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SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Development Control Committee

Date: Wednesday, 3rd June, 2020

Place: Virtual Meeting via MS Teams

Present: Councillor N Ward (Chair)
Councillors M Borton (Vice-Chair), J Beck, L Burton*, A Chalk, D Cowan, A Dear, F Evans, D Garston, S Habermel, D Jarvis, H McDonald, C Mulroney, M Stafford*, A Thompson, S Wakefield and C Walker

*Substitute in accordance with Council Procedure Rule 31.

In Attendance: J Williams, K Waters, C Galforg, P Keyes, C White, M Warren, T Row, T Hartley, P Geraghty, C Woodcraft and S Harrington

Start/End Time: 5.00 - 7.00 pm

11 Apologies for Absence

Apologies for absence were received from Councillors Ayling (Substitute: Councillor Stafford) and Jones (Substitute: Councillor Burton).

12 Declarations of Interest

The following declarations of interest were made at the meeting:

- (a) Councillor Flewitt – Agenda Item No. 7 (20/00580/FUL - Morrison's, Western Approaches) – Non-Pecuniary Interest: Lives in the vicinity of the application, uses the store and knows an objector and some of the members of staff.
- (b) Councillor Wakefield – Agenda Item No. 4 (20/00311/BC3M - Car Park at Former Gas Works Site, Eastern Esplanade) – Non-Pecuniary Interest: Is a subcontractor to Southend-on-Sea Borough Council and provides locks for gates of car parks.

13 Supplementary Report

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

14 20/00311/BC3M - Car Park at Former Gas Works Site, Eastern Esplanade (Kursaal Ward)

Proposal: Resurface existing car park and layout additional coach and car parking

Applicant: Southend-on-Sea Borough Council

Agent: Sharon Harrington of Southend Borough Council

Mrs Soper spoke as an objector to the application.

Resolved:-

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

01 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.

02 The permission hereby approved is for a temporary period of 5 years from the date of the permission only. After 5 years from the date of the granting of this permission, the use hereby approved shall cease.

Reason: For the avoidance of doubt and in accordance with the National Planning Policy Framework (2019) , Policies KP1 and KP2 of the Core Strategy (2007) and Policies CS1 and DS5 of the Southend Central Area Action Plan (2018)

03 The development hereby permitted shall be carried out in accordance with the following approved plans: MW192020 (Location Plan), MW,1920202 (Block Plan), MW,192020 Resurfacing Plan.

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

04 Before any vehicle parking permitted within the scope of this approval takes place, a strategy for implementation of the hardsurfacing works including timescales, phasing, any mitigation necessary and implementation of the recommendations set out in the strategy shall be submitted to and approved in writing by the local planning authority. The strategy shall include, but not be limited to the following matters:

- Hard and soft landscaping
- Drainage infrastructure
- Contamination/remediation
- Car park management arrangements

The development shall be undertaken in accordance with the approved strategy in perpetuity.

Reason: To safeguard the character and appearance of the surrounding area and the amenities of neighbouring occupiers, to ensure satisfactory drainage of the site, in accordance with National Planning Policy Framework (2019), Policies DM1, DM3, DM5 and DM14 of the Development Management Document (2015) and Policies KP2 and CP4 of the Core Strategy (2007).

05 The development hereby permitted shall not be carried out except in complete accordance with the approved Flood Risk Assessment undertaken by BdR, reference 18-0073 dated 28th February 2018, including the flood risk management recommendations on page 12 unless otherwise previously agreed in writing by the local planning authority.

Reason: To ensure the development is safe and to ensure compliance with the National Planning Policy Framework (2019) and Core Strategy (2007) Policies KP1 and KP2.

06 The development hereby permitted shall not be carried out except in complete accordance with the approved Geo-environmental Investigations undertaken by Ground and Environmental Services Limited, reference 11691-1 dated January 2018, including the recommendations outlined on pages 39-41 which includes a watching brief to be implemented on the site during enabling works unless otherwise previously agreed in writing by the local planning authority.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, to ensure compliance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM3 and DM14 and the advice contained within the Design and Townscape Guide (2009).

07 Prior to the installation of any geotextile membrane on the site, details of the material to be used, including full manufacturer's specifications shall be submitted to and approved in writing by the local planning authority. The development shall be undertaken in accordance with the approved details only and thereafter permanently retained as such in perpetuity.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, to ensure compliance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM3 and DM14 and the advice contained within the Design and Townscape Guide (2009).

08 Any external lighting installed shall be directed, sited and screened away from the adjoining and nearby residential properties and retained as such in perpetuity.

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 advice contained within the Design and Townscape Guide (2009).

09 The development hereby approved shall only be undertaken between 8am and 6pm Monday to Friday and 8am to 1pm Saturdays and at no other time whatsoever.

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 advice contained within the Design and Townscape Guide (2009).

10 No closed circuit television (CCTV) shall be installed until full details of the CCTV have been submitted to and approved in writing by the local planning authority. The CCTV shall be implemented in accordance with the approved details.

Reason: In the interests of the visual amenity of the surrounding area 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 advice within the Design and Townscape Guide (2009).

11 Rear access to Burnaby Road shall only be use in an emergency and at no other times whatsoever.

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, within the Design and Townscape Guide (2009).

12 No coaches shall be parked within the application site with their engines left running.

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, within the Design and Townscape Guide (2009).

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

04 If it is predicted that the construction works are likely to cause a nuisance the applicant should apply for a prior consent application under section 61 of the Control of Pollution Act 1974. A consent enables the applicant to conduct the works without the worry of enforcement provided they comply with it. The applicant will

have to submit details of any noisy works including type of plant and machinery to be used, proposed daily start and finish times, consultation with nearby residents and businesses and duration and time scales of the works. The applicant should contact the Regulatory Services Team at Southend-on-Sea Borough Council for details.

15 20/00328/BC3M - Southchurch Park East, Lifstan Way (Thorpe Ward)

Proposal: Resurface existing car park and layout additional coach and car parking

Applicant: Southend-on-Sea Borough Council

Agent: Sharon Harrington of Southend Borough Council

Councillor Walker withdrew from the rest of the meeting.

Mr Locker spoke as an objector to the application.

Resolved:-

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

01 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.

02 The development hereby permitted shall be carried out in accordance with the following approved plans: MW4328 (Block Plan dated 01/03/2020), MW4328 (Site Location Plan dated 01/03/2020), Lifstan Way Current Layout Plan

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

03 Prior to first occupation of the development hereby approved, full details of the hard and soft landscape works to be carried out at the site shall have been submitted to and approved in writing by the local planning authority. All planting in the approved landscaping scheme shall be carried out in the first available planting season following the first use of the development hereby approved. 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. Hard landscaping shall be implemented in full accordance with the approved scheme prior to the first occupation of the development hereby approved. The details submitted shall include:

- i. proposed finished levels or contours;
- ii. hard surfacing materials and means of enclosing the site (including elevations of any 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 the character and appearance of the surrounding area and the amenities of neighbouring occupiers in accordance with Policies DM1, DM3 and DM5 of the Development Management Document (2015) and Policies KP2 and CP4 of the Core Strategy (2007).

04 Prior to the first use of the development hereby approved, full details of the drainage infrastructure and a drainage strategy shall be submitted to and approved in writing by the local planning authority. The approved drainage infrastructure and strategy shall be implemented in full accordance with the approved scheme prior to the first use of the development hereby approved and be retained as such thereafter.

Reason: To ensure satisfactory drainage of the site in accordance with Policy KP2 of the Core Strategy (2007) and Development Management Document (2015) Policy DM14.

05 Prior to the first use of the development hereby approved, the applicant shall sign up to the Environment Agency's Floodline Warning Direct Service and shall be retained as such in perpetuity.

Reason: To ensure the development is safe and to ensure compliance with the National Planning Policy Framework (2019) and Core Strategy (2007) Policies KP1 and KP2.

06 No external lighting shall be installed unless and until details of all external illumination of the site including the luminance and spread of light and the design and specification of the light fittings has been submitted to and approved in writing by the local planning authority. All illumination shall be designed in accordance with the Institute of Lighting Professionals "Guidance Note 01/20: Guidance notes for the reduction of obtrusive light". All illumination within the site shall be retained in accordance with the approved details. There shall be no other lighting of the external areas of the site.

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 advice contained within the Design and Townscape Guide (2009).

07 Construction works associated with the development hereby approved shall only be undertaken between 8am and 6pm Monday to Friday and 8am to 1pm Saturdays and at no other time whatsoever.

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 advice contained within the Design and Townscape Guide (2009).

08 No closed circuit television (CCTV) shall be installed until full details of the CCTV have been submitted to and approved in writing by the local planning authority. The CCTV shall be implemented in accordance with the approved details.

Reason: In the interests of the visual amenity of the surrounding area 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 advice within the Design and Townscape Guide (2009).

09 Notwithstanding the information submitted and otherwise approved, the development hereby approved shall not be first used unless and until a strategy setting out in full the management arrangements for the car park hereby approved, including the hours of operation and measures to ensure coach engines are switched off whilst parked, has been submitted to and approved in writing by the local planning authority. The approved management plan shall be implemented within prior to the first use of the development hereby approved.

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 advice within the Design and Townscape Guide (2009).

10 Notwithstanding the information submitted with the application, no development shall be undertaken unless and until tree protection measures in accordance with British Standard BS 5837 have been implemented to protect the trees surrounding the development site and these shall be retained throughout the development.

Reason: 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).

11 Surface water draining from the areas of hardstanding hereby approved shall be passed through an oil separator or a series of oil separators prior to being discharged into any watercourse, soakaway or surface water sewer. The separator(s) shall be designed and constructed to have a capacity compatible with the area being drained, shall be installed prior to the occupation of the development and shall thereafter be retained and maintained throughout the lifetime of the development. Clean roof water or vehicle wash downs and detergents shall not pass through the separator(s) and should be drained instead to foul sewer or sealed systems.

Reason: To reduce the risk of pollution and to ensure satisfactory drainage of the site in accordance with Policy KP2 of the Core Strategy (2007) and Development Management Document (2015) Policy DM14.

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

04 If construction works are to be considered outside of normal hours especially overnight it is recommended that the applicant applies for a prior consent application under section 61 of the Control of Pollution Act 1974. A consent enables the applicant to conduct the works without the worry of enforcement provided they comply with it. The applicant will have to submit details of any noisy works including type of plant and machinery to be used, proposed daily start and finish times, consultation with nearby residents and businesses and duration and time scales of the works. The applicant should contact the Regulatory Services Team at Southend-on-Sea Borough Council for details.

05 The applicant is encouraged to provide electric vehicle charging points at the site in accordance with Policy DM15 which encourages their provision wherever practical and feasible.

16 20/00655/FUL - 85 Western Road, Leigh-on-Sea (West Leigh Ward)

Proposal: Erect two storey side extension and part two storey first floor and single storey rear and side extension, to form two additional self-contained flats, lay out parking to front, communal amenity space, cycle and refuse stores to rear, alter elevations and form additional vehicular access onto Western Road (Amended Proposal)

Applicant: Mr Lake

Agent: DAP Architecture

Rev Wilks spoke as an objector to the application. Mr Barton spoke as a respondent.

Resolved:-

That PLANNING PERMISSION be REFUSED for the following reason:

The proposed side and rear extension would, by reason of its scale, size, design and width, including the limited set-back from the front elevation of the main building, result in an overly dominant, disproportionate and unsympathetic addition,

to the significant detriment of the character and appearance of the existing building and the wider street scene. This would be unacceptable and contrary to the National Planning Policy Framework; Policies KP2 and CP4 of the Core Strategy (2007); Policies DM1 and DM3 of the Development Management Document (2015) and advice contained within the adopted 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.

17 20/00580/FUL - Morrison's, Western Approaches (St Laurence Ward)

Proposal: Install external refrigeration plant to North elevation

Applicant: WM Morrisons

Agent: Darton B3

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 solely in accordance with the following approved plans: 20016, 20017, 90001B, 90002, 90003 & 90004 and the Plant Specification set out in the email from Darton B3 dated 1st May 2020

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

03 Noise from plant and equipment including extract ventilation shall be limited to 10 dB(A) below the background noise level measured and expressed as a LA90, at the boundary of the nearest residential property. Background noise levels shall be established for the following periods:

- Daytime 0700 to 1900
- Evening 1900 to 2300
- Night 2300 to 0700

In order to establish background noise level a representative survey shall be undertaken in accordance with BS 4142:2014+A1:2019 at the boundary of the nearest residential properties. To demonstrate compliance prior to operation a post completion noise survey must be undertaken by a suitably qualified acoustic consultant, and a report submitted to and approved in writing by the Local Planning Authority.

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).

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 works to your property creates no 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 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 is reminded that this permission does not bestow compliance with other regulatory frameworks. In particular your attention is drawn to the statutory nuisance provisions within the Environmental Protection Act 1990 (as amended) and construction noise provisions within the Control of Pollution Act 1974. Applicants should contact the Council's Environmental Health Officer for more advice on 01702 215005 or at Regulatory Services, P.O. Box 5558, Southend-on-Sea Borough Council, Civic Centre, Victoria Avenue, Southend-on-Sea, SS2 6ZQ.

04 If construction works are to be considered outside of normal hours especially overnight it is recommended that the applicant applies for a prior consent application under section 61 of the Control of Pollution Act 1974. A consent enables the applicant to conduct the works without the worry of enforcement provided they comply with it. The applicant will have to submit details of any noisy works including type of plant and machinery to be used, proposed daily start and finish times, consultation with nearby residents and businesses and duration and time scales of the works. The applicant should contact the Regulatory Services Team at Southend-on-Sea Borough Council for details.

05 The applicant is also reminded that this permission is separate to the need to comply with Food Safety and Health & Safety at Work laws. These will include the Food Safety Act 1990 (as amended), the Food Hygiene (England) Regulations 2006, Regulation (EC) 852/2004 and the Health and Safety at Work Etc. Act 1974. Applicants should contact the Council's Regulatory Services Officer for Food and Health and Safety for more advice on 01702 215005 or at Regulatory Services, Southend-on-Sea Borough Council, Civic Centre, Victoria Avenue, Southend SS2 6ER.

Chairman: _____