

# Southend-on-Sea Borough Council

Development Control Committee 1<sup>st</sup> August 2018

## SUPPLEMENTARY INFORMATION

### ALL APPLICATIONS

Since the publication of the Development Control Committee Agenda, the revised 2018 National Planning Policy Framework (NPPF) has been published. As such, all conditions and reasons for refusal will need to be updated to refer to the 2018 NPPF, rather than the superseded 2012 NPPF. Where more specific changes are required for each application, these are detailed below.

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**17/02266/FULM - The Esplanade, Western Esplanade, Southend-on-Sea, Essex**

### 7. Representation Summary

#### London Southend Airport

Given the position and height this application will have no effect upon airport operations. No safeguarding objections.

Please note that if a crane or piling rig is required to construct the proposed development this will need to be safeguarded separately and dependent on the location may be restricted in height and may also require full coordination with the Airport Authority.

#### Milton Conservation Society

Members have been sent a letter from the Milton Conservation Society which includes additional comments and a copy of the original objection letter sent in. The additional comments received are summarised as:

- Concerns that the Milton Conservation Group's original comments have only been summarised in the report.
- Development is not called for anywhere in the Central seafront Policy Area of the SCAAP. It is not identified as an opportunity site for residential development or as a landmark building. Policy CS1 encourages arts, culture, entertainment, tourism, leisure and recreation not flats.
- Concern that the number of flats has doubled compared to the extant 23 flat permission and the restaurants have almost halved.
- Concerned that the luxury flats will be diminished by significant noise from Adventure Island.
- Concerns relating to duality of large luxury flats seafront facing flats and small north-facing, cliff-bank facing flats.

**Officer comment: The concerns raised are noted and they have been taken into account in the assessment of the proposal.**

However, they are not found to represent a reasonable basis to refuse planning permission in the circumstances of this case.

## **9. Recommendation**

It is recommended that condition 4 is updated to:

**04. Notwithstanding the details shown on the plans hereby approved and the landscaping strategy Rev. B, no development shall take place, other than demolition ground and site preparation works, until there has been submitted to and approved by the Local Planning Authority a detailed scheme of hard and soft landscaping for the development. This shall include details of the number, size and location of the trees and shrubs to be planted together with a planting specification, details of measures to enhance biodiversity within the site; details of the treatment of all hard and soft surfaces (including any earthworks to be carried out) and all means of enclosing the site.**

**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).**

It is recommended that an additional informative is included:

**In relation to condition 04, it is recommended that the applicant liaises with the Council's Parks Team to determine an appropriate landscaping scheme.**

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**18/00952/FULM - Land at Priory Crescent, Southend-on-Sea, Essex**

## **6. Representation Summary**

### **Environmental Health Team**

Having reviewed the Phase II contamination report, a geo-marker membrane will need to be provided beneath the clean topsoil which is to be provided. Sampling and validation of the imported topsoil is also required with the validation document attached to the final remediation certification.

## **9. Recommendation**

Following the comments received from Environmental Health, condition 13 is amended and updated to:

**13 The development hereby approved shall be undertaken and completed in strict accordance with the findings, recommendations and conclusions of the approved Phase II Contamination Report undertaken by A F Howland Associates reference MSH/17.417/Phase**

It dated 12 December 2017. A geo-marker membrane shall be provided beneath the clean topsoil provided and a final remediation certificate shall be submitted to and approved in writing by the local planning authority prior to the first use of the development hereby approved.

Reason: To ensure that the development is safe for its lifetime in accordance with National Planning Policy Framework (2018), Core Strategy (2007) Policies KP1, KP2 and KP3 and Development Management Document (2015) Policy DM14.

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18/00813/FUL

194 Leigh Road, Leigh-on-Sea, Essex

#### 4. Appraisal

Following the introduction of the revised National Planning Policy Framework (2018) (NPPF), the following paragraphs are updated;

Paragraph 4.7

4.7 ~~Paragraph 56 of the NPPF states that “good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.” One of the core planning principles of stated in the NPPF requires “to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”.~~

4.7 Paragraph 124 of the NPPF states that; “The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”

Paragraph 4.15

4.15 ~~Paragraph 17 of the NPPF states that “planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”. It is considered that most weight should be given to the Technical Housing Standards that have been published by the government which are set out as per the below table;~~

4.15 Paragraph 127 of the NPPF states that; “Planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users”. It is considered that most weight should be given

to the Technical Housing Standards that have been published by the government which are set out as per the below table:

## **6. Representation Summary**

A letter has been received dated 31<sup>st</sup> July 2018 from the agent in response to notification that an objector will be speaking at the committee meeting against the development.

The letter reads as follows:

*Further to the notification of objector request to speak at the development control committee on 1<sup>st</sup> August 2018 in regards to the above development, I can confirm that as a result of the planning officer's recommendation for approval, the applicant will not be taking the opportunity to respond.*

*However we would like the following statement to be included and recorded at the meeting.*

*We feel that the case officer has produced a thorough and comprehensive report which accurately outlines the nature of the proposed development, we are happy with the officer's recommendation for approval of this carefully considered scheme and do not feel we can add anything further in support of this application.*

## **8. Recommendation**

Condition 7 is amended and updated to:

- 7. The flat and roof terrace hereby approved shall only be used as self-contained residential accommodation and private amenity space for the enjoyment of the occupier/s of the flat hereby granted and shall at no times be used in connection with the commercial use of the application site.**

**Reason: To ensure that the development is carried out in accordance with the provisions of the Development Plan and to protect the privacy and environment of people in neighbouring residential properties, in accordance with the National Planning Policy Framework (NPPF), Core Strategy (2007) policy CP4, Development Management Document (2015) policy DM1, and the guidance contained within the Design and Townscape Guide (2009).**

**18/00899/FULM - Crowstone Preparatory School, 121-123 Crowstone Road, Westcliff-on-Sea, Essex**

## **7. Representation Summary**

Representations have been received from Essex County Fire and Rescue Services which make the following summarised comments:

Access for fire service vehicles is considered satisfactory, subject to confirmation. More detailed observation on access and facilities for the Fire Service will be considered as Building Regulation consultation stage.

The architect or applicant is reminded that additional water supplies for fire-fighting may be necessary for this development. The architect or applicant is urged to contact the Water Technical Officer.

The nearest statutory fire hydrant is considered to be within a reasonable distance of the proposed development. It has not been possible to ascertain from the documents submitted if a fire appliance is able to gain access to within 45m of all parts of each dwelling within the proposal...if this requirements cannot be satisfied an alternative solution may be required such as an Automatic Water Suppression System (AWSS) or dry-rising fire main incorporated into the building design.

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18/01006/OUT -**

**8 Burdett Road, Southend-on-Sea, Essex**

## **4. Appraisal**

A last minute Flood Risk Assessment Addendum Report has been submitted (submitted on 31<sup>st</sup> July 2018). However, this addendum report has been submitted too late within the application process and the Council has had insufficient time to review the document. The Addendum has not therefore been accepted as part of this application.

## **10. Recommendation**

The revised 2018 NPPF includes alterations to the flood risk section of the document. These changes do not alter the officer recommendation; however, the exceptions test has been altered to:

*For the exception test to be passed it should be demonstrated that:*

*a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and*

*b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.*

*Both elements of the exception test should be satisfied for development to be allocated or permitted.*

As such, the first reason for refusal on page 337 needs to be amended to:

**The development, by virtue of the absence of a safe refuge above predicted flood levels for the ground floor self-contained flats proposed would fail to provide a safe development which complies with Part B of the Exceptions Test as outlined in the National Planning Policy Framework (2018). This is unacceptable and contrary to the National Planning Policy Framework (2018), Policies KP1 and KP2 of the Core Strategy (2007), Policy DM6 of the Development Management Document (2015) and Policy DS4 of the Southend Central Area Action Plan (2018).**