

SOUTHEND-ON-SEA CITY COUNCIL

Meeting of Development Control Committee

Date: Wednesday, 30th August, 2023

Place: Committee Room 1 - Civic Suite

Present: Councillor F Evans (Vice-Chair, in the Chair),
Councillors B Beggs, M Berry, M Borton, S Buckley, C Campbell*,
A Dear, M Dent, J Harland, A Jones, R Longstaff, C Mulroney,
M Sadza and R Woodley
(*Substitute in accordance with Council Procedure Rule 31.)

In Attendance: K Waters, C Galforg, P Keyes, S Mouratidis, J Benn, M Warren,
A Brown and T Row

Start/End Time: 2.15 pm - 3.25 pm

32 Apologies for Absence

Apologies for absence were received from Councillors Ward (substitute: Councillor Wakefield), Folkard (substitute: Councillor Campbell), Wakefield (no substitute) and Walker (no substitute).

33 Declarations of Interest

No interests were declared at the meeting.

34 Minutes of the meeting held on Wednesday 5th July 2023

Resolved:-

That the Minutes of the meeting held on Wednesday, 5th July 2023, be received, confirmed as a correct record and signed.

35 Supplementary Report

The Committee received and noted a supplementary report by the Executive Director (Environment & Place), that provided additional information on the items referred to elsewhere on the agenda since the publication of the reports.

36 23/00299/FUL - 91 Ennismore Gardens, Southend-on-Sea (St Lukes Ward)

Proposal: Change of use to part of ground floor from dwelling to dog grooming parlour and alter front elevation

Applicant: Mr Robert Anderson

Agent: N/A

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 shall only be undertaken in accordance with the following approved plans: (23) 06/07 EX01; (23) 06/07 PL01.

Reason: To ensure the development is carried out in accordance with the consent sought, has an acceptable design and complies with Policy DM1 of the Development Management Document (2015).

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 property. This applies unless differences are shown on the drawings hereby approved or are required by other conditions on this permission.

Reason: To ensure the development is carried out in accordance with the consent sought, has an acceptable design and complies with Policy DM1 of the Development Management Document (2015).

04 The use hereby approved shall be restricted to the garage as shown in drawing (23) 06/07 EX01 and it shall only be operated as a dog grooming parlour by the occupiers of No 91 Ennismore Gardens and shall not be operated for any other purpose except for use as a domestic garage and/or for other such purposes which are incidental to the residential use of the dwelling. The permitted use shall be operated only inside the garage with the garage door and windows closed during operation and in no other part of 91 Ennismore Gardens including its external garden area.

Reason: To ensure the development is implemented and operated in accordance with the permission sought and to enable the Local Planning Authority to retain control of the use of the floorspace within the use specified so that operation of the premises does not prejudice amenity, 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).

05 The use hereby approved shall not be operated outside the following hours: 09:30 to 17:30 Monday to Friday and 09:30 to 13:00 on Saturdays and it shall not operate at any other times including at any other time on Saturdays or at any time on Sundays or Public or Bank Holidays.

Reason: To protect residential amenity and general environmental quality in accordance with National Planning Policy Framework (2021), Core Strategy (2007) Policy KP2 and CP4, and Development Management Document (2015) Policy DM1.

06 No more than two dogs at any one time shall be allowed to be treated and/or wait to be treated at the application site.

Reason: To protect residential amenity and general environmental quality in accordance with National Planning Policy Framework (2021), Core Strategy

(2007) Policies KP2 and CP4, and Development Management Document (2015) Policy DM1.

07 There shall be no installation of powered machinery other than one air dryer which shall only be mounted in an insulated compartment within the roof of the garage as specified in the email from the applicant dated 20.07.2023.

Noise from this equipment when operating at its maximum speed and output shall be limited to 10 dB(A) below the background noise level which is expressed as a LA90, 15minutes at the boundary of the nearest residential property. The rated noise levels from plant and equipment shall include any penalties for noise characteristics such as tone, intermittency, which are liable to cause the noise to be a nuisance etc.

Background noise levels shall be established for the operating times of the business.

In order to establish background noise level a representative survey shall be undertaken in accordance with British Standards BS 4142:2014+A1:2019 and/or the most suitable method to fully represent any noise source and impact at the boundary of the nearest residential properties so that noise will not cause a statutory nuisance. This shall be undertaken by a suitably competent person.

Details of how noise will be attenuated together with a maintenance schedule for the future operation of that equipment must be submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The use hereby permitted shall not take place other than in accordance with these approved details.

Prior to operation of the air dryer 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. Where the Local Planning Authority's noise criteria has not been met further noise mitigation shall be implemented in accordance with details that shall have been previously submitted to and agreed with the Local Planning Authority under the terms of this condition.

The final agreed noise mitigation scheme shall be operated and permanently maintained thereafter.

Reason: In the interest of the residential amenity of nearby 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).

08 Prior to the first use of the building for the purposes hereby approved a scheme for the means of refuse and recycling storage including full details and elevations of any bin stores shall have been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The agreed refuse and recycling scheme and facilities shall be implemented prior to the first use of the development hereby approved and shall be retained for such purposes at all times thereafter for the lifetime for the development. This shall also be in

accordance with the Southend-on-Sea Waste Storage, Collection and Management Guide for New Developments (2019).

Reason: In the interest of the residential amenity of nearby occupiers and environmental quality 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) and the Southend-on-Sea Waste Storage, Collection and Management Guide for New Developments (2019).

Informatives

1. You are advised that as the development 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 the Levy.

2. You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council will 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 city.

3. 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 the noise provisions within the Control of Pollution Act 1974. Applicants should contact the Council's Regulatory Services Officer in Environmental Protection for more advice on 01702 215005 or at Regulatory Services, Southend-on-Sea City, Civic Centre, Victoria Avenue, Southend SS2 6ER'.

Positive and Proactive Statement

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.

23/01212/PA64 - Woodside Parade, Woodside, Leigh on Sea (Belfairs Ward)

Proposal: Change of use of 3 Office Buildings (Class E) and land within its curtilage into 3 dwellinghouses (Class C3) with associated works, bin and cycle stores (Prior Approval)

Applicant: Harrison Developments

Agent: Mrs Samantha Stephenson

Resolved:-

That PRIOR APPROVAL is REQUIRED and PRIOR APPROVAL be GRANTED subject to conditions:

01 The development hereby permitted shall be completed no later than three years from the date of this decision.

Reason: Required to be imposed pursuant to MA.2(5) of Class MA of Part 3 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

02 The development hereby permitted shall be carried out in accordance with the following approved plans: WDPR-SCN-XX-XX-DR-A-01.001-A3-02 Rev P02; WDPR-SCN-XX-XX-DR-A-01_002-A1-02 Rev P02; WDPR-SCN-XX-XX-DR-A-10_001-A1-03 Rev P03; WDPR-SCN-XX-XX-DR-A-10_002-A1-02 Rev P02; WDPR-SCN-XX-ZZ-DR-A-ZZ_001-A1-03 Rev P03; WDPR-SCN-XX-ZZ-DR-A-ZZ_002-A1-03 Rev P03; WDPR-SCN-XX-ZZ-DR-A-ZZ_003-A1-02 Rev P02; WDPR-SCN-XX-XX-DR-A-01_002-A3-02 Rev P02; WDPR-SCN-XX-00-DR-A-10_001-A3-03 Rev P03; WDPR-SCN-XX-00-M3-A-10_002-A3-01 Rev P01; WDPR-SCN-XX-01-DR-A-10_002-A3-02 Rev P02; WDPR-SCN-XX-ZZ-DR-A-ZZ_001-A3-03 Rev P03; WDPR-SCN-XX-ZZ-DR-A-ZZ_003-A3-02 Rev P02; WDPR-SCN-XX-ZZ-DR-A-ZZ_004-A3-01 Rev P01; WDPR-SCN-XX-ZZ-DR-A-ZZ_002-A3-03 Rev P03

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

03 The development hereby permitted shall be used as 3 dwellings within the meaning of Use Class C3 of Schedule 1 to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the use as a dwellinghouse.

Reason: Pursuant to paragraph MA.2 (6) of Class MA of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

04 Construction and demolition works for the approved development on site shall only be undertaken between 8 am to 6 pm on weekdays, between 8 am and 1 pm on Saturdays and not at any time on Sundays and Bank and Public Holidays.

Reason: In the interest of the residential amenity of nearby 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).

05 In line with the details shown on the approved drawing WDPR-SCN-XX-ZZ-DR-A-ZZ_004-A3-01 Rev P01 or alternative details which shall be submitted to and approved in writing by the Local Planning Authority pursuant to this condition, secure and covered cycle and waste storage shall be provided and made available for use by the occupants of the dwellings hereby approved prior to their first occupation and shall be retained as such for the lifetime of the development.

Reason: To ensure the provision of adequate cycle parking and waste storage in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP3 of the Core Strategy (2007), Policies DM1, DM8 and DM15 of the Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009) and Waste Storage, Collection and Management Guide for New Developments (2019).

06 Prior to occupation of the development hereby approved, details of how the proposed rear gardens to serve the new residential units are to be sub-divided, including details of the boundary treatments, shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented solely in accordance with the approved details.

Reason: To protect the privacy and environment of future occupants, 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) and the advice contained within the Southend-on-Sea 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 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/)

02 You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council will 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 city.

- 38 23/00981/FULH - 17 Underwood Square, Leigh-on-Sea (west Leigh Ward)**
Proposal: Erect part single/part two storey side and rear extension
Applicant: Mr P Mavin
Agent: Knight Gratrix Architects

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: 1715/010/A Location Plan and Site Plan, 1715/010/A Proposed Elevations and Floor Plans, 1715/010/A Existing Elevations and Floor Plans.

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

03 All new work to the outside of the building 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: 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 (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM1 and advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

04 The roof of the single storey extension hereby approved shall not be used as a balcony, roof garden or similar amenity area or for any other similar purpose unless express planning permission has previously been obtained. The roof can however be used for the purposes of maintenance or to escape in an emergency.

Reason: To protect the privacy and environment of people in neighbouring residential properties, in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policy CP4, Development Management Document (2015) Policy DM1, and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

POSITIVE AND PROACTIVE STATEMENT

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

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Chair: _____