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SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Development Control Committee

Date: Wednesday, 12th December, 2018 Place: Committee Room 1 - Civic Suite

Present: Councillor D Garston (Chair)

Councillors B Arscott (Vice-Chair), M Borton, A Chalk, A Dear, D Garne, J Garston, S Habermel, R Hadley, H McDonald,

C Mulroney, D Norman MBE, P Van Looy, C Walker, N Ward and

*K Buck

*Substitute in accordance with Council Procedure Rule 31.

In Attendance: Councillors A Jones

T Hartley, T Row, G Gilbert, K Waters, P Keyes and M Warren

Start/End Time: 2.00 - 3.35 pm

556 Apologies for Absence

Apologies were received from Councillor Buckley (Substitute: Councillor Buck) and Councillor Evans (No Substitute).

557 Declarations of Interest

The following interests were declared at the meeting:

- (a) Councillor D Garston Agenda item 5 (18/01352/FUL Henry Burgers) Non-Pecuniary Interest: Mother of the applicant is a neighbour to him and a joint member of the resident's board.
- (b) Councillor Mulroney Agenda item 5 (18/01352/FUL Henry Burgers) Non-Pecuniary Interest: Member of Leigh Town Council (non-participant in planning).
- (c) Councillor Jones Agenda item 6 (18/01812/FUL 258 Westborough Road) Non-Pecuniary Interest: Relative lives nearby.

558 Supplementary Report

The Committee received a supplementary report by the Deputy Chief Executive (Place) that provided additional information on items referred to elsewhere on the Agenda.

18/01570/BC3 - Warrior Square Car Park, Warrior Square, Southend-on-Sea (Milton Ward)

Proposal: Install Wheeled Sports Facility Area with associated works.

Applicant: Southend-on-Sea Borough Council

Agent: N/A

Resolved:-That PLANNING PERMISSION be GRANTED subject to the following conditions:

1. The development hereby permitted shall begin no 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:

SBC/WSWS/Plan/App/001, SBC/WSWS/Plan/App/002, Sections dated 04.10.2018, Dimensions dated 04.10.2018, Site Plan 04.10.2018.

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

3. Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no development shall take place, other than for excavation and site clearance works, until details of the materials to be used for development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details before it is brought into use.

Reason: To safeguard character and appearance of surrounding area in accordance with Policies KP2 and CP4 of the Core Strategy 2007, Policy DM1 and DM3 of the Development Management Document 2015 and the Design and Townscape Guide 2009.

4. The development hereby granted shall not be brought into use until secure bicycle parking facilities have been provided at the site in accordance with plans and details which shall have been previously submitted to and agreed by the Local Planning Authority. The bicycle parking spaces shall be permanently maintained thereafter in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that satisfactory secure bicycle parking is provided in the interests of sustainability, amenity and highways efficiency and safety, in accordance with NPPF (2018), Core Strategy (2007) policy KP2, Development Management Document (2015) and The Design and Townscape Guide (2009).

5. No development shall take place, except for excavation works, until full details of the drainage infrastructure to be used at the site have been submitted to and approved in writing by the local planning authority. Drainage infrastructure shall only be implemented and thereafter managed at the site in accordance with the approved details.

Reason: In order to ensure a satisfactory standard of drainage and to prevent environmental and amenity problems arising from flooding in accordance with the National Planning Policy Framework (NPPF), Policies KP2 and CP4 of the Core Strategy (2007) and policy DM2 of the Development Management Document (2015).

6. Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any order revoking and re-enacting that Order) no external lighting shall be installed at the site at any time without the prior receipt of express planning permission from the local planning authority.

Reason: To protect the amenities of neighbouring properties and the general environmental quality in accordance with, National Planning Policy Framework (2018), Core Strategy (2007) Policies KP2 and CP4, and Development Management Document (2015) Policies DM1 and DM3.

7. Prior to the first use of the development hereby approved, a management plan which identifies the measures to be implemented to mitigate any potential noise disturbance or anti-social behaviour impacts arising from the development shall be submitted to the Local Planning Authority, approved in writing and implemented in full. This shall include, but not be limited to, signage and CCTV coverage of the site. Within one calendar year of the first use of the site for the purposes hereby approved a report setting out any issues which have arisen from the use of the facility in terms of noise and disturbance and anti-social behaviour and crime, where issues are identified, and a revised management plan which includes measures to mitigate any such issues shall be submitted to the local planning authority and approved in writing. The management plan shall include a timescale for the implementation of the mitigation measures identified and the measures shall be implemented in full accordance with the approved timescale.

Reason: To protect the environment of people in neighbouring properties and general environmental quality in accordance with The National Planning Policy Framework (2018), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and Design and Townscape Guide (2009).

8. No construction works other than excavation works shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include: proposed finished levels or contours; bike or other non-vehicular and pedestrian access; hard surfacing materials. Details for the soft landscape works shall include the number, size and location of the trees, shrubs and plants to be planted together with a planting specification. The development shall be implemented in full accordance with the approved details before any of the development is first brought into use.

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) and policies DM1 and DM3 of the Development Management Document (2015).

9. No means of enclosure shall be installed other than in accordance with details that have previously been submitted to and approved in writing by the local planning authority.

Reason: To protect the amenities of neighbouring properties and the general environmental quality in accordance with, National Planning Policy Framework (2018), Core Strategy (2007) Policies KP2 and CP4, and Development Management Document (2015) Policies DM1 and DM3.

10. Prior to the commencement of use, details of the refuse and recycling facilities shall be submitted to and agreed in writing by the Local Planning Authority. The refuse and recycling facilities shall be implemented in accordance with the approved details before the commencement of the use and shall be permanently maintained thereafter.

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) and policies DM1 and DM3 of the Development Management Document (2015).

18/01352/FUL - Henry Burgers, 141 Broadway, Leigh-on-Sea (Leigh Ward)

Proposal: Erect first floor rear extension and second floor extension to form additional restaurant and ancillary storage space, and roof terrace to front, relocate associated roof-mounted equipment including installation of extract flue to roof, and erect replacement external staircase and associated elevation alterations.

Applicant: Henry Burgers

Agent: More Space Architecture Itd

Resolved: - That PLANNING PERMISSION be GRANTED subject to the following conditions:

01. The development hereby permitted shall begin not later than three years from the date of this decision.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

02. The development is hereby permitted in accordance with the following approved plans: 18-030 202 00 Location Plan, 18-030 201 08 Existing and Proposed Elevations and Site Plan, 030 200 07 Existing and Proposed Floor Plans, 18-030 204 01 bin storage detail.

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

03. The rooftop extension and rooftop terrace shall not be used by customers unless and until obscured glass has been installed to the south-

facing second floor window to the glazed balustrade / glass screen to the south elevation of the rooftop terrace, in accordance with details to have been previously submitted to and agreed in writing by the local planning authority. The glass shall be obscure to at least Level 4 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing with the local planning authority and shall be retained as such in perpetuity thereafter.

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

04. The second-floor external terrace hereby approved shall not be open for customers outside the following hours: 10:00 hours and 21:00 hours Monday to Sundays including Bank Holidays.

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

05. No music or amplified sound shall be played on the second-floor external terrace at any time.

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

06. Notwithstanding details shown on the submitted plans otherwise hereby approved, no development beyond the erection of a structural framework for the extension hereby approved shall take place until details of an acoustic lobbied entrance to the top floor outdoor seating area have been submitted to and approved by the local planning authority. The approved details shall be implemented in full as part of the development prior to first occupation of the second-floor external terrace. The lobby shall be of an adequate size and to ensure that the outer door can be closed before the inner door is opened.

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

07. No development beyond the erection of a structural framework for the extension hereby approved shall take place until samples and specifications of the materials, including details of colour, to be used on all the external elevations of the development have been submitted to and approved by the local planning authority. The development shall be carried out in accordance with the approved details before the extension is first 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. This is as set out in the National Planning Policy Framework, Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

08. The proposed rear staircase shall be used for staff access and egress purposes only or for emergency purposes, and shall not be used as a place to linger or sit out at any time.

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

09. Notwithstanding details shown on the submitted plans and otherwise hereby approved, waste storage management and collection arrangements shall be carried out only in accordance with a waste management plan, that has been submitted to and agreed in writing with the local planning authority prior to first occupation of the extension hereby approved. The submitted details shall include specifications, siting of waste containers and associated machinery (compactors, crushers and balers), and details of collection arrangements including frequency, location and means of enclosure. Waste shall thereafter be stored and managed in accordance with the plan as agreed, unless otherwise agreed in writing by the local planning authority.

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

10. Operation of waste compaction, crushing and baling equipment at the site shall be limited to between the hours of 09.00 to 18.00 only and shall not operate outside of these times on any day.

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

11. Prior to the occupation of the extension hereby approved, extraction and ventilation equipment shall be installed on the premises in accordance with details that have been previously been submitted to the Local Planning Authority and approved in writing. All extraction and ventilation equipment installed in association with these works shall terminate at least one metre above the roof of the premises and shall be free from any obstruction such as a cowl, cap or any other deflection at its termination point.

Reason: In order to protect the amenities of nearby occupiers in accordance the National Planning Policy Framework, Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

12. The rating level of noise for all plant, extraction and ventilation equipment installed in association with this consent determined by the procedures in BS4142:2014, shall be at least 5dB(A) below the background noise level with no tonal elements. If there are tonal elements they shall be at least 10db below background noise level. Details of how this standard will be met shall be submitted to the local planning authority and approved in wrting prior to the development being brought into use. The LA90 in assessing any such impacts shall be determined according to the guidance in BS4142:2014 at 3.5m from ground floor facades and 1m from all facades above ground floor level to residential premises.

Reason: In order to protect the amenities of nearby existing and future occupiers in accordance the National Planning Policy Framework, Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

13. The rating level of noise for all activities at the enlarged premises (including amplified and unamplified music and human voices) shall be at least 10dB(A) below the background noise to ensure inaudibility in noise sensitive premises. Details of how this standard will be met shall be submitted to the local planning authority and approved in writing prior to the development being brought into use. The LA90 in assessing any such impacts shall be determined according to the guidance in BS4142:2014 at 3.5m from ground floor facades and 1m from all facades above ground floor level to residential premises. If noise modelling software is used to calculate the likely levels or impact of the noise then any actual measurement taken such as LA90 must be taken in accordance with BS7445. The assessment should be carried out by a suitably qualified and experienced acoustic consultant who would normally be a member of the Institute of Acoustics.

Reason: In order to protect the amenities of nearby existing and future occupiers in accordance the National Planning Policy Framework, Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

14. Prior to the installation of any external lighting at the site, details of the external lighting, including times of operation, shall be submitted to and agreed in writing by the local planning authority. The lighting shall only be implemented in accordance with the approved details. External lighting shall be directed, sited and screened so as not to cause detrimental intrusion of light into residential property. The details submitted shall include an assessment using the Institution of Lighting Engineers Guidance Note for the Reduction of Obtrusive Light.

Reason: To secure a high standard of development and to protect the environment of people in neighbouring residential properties, in accordance with the National Planning Policy Framework (NPPF), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3, and the advice contained within the Design and Townscape Guide (2009).

15. The premises shall not be open for customers outside the following hours: Monday to Sunday 10:00 to 23:30.

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

16. Notwithstanding the details shown on the information submitted and otherwise hereby approved, the development hereby permitted shall not be occupied unless and until full details of any mitigation measures to be used in relation to potential odour impacts have been submitted to and approved in writing by the local planning authority. The mitigation measures hereby approved shall be implemented in full accordance with the details approved under this condition before the extensions are first brought into use and be maintained as such in perpetuity thereafter.

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

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.

18/01812/FUL - 258 Westborough Road, Westcliff-on-Sea (Westborough Ward)

Proposal: Change of use of doctors surgery (Class D1) into six self-contained flats (Class C3), erect first floor extension, two storey front and rear extensions, single storey extension with terrace to rear at first floor level, install balcony to rear, terrace to front, cycle and refuse store to rear, layout parking to rear, amenity space to rear and side and alter elevations (Amended Proposal).

Applicant: 22nd Century Property Ltd

Agent: Phase 2 Planning

Resolved: That PLANNING PERMISSION be GRANTED subject to the following conditions:

01. The development hereby permitted shall begin not later than three years from the date of this decision.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

02. The development hereby permitted shall be carried out in accordance with the following approved plans: 17.201/01 F, 17.201/02 F, 17.201/03 F, 17.201/04 F, 17.201/05 F, 17.201/06 F, 17.201/07 F, 17.201/08 F, 17.201/09 F, 17.201/10 E, 17.201/11 F, 17.201/12 F, 17.201/13 E, 17.201/14 F, 17.201/15 E, 17.201/16, and additional materials specifications in the letter from BDA ref. 17.150/DC.

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

03. The proposed balustrade to the south elevation of the balcony at the rear of Flat 6 shall be provided in full as shown on the approved plans before the dwelling is occupied, at a height of 1.7m above finished floor level and shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing with the local planning authority) and shall be retained as such in perpetuity unless otherwise agreed in writing by the local planning authority.

Reason: To protect the privacy and environment of people in neighbouring residential properties, in accordance with the National Planning Policy Framework, Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

04. From the commencement of the works associated with the implementation of this consent through to their completion the tree within the site near the junction of Westborough Road and Tintern Avenue shall be protected in full accordance with the requirements of British Standard 5837:2012.

Reason: In the interests of visual amenity and to maintain the positive contribution made by the established tree to the character and appearance of the area. This is as set out in the National Planning Policy Framework, Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

05. The approved hard landscaping works including boundary treatments 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, unless otherwise agreed in writing by the local planning authority. 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 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 is implemented pursuant to Policy DM1 of the Development Management Document and Policy CP4 of the Core Strategy.

06. Prior to the first occupation of the flats hereby approved the car parking shown on the plans hereby approved shall be provided and made available for use by the occupants of the proposed dwellings and thereafter be retained as such in perpetuity.

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

07. Prior to the first occupation of the flats hereby approved the refuse store and cycle storage shown on the plans hereby approved shall be provided and made available for use by the occupants of the proposed dwellings and thereafter be retained as such in perpetuity.

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

08. A scheme detailing how at least 10% of the total energy needs of the buildings will be supplied using on site renewable sources must be submitted to and agreed in writing by the Local Planning Authority and implemented in full prior to first occupation. This provision shall be made for the lifetime of the development.

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

09. 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, before it is occupied.

Reason: To minimise the environmental impact of the development through efficient use of water in accordance with the National Planning Policy Framework, Policy KP2 of the Southend-on-Sea Core Strategy (2007), Policy DM2 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

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

Reason: To protect the environment of people in neighbouring residential properties, in accordance with the National Planning Policy Framework, Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

11. Notwithstanding the details shown in the plans submitted and otherwise hereby approved the development hereby granted consent shall not be occupied or brought into use unless and until plans are submitted to the Local Planning Authority and approved in writing which clearly specify all the windows and other openings within the development that are to be permanently glazed with obscured glass and fixed shut or provided with only a fanlight (or other similar) opening and the manner and design in which these windows and openings are to be implemented. The development herby permitted shall be implemented in full accordance with the details approved under this condition before it is first occupied or brought into use and shall be permanently retained as such thereafter.

Reason: To protect the privacy and environment of future occupiers, in accordance with the National Planning Policy Framework, Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.

18/01122/FUL - Mariner House, 157 High Street, Southend-on-Sea (Milton Ward)

Proposal: Change of use from shop (Class A1) to restaurant (Class A3)

and install extraction vent to rear.

Applicant: Pillingstone Ltd

Agent: UPP – Urban Planning Practice

Resolved: - That consideration of the application be DEFERRED to a future meeting of the Committee to enable further discussion with the applicant regarding the current plan and the extraction vent to the rear.

Chairman:		