

# **SOUTHEND-ON-SEA CITY COUNCIL**

## **Meeting of Development Control Committee**

**Date: Wednesday, 2nd March, 2022**

**Place: Council Chamber - Civic Suite**

**Present:** Councillor N Ward (Chair)  
Councillors A Dear (Vice-Chair), M Berry\*, K Buck, T Cowdrey\*,  
M Dent, F Evans, D Garne, S Habermel, D Jarvis, A Jones,  
D McGlone\*, C Mulroney, A Thompson, S Wakefield and C Walker  
(\*Substitute in accordance with Council Procedure Rule 31.)

**In Attendance:** Councillor P Collins  
K Waters, G Gilbert, P Keyes, C Galforg, S Mouratidis, M Warren  
and T Row

**Start/End Time:** 2.00 pm - 4.35 pm

### **755 Apologies for Absence**

Apologies for absence were received from Councillors Cowan (substitute: Councillor Berry), D Garston (substitute: Councillor McGlone) and Mitchell (substitute: Councillor Cowdrey).

### **756 Declarations of Interest**

The following interests were declared at the meeting;-

(a) Councillor Collins – Application Ref. No. 21/92459/FUL (366 Rayleigh Road, Eastwood) – Non-pecuniary interest: Received representations and spoke about the application with residents;

(b) Councillor Habermel – Enforcement of Planning Control Ref. No. 20/00009/UNAU\_B (84-90 The Ridgeway, Westcliff on Sea) – Non-pecuniary interest: Rear garden of his property is on the other side of the railway in close proximity to the site (withdrew);

(c) Councillor Mulroney – Application Ref. No. 21/02498/FUL (Flat 1, Undercliff Gardens, Leigh on Sea) – Non-pecuniary interest: Member of Leigh Town Council, non-participant in planning;

(d) Councillor Wakefield – Application Ref. No. 21/02525/FUL (11 Wesley Road, Southend on Sea) – Non-pecuniary interest: Owns an HMO;- and

(e) Councillor Walker – Application Ref. No. 21/92459/FUL (366 Rayleigh Road, Eastwood) – Non-pecuniary interest: Has been asked about the application by residents.

### **757 Supplementary Report**

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

**758 21/02498/FUL - Flat 1, 82 Undercliff Gardens, Leigh-on-Sea (Leigh Ward)**  
**Proposal: Extend existing detached outbuilding to form store area**  
**Applicant: Mr and Mrs M Day**  
**Agent: Metson Architects Ltd**

Mr Weber, a local resident, spoke as an objector to the application.

Resolved:-

That planning permission be REFUSED for the following reason:

01 The proposed extension in combination with existing and consented development on the site would be detrimental to the open and undeveloped character of the rear gardens within Undercliff Gardens at this point to the detriment of the character of the area and representing an overdevelopment of the site contrary to the provisions of the National Planning Policy Framework (2021), Policies KP2 and Policy CP4 of the Core Strategy, Policies DM1 and DM6 of the Development Management Document (2015) and the Design & Townscape Guide (2009).

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and clearly setting these out in the reason(s) for refusal. Furthermore, Members of the planning committee which took the decision to refuse planning permission based their view on a detailed report prepared by officers and have considered whether there are opportunities to amend the development to address this harm. Where a potential way forward has been identified, this has been communicated to the Applicant.

**759 22/00002/FUL - 172 - 174 London Road, Southend-on-Sea (Milton Ward)**  
**Proposal: Change of use of existing building from retail (Class E) to dwellings (Class C3), erect two storey rear/side extensions with balconies to first floor rear, install dormer to rear and roof terrace, form 5no. self-contained flats with associated amenity space, cycle and refuse storage (Amended Proposal)**  
**Applicant: Mr Martin Saunders**  
**Agent: Mr Jonathan McDermott of Town Planning Experts**

Mr Moore, a local resident, spoke as an objector to the application.

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 hereby approved shall be carried out in accordance with the approved plans: 695-400; 695-401; 695-402; 695-403 Rev 03; 695-404 Rev 03

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

03. Before the development hereby approved is occupied the materials used on the external surfaces of the development must match those used on the external surfaces of the existing dwelling. This applies unless differences are shown on submitted plans.

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

04. Prior to occupation of the development hereby approved, details of energy efficiency and other sustainability measures, including the provision of at least 10% of the energy needs of the development hereby approved being provided from renewable sources, shall be submitted to and agreed in writing by the Local Planning Authority and the development shall be carried only in accordance with the agreed details.

Reason: To minimise the environmental impact of the development through efficient use of resources and better use of sustainable and renewable resources in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) policies KP2 and CP4 and the guidance contained within the Design and Townscape Guide (2009).

05. Prior to 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 (2021), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM2 and the Councils Design and Townscape Guide (2009).

06. Prior to occupation of the development hereby approved, details of secure, covered cycle and refuse storage for the flats shall be submitted to and approved in writing by the local planning authority. The agreed details shall be implemented and made available for use before the flats are first occupied and shall be permanently retained for occupiers of the development thereafter.

Reason: In order to protect the character and visual amenities of the area and the environment for residents and provide sustainable modes of transport in accordance with of the Council's Policies KP2 and CP4 of the Core Strategy (2007), Development Management Document (2015) policies DM1, DM3 and DM15.

07. 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 (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) policies DM1 and DM3 and The Design and Townscape Guide (2009).

08. Prior to occupation of the development hereby approved, adequately glazed windows shall have been installed for all habitable rooms in the front elevation of the development (windows to meet Specification RW 35) to mitigate Road Traffic Noise from London Road.

Reason: In the interest of the residential amenity of future occupiers in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015).

09. No development above ground level shall take place until full details of both hard and soft landscape works to be carried out at the site have been submitted to and approved in writing by the local planning authority under the provisions of this condition. The approved hard landscaping works shall be carried out prior to first occupation of the development and the soft landscaping works within the first planting season following first occupation of the development. The details submitted shall include, but not limited to:-

- (i.) means of enclosure and boundary treatment for the site plus internal boundaries within the site including any gates or boundary fencing;
- (ii.) hard surfacing materials;
- (iii.) details of the number, size and location of the trees, shrubs and plants to be retained and planted together with a planting specification
- (iv.) details of measures to enhance biodiversity within the site;

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 under the provisions of this condition.

Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping are implemented pursuant to Policy DM1 of the Development Management Document (2015) and Policy CP4 of the Core Strategy (2007).

10. No development shall take place on site, including any works of demolition, until a Construction Method Statement (CMS) has been submitted to, and approved in writing by, the Local Planning Authority under the provisions of this condition. The approved CMS shall be adhered to throughout the construction period. The CMS shall provide, amongst other things, for:

- i) the parking of vehicles of site operatives and visitors;

- ii) loading and unloading of plant and materials;
- iii) storage of plant and materials used in constructing the development;
- iv) the erection and maintenance of security hoarding;
- v) measures to control the emission of noise, dust and dirt during construction;
- vi) a scheme for recycling/disposing of waste resulting from demolition and construction works that does not allow for the burning of waste on site;
- vii) measures to mitigate noise impacts

Reason: In the interest of the residential amenity of nearby occupiers and the highway safety in accordance with the National Planning Policy Framework (2021), Policies KP2, CP3 and CP4 of the Core Strategy (2007) and Policies DM1, DM3 and DM15 of the Development Management Document (2015).

11. Prior to occupation of the dwellings hereby approved, obscure glazed privacy screening (to at least Level 4 on the Pilkington scale of obscurity) shall be installed to the first-floor rear balconies in accordance with details and specifications that have previously been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. The privacy screens shall be retained as approved for the lifetime of the development.

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

Informatives:

01 Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and it is the responsibility of the landowner(s) to ensure they have fully complied with the requirements of these regulations. A failure to comply with the CIL regulations in full can result in a range of penalties. For full planning permissions, a CIL Liability Notice will be issued by the Council as soon as practicable following this decision notice. For general consents, you are required to submit a Notice of Chargeable Development (Form 5) before commencement; and upon receipt of this, the Council will issue a CIL Liability Notice including details of the chargeable amount and when this is payable. If you have not received a CIL Liability Notice by the time you intend to commence development it is imperative that you contact [S106andCILAdministration@southend.gov.uk](mailto:S106andCILAdministration@southend.gov.uk) to avoid financial penalties for potential failure to comply with the CIL Regulations 2010 (as amended). If the chargeable development has already commenced, no exemption or relief can be sought in relation to the charge and a CIL Demand Notice will be issued requiring immediate payment. Further details on CIL matters 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)).

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.

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.

**760 21/02525/FUL - 11 Wesley Road, Southend-on-Sea (Kursaal Ward)**  
**Proposal: Change of use from existing 6 bed HMO (Class C4) to 7 bed HMO (Sui Generis) with bike store to rear and refuse store to front**  
**Applicant: Mr Martin Saunders**  
**Agent: Krystal Architecture Ltd.**

Mr Udod, a local resident, 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 permission.

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

02 The development hereby approved shall be carried out in accordance with the approved plans: 654-400-Rev 00, 654-401-Rev 01, 654-402-Rev 00.

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

03 Notwithstanding the provisions of the Town and Country Planning Act 1990 (as amended) the building, the accommodation in which is being extended under the provision of this permission, shall not at any time be adapted to enable formation of more than seven (7) bedrooms and the property shall not be occupied by more than seven (7) people at any one time.

Reason: To ensure the use hereby approved would offer acceptable living conditions for its occupiers in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM3 and DM8.

04 Notwithstanding the information submitted and otherwise hereby approved, the development hereby approved shall not be brought into first use unless and until at least seven (7) secured and covered cycle parking spaces have been provided and made available for use at the site as shown on plan reference 654-400-Rev 00 and detailed in the Design and Access Statement December 2021 –V2 or in accordance with any other details which have been previously submitted to and

approved in writing by the Local Planning Authority under the scope of this planning condition. The cycle provision shall be retained in perpetuity thereafter.

Reason: To ensure the provision of adequate cycle parking and in the interest of visual amenity in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2, CP3 and CP4, Development Management Document (2015) Policies DM1, DM3, DM8 and DM15, and the advice contained within the National Design Guide (Rev 2021) and the Design and Townscape Guide (2009).

05 Notwithstanding the information submitted and otherwise hereby approved, the development hereby approved shall not be brought into first use unless and until secure refuse and recycling store has been provided and made available for use at the site as shown on plan reference 654-400-Rev 00 and detailed in the Design and Access Statement December 2021 –V2 or in accordance with any other details which are previously submitted to and approved in writing by the Local Planning Authority under the scope of this planning condition. The refuse and recycling provision shall be retained in perpetuity thereafter.

Reason: To ensure the provision of adequate waste, recycling and food waste storage and in the interest of visual amenity in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2, CP3 and CP4, Development Management Document (2015) Policies DM1, DM3, DM8 and DM15, and the advice contained within the National Design Guide (Rev 2021), the Design and Townscape Guide (2009) and the Waste Storage, Collection and Management Guide for New Developments (2019).

06 The development hereby approved shall incorporate water efficient design measures set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting before they are occupied.

Reason: To minimise the environmental impact of the development through efficient use of resources and better use of sustainable and renewable resources in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM2, and the advice contained within the National Design Guide (2019) and the Design and Townscape Guide (2009).

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:

1. 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 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)) for further details about CIL.

2. 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.

**761 21/02450/FUL - 366 Rayleigh Road, Eastwood, Leigh-on-Sea (Eastwood Park Ward)**  
**Proposal: Change of use from storage/distribution (Class B8) to tyre sales and fitting (Class Sui Generis)**  
**Applicant: Karsaz Hassan**  
**Agent: Nicholas Kingsley Smith of Kingsley Smith Solicitors LLP**

Resolved:-

1. That planning permission be REFUSED for the following reason:

01 Inadequate information has been provided to demonstrate that the proposed development would not result in significant and demonstrable harm to the residential amenity of neighbouring occupiers including nos.22-24 The Rodings and 6-7 Rodings Close, in terms of noise disturbance. This is unacceptable and contrary to the National Planning Policy Framework (2021), Policies KP1, KP2, and CP4 of the Core Strategy (2007) and Policies DM1, DM3 and DM11 of the Development Management Document (2015).

Positive and Proactive Statement

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

Infomative

01 As the proposal is for a change of use without the creation of additional floorspace or the creation of a residential unit, the development would not be CIL liable.



2. That ENFORCEMENT ACTION be AUTHORISED to:

- a) Cease operating as a tyre fitting unit;
- b) Remove the corrugated sheeting and blue painted finish from the building;
- c) Remove from site all materials resulting from compliance with a) and b) above, including tyres stored externally and internally.

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.

**762 20/00009/UNAU\_B - 84 - 90 The Ridgeway, Westcliff-on-Sea (Chalkwell Ward)**

Resolved:-

That ENFORCEMENT ACTION be AUTHORISED to secure the following:

- (a) the removal of the unauthorised first floor rear extensions;
- (b) the removal of the unauthorised patio; and
- (c) the removal from site of all materials resulting from compliance with (a) and (b) 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.

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