



Leigh-on-Sea Town Council

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Chairman: Cllr Richard Herbert
Vice Chairman: Cllr Carole Mulroney
Town Clerk: Paul Beckerson

Notice is hereby given that the next meeting of the **Planning, Highways & Licensing Committee** will take place **Tuesday 27th October 2015** at the **Leigh Community Centre, 71-73 Elm Road, Leigh-on-Sea at 7.30pm** when it is hoped to transact the following business:

AGENDA

At 7.15 pm Paul Terry, Waste Management and Contracts Officer of Southend-on-Sea Borough Council and Martin Fuller of Veolia will advise on the proposed alterations to Leigh Marshes Household Waste Recycling Centre (HWRC).

1. APOLOGIES FOR ABSENCE
2. DECLARATION OF MEMBERS' INTERESTS
3. APPROVE MINUTES OF THE PREVIOUS MEETING
4. LICENSING APPLICATIONS
None
5. PLANNING APPLICATIONS
 - a) LOS/15/0282 SOS/15/01682/TCA
15 THE TERRACE, LEIGH-ON-SEA, SS9 2DF (St Clement's Ward)
Fell three laburnum and one sycamore tree (Application for works to trees in a Conservation Area).
 - b) LOS/15/0283 SOS/15/01662/TPO
15 THE TERRACE, LEIGH-ON-SEA, SS9 2DF (St Clement's Ward)
Fell one prunus, two elder, two sycamore and two elm trees and prune one holly, one oak and two prunus trees (Application for works to trees covered by a Tree Preservation Order).
 - c) LOS/15/0286 SOS/15/01571/FULH
15 CANVEY ROAD, LEIGH-ON-SEA, SS9 2NN (Thames Ward)
Replace metal crittall and PVC-U windows to front and side elevations with powered coated aluminium windows.
 - d) LOS/15/0287 SOS/15/01582/FULH
96 MARINE PARADE, LEIGH-ON-SEA, SS9 2NL (St Clement's Ward)
Erect hip to gable roof extension to form habitable accommodation in roof and install rooflights to front and rear.
 - e) LOS/15/0288 SOS/15/01627/FULH
9 LEIGH PARK ROAD, LEIGH-ON-SEA, SS9 2DU (St Clement's Ward)
Install canopy to entrance and terrace at first floor level and canopy to rear.
 - f) LOS/15/0289 SOS/15/01606/AMDT
LAND AT FORMER 74 UNDERCLIFF GARDENS, LEIGH-ON-SEA, SS9 1ED (Leigh Road Ward)
Application to vary condition 02 (Approved Plan) Drawing Number B500 to increase the depth of the first floor rear (estuary facing) balcony of Planning Permission 10/00554/FUL dated 25th May 2010 (retrospective).

- g) LOS/15/0290 SOS/15/01507/FUL
76 STATION ROAD, LEIGH-ON-SEA, SS9 1SU (Elms Ward)
Install external staircase at rear (Retrospective).
- h) LOS/15/0291 SOS/15/01686/FULH
22 HENRY DRIVE, LEIGH-ON-SEA, SS9 3QQ (Highlands Ward)
Demolish existing garage, erect part single/part two storey side and rear extension with Juliette Balcony at rear (Amended Proposal).
- i) LOS/15/0292 SOS/15/01594/FUL
29 TATTERSALL GARDENS, LEIGH-ON-SEA, SS9 2QS (Thames Ward)
Erect part single/part two storey rear extension and erect garage at rear (Amended Proposal).
- j) LOS/15/0293 SOS/15/01726/GPDE
15 STIRLING AVENUE, LEIGH-ON-SEA, SS9 3PP (Highlands Ward)
Erect single storey rear extension, projecting 6m beyond the existing rear wall of the dwelling, 3m high to eaves and with a maximum height of 3.8m.
- k) LOS/15/0294 SOS/15/01692/PA3COU
83 ELM ROAD, LEIGH-ON-SEA, SS9 1SP (Elms Ward)
Change of use from office use (Class B1a) to two self-contained flats (Class C3) (Prior Approval).
- Appendix 2 – Report on submission to Southend-on-Sea Borough Council under Condition A.4 of Schedule 2 Part 1 Class A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by SI 2008 No.2362 and SI 2013 No. 1101).
- l) LOS/15/0295 SOS/15/01706/FULH
89 CRESCENT ROAD, LEIGH-ON-SEA, SS9 2PG (Thames Ward)
Form hipped to gable roof, erect roof extension to rear and erect part single/part two storey rear extension and raised decking to rear.
- m) LOS/15/0296 SOS/15/01631/ADV
91-93 LEIGH ROAD, LEIGH-ON-SEA, SS9 1JL (Leigh Road Ward)
Install non-illuminated fascia sign.
- n) LOS/15/0297 SOS/15/01630/FUL
91-93 LEIGH ROAD, LEIGH-ON-SEA, SS9 1JL (Leigh Road Ward)
Install new shopfront (Amended Proposal).
- o) LOS/15/0298 SOS/15/01272/FUL
1163 LONDON ROAD, LEIGH-ON-SEA, SS9 3JE (Elms Ward)
Change of use from storage (Class B8) to café/restaurant/day nursery (Class Sui Generis), alter front elevation, demolish side extension, alter side elevation, form new entrance to a side, re roof, erect canopy, erect fences, layout play area, bin store, cycle store, car parking spaces and form vehicular access on to Scarborough Drive.
- p) LOS/15/0299 SOS/15/01675/FULH
127 SOUTHSEA AVENUE, LEIGH-ON-SEA, SS9 2BH (Elms Ward)
Erect single storey rear extension.
- q) LOS/15/0300 SOS/15/01553/FUL
29 MARINE PARADE, LEIGH-ON-SEA, SS9 2NA (Herschell Ward)
Replace windows to rear at first floor level with bi-folding doors and install Juliette Balcony, alter elevations.

- r) LOS/15/0301 SOS/15/01760/TEL
02 TELECOMMUNICATIONS SITE AT 1565, LONDON ROAD, LEIGH-ON-SEA, SS9 2SF (Thames Ward)
Replace existing 10m dual-purpose telecommunications lamppost with 12.88m dual-purpose telecommunications lamp post with equipment cabinet and associated works.
6. GENERAL PERMITTED DEVELOPMENT APPLICATIONS – FOR INFORMATION
- a) LOS/15/0284 SOS/15/01667/GPDE
14 CHAPMANS WALK, LEIGH-ON-SEA, SS9 2XA (Thames Ward)
Erect single storey rear extension, projecting 4m beyond the existing rear wall of the dwelling, 3.2m high to eaves and with a maximum height of 4.7m.
- b) LOS/15/0285 SOS/15/01661/GPDE
16 MARINE AVENUE, LEIGH-ON-SEA, SS9 2JE (Elms Ward)
Erect single storey rear extension, projecting 3.6m beyond the existing rear wall of the dwelling, 2.3m high to eaves and with a maximum height of 3.8m.
7. LAWFUL DEVELOPMENT CERTIFICATES – FOR INFORMATION
- a) SOS/15/01636/CLP
67 VARDON DRIVE, LEIGH-ON-SEA, SS9 3SP (Highlands Ward)
Hipped to gable roof and dormer to rear with Juliette Balcony to form habitable accommodation (Lawful Development Certificate – Proposed).
8. APPEALS LODGED - FOR INFORMATION
- a) LOS/15/0042 SOS/15/00051/FULH
105 GRAND PARADE, LEIGH-ON-SEA, ESSEX, SS9 1DW (Leigh Road Ward)
Erect conservatory to rear, form habitable accommodation in roof with roof lights to front and rear elevations (retrospective).
- b) LOS/15/0061 SOS/15/00189/FUL
43 BARNARD ROAD, LEIGH-ON-SEA, ESSEX, SS9 3PH (Highlands Ward)
Demolish garages and erect two storey dwellinghouse, lay out parking and amenity area to rear of 43 Barnard Road (Amended Proposal).
- c) LOS/15/0003 SOS/14/01913/FUL
THE SARAH MOORE PUBLIC HOUSE, 57- 59 ELM ROAD, LEIGH-ON-SEA ESSEX, SS9 1SP (Elms Ward)
Erect two storey roof extension comprising of 6 flats, form balconies, alterations to front elevation, extend extraction flue, and erect refuse and cycle store.
- d) LOS/15/0170 SOS/15/00806/FULH
240 WESTERN ROAD, LEIGH-ON-SEA ESSEX, SS9 2QY (Thames Ward)
Erect two storey rear extension and first floor side extension (Amended Proposal).
9. APPEALS DETERMINED – FOR INFORMATION
- a) LOS/14/0198 SOS/14/01055/FUL
LEGRA GRANGE, 1525 LONDON ROAD LEIGH-ON-SEA, ESSEX, SS9 2SU (Highlands Ward)
Erect new fourth floors to Legra Grange (1525 London Road) & Brushes Warren (1527 London Road) to form 2 additional self-contained flats per block.
Appeal Dismissed
- b) LOS/15/0012 SOS/14/01914/OUT
1123 - 1125 LONDON ROAD, LEIGH-ON-SEA, ESSEX, SS9 3JJ (St James)
Demolition of Shop and Flats above and construction of either 1 or 2 new retail units with 8 Flats above and associated car parking to rear.
Appeal Dismissed
10. LOCAL BUS SERVICE NETWORK REVIEW CONSULTATION
Leigh-on-Sea Town Council will be directly affected by two of the proposals for the Rochford District.
- 1) ECC contracted journeys: Highlands Thames Drive to Rayleigh section of route of Service 1 from 2047 on Sundays and Public Holidays only.
Proposal: To withdraw the service from April 2016.

The affected journeys: 2015, 2115, 2215, 2315 from Southend Travel Centre to Rayleigh Rail Station; 2120, 2220, 2320 from Rayleigh to Southend.

It is understood that the current operator (Arriva Southend) would completely withdraw all affected journeys if they were not financially supported by ECC.

This would mean that the last journeys would be 1920 from Southend to Rayleigh and 2020 from Rayleigh to Southend.

This would be completely unacceptable – not only to passengers in Leigh-on-Sea but also to those in Rayleigh, Thundersley and Hadleigh.

- 2) Service 3/A/B/C/D/E: Oxney Green – Southend
Proposal: The timetable will be standardised Monday to Saturday and the route will be revised. The route has been rationalised, to give a clearer, more reliable timetable and allow it to be diverted to serve the Cliffs Pavilion area of Southend. It will also be revised to operate between Chelmsford and Southend only, alternative services provide the link between Oxney Green and Chelmsford.

Although an entry in the large book which accompanied your documents stated in the opening summary pages that there were no proposed changes to the services, I assume that this was an error.

The proposal to divert the service to operate via the Cliffs Pavilion would be of benefit to many passengers in South East Essex.

Accordingly, Leigh-on-Sea Town Council finds the proposal very acceptable.

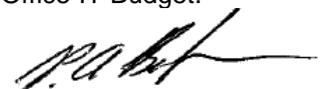
Response received from Michael Cawston, Area Review Manager Essex County Council on the status of the Service 1. 'In the event off ECC withdrawing funding, as we only pay for the section between Thames Drive and Rayleigh, Arriva have confirmed they would still continue the route until 2320 between Hadleigh Church and Southend so Leigh would not lose its service between these points. However, due to feedback received, ECC now proposes to run a shuttle bus between Hadleigh Church and Rayleigh to meet all commercial Arriva journeys between Hadleigh and Southend and therefore allow residents of Thundersley and Rayleigh to still access this service on a Sunday evening. This would be on a trial basis of one year to allow us to better understand the patronage on this section of the route'.

- 1) ***The Committee is asked to ratify the comments made by Cllr Donald Fraser to Essex County Council and to note their response.***
2) ***To advise Southend-on-Sea Borough Council of these comments.***

11. PARKING/SPEED LIMITS ON THE MARINE ESTATE
Appendix 1 – Letter from Resident

Members should note that Southend-on-Sea Borough Council is currently carrying out an in depth scrutiny investigation into the introduction of 20mph speed restrictions on residential roads.

12. REPLACEMENT LAPTOP REQUIRED FOR PLANNING APPLICATIONS
Cost is £549.97 for a replacement laptop and £229.99 for Office Software, £500.00 from Planning Equipment Budget and the remainder from the Office IT Budget.



Paul Beckerson
Town Clerk
22nd October 2015

Any member who is unable to attend the meeting should send their apologies before the meeting

Dear Cllr Jane Ward

Re: Parking & Speed limits on the Marine Estate

No doubt this subject has been aired before, but the position has become much worse in recent months.

Most of the problem is parking for the station Monday – Friday. More & more vehicles are parking all day not across driveways but very close to the edge & on both sides of the road, which causes increasingly difficulty in driving in & out of resident's driveways.

With the problem above & darker nights upon us the speed of most cars travelling along the narrow roads are dangerous, especially when more parents are walking to & from the primary schools with young children. This is especially true when cars constantly pull out of side roads without giving due care to the traffic coming along the priority road.

Would it be possible for you to bring these issues up with the council at your earliest convenience to discuss the notion of restricted parking limits? Also a 20 mph limit for the Marine Estate roads.

We thank you for your time & consideration with these issues.

Yours sincerely



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Report 2566/PB

PERMITTED DEVELOPMENT ORDER 15/01692/PA3COU

83 ELM ROAD, LEIGH-ON-SEA, ESSEX, SS9 1SP

Change of use from office use (Class B1a) to two self-contained flats (Class C3) (Prior approval)

Historical Background

83 Elm Road

Prior to the current use of surveyor's offices the premises were occupied by an accountant.

Applications for planning permission were submitted by Baines in January 2014 (LOS/14/0040) Two Storey Extension with Balcony at Rear (Refuse Permission); May 2014 (LOS/14/0141) Two Storey Extension and re-position existing staircase (Amended) (Grant Conditional Permission); November 2014 (LOS/14/0323) Part Single and Two Storey Extension (Permission Granted); these all related to the existing use Class B1a (Office).

The Council made no comment on these applications as an immediate neighbour, but were generally in support of the extended business use and that it would provide a partial noise barrier between The Leigh Community Centre and Havengore House Flats.

Leigh Community Centre 71 – 73 Elm Road

Originally built as the Leigh Conservative and Unionist Club in 1914 the building has been in public and community use ever since, having both an alcohol and entertainment licences for most of this time. LTC took over the building from Southend Adult Education in 2012 (they had leased the building since the 1970's) with it reverting to its former use as a Community Centre.

A Premises Licence under the Licensing Act 2003 was granted on the 17th September 2012 with permitted hours from 09.00 – 00.00 Monday to Sunday for supply of alcohol on and off the premises, provision of regulated entertainment comprising performance of dance, films, boxing/wrestling, indoor sporting events, live music (except where exemptions under the Live Music Act 2012 apply), recorded music, plays, anything similar to live or recorded music and anything similar to dance/music. Provision of Late Night Refreshment Mondays to Sundays 23.00 – 00.00.

On the 2nd August 2013 the Leigh Community Centre was included on the List of Assets of Community Value and will remain on the list for a period of 5 years this affords the building protection for its current usage and should it close or be threatened the Right to Bid.

Present Situation

The Leigh Community Centre operates 7 days a week between the hours of 09.00 and 23.00 and on occasions later until 00.00 for Weddings and Community Hire. Due to its use, there are people generating activity and consequent noise within the Centre. In the Lower Hall for example there are physical exercise classes involving music in the day and early evening, Choir Practices, Children's activity classes, on Sunday Praise Christian – Gospel Music and Southend Youth Orchestra in the afternoon. If a wedding or party is booked this can include people to the rear of the building using the smoking area, live entertainment by way of bands and recorded music usually until 23.30 in the evening.

This does not present a problem at the moment due to current noise controls and the fact that 83 Elm Road is Office accommodation and is not used in the evenings or weekends, but if a residential use is allowed in 83 Elm Road this will result in possible noise complaints due to transmission through the 225mm solid brick party wall, the slate roof structure and two skylights to the proposed living and bedroom areas at the rear of the property.

The current law regarding noise nuisance was enacted in 1875, when the Court decided that a confectioner could not continue to make his sweets in a noisy manner, as a doctor had moved next door and needed quiet for his patients. This means that if a venue “was there first” it does not give it a right to continue to make the same level of noise, if that noise amounts to a nuisance¹.

If the prior permission is granted without any conditions regarding soundproofing to the proposed development, there is a great possibility of noise nuisance occurring resulting in complaints, the imposition of restrictions on the use of the Leigh Community Centre affecting the viability of the building and the possible loss of its licence.

There is however policies, planning guidance and prior legal arrangements that address this issue and can afford some protection to the Centre.

The Policy Position

National Planning Policy Framework

Section 123 (Paragraph 3): Planning policies and decisions should aim to:

- Recognise that some development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established.

The NPPG expands on this: “The potential effect of a new residential development being located close to an existing business that gives rise to noise should be carefully considered. This is because existing noise levels from the business even if intermittent (for example, a live music venue) may be regarded as unacceptable for the new residents and subject to enforcement action. To help avoid such instances, appropriate mitigation should be considered, including optimising the sound insulation provided by the new development’s building envelope. In the case of established business, the policy set out in the third bullet of paragraph 123 of the Framework should be followed.”

The NPPG also says that “planning decisions should take into account the economic and social benefits being derived from the cultural activity associated with any noise impacts and ensure appropriate mitigation is secured so that businesses can be continued. It should also be recognised that the Mayor’s Housing SPG requires impact of noise to be considered in the layout and placement of dwellings, rooms and private open spaces within new development.”

Emerging Planning Guidance

Mayor of London - Draft Central Activities Zone Supplementary Planning Guidance – September 2015

2.2.11 Sustaining and protecting noise generating cultural venues such as theatres, concert halls and, in particular, live music venues requires a sensitive approach to manage change in the surrounding area. This should ensure adjacent development and land uses are brought forward and designed in ways which ensures that established cultural venues remain viable and can be continued in their present form, without the prospect of neighbour complaints, licensing restrictions or the threat of closure. In justified circumstances, residential development proposed within the vicinity of an existing cultural venue should include necessary acoustic design measures to ensure residential units are provided with effective sound insulation in order to mitigate and minimise potential noise impacts or neighbour amenity issues. An important reason to incorporate mitigation measures within new residential development is to avoid established venues being subject to unreasonable restrictions, administrative burdens, costs or enforcement action as a result of changes in nearby land

¹ Report to The Mayor of London – London’s Grassroots Music Venues – *Rescue Plan*, page 46

uses since venues were established – a key principle that is set out in the NPPF and London Plan Policy 7.15Bb.

Report to The Mayor of London – London's Grassroots Music Venues – *Rescue Plan* – A Report for the Mayor, Music Industry, Local Authorities, Government, Planners, Developers, Licensers, Police, Economists, Tourism Agencies, Musicians and Cultural Funders

Report Recommendation - 1b. Adopt the Agent of Change principle in London's planning policies.

The Mayor should ensure that the next iteration of the London Plan contains policies that fully implement the Agent of Change principle. In the meantime the Mayor should advise local authorities via Supplementary Planning Guidance on how to apply Agent of Change principles within the scope of the existing London Plan.

Under Agent of Change principles, if a cultural venue is in place before residential development, the residential development is responsible for soundproofing. Equally, if a cultural venue opens in a residential area, the venue is responsible for these works.

Report Recommendation – 2a. Developers should consider using the Deed of Easement of Noise when creating housing near existing music venues.

The Ministry of Sound's ground breaking use of the Deed of Easement of Noise, to ensure that pre-existing noise levels will not be challenged by incoming residents, is something that developers can use with immediate effect to implement the Agent of Change principle (further information is provided on page 46).

In the event the Community Centre becomes unviable through the prior permission grant for residential development the following policy would be relevant:

Southend Borough Saved Local Plan Policy U10 – Provision of Other Community Facilities

Proposals involving the loss of existing community hall facilities will not normally be permitted unless alternative provision is made in a convenient and appropriate location, having regard to the above criteria, or there are overriding environmental reasons for the development.

The Committee is **RECOMMENDED** to **object** to the proposed change of use as the proximity of residential units next to the Leigh Community Centre is likely to affect its amenity value as a Community Asset to the community.

LTC request SBC to apply the NPPF policy outlined above in the report and take cognisance of the emerging examples of Supplementary Planning Guidance.