and in accordance with the agreed details.

Reason: In the interests of providing sustainable development and to minimise the environmental impact of the development in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Development Management Document (2015) Policy DM2 and the advice contained in the Southend-on-Sea Design and Townscape Guide (2009).

08 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 in perpetuity thereafter.

Reason: In the interests of providing sustainable development and to minimise the environmental impact of the development in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Development Management Document (2015) Policy DM2 and the advice contained in the Southend-on-Sea Design and Townscape Guide (2009).

09 Prior to the first use or occupation of the development, 17 parking spaces shall be provided at the site in full accordance with plan number 'WD05 Rev D' and at least 4 spaces shall be provided with active electric vehicle charging infrastructure with the rest of the spaces being fitted with passive electric vehicle charging infrastructure. The approved parking facilities and active electric vehicle charging infrastructure shall be retained thereafter in perpetuity only for the use of the occupiers, staff and visitors to the site.

Reason: To ensure that adequate vehicular parking is provided and retained to serve the development in accordance with Policies CP3 of the Core Strategy (2007), Policy DM15 of the Development Management Document (2015) and the Electric Vehicle Charging Infrastructure for new development Supplementary Planning Document (2021).

10 The development hereby approved shall be provided in full accordance with the waste storage and waste management details which were approved under the approval of details application reference 23/0973/AD, or any other alternative details which have previously been submitted to and approved in writing by the Local Planning Authority under the terms of this condition before the development is first occupied. The refuse and recycling facilities shall be provided and made available for use in accordance with the approved details before first occupation of any of the development and shall be permanently maintained thereafter. Waste management and servicing of the development shall only take place in accordance with the approved details.

Reason: To ensure that the development is satisfactorily serviced and that satisfactory waste management is undertaken in the interests of highway safety and visual amenity and to protect the character of the surrounding area, in accordance with Policies KP2 and CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015).

11 The development hereby approved shall be provided in full accordance with the cycle storage details which were approved under the approval of details application reference 23/0973/AD, or any other alternative details which have previously been submitted to and approved in writing by the Local Planning Authority under the terms of this condition before the development is first occupied. The secure cycle storage shall be provided at the site and made available for the use of staff and residents or their visitors in accordance with the agreed details prior to first occupation of the development. The cycle storage shall be maintained as approved for the lifetime of the development.

Reason: In the interests of accessibility and visual amenity further to the National Planning Policy Framework (2021), Policies KP2, CP3 and CP4 of the Southend-on-Sea Core Strategy (2007), and Policies DM3 and DM15 of the Southend-on-Sea Development Management Document (2015).

12 The development hereby approved, for purposes falling within Use Class C2, shall only be occupied as a specialist residential care home for up to 50 residents within the client group identified in the application form, and shall not be used for any other purpose, including any other purpose within Use Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or any act amending or re-enacting that Order, or any change of use permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended or any act amending or re-enacting that Order.

Reason: To ensure the development is implemented in accordance with the permission sought and to enable the Local Planning Authority to retain control of the use within the Use Class specified so that occupation of the premises does not prejudice amenity, and to avoid an overprovision or otherwise unsustainable provision of residential care uses, in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), and Policy DM9 of the Southend-on-Sea Development Management Document (2015).

13 The development shall be carried out in full accordance with the mitigation measures outlined in the Construction Management Plan Rev A which was approved under approval of details application reference 23/00359/AD.

Reason: In the interest of the residential amenity of nearby occupiers and the highway safety in accordance with the National Planning Policy Framework (2021), Policies KP2, CP3 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM15 of the Development Management Document (2015).

14 Construction works for the approved development on site shall only be undertaken between 8 am to 6 pm on weekdays, between 8 am and 1 pm on Saturdays and not at any time on Sundays and Public Holidays.

Reason: In the interest of the residential amenity of nearby occupiers in accordance with 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).

15 Notwithstanding the details submitted with the application and otherwise hereby approved, no drainage infrastructure associated with the development hereby approved shall be installed at the site until details of surface water attenuation for the site, based on Sustainable Urban Drainage principles, have been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. Specifically, such details shall have regard to the following:

- 1) An updated drainage plan must be provided showing the site drainage, connections to existing drainage systems including ones showing the internal cavity drain system and details of how these connections will be made. This must also show all SuDS and attenuation features;
- 2) An agreement in principle from Anglian Water must be provided confirming agreement of the new connection type, location and discharge rate;
- 3) The updated storm simulation models as quoted for the above updated drainage system;
- 4) Updated details surrounding the maintenance of all drainage features given these are changing from the previously submitted plans.

The development shall only be implemented in accordance with the details approved under the terms of this condition. The approved drainage works shall be provided on site prior to first occupation of the development and shall be maintained in good working condition for the lifetime of the development.

Reason: To ensure the approved development does not increase flood risk elsewhere in accordance with National Planning Policy Framework (2021) and Core Strategy (2007) Policies KP1 and KP2.

16 Details of the biodiversity enhancement measures outlined in the findings, recommendations and conclusions of the Phase 1 and 2 Bat and Nesting Bird survey undertaken by Ridgeway Ecology Ltd dated 02.09.2020 shall be incorporated in full prior to first use of the development hereby approved and maintained for the lifetime of the development.

Reason: To ensure the development provides biodiversity and ecology benefits in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP1, KP2 and CP4.

17 The development must be implemented in full accordance with the noise mitigation measures identified and other details which were approved under the approval of details application reference 23/0973/AD or any other alternative details which have previously been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. These measures must be implemented before the development is first occupied and must thereafter be maintained as such in perpetuity.

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

18 Prior to first occupation of the development hereby approved, the first-floor side windows serving the stairwell to the north-eastern most part of the development hereby approved 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 finished floor level of the room or area served by that window, and retained as such thereafter. 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 protect the privacy and environment of people in neighbouring residential properties, in accordance with the Core Strategy (2007) Policies KP2 and CP4, the Development Management Document (2015) Policies DM1 and DM3 and advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

19 As the development hereby approved is taller than the adjacent properties, no development above ground floor slab level shall take place until a third-party assessment to satisfy London Southend Airport has been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition.

Reason: To avoid a significantly harmful impact on air traffic, in accordance with the Core Strategy (2007) Policy CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015).

20 No externally mounted plant or equipment shall be installed on the development hereby permitted until and unless details of its location, design and specification have been submitted to and approved in writing by the Local Planning Authority. Such plant or equipment shall be installed, operated and maintained for the lifetime of the development solely in accordance with the agreed details.

Reason: In the interests of the amenities of the area and nearby residents, in accordance with Policies DM1 and DM3 of the Development Management Document (2015) and Policies KP2 and CP4 of the Core Strategy (2007).

21 The development must be implemented in full accordance with the service and delivery management plan details of which were approved under the approval of details application reference 23/0973/AD, or any other alternative details which have previously been submitted to and approved in writing by the Local Planning Authority under the terms of this condition before the development is first occupied. The service and delivery management plan shall be implemented in full from the first use of the development hereby approved and adhered to at all times thereafter in perpetuity.

Reason: In the interest of the residential amenity of nearby occupiers in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM4 of the Development Management Document (2015) and the advice contained within the National Design Guide (2021) and the Southend-on-sea Design and Townscape Guide (2009).

22 The foundations for the development and the formation of the basement hereby approved shall be constructed solely in accordance with the detailed methodology outlined in the Structural Engineers Report 'REV' A by KMcD (titled Foundation Design & Excavations, dated July 2023, referenced 1580). If there is to be any variation from the approved methodology, such details must be submitted to and approved in writing by the Local Planning Authority prior to commencement of the construction phase of the development hereby approved.

Reason: In the interest of the residential amenity of nearby occupiers and land stability, in accordance with the National Planning Policy Framework (2021) and Policy DM14 of the Development Management Document (2015)

#### Positive and Proactive Statement.

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:

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](http://www.southend.gov.uk/cil).

2. The applicant is reminded that this permission does not bestow compliance with other regulatory frameworks. In particular your attention is drawn to the statutory nuisance provisions within the Environmental Protection Act 1990 (as amended) and also to the relevant sections of the Control of Pollution Act 1974. The provisions apply to the construction phase and not solely to the operation of the completed development. Contact 01702 215005 for more information.

3. 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.

**45 23/01191/FUL - 995 - 1003 London Road, Leigh-on-Sea (Blenheim Park Ward)**

**Proposal: Erect two storey rear extension and erect upward extension to form additional second floor to main building with roof terrace to provide four additional self-contained flats with associated parking, bin and cycle storage and alterations to elevations (Amended Proposal)**

**Applicant: Mr Schofield**

**Agent: Mr Karl Smith of SKArchitects**

Mr. Mylroie, a local resident, spoke as an objector to the application. Mr Smith, the applicant's agent responded.

Resolved:-

That planning permission be REFUSED for the following reasons:

01 The proposed development, by reason of its proposed occupancy and failure to provide any private amenity space for two of the proposed units would result in substandard living conditions for future occupiers and a generally cramped overdevelopment of the site. This harm is unacceptable and contrary to the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM8 of Development Management Document (2015) as amended by the Technical Housing Standards - Policy Transition Statement (2015).

02 The proposed development would, by reason of the scale, siting and degree of elevation of the new third storey relative to No.10 Grasmear Avenue, result in significant harm to the residential amenity of the neighbouring occupiers by way of an overbearing impact on the setting and reasonable enjoyment of their rear garden environment. This is unacceptable and contrary to the National Planning Policy Framework (2021), Southend Core Strategy (2007) policies KP2 and CP4, Southend Development Management Document (2015) policies DM1 and DM3 and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

**46 23/00069/UNAU\_B - 419a Fairfax Drive, Westcliff-on-Sea (Westborough Ward)**

**Breach of Planning Control: Erection of a framed structure**

Resolved:-

That ENFORCEMENT ACTION be AUTHORISED to secure:

(a) the removal from the site of the framed structure in its entirety;

AND

(b) the removal from site of 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 three (3) months is considered reasonable in compliance with any of the above requirements.

**47      20/00265/BRCN\_B - 103 Hamlet Court Road, Westcliff-on-Sea (Milton Ward)**  
**Breach of Planning Control: Unauthorised roller shutters and box housings**

Resolved:-

That ENFORCEMENT ACTION be AUTHORISED to secure:

(a) the removal from the site of the two shutters and associated shutter box housings from the frontage of the building, and

(b) the removal from site of 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 three (3) months is considered reasonable for the removal of the two shutters and associated shutter box housings.

**48      19/00290/UNAU\_B - Beaufort Lodge, 10 - 12 St Vincent's Road, Westcliff-on-Sea (Milton Ward)**  
**Breach of Planning Control: UPVC Windows installed in the Milton Conservation Area**

Resolved:-

That ENFORCEMENT ACTION be AUTHORISED to secure:

(a) the removal from the site of the front and side UPVC windows and door in their entirety, and

(b) the removal from site of 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 with time for compliance six (6) months and the pursuance of proceedings whether by prosecution or injunction to secure compliance with the requirements of the Enforcement Notice.

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

