Southend-on-Sea Borough Council
Development Control Committee 5 February 2003

SUPPLEMENTARY INFORMATION

Agenda Item 3 – Report on Planning Applications

Page 3
SOS/02/01084/FUL Ambleside Social Club, Ambleside Drive, Southend on Sea
External Consultation:
Railtrack – no objection in principle subject to Railtrack’s approval of the work in accordance with deeds of sale of the land.

Page 6
SOS/02/01085/OUT Ambleside Social Club, Ambleside Drive, Southend on Sea
The Proposal
The applicant has submitted a further supporting letter, which is summarised as follows:
Meetings, which took place prior to submission of the application, did not raise objections in principle to the scheme, as the location of the building between two car parks was obvious at the time of submission. Anyone who was going to buy or rent an apartment would decide for themselves whether living between the two car parks is a problem. It is restated that the rear extension and new car park will only go ahead if the apartments are granted planning permission, if not the land will remain an eyesore as the club has no funds to improve them.
External Consultation
Anglian Water – no objections in principle but seek a condition relating to details of foul and surface water drainage to be submitted

Page 8
SOS/02/01097/FUL Southend Hospital, Prittlewell Chase, Westcliff on Sea, Essex
Internal Consultation
Highway Comment (Amended Plan) - This layout is preferred from the highway point of view - no objection

Page 10
SOS/02/01164/FUL 131 Thorpe Bay Gardens, Thorpe Bay
The Proposal
The applicant has submitted a supporting letter, which is summarised below:
The site is currently overgrown and unsightly, there has been rubbish dumped and flytipping. The garage has been designed with shrub planting alongside the wall with garage doors facing the house. The only alternative is to tarmac the area, which would leave it open and unsightly. The adjoining plot backs on to this area and has a brick wall over 2m high with large trees and an outbuilding along side the proposed site. Therefore the proposed plans would be in keeping with the area, will not obscure neighbours view or block light, the plan will enhance the area and is not detrimental to neighbours views, or passers by
1490 London Road Leigh on Sea

The Proposal

Letter received from Dedman Planning Services in response to the objection from Leigh Town Council, summarised as follows:

1. The proposal will not result in any noticeable increase in overlooking or loss of privacy furthermore there have been no objections from any of the neighbouring residents.

2. The proposal will not substantially change the bulk or scale of the property and, taking into account the considerable projection of the neighbouring roof terrace, the addition proposed will not be obtrusive.

3. Both the scale and form of the proposed addition is more modest than the development approved at the immediately neighbouring property to the west (1492-1494 London Road) and the rearward projection proposed is the same as the rear building line of the similar neighbouring development.

4. The proposal will not detract from the visual amenities of the area or be out of keeping with the character of the development which exists.

J Sainsbury Store, 45 London Road, Southend on Sea

The Proposal

The applicant has responded to the consultation responses and their reply is summarised as follows:

1. The provision of staff cycle parking and showers is covered in the Heads of “Staff Travel Plan” to be referred to in the proposed 106 Agreement, and I consider the point has therefore been covered.

2. The previous consent was issued without the requirement for landscaping. The current scheme effectively replicates the approved scheme in terms of the London Road elevation and I do not therefore consider it would be appropriate to impose a condition seeking additional landscaping at this stage.

3. The issues of car parking numbers and the operation of the car park have already been addressed by the previous application

The following comment from the applicant relates to recommended conditions:

1. There would be no objection to a suggested condition to prevent the implementation of both extension consents.

2. The original permission for this store (ref. SOS/87/0046) contains no restriction on the overall sales area. Condition 6 merely restricts the retail sales area to be used for the sale or display of food, drink, tobacco or household cleaning materials to 2,800sq m. The previous extension permission has no floorspace restriction. In the applicant’s view, it is not therefore appropriate to seek to restrict the overall sales area at this stage.
Internal Consultation
Environmental Health – no objection in principle, request condition concerning submission of ventilation ducts

Recommendation
Additional Conditions:
06 (Delete)
06 Ventilation details to be submitted
07 Development not to be carried out in conjunction with previously approved plans.

Page 24
SOS/02/01466
46 Dundonald Drive, Leigh on Sea
Publicity
One further response maintaining objection and raising the following new issues:
- Potential occupants could be ‘maniacs’ who disrupt the peace and quiet
- Increase in the number of cars
- Disturbance during construction
- Human rights

Page 31
SOS/02/01509/FUL
Warrior House 42-82 Southchurch Road, Southend on Sea
Publicity
1 further letter of objection received concerning lack of security, loss of privacy, increase in rubbish, increase in vandalism and increase in crime

Page 38
SOS/02/01609/FUL
18 Lime Avenue, LOS
The Proposal
Amended plans have been received as follows:
- The total length of the new property, excluding the rear bay window and the front porch will be 15m
- The building will be sited 1m from each side boundary
- 1.65m is shown between the front of no. 20 and the main front wall of the new dwelling
- The living room projects 3.95m less than the rearmost point of the proposed property
- 2.15m are shown between the side wall of the new property and the side wall of the “well” wall at no. 16, with the new living room’s rear wall projecting 0.6m beyond the rear wall of the “well” in which 16’s bedroom window is located
- The main rear wall of the new property is shown to project 1m beyond the rear of no. 20, with the bay window projecting a further 1.05m at a distance from the boundary of a minimum of 1.7m at an angle of 45 degrees
- The ridge height of the proposed property where it adjoins no. 20 scales and is dimensioned at 6.25m.
- The height of the rest of the property (running side-side) is shown at 5.7m
- The building would be no higher than the approved scheme in terms of the front elevation and shows a slight lowering of land
level from south to north (0.337m difference between the south side and the north side of the site)
- The applicant has also shown the reduction in the rear projection in relation to no. 20 i.e. 0.4m less although it is 0.1m closer to the boundary
- The forecourt has been shown with a revised access and two parking spaces giving a total of 3 spaces

The applicant has commented that the rear projection beyond no. 20 is 400mm shorter than on the approved scheme; that the majority of the proposal is smaller in bulk, effected by a reduction in roof height by 550mm; that the application is considered to be in keeping with the street scene; that there is no infringement of the 22.5 degree guideline; that the highest part of the roof of 6.25m conforms to the previously approved maximum height; and that the proposed dormer windows with obscure glazing to the north elevation are far less obtrusive than the currently approved scheme as the side elevation (part rendered) was approximately 500mm higher as approved.

Publicity
The amendments to the plans have been readvertised and the period for publicity expires after the meeting
Six further letters were received prior to notification of the amended plans plus one from West Leigh Residents Association afterwards, so many of the comments made have been superseded. Some of these are nevertheless set out below, although the more detailed ones have been omitted as they are no longer relevant:
- Building seems to be reverting to that which they and the council rejected
- Plans not clear – height and angle measurements do not tally – adjoining houses more affected than drawings suggest
- Concerned to see floor area is greater than last plans and even greater than rejected plans – even more grounds to reject this application
- Building much bigger than that given permission
- Development would have detrimental effect on streetscene in contravention with PPG1 and Policies C11 and H5
- Would dominate its neighbours and invade privacy, contravening same policies
- Would contravene 45 degree guideline
- Would contravene BLP Policy H3 – the property has been allowed to deteriorate and is not being replaced by a small dwelling
- The Committee and Planning Inspector previously recognised that the site and neighbouring properties play an important part in streetscene as they lie opposite junctions with Fairview Gardens and The Green. At this point there is a general upward slope north to south so that roof levels of all three existing dwellings appear relatively uniform
- Compared with both previous schemes the length across the top of the building facing the street has increased making the frontage bulkier
- Clipping of the roof on the right of the building begins much higher at 5.2m from the ground level on the latest scheme compared with 4.2m on the approved scheme. The chimney negates any benefit derived from clipping the roof. This increased roof size reduces further the amount of skyline visible between 16 and 18
- At 7m long, the ridge on the south side is no longer comparable with the previous scheme’s length of 5.7m. The latest scheme will dominate 16 and appear more prominent over its low roof.
- Compared to previous plan total floor area has increased by 25% - growth reflected in the overall increase in latest scheme’s bulk.
- The combination of these increases will cause more detrimental impact on the street scene – more dominating, more incongruous and more disruptive on the skyline.
- A previous scheme was refused and dismissed on appeal because of its excessive bulk in relation to adjoining properties, out of character and detrimental to the amenities of those properties. The inspector rejected it as it “would disrupt the existing skyline and would appear very prominent in the street. As a consequence it would, in my view, appear to dominate its neighbours, particularly no. 16, when viewed from the street and would appear as an incongruous and unduly prominent feature in the streetscene”.
- The proposal dominates its neighbours and invades privacy in conflict with PPG1 and Policies C11 and H5.
- The building has been brought closer to the boundary with 16 and is therefore more dominating and oppressive to its occupants.
- Any approval for this development should be conditional on the upstairs bathroom and stairs windows being made non-opening as they are situated opposite a bedroom and also on there not being any overlooking windows added to north and south elevations in future.
- Over development of the site particularly in the position in which it will be situated. The new building would be out of keeping with its neighbours and would particularly swamp the little cottage next door to it.

Comment
The plans originally submitted with this application showed some dimensions that conflicted at critical points with the approved scheme. These have now been corrected. As one objection letter contained a number of comparisons between the two schemes that are, because of the amendments, no longer entirely relevant, the following table compares some of the significant dimensions on the two sets of plans:

<table>
<thead>
<tr>
<th>Dimension</th>
<th>Approved Plans SOS/00/00147</th>
<th>Amended Plans SOS/02/01609</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building Front to Rear</td>
<td>15.1m</td>
<td>15m*</td>
<td>*Excludes bay and porch</td>
</tr>
<tr>
<td>Width of Building</td>
<td>9.6m*</td>
<td>10m#</td>
<td>Excludes *bay and #chimney</td>
</tr>
<tr>
<td>Isolation from no. 20</td>
<td>1.1m*</td>
<td>1.0m</td>
<td>* Excludes chimney</td>
</tr>
<tr>
<td>Isolation from no. 16</td>
<td>1.7m*</td>
<td>1m#</td>
<td>Excludes *bay and #chimney</td>
</tr>
<tr>
<td>Front Gable Height</td>
<td>6.25m</td>
<td>6.25m</td>
<td></td>
</tr>
<tr>
<td>Front Ridge Height</td>
<td>6.25m</td>
<td>5.7m</td>
<td></td>
</tr>
<tr>
<td>Ridge Height South Elevation</td>
<td>6.25m</td>
<td>5.7m</td>
<td></td>
</tr>
<tr>
<td>Eaves Height South Elevation</td>
<td>4m</td>
<td>4.4m</td>
<td></td>
</tr>
</tbody>
</table>
The drawings have therefore been amended to show a building, which is, over some of its height, lower than the previously approved scheme and mostly at the same height over the remainder. Whilst it is wider, the mass to the streetscene is considered to be reduced from the approved scheme and results in a more pleasing design.

The drawings clarify that the relationship with the adjoining properties is no worse than the approved scheme, and that the relationship in respect of the rear of 20 is actually improved over the approved scheme since, whilst the dwelling is 0.1m closer to the boundary, it is 0.4m less in rear projection of the main rear wall. The side bedroom window at 20 is protected in that the new dwelling is some distance from it and, as such, the 45 degree guideline is met easily.

Reference is also made in objections to conflict with BLP Policy H3 (Retention of Small Family Houses) which normally seeks to protect properties with a gross original floor area of 125 square metres or less from demolition and redevelopment. The original property appears to be less than this. Policy H3 states inter alia that where redevelopment of small family houses occurs then the Council may require replacement with small family houses. However there is a still valid permission for redevelopment (SOS/00/00147) and loss of the dwelling was not raised as an issue at the time that permission was granted.

Amended Recommendation
Members are recommended to delegate the decision subject to expiry of the publicity period, subject to the conditions in the main report and to the additional conditions below:

10 side windows to be fixed and obscure glazed (CIAB)
11 landscaping scheme to be implemented (CJAC)
12 permission not to be implemented in conjunction with SOS/00/00147
Internal Consultation

Design Comment – The proposal is not particularly attractive however, there is little public impact

Agenda Item 4 – Land between Kingsdown School and Cockethurst Recreation Ground; Snakes Lane

SOS/02/00825  David Lloyd Leisure Ltd Racquet Club etc, Development

The Proposal

The applicants have submitted a letter, having seen the report at Item 4, which is summarised as follows:

They note the very clear conclusions drawn by W S Atkins and stress that they are committed to the delivery of a racquets centre at Snakes Lane and are keen to seek a satisfactory determination of the application without the need of recourse to an appeal. They believe that the specific concerns expressed at the November 2002 Committee have been fully assessed and refer to the benefits that will flow from the development.

They point out that the proposal has been subject to discussions with Council officers and notification to local residents prior to the application being submitted and all material planning considerations had been raised, discussed and analysed.

They fully acknowledge that is for the Councillors to determine planning applications, but point to Government advice to members contained in PPG1.

“local opposition or support for a proposal is not in itself a ground for refusing or granting planning permission, unless that opposition or support is founded upon valid planning reasons which can be substantiated” (para 60) (their emphasis)

“It is important that elected members receive open and impartial professional advice from their planning officers. Elected members should make planning decisions on the basis of a written officer’s report. Councillors should have good reasons, based on land use planning grounds, if they choose to resist such advice” (para 61)

They consider that there is no justifiable reason for members to not resolve to grant planning permission for the proposal and that W S Atkins letter of 14th January 2003 is unequivocal. In terms of traffic generation, ‘rat running’ highway capacity, parking and highway safety issues, there is no justifiable reason for refusing planning permission.

They consider that the replacement of private open space (with no public access, and no realistic prospect of providing any public sport or recreation benefit) with a racquets club (with a legally-binding Community Access Programme), and an extension to Cockethurst Recreation Park (creating two additional two junior football pitches) and the creation of a Greenway Link meets the requirements of
Central Government policy as set out in PPg17 and the objectives of the Local Plan.

They point out that since the 13th November 2002 Committee resolution they have had the option of submitting an appeal and pursuing the matter to a Public Inquiry but have sought to achieve an agreed solution without recourse to Public Inquiry notwithstanding their view of the strength of their planning case.

They reiterate their view that there are no valid, substantiated planning reasons for refusing planning permission for this scheme and indicate that if the Committee does resolve to reconsider the application at the Development Control Committee of 5th March 2003, they will not submit an appeal in the interim. They do, however, state that, having delayed the submission of an appeal for three months already, if it does become necessary to pursue the matter to appeal, they will be fully committed to that process, and are confident of success. Nevertheless, they will continue to work with the Council – officers and members – to try to avoid this outcome.

They note the comments in W S Atkins letter of 14th January 2003 relating to sustainable transport objectives and recognise the need to encourage sustainable modes of travel in all its developments. The proposed scheme has been designed to facilitate safe and convenient access for all users, including pedestrians and cyclists. In addition to the access afforded by the proximity of bus services on Snakes Lane, a Travel Plan will be prepared and implemented to encourage people to cycle, walk and make better use of a public transport services and, in general, reduce the overall reliance on the private car. In addition to this commitment, should the Committee resolve to consider the proposal at its 5th March 2003 meeting they will discuss with officers of the Council, the potential to provide appropriate financial contributions to traffic calming and improvements to pedestrian routes in the vicinity of Snakes Lane (and for these to be secured by Section 106 Agreement).

Agenda Item 6 - Enforcement of Planning Control

Page 5 - Item 4 Land Adjacent to 315 Station Road, Westcliff on Sea.

A Planning Contravention Notice, served on Network Rail as owners of this land, has been completed and returned. The Head of Planning for the company confirmed, during a telephone conversation with a Council officer, that surveyors have inspected the site and solicitors have been instructed to commence proceedings to evict the unauthorised occupier from the land.

Being fully conversant with planning legislation and he expects an Enforcement Notice to be served on Network Rail by the Council. He is of the opinion that the service of such a Notice will add considerable weight to the company’s case for the legal eviction of the current occupier.
An application for planning permission for “the change of use of existing building to vehicle repairs” has now been submitted by the owner’s agent. It has been registered under reference SOS/03/00145/FUL and a report will be submitted for consideration by the Committee in due course.

A local resident has recently met with Council officers to discuss and submit a diary he has kept of events which have allegedly taken place at this site over a period of approximately two years. As the resident had never previously submitted a formal complaint concerning the matter, he was advised to write in and explain his objections to the activities. This letter was received on 31st January 2003.

The diary appears to show a more intensive use of the site has taken place than that suggested by the owner or indeed observed by Council officers during recent monitoring.

The diary suggests that, during the years 2001 and 2002, up to 5 tractor units and 2 trailers were brought onto the site on a regular, sometimes daily, basis. The average number of vehicular movements, calculated from the diary, appears to vary from 4.9 per week (April 2002) to 25.2 per week (March 2001) with an overall average of 2.33 per day (16.31 per week). (A vehicle brought onto the site and later driven off represents 2 movements so these figures represent an average of just over one vehicle per day or 8 per week). This level of activity does, however, have to be considered in the context of the location of the site on a relatively busy road, close to the Airport, opposite Laurence Industrial Estate and close to Aviation Way.

It should be noted on the grounds of highway safety that the Council objected to the application for a Goods Vehicle Operators Licence in respect of this site (paragraph 8.3).

In his recent letter, the local resident claims that activities at this property “impose a blight and a subsequent devaluation to our home”. He suggests that noise generated by some activities at the site is excessive and detrimental to the amenities of the area. He also proposes buying from the Council the parcel of land adjacent to the rear of this property and erecting or growing a screen between the two properties which he feels would significantly abate the nuisance. He points out that the previous owner of No 20 rented out the paddock and stables and from time to time brought home his firms delivery van. He says there is no comparison between that and current activities. He refers to his human right to protection of property (Article 1).

Comment
Although the level of activity indicated in the complainants diary suggest a higher level of activity then the operator has indicated, there is still not felt to be sufficient evidence of material harm to local amenity to warrant enforcement action. As a planning application has now been submitted it is felt that the appropriate course of action is therefore to review the issue of enforcement when the application is considered.