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**SOUTHEND-ON-SEA BOROUGH COUNCIL**

**Meeting of Development Control Committee**

**Date: Wednesday, 3rd April, 2019**  
**Place: Committee Room 1 - Civic Suite**

**Present:** Councillor D Garston (Chair)  
Councillors B Arscott (Vice-Chair), M Borton, A Chalk, A Dear,  
F Evans, D Garne, J Garston, S Habermel, R Hadley, H McDonald,  
C Mulroney, D Norman MBE, C Walker, N Ward, D McGlone\* and  
B Ayling\*.

\*Substitute in accordance with Council Procedure Rule 31.

**In Attendance:** Councillors A Holland, S Aylen, J Lamb and G Phillips  
T Hartley, P Geraghty, K Waters, P Keyes, M Warren, T Row and  
G Gilbert

**Start/End Time:** 2.00 - 5.45 pm

**809 Apologies for Absence**

Apologies were received from Councillor Buckley (Substitute: Councillor McGlone) and Councillor Van Looy (Substitute: Councillor Ayling).

**810 Declarations of Interest**

The following declarations were made at the meeting:

- (a) Councillor Evans – Agenda item 9 (19/00032/FULH – 18 Vardon Drive).  
Non-pecuniary interest: Lives close by.
- (b) Councillor D Garston – Agenda item 15 (19/00297/FULH – 11 Leigh Park Road, Leigh-on-Sea). Non-pecuniary interest: Applicant is known to him.
- (c) Councillor Habermel – Agenda item 13 (1800839/FUL – Land rear of 106 to 112 Highstreet, Shoeburyness) – Disqualifying non-pecuniary interest: His Brother's property backs on to the development.
- (d) Councillor Norman –  
  
Agenda item 8 (19/00019/FULH – 41 Western Road, Leigh-on-Sea). Non-pecuniary interest: The property overlooks his property on Vernon Road.  
  
Agenda item 15 (19/00297/FULH – 11 Leigh Park Road). Non-pecuniary interest: The developer is a family friend.
- (e) Councillor Mulroney –  
  
Agenda item no 4 (18/01820/FULM – Car Wash 120 Broadway, Leigh-on-Sea),

Agenda item 7 (TPO 3/2018 – Tree Preservation Order, 27 Leigh Park Road),  
Agenda item 15 (19/00297/FULH – 11 Leigh Park Road, Leigh-on-Sea).  
Non-pecuniary interest: Member of Leigh Society and Leigh Town Council in a non-planning capacity.

Agenda item 8 (19/00019/FULH – 41 Western Road, Leigh-on-Sea),  
Agenda item 9 (19/00032/FULH – 18 Vardon Drive),  
Agenda item 12 (19/00089/FUL – 1333 London Road, Leigh-on-Sea),  
Agenda item 16 (19/00284/FUL – 135 Marine Parade, Leigh-on-Sea).  
Non-pecuniary interest: Member of Leigh Town Council in a non-planning capacity.

(f) Councillor Ward - Agenda item 12 (19/00089/FUL – 1333 London Road, Leigh-on-Sea). Non-pecuniary interest: Air BnB mentioned, he owns a guesthouse.

## 811 **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.

## 812 **18/01820/FULM - Car Wash 120 Broadway, Leigh-on-Sea (Leigh Ward)**

**Proposal: Demolish existing buildings and erect 5 storey building comprising of 17 self-contained flats with balconies and amenity space, 272 sq.m of commercial retail floorspace (Class A1) at ground floor level, layout landscaping, parking and install vehicular access onto Victor Drive (Amended Proposal).**

**Applicant: Plaistow Broadway Filling Stations**

**Agent: Phase 2 Planning**

Resolved:

That PLANNING PERMISSION be REFUSED for the following reasons:

01 The proposal, by reason its size, mass, form and detailed design, would result in a bulky and intrusive addition to the streetscene which harms the character and appearance of the surroundings including views of the Leigh Cliff Conservation Area and the setting of the locally listed Grand Hotel. The development would be over scaled in the streetscene and cause material, less than substantial, harm to the character and appearance of the Conservation Area which is not outweighed by any identified public benefits including the number of additional residential units proposed. This is unacceptable and contrary to the National Planning Policy Framework (2019), policies KP2 and CP4 of the Core Strategy (2007) and polices DM1, DM3 and DM5 of the Development Management Document (2015) and advice contained within the Southend Design and Townscape Guide (2009).

02 The submission does not include a formal undertaking to secure an appropriate contribution to affordable housing provision to meet the demand for such housing in the area or a contribution to secondary education despite it having been found

financially viable for the development proposed to make such contributions. The proposal also has a lack of acceptable servicing arrangements which would be prejudicial to highway safety due to the failure to secure the provision of the proposed layby. The application is therefore unacceptable and contrary to the National Planning Policy Framework (2019) and policies KP3 and CP8 of the Core Strategy (2007) and advice within Supplementary Planning Document 2 Planning Obligations (2015).

**813 19/00401/BC3 - Land at Coner of Pitmans Close and Tylers Avenue**

**Proposal: Change of use from area formerly used as public conveniences to public car park including ancillary changes to access and associated works.**  
**Applicant: Southend-on-Sea Council**  
**Agent: N/A**

Resolved:-

That PLANNING PERMISSION be GRANTED subject to the following conditions:

- 01 The development hereby permitted shall be begun not later than 3 years beginning with the date of this permission.  
  
Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 02 The development shall be carried out in accordance with the approved plans: Location Plan, Proposed layout, Existing layout, Layout plan received 28/2/19.  
  
Reason: To ensure the development is carried out in accordance with the development plan.
- 03 Notwithstanding the information submitted and otherwise hereby approved, the development shall not be first used unless and until full details of any hard landscaping and the soft landscaping works to be carried out at the site have been submitted to and approved in writing by the local planning authority. Any approved hard landscaping works and new boundary treatments shall be carried out and completed prior to first use of the development hereby approved and the approved soft landscaping works within the first planting season following the first use of the development hereby approved. These details shall include, for example:-
  - i) proposed finished levels and contours
  - ii) Any hardsurfacing materials, markings and means of enclosing the site (including elevations of all boundary treatments)
  - iii) Details of the number, size and location of the trees, shrubs and plants to be planted together with a planting specification and details of the management of the landscaping site.  
Reason: To safeguard amenity and the character and appearance of the site and the surrounding area in accordance with the National Planning Policy Framework (2019), Policies DM1, DM3 and DM15 of the Development Management Document (2015) and Policies KP2, CP3 and CP4 of the Core Strategy (2007).

04

Prior to the first use of the development hereby approved, full details of the secure cycle parking shall be submitted to and approved in writing by the local planning authority. The approved cycle parking facilities shall be provided in full and made available for use by the general public prior to the first use of the development hereby approved and shall be retained as such for the lifetime of the development.

Reason: To ensure the provision of adequate cycle parking and to safeguard the character and appearance of the site and the surrounding area in accordance with the National Planning Policy Framework (2019), Policies DM1, DM3 and DM15 of the Development Management Document (2015) and Policies KP2 and CP4 of the Core Strategy (2007).

**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.**

Informatives

01 You are advised that as the proposed development equates to less than 100sqm of new floorspace, and does not involve the creation of a new dwelling (Class C3), the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See [www.southend.gov.uk/cil](http://www.southend.gov.uk/cil) for further details about CIL.

02 You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council may seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the borough.

**Proposal: Demolish existing industrial buildings. Install two containers, 12 air conditioning units, generator enclosures, meter cabinets for use as data centre (class B8) and erect 2.4m high mesh fence.**

**Applicant: City Fibre**

**Agent: WYG**

Resolved:-

That PLANNING PERMISSION be GRANTED subject to the following conditions:

- 01 The development hereby permitted shall be begun not later than 3 years beginning with the date of this permission.  
  
Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 02 The development shall be carried out in accordance with the approved plans: P1808\_019-PL-001-A, PL1808\_019-002-A, P1808\_019-PL-003-B, P1808\_019-PL-007-B, P1808\_019-PL-004-A, P1808\_019-PL-005-A, P1808\_019-PL-006-B.  
  
Reason: To ensure the development is carried out in accordance with the development plan.
- 03 Notwithstanding the information submitted with the application, no development shall be undertaken unless and until details of the tree protection measures to be used in relation to the street tree to the west of the site in Progress Road have been submitted to and approved in writing by the local planning authority. The agreed tree protection measures shall be in place before the development is commenced and the development shall be carried out only in full accordance with the approved tree protection measures.  
  
Reason: This pre-commencement condition is needed to safeguard the character and appearance of the surrounding area in accordance with policies DM1 and DM3 of the Development Management Document (2015) and Policies KP2 and CP4 of the Core Strategy (2007).
- 04 The data centre electrical equipment to be installed as part of the approved development shall be located at a level no lower than 29.30m AOD (above ordnance datum).  
  
Reason: To ensure the approved development is safe and does not increase flood risk elsewhere in accordance with National Planning Policy Framework (2019) and Core Strategy Policies KP1, KP2 and KP3.
- 05 Prior to the first use of the development hereby approved, details shall be submitted to and approved in writing by the local planning authority identifying the provision of covered and secure cycle parking for a minimum of 2 cycles. The approved cycle parking facilities shall be provided in full and made available for use by the users of the site prior to the first use of

the development hereby approved and shall be retained as such in perpetuity.

Reason: To ensure the provision of adequate cycle parking in accordance with Policies DM3, DM8 and DM15 of Development Management Document.

- 06 Hours of construction works associated with this consent shall be 8am - 6pm Monday to Friday, 8am - 1pm Saturday. No works shall be carried out on Sundays or Bank Holidays.

Reason: In the interests of the residential amenity of the adjoining residents and to ensure that the development complies with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) policies DM1 and DM3 and The Design and Townscape Guide (2009).

- 07 Notwithstanding the information submitted, no development above ground level shall be undertaken until full details of colour and detailing of the fencing and samples of the materials to be used on the external elevations of the buildings hereby approved have been submitted to and approved by the Local Planning Authority. The development shall be carried out and completed in accordance with the approved details before it is brought into first use.

Reason: In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of the area. This is as set out in the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3, and the guidance contained within the Design and Townscape Guide (2009).

- 08 The development hereby approved, for purposes falling within Class B8, shall be limited to a data centre within Use Class B8 only and shall not be used for any other purposes, including any other use falling within Use Class B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended) nor any change of use permitted under the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting these Orders.

Reason: To determine the scope of the permission and in the interests of the character and appearance of the area and the residential amenity of nearby occupiers in accordance with the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the advice contained within the 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.**

Informatives

- 01 You are advised that as the development equates to less than 100sqm of new floorspace, and does not involve the creation of a new dwelling (Class C3), the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See [www.southend.gov.uk/cil](http://www.southend.gov.uk/cil) for further details about CIL.
- 02 You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council may seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the borough.
- 03 The applicant may need an environmental permit for flood risk activities if they want to do work in, under, over or within 8m of the river and of any flood defence structure or culvert of the Eastwood Brook, designated a 'main river'. Anyone carrying out these activities without a permit where one is required, is breaking the law. Please contact our National Customer Contact Centre to assess which category your proposed works fall under. They will then be able to tell you the classification of your application, the fee associated with your application, and how to proceed forward.

**815 TPO 3/2018 - Tree Preservation Order, 27 Leigh Park Road**

**Proposal: Tree Preservation Order 01/2017.**

**Applicant: SJT Developments Ltd**

**Agent: Marden Homes Limited and Sharon Hosegood Associates**

Resolved:-

That the TREE PRESERVATION ORDER be CONFIRMED.

**816 19/00019/FULH 41 Western Road, Leigh-on-Sea**

**Proposal: Erect first floor to convert bungalow into a two storey dwellinghouse and alter elevations.**

**Applicant: Mrs Phillips**

**Agent: Mr Andrew Feasey**

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 – 18\_1089-100, 18\_1089-101, 18\_1089-102-

A, 18\_1089-103-A, 18\_1089-104-A, 18\_1089-105, 18\_1089-107 and 18\_1089-SP

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

- 02 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.

- 03 All new work to the outside of the building, including fenestration, must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings hereby approved or are required by conditions to this permission.

Reason: To safeguard the visual amenities of the area, in accordance with National Planning Policy Framework (2019), Core Strategy (2007) Policy CP4, Policy DM1 of Development Management Document (2015) and Design and Townscape Guide (2009).

- 04 The first floor north facing (rear) windows 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 be permanently 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. 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.

Reason: To protect the privacy and environment of people in neighbouring residential properties, in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and 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.**



## Informatives

01 You are advised that as the proposed extension(s) to your property equates to less than 100sqm of new floorspace the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See [www.southend.gov.uk/cil](http://www.southend.gov.uk/cil) for further details about CIL.

02 You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council may seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the borough.

### 817 19/00032/FULH, 18 Vardon Drive

**Proposal: Erect single storey rear extension (Amended proposal) (Retrospective).**

**Applicant: Ms Emma Johnson**

**Agent: CET Architectural Design**

Resolved:-

1. That RETROSPECTIVE PLANNING PERMISSION be REFUSED for the following reasons:

The proposed development would, as a result of its height and depth of its projection on the northern boundary, result in an unacceptable loss of outlook to a main habitable room of the neighbouring property and would result in an overly dominant and visually obtrusive feature within the rear garden scene, forming an unacceptable sense of enclosure to the detriment of the residential amenity of the occupiers of No. 20 Vardon Drive. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the advice contained within the Design and Townscape Guide (2009).

#### Informative

You are advised that as the proposed development equates to less than 100 sqm of additional floorspace so the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See [www.southend.gov.uk/cil](http://www.southend.gov.uk/cil) for further details about CIL.

2. That ENFORCEMENT ACTION be AUTHORISED to secure the removal of the unauthorised single storey rear extension.

The authorised enforcement action to include (if/as necessary) the authorised enforcement action to include (if/as necessary) the service of an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 and the pursuance of proceedings whether by prosecution or injunction to secure compliance with the requirements of said Notice.

When serving an Enforcement Notice the local planning authority must ensure a reasonable time for compliance. In this case a compliance period of 4 calendar months is deemed reasonable.

**818 18/00284/BRCN\_B, 35 Beach Avenue, Leigh-on-Sea**

**Breaches of Control: Without planning permission development built at variance from approved plans.**

**Case Officer: Hayley Thompson**

Resolved:-

That ENFORCEMENT ACTION be AUTHORISED to remove the two storey side extension containing balcony to the front elevation and two doors at first floor level to the rear elevation.

The authorised enforcement action to include (if/as necessary) the service of an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 and the pursuance of proceedings whether by prosecution or injunction to secure compliance with the requirements of said Notice.

When serving an Enforcement Notice the local planning authority must ensure a reasonable time for compliance. In this case a compliance period of 3 calendar months is deemed reasonable.

**819 18/00329/UNAU\_B - 15-15a Royal Mews, Southend-on-Sea**

**Breaches of Control: Without planning permission, a change of use from coach house/storage to Class A3/A1, the construction of a 2.1 metre high post, installation of two canopies and a uPVC shopfront to the front elevation.**

**Case Officer: Hayley Thompson**

Resolved:-

That ENFORCEMENT ACTION is AUTHORISED to cease the use of the site as an A1/A3 use, to remove the uPVC shopfront and door, two canopies and 2 metre high post to the front elevation.

The authorised enforcement action to include (if/as necessary) the service of an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 and the pursuance of proceedings whether by prosecution or injunction to secure compliance with the requirements of said Notice.

When serving an Enforcement Notice the local planning authority must ensure a reasonable time for compliance. In this case a compliance period of 3 months is deemed reasonable.

In respect of the advertisements, authority is also sought to bring a prosecution for an offence under Section 224 of the Town and Country Planning Act 1990 (as amended.)

**820 19/00089/FUL - 1333 London Road, Leigh-on-Sea**

**Proposal: Convert part of ground floor storage to rear (Class B8) and erect first floor rear extension to form one self-contained flat (Class C3) with balconies to side, alter elevations and layout parking space (Amended Proposal).**

**Applicant: Property Point South East Ltd**

**Agent: SKArchitects**

Ms Bailey (a local resident) spoke as an objector to the application and Mr Saunders responded.

Resolved:-

That PLANNING PERMISSION be GRANTED subject to the following conditions:

- 01 The development hereby permitted shall be begun not later than 3 years beginning with the date of this permission.

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

- 02 The development shall be carried out in accordance with the approved plans: 493-P01 Rev. G and 493-P02 Rev. G

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

- 03 No development above ground level shall take place until samples of the materials to be used on all the external elevations 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: 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).

- 04 Prior to the first occupation of the dwelling hereby approved, 1 off street car parking space shall be provided at the site as shown on Drawing No. 493-

P02 Rev. G. The approved parking space shall thereafter be retained in perpetuity only for the parking of vehicles in connection with the dwelling hereby approved.

Reason: To ensure the adequate provision of parking at the site in accordance with policy DM15 of the Development Management Document (2015).

- 05 A scheme detailing how at least 10% of the total energy needs of the development will be supplied using on site renewable sources shall be submitted to and agreed in writing by the Local Planning Authority and 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 in accordance with Policy KP2 of the Core Strategy (2007), Development Management Document (2015) Policy KP2 and the Design and Townscape Guide (2009).

- 06 Prior to the first occupation of the development hereby approved 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 shall be installed in the development hereby approved and be retained in perpetuity thereafter.

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

- 07 Prior to the first occupation of the dwelling hereby approved, details shall be submitted to and approved in writing by the local planning authority identifying the provision of covered and secure cycle parking and refuse and recycling storage for the existing and proposed commercial and residential units on the site.

The approved cycle parking and refuse and recycling storage shall be provided in full and made available for use by the occupants prior to the first occupation of the dwelling hereby approved and shall be retained as such in perpetuity.

Reason: To ensure the provision of adequate cycle parking and refuse storage in accordance with policies DM3, DM8 and DM15 of Development

Management Document.

- 08 The first floor north facing window in the development hereby approved shall 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 fixed shut, except for any top hung fan light which shall be a minimum of 1.7 metres above internal floor level before the development is first occupied and shall be retained as such in perpetuity 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.

Reason: In the interests of the residential amenity of the adjoining residents and to ensure that the development complies with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and The Design and Townscape Guide (2009).

- 09 Hours of works associated with this consent shall be 8am - 6pm Monday to Friday, 8am - 1pm Saturday. No works shall be carried out on Sundays or Bank Holidays.

Reason: In the interests of the residential amenity of the adjoining residents and to ensure that the development complies with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) policies DM1 and DM3 and The Design and Townscape Guide (2009).

- 10 Notwithstanding the information submitted with the application, no development shall be undertaken unless and until details of tree protection measures for the street tree to the side of the site in Tankerville Drive have been submitted to and approved in writing by the local planning authority. The development shall be carried out in full accordance with the approved tree protection measures throughout the construction phase of the development.

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

**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.**

Informative

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).

You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council may seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the borough.

**821 18/00839/FUL - Land Rear of 106 to 112 Highstreet, Shoeburyness**

**Proposal: Demolish existing commercial buildings, erect single storey dwelling, layout parking and amenity area rear of 104-112 High Street (Amended Proposal).**

**Applicant: Mr Hundal**

**Agent: N/A**

Mr Iley (a local resident) spoke as an objector to the application and Mr Hundall (the applicant) responded.

Resolved:-

The item was DEFFERED to a future meeting.

**Proposal: Change of use from shop (Class A1) to restaurant (class A3) and install extraction vent to rear.**

**Applicant: Pilingstone Ltd**

**Agent: UPP – Urban Planning Practice**

Ms Stone (a local resident) spoke as an objector to the application, Ms Benedek (the agent) responded.

Resolved:-

That PLANNING PERMISSION be GRANTED subjected to the following conditions:

01 The development hereby permitted shall begin not later than 3 (three) years from the date of this decision.

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

02 The development hereby permitted shall not be carried out except in complete accordance with the details shown on U-PP-LP001, U-PP-EP001 Rev 4, U-PP-EE001 Rev 4, U-PP-PP001 Rev 4, U-PP-PP002 Rev 7, U-PP-PE001 Rev 7, U-PP-PS001 Rev 5.

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

03 The installation of the plant equipment and noise and odour mitigation measures associated with the development hereby approved, shall be carried out before the use commences in full accordance with the approved plans noted in condition 02 and the submitted Noise Impact Assessment by Venta Acoustics ref VA2309.180820.NIA dated 7<sup>th</sup> November 2018 and shall be maintained in perpetuity thereafter.

Reason: In order to protect the amenities of the residential occupiers of the development and surrounding residential occupiers in accordance with policies KP2 and CP4 of the Core Strategy (207) and Policies DM1 and DM3 of the Development Management Document 2015.

04 The premises shall not be open for customers outside the following hours: 09:00 hours to 23:00 hours Monday to Sunday and at no other times.

Reason: To protect residential amenity and general environmental quality in accordance with, Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM3 and Design and Townscape Guide (2009).

05 All deliveries and collections associated with the use hereby approved shall be between: 07:00-19:00 Monday to Friday; and 08:00-13:00 Saturday; with no deliveries on Sundays or Bank Holidays.

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 Design and Townscape Guide (2009).

06 Prior to the first occupation of the building for use class A3 purposes, design details and materials of the proposed waste storage and an associated waste management plan shall be submitted to and approved by the local planning authority. The development shall be implemented in accordance with the approved details from first occupation for the proposed use and shall be maintained and managed as such in perpetuity.

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, CP3 and CP4 of the Core Strategy (2007) and Policies DM1 and DM15 of the Development Management Document (2015).

07 Prior to the first occupation of the building for use class A3 purposes, the grilles to be installed on the south elevation of the building shall be powder coated to match the adjacent wall.

Reason: To safeguard the visual amenities of the area, in accordance with policies This is as set out in Core Strategy (2007) policy KP2 and CP4, Development Management Document (2015) Policy DM1 and advice contained within the Southend Design and Townscape Guide (2009).

08 Notwithstanding the details shown on the documents submitted and otherwise hereby approved, with reference to British Standard 7445:2003, the noise rating level arising from activities associated with the use hereby approved (including amplified music and human voices) shall be at least 10dB(A) below the background noise (with no tonal elements) level as measured at 1m from the facades of the neighbouring noise sensitive premises to ensure inaudibility in noise sensitive premises.

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

09 The installation of the odour control plant equipment measures associated with the development hereby approved, shall be as specified on approved plan reference PP-PS001 Rev 5 and shall be carried out in full before the development is brought into use and shall be maintained in perpetuity thereafter.

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



**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

01 You are advised that the proposed development is for a commercial to commercial change of use with no increase in floorspace. The proposal is therefore not CIL liable as it benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no change is payable.

02 Compliance with this decision notice 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. Contact 01702 215005 for more information.

03 The applicant is reminded that this permission does not bestow compliance with the Food Safety and Hygiene (England) Regulations 2013 or any other provision so enacted, such as those located within the Food Safety Act 1990. Applicants should contact the Council's Environmental Health Officer for more advice on 01702 215005 or at Regulatory Services Department, Southend-on-Sea Borough Council, Civic Centre, Victoria Avenue, Southend SS2 6ZG

04 This permission does not convey any form of consent for external advertisement signs, consent for which will separately be required under the provisions of the Town and Country Planning Advertisement Regulations.

05 The applicant is advised that surveys have identified that there is gas apparatus in the vicinity of your site which may be affected by the activities specified. You are required to contact Cadent Plant Protection before any works are carried out to ensure the apparatus is not affected by any of the proposed works. Contact details are [plantprotection@cadentgas.com](mailto:plantprotection@cadentgas.com) or Tel 0800 688588 quoting the following reference NL\_TE\_Z5\_3NWP\_011858.

06 The applicant is advised to contact the owners of the neighbouring property to the south regarding the location of air grilles facing their land and seek any necessary agreements or understandings prior to installation.

**Proposal: Variation of condition 2 (approved plans) to application 96/0365 to amend roof pitch to the west and north elevations, install dormer to the north roof slope, install rooflight to the south roof slope and alter elevation detail to balcony (minor material amendments to planning permission 96/0365 dated 29 November 1996) (part-retrospective).**

**Applicant: Mr S. Ezra**

**Agent: GLS Architects**

Resolved:-

Recommendation

GRANT PLANNING PERMISSION subject to the following conditions:

01. The development hereby permitted shall be carried out in accordance with the following approved plans: 202418 P800, 202418 P300, 202418 P301, 202418 P100, 202418 P101, 90043 P106A.

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

02. The circular north-east corner 'turret' extension shall only be finished externally in materials and finishes the details of which shall have been previously submitted to and approved in writing by the local planning authority.

Reason: In the interests of visual amenity and to ensure that the appearance of the building does not harm the character and appearance of the area including the conservation 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, DM3 and DM5 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

03. Prior to installation, full details of window openings to the circular north-east corner 'turret' extension shall have been submitted to and agreed in writing by the local planning authority. The window openings shall only be installed in accordance with the approved details. The details shall include large-scale detailing and sections to demonstrate the appearance of windows and their frames in relation to the surrounding structure.

Reason: In the interests of visual amenity and to ensure that the appearance of the building does not harm the character and appearance of the area including the conservation 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, DM3 and DM5 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

04. Prior to installation, details of the design of the balcony railings and the colour finish to the balcony doors shall be submitted to and agreed in

writing by the local planning authority. The doors and railings shall only be implemented in accordance with the approved details.

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 including the conservation 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, DM3 and DM5 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

05. Prior to installation, details of the appearance of the garage doors and of the position and appearance of any external utility meters and associated housing shall be submitted to and agreed in writing by the local planning authority. The development shall only be implemented in accordance with the approved details.

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 including the conservation 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, DM3 and DM5 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

06. The approved garage shall be made available for car parking and shall thereafter be permanently reserved for the parking and manoeuvring of vehicles of occupiers and callers to the premises and not used for any other purpose.

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. Hard surfacing and means of enclosing the site shall only be implemented in accordance with details that have been previously submitted to and approved in writing by the local planning authority.

Reason: To safeguard the character and appearance of the surrounding area and the amenities of the occupants of the proposed development in accordance with Policies DM1, DM3 and DM5 of the Development Management Document (2015) and Policies KP2 and CP4 of the Core Strategy (2007).

**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.**

Informatives

You are advised that as the proposed alterations equates to less than 100sqm of new floorspace the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See [www.southend.gov.uk/cil](http://www.southend.gov.uk/cil) for further details about CIL.

Notwithstanding the approved plans, no permission is hereby granted for the UPVC windows installed to the first floor rear or UPVC doors to the ground floor rear elevation. These have not formed part of this application.

You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council may seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the borough.

**824 19/00284/FUL - 135 Marine Parade, Leigh-on-Sea**

**Proposal: Extend existing pitched roof with dormers to front and rear, erect front, side and rear extensions and alter elevations to existing building to form 7No. self-contained flats with balconies/terraces, associated parking, amenity space, refuse/cycle store and install vehicle access onto Thames Drive.**

**Applicant: Mr Paul Miller**

**Agent: BDA**

Mr Thomas (a local resident) spoke as an objector to the application.

Resolved:-

That PLANNING PERMISSION be REFUSED subject for the following reasons:

01 The proposed development, by reason of its excessive scale, footprint, mass, siting, unresolved design and materials, is considered to have a detrimental impact on the grain, character and appearance of the site and the wider area and would be an over scaled and incongruous addition to the streetscene. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM6 of the Development Management Document (2015) and the Design and Townscape Guide (2009).

02 The proposal fails to meet the requirements of the Nationally Described Space Standards (2015) in relation to flat F, and the parking arrangements have resulted in an unacceptable outlook in relation to the rear bedroom of Flat C and the development as a whole fails to provide an adequate provision of amenity space for future occupiers. The proposal overall will therefore result in a poor standard of accommodation for future occupiers and is unacceptable and contrary to the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM8 of the Development Management Document (2015) and the Design and Townscape Guide (2009).

03 The proposed parking arrangements and associated vehicular movements at the site would result in an increased level of noise and disturbance which would be to the detriment of the amenities of 104 Thames Drive. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM6 of the Development Management Document (2015) and the Design and Townscape Guide (2009).

04 The location of the proposed vehicular access, so close to the convergence of Marine Parade, Thames Drive and Belton Way, is such that it cannot safely accommodate the increase in vehicular movements arising from a development of the nature proposed, to the detriment of highway safety and the free flow of traffic. This impact will be exacerbated in peak holiday periods when traffic on these roads becomes saturated by visitor, resident and business journeys. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework (2019), Core Strategy (2007) policies KP2, CP3 and CP4 and policy DM15 of the Development Management Document (2015).

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal.

The detailed analysis is set out in a report prepared by officers. In the circumstances the proposal is not considered to be sustainable development. The Local Planning Authority is willing to discuss the best course of action.

#### Informatives

01 Please note that this application would be liable for a payment under the Community Infrastructure Levy Regulations 2010 (as amended) if planning permission had been granted. Therefore if an appeal is lodged and subsequently allowed, the CIL liability will be applied. Any revised application would also be CIL liable.

**Proposal: Raise ridge height, erect part one, part two and part three storey rear extension with dormers to rear and roof lights to front, convert dwellinghouses into 6 self-contained flats, install layout parking, cycle storage, bin stores and amenity space (Amended Proposal).**

**Applicant: Mr Paul Miller**

**Agent: BDA Architecture**

Resolved:-

That PLANNING PERMISSION be REFUSED for the following reasons:

- 01 The proposed extensions would by reason of their size, siting and design be incongruous, poorly integrated, unsympathetic and overly dominant additions to the detriment of the character and appearance of the host property and the surrounding area including the rear garden scene. This would be unacceptable and contrary to 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).
- 02 The proposed rear extensions, as a result of their height, design, size, rear extent and proximity to site boundaries, would appear as excessively dominant and visually overbearing features resulting in an unacceptable sense of enclosure to the neighbouring properties to the south of the site at 16 St Benet's Road to the detriment of their amenity. This would be unacceptable and contrary to 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 identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The detailed analysis is set out in a report prepared by officers. In the circumstances the proposal is not considered to be sustainable development. The Local Planning Authority is willing to discuss the best course of action.

Informative

Please note that this application would be liable for a payment under the Community Infrastructure Levy Regulations 2010 (as amended) if planning permission had been granted. Therefore if an appeal is lodged and subsequently allowed, the CIL liability will be applied. Any revised application would also be CIL liable.

**826 Councillor D Norman MBE**

The Committee paid tribute to long serving Development Control Committee Member, Councillor D Norman MBE, who is standing down as a Councillor.

Committee Members thanked him for his service and wished him every best wishes for the future.

**827 Vote of Thanks**

The Committee thanked the Chairman for the able way in which he had conducted the business of the meetings over the past Municipal Year.

**Chairman:**

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