

## **SOUTHEND-ON-SEA BOROUGH COUNCIL**

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

**Date: Wednesday, 11th December, 2019**

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

**Present:** Councillor N Ward (Chair)  
Councillors M Borton (Vice-Chair), B Ayling, A Chalk, A Dear,  
F Evans, D Garston, S Habermel, D Jarvis, A Jones, H McDonald,  
C Mulroney, A Thompson, S Wakefield, C Walker and \*M Dent

\*Substitute in accordance with Council Procedure Rule 31.

**In Attendance:** G Gilbert, K Waters, P Keyes, T Breckels, C Galforg, H Thompson, M Warren and A Smyth.

**Start/End Time:** 2.00 - 3.15 pm

#### **622 Apologies for Absence**

Apologies were received from Councillors Beck (Substitute: Cllr Dent) and Cowan (No Substitute).

#### **623 Declarations of Interest**

The following declarations of interest were made at the meeting:

- (a) Councillor Dear: Agenda Item No. 6 (19/01851/BC3 - Park Café) – Non-Pecuniary interest: Is a member of Belfairs Golf Club and has held ward fund raising events at the restaurant.
- (b) Councillor Dent: Agenda Item No. 5 (19/01593/FUL - 10 Cromer Road) – Disqualifying Non-Pecuniary Interest: Has entered an objection to the application (withdrew).
- (c) Councillor F Evans: Agenda Item No.10 (19/01749/FUL - Haydon House, 10 Underwood Square) – Non-Pecuniary Interest: Is a close friend to a resident who lives close by.
- (d) Councillor Jarvis: Agenda Item No. 7 (19/00254/BRCN\_B - 39 Vanguard Way) – Disqualifying Non-Pecuniary Interest: The applicant is well known (withdrew).
- (e) Councillor Jones: Agenda Item No. 5 (19/01593/FUL - 10 Cromer Road) - Non-Pecuniary Interest: Lives in a neighbouring street.
- (f) Councillor Jones: Agenda Item No. 6 (19/01851/BC3 - Park Café) – Disqualifying Non-Pecuniary Interest: A member of Southend Cabinet so cannot determine a Southend-on-Sea Borough Council Application.

- (g) Councillor Mulroney: Agenda Item Nos. 4 (19/01103/OUTM - 986 - 1000 London Road) and 10 (19/01749/FUL - Haydon House) – Non-Pecuniary Interest: Member of Leigh Town Council (Non-Planning).
- (h) Councillor Mulroney: Agenda Item No. 6 (19/01851/BC3 - Park Café) – Disqualifying Non-Pecuniary Interest: A member of Southend Cabinet so cannot determine a Southend-on-Sea Borough Council Application.
- (i) Councillor Walker: Agenda Item No. 10 (19/01749/FUL - Haydon House) – Non-Pecuniary Interest: A friend lives in underwood square and a senior council officer lives in Lime Avenue.
- (j) Councillor Ward: Agenda item No. 10 (19/01749/FUL - Haydon House) – Non-Pecuniary Interest: Works for a company that has worked on this site in the past.

#### **624 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.

#### **625 19/01103/OUTM - 986 - 1000 London Road, Leigh-on-Sea (Leigh Ward)**

**Proposal: Demolish existing building, erect part 3/ part 4 storey building comprising of 14 self-contained flats, 2 commercial units at ground floor, layout parking, refuse and cycle stores, install vehicular access onto Leighton Avenue (Outline Application)**

**Applicant: Ms Larman**

**Agent: SKArchitects**

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 site and wider surroundings area. This harm is not outweighed by any public benefits including the provision of housing. This is unacceptable and contrary to the National Planning Policy Framework (2019), policies KP2 and CP4 of the Core Strategy (2007) and polices DM1 and DM3 of the Development Management Document (2015) and advice contained within the Southend Design and Townscape Guide (2009).

02 As a major development 10% of the residential units are required to meet Building regulation standards M4(3) 'wheelchair user dwellings' with all other residential units required to meet the requirements of M4(2) 'accessible and adaptable dwellings'. The proposal has failed to demonstrate that it can be constructed to meet these requirements thus the development fails to prove that it will result in an accessible and adaptable dwellings suitable for all people and wheelchair users specifically.

This is unacceptable and contrary to the National Planning Policy Framework (2019), Core Strategy (2007) policy KP2, Development Management Document (2015) policy DM8 and the advice contained in the Southend Design and Townscape Guide (2009).

03 The information submitted fails to demonstrate that the proposal would provide acceptable refuse, recycling and cycle storage facilities for the proposed A1 use within the development. It therefore cannot be concluded that the proposal would not be detrimental to the character and appearance of the site and the wider area. This is unacceptable and contrary to Core Strategy (2007) policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM3, DM7 and DM15 and advice contained within the Southend Design and Townscape Guide (2009).

04 The Sustainable Urban Drainage Statement by HJ Structural Engineers reference MAS157 submitted with the application fails to meet the minimum requirements to allow the proper assessment of sustainable drainage proposed for the development. It has therefore not been demonstrated that the scheme can provide adequate drainage infrastructure. This is unacceptable and contrary to the National Planning Policy Framework (2019) and Policies KP2 and CP4 of the Core Strategy (2007) and Policy DM2 of the Development Management Document (2015).

05 The application does not include a formal undertaking to secure a suitable contribution towards affordable housing provisions to meet demand for such housing in the area and no report to demonstrate that such contributions is viable has been submitted. A formal undertaking to secure a contribution to the delivery of educational facilities is also absent. In the absence of these undertakings the application is unacceptable and contrary to the National Planning Policy Framework (2019), Policies KP2, KP3, CP4, CP6 and CP8 of the Core Strategy (2007) and Policy DM7 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 the proposed development subject of this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). The amount of levy due will be calculated at the time a reserved matters application is submitted. Further information about CIL can be found on the Planning Portal ([www.planningportal.co.uk/info/200136/policy\\_and\\_legislation/70/community\\_infrastructure\\_levy](http://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy)) or the Council's website ([www.southend.gov.uk/cil](http://www.southend.gov.uk/cil)).

626 19/01593/FUL - 10 Cromer Road, Southend-on-Sea (Kursaal Ward)

**Proposal: Change of use from 6 bedroom House in Multiple Occupation (HMO) (Class C4) to 7 bedroom House in Multiple Occupation (HMO) (Sui Generis) (Part Retrospective).**

**Applicant: Mr Martin Saunders**

**Agent: Mr Wilton Ndoro of Krystal Architecture Ltd**

Councillor Dent withdrew from the meeting

Resolved:-

That PLANNING PERMISSION be GRANTED subject to the following conditions:

01 The development hereby permitted shall begin no later than 3 (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 approved plans: 562-200- Rev 02, 562-201 Rev 02 & 562 202 Rev 01.

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

03 Water efficient design measures as 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 shall be installed and made available for use prior to the first occupation of the development hereby approved and retained in perpetuity.

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 guidance within the Design and Townscape Guide (2009).

04 Notwithstanding the details shown on the drawings submitted and otherwise hereby approved, prior to the first occupation of the development hereby approved, full details of refuse and bicycle storage facilities for the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Prior to first occupation of the development, refuse and bicycle storage facilities shall be provided at the site in accordance with the approved details and retained in perpetuity thereafter.

Reason: In the interests of residential amenity for future occupants, to ensure the provision of adequate cycle parking and in the interests of visual amenity as set out in the National Planning Policy Framework (2019), Core Strategy (2007) policies KP2 and CP4 and Policies DM1, DM8 and DM15 of the Development Management Document (2015) and the guidance within the Design and Townscape Guide (2009).

05 Prior to the occupation of the development hereby approved, 2 car parking spaces for No.10 Cromer Road shall be provided and made available for use in accordance with details shown on approved plan 562-200- Rev 02. The car parking spaces shall be kept available only for the parking of motor vehicles of occupiers of No.10 Cromer Road and their visitors and shall be permanently retained as such thereafter.

Reason: To ensure that adequate car parking is provided and retained to serve the development in accordance with Policy CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015).

06 The building shall not be adapted or altered to form more than 7 bedrooms at any time without the receipt of express planning permission from the Local Planning Authority.

Reason: To clarify the terms of the permission and enable the suitable consideration of any intensification of the use of the site.

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) or change of use to your property 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.

627 **19/01851/BC3 - Park Café, Belfairs Park, Eastwood Road North, Leigh on Sea (Belfairs Ward)**

**Proposal: Install replacement windows and doors to golf club and restaurant building**

**Applicant: Mr Anthony Daniels**

**Agent: Southend Borough Council**

Councillors Mulronev and Jones withdrew from the meeting.

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: Grabex Windows Specification Quote Q-WD26260 16/07/2019, 001 0 Location Plans, A 101 X Existing and Proposed Elevations, A 102 X Existing and Proposed Elevations, A 103 0 Window and Door Detail Plans.

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

03 Prior to installation of the windows hereby approved, sectional details of the proposed windows and frame profiles shall be submitted to and approved by the Local Planning Authority. The new windows shall be installed only in accordance with the approved details.

Reason: To maintain the character and appearance of the building in the interests of visual amenity, pursuant to the National Planning Policy Framework (2019), 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).

04 The existing stained glass window above the entrance door on the north-west elevation shall be retained as part of the development.

Reason: For the avoidance of doubt and in order to maintain the character and appearance of the building in the interests of visual amenity, pursuant to the National Planning Policy Framework (2019), 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).

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 The proposed development is not CIL liable.

**628 19/00254/BRCN\_B - 39 Vanguard Way, Shoeburyness (Shoeburyness Ward)**

**Breach of Control: Breach of planning conditions relating to planning permission 18/02157/FUL and unauthorised operational development**

Councillor Jarvis withdrew from the meeting.

Resolved:-

That ENFORCEMENT ACTION be AUTHORISED to:

- a) Remove the unauthorised containers from site as identified A, B & C shown at appendix 'C'
- b) Remove the unauthorised shelters constructed from scaffold as identified by D, E & F shown at Appendix 'C'.
- c) To cease the overnight residential use on site in breach of Condition 07 of planning approval 18/02157/FUL.
- d) To cease the use of the site outside of permitted hours as stated in Condition 08 of planning approval 18/02157/FUL. No access on Sundays or Bank Holidays and all work and other activity and vehicle movements on other days shall be confined to the following hours: 0700 to 1900 Mondays to Fridays; 0800 to 1300 Saturdays.
- e) Cease the use of the site as a Commercial Storage Yard (B8) until such time as an acoustic fence has been erected on the east and south boundaries as required under the original terms of Condition 10 of planning permission 18/02157/FUL in accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority.
- f) To cease the burning of materials on site in accordance with Condition 12 of planning approval 18/02157/FUL.

The authorised enforcement action to include (if/as necessary) the service of an Enforcement Notice under Section 172 of the Act and/or the service of a breach of condition notice and the pursuance of proceedings whether by prosecution or injunction to secure compliance with the requirements of the Enforcement Notice.

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

**629 18/00386/UNAU\_B - 29 The Drive, Westcliff-on-Sea (Chalkwell Ward)**

**Breach of Control: Enlargement of roof without planning permission**

Resolved:-

That ENFORCEMENT ACTION be AUTHORISED to:

- a) Require the unauthorised roof enlargement to be removed
- b) Remove from site all materials resulting from compliance with (a) above.

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

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

**630 19/00158/UNAU\_B - 21 Holland Road, Westcliff-on-Sea (Milton Ward)**

**Breach of Control: Unauthorised roof enlargement**

That ENFORCEMENT ACTION be AUTHORISED to:

- a) require the unauthorised roof enlargement to be removed or reduced to that approved under application reference 18/01188/FUL.
- b) remove from site all materials resulting from compliance with (a) above.

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

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



**631 19/01749/FUL - Haydon House, 10 Underwood Square, Leigh on Sea (West Leigh Ward)**

**Proposal: Erect 4no two storey semi-detached dwelling houses, layout parking to front and form vehicular accesses on to Underwood Square**

**Applicant: Mr G Newton**

**Agent: Steven Kearney of SKArchitects**

Resolved:-

That PLANNING PERMISSION be REFUSED for the following reason:

The proposed development, by reason of it's poorly designed and contrived forecourt parking layout, and in particular the extent of hardstanding proposed and lack of space for soft landscaping, would have a detrimental impact on the character and appearance of the site and the wider streetscene. This is 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).

Informatives

Please note that this application would have been 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 may also be CIL liable.

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.

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