

SOUTHEND-ON-SEA CITY COUNCIL

Meeting of Development Control Committee

Date: Wednesday, 3rd April, 2024

Place: Council Chamber - Civic Suite

- Present:** Councillor N Ward (Chair)
Councillors F Evans (Vice-Chair), B Beggs, M Berry, M Borton,
S Buckley, A Dear, M Dent, N Folkard, J Harland, A Jones,
C Mulroney, M Sadza, C Walker and R Woodley
- In Attendance:** Councillors Cowdrey & Wexham
C Shuter, K Waters, C Galforg, A Greenwood, O Hart, S Mouratidis,
C White, M Warren, A Brown and T Row
- Start/End Time:** 2.00 pm - 4.45 pm

109 Apologies for Absence

Apologies for absence were received from Councillor Longstaff (no substitute).

110 Declarations of Interest

The following interests were declared at the meeting:

- (i) Councillor Beggs – Application No. 23/01656/DOV - Land at Fossetts Farm, Sutton Road – Worked with the company as part of the bidding process;
- (ii) Councillor Berry – Application No. 23/01656/DOV - Land at Fossetts Farm, Sutton Road – One of the organisers of the campaign against the use of the land for anything other than 100% social housing (Spoke on the item but did not vote);
- (iii) Councillor Berry – Application No. 20/00230/UNAU_B - 245 Bournemouth Park Road, Southend-on-Sea – Given advice to the neighbour who objected to the development which led to the enforcement action;
- (iv) Councillor Dent – Application No. 24/00011/FUL – Land at 444 - 456 Southchurch Road, Southend-on-Sea – Advised neighbours on objections to this application;
- (v) Councillor Mulroney – Application No. 24/00111/BC4 - Leigh Library Gardens, Broadway West – Member of Leigh Conservation and Heritage Society and Leigh Town Council non-participant in planning and Chair of the FLAG at the time of the original funding;
- (vi) Councillor Mulroney – Application No. 24/00068/FULH - 2 Ray Close, Leigh-on-Sea – Member of Leigh Town Council, non-participant in planning;

(vii) Councillor Sadza – Application No. 20/00230/UNAU_B - 245 Bournemouth Park Road, Southend-On-Sea – approached by the owner of the property at 245 Bournemouth Park Road, who is known to her;

(viii) Councillor Walker – Application No. 24/00011/FUL - Land at 444 - 456 Southchurch Road, Southend-on-Sea – Belle Vue Motorcycles services and undertakes MOT of his motorbike;

(ix) Councillor Walker – Application No. 24/00136/FUL - Melrose House, 95 - 99 Alexandra Road – Friend lives in Prittlewell Square;

(x) Councillor Ward – Application No. 24/00061/FULH - 38 Tudor Road, Eastwood – Applicant is known to him;

(xi) Councillor Ward – Application No. 24/00185/NTPOR - Footpath Adjacent to 7 Tylers Avenue on Chichester Road – Applicant is known to him;

(xii) Councillor Wexham – Application No. 24/00111/BC4 - Leigh Library Gardens, Broadway West – Was involves with the setting up of the FLAG at the time of the original funding; and

(xiii) Councillor Woodley – Application No. Application No. 24/00185/NTPOR - Footpath Adjacent to 7 Tylers Avenue on Chichester Road – Submitted a notice of motion to Council to introduce a no right turn from Chichester Road at this location which has been referred to Cabinet for consideration.

111 Minutes of the Meeting held on Wednesday, 28 February 2024

Resolved:-

That the Minutes of the meeting held on Wednesday 28th February 2024 be confirmed as a correct record and signed.

112 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.

113 24/00220/TEL - Mast at Princes Court, Prince Avenue (St Laurence Ward)

Proposal: Removal of 3no existing antennas and- 2no stacked cabinets to be replaced with 6no new antennas and 1no new cabinet with associated ancillary works thereto

Applicant: Mobile Network Broadband Limited

Agent: Miss Mandy Poon of Avison Young

Resolved:-

That PRIOR APPROVAL is REQUIRED for the siting and appearance of the telecommunications mast and cabinet and that PRIOR APPROVAL is GRANTED, subject to the following conditions:

01 The telecommunications development hereby permitted shall be installed solely in accordance with the approved plans: 994528_SOS013_58046_SS2488_M002 (Rev B).

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

02 Plant and equipment used for the cooling of excess heat generated in the base station shall be attenuated for noise in so far as will not impact on the amenity of the nearest noise sensitive properties. Any noise should not be greater than 10 dB(A) below the background noise level measured at the boundary of the nearest noise sensitive property including for any tonal or intermittency penalties in accordance with BS 4142:2014+A1:2019.

Reason: In the interest of the residential amenity of nearby occupiers in accordance with the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Core Strategy (2007), and Policies DM1 and DM3 of the Development Management Document (2015).

Informatives

01 Please note that if you require a crane or piling rig to construct the proposed development, this will need to be safeguarded separately and dependant on location may be restricted in height and may also require full coordination with the Airport Authority.

02 The applicant is advised that they may need to complete relevant party wall agreements with the existing residents of Princes Court.

- 114 **23/01656/DOV - Land at Fossetts Farm, Sutton Road (St Lukes Ward)**
Proposal: Modification of planning obligation (Section 106 agreement) dated 30th September 2022 pursuant to application 20/0337/OUTM to vary the wording of the S106 to allow a hierarchical approach to the Biodiversity Net Gain requirement (to allow the biodiversity net gain to be provided on site, within the City Area, within the wider region or by utilising the Biodiversity Credits Scheme) and to add a clause to the S106 agreement to allow the developer a right of access onto the SAM transferred land for the purpose of implementation of the planning permission and to undertake works within the SAM buffer area
Applicant: Keepmoat Homes
Agent: Kate Holland of Invicta Planning

Resolved:-

(a) That the Council enters into a Planning Obligation by Deed of Variation under Section 106 of the Town and Country Planning Act 1990 (as amended) to allow the following modifications to the Deed of Agreement dated 30th September 2022 pursuant to outline planning permission 20/00337/OUTM:

(i) At the time of writing this report, the definitions altered and added to Clause 1 of the Original Agreement are as follows:

The definition of “Biodiversity Scheme” in the S106 is updated:

From:

“Biodiversity Scheme – a scheme setting out actions to compensate for Biodiversity Loss by way of on-site mitigation and/or off-site offsetting within the City area.”

To:

“Biodiversity Scheme – a scheme setting out actions to compensate for Biodiversity Loss and to achieve at least a 10% net gain over the pre-development biodiversity value of the site by way of on-site mitigation and/or off-site offsetting within the City Area, within the wider region or utilising the Biodiversity Credits Scheme.”

A definition of “Biodiversity Credits Scheme” to be added as follows:

“Biodiversity Credits Scheme – the scheme enabling the Owner to buy statutory biodiversity credits to compensate for Biodiversity Loss in line with section 101 of the Environment Act 2021 and associated guidance from central government.

(ii) An additional paragraph to be added to Appendix 2, Schedule 1 of the Original Agreement, as follows:

“3. The Transferor will have a right of access onto the Property for the purposes of implementing the Development or to undertake works in association with the implementation of planning permission, within SAM buffer area.”

A map of the SAM buffer area is to be included in this respect.

(b) That the Executive Director for Environment and Place, the Director of Planning and Economy or the Service Manager – Development Control de DELEGATED to AGREE A MODIFICATION OF THE PLANNING OBLIGATION dated 30th September 2022 pursuant to outline planning permission reference 20/00337/OUTM. The relevant officer will have delegated powers to agree further modifications to the wording, provided that they do not comprise a material departure from the principles outlined within the report.

(c) In the event that the Deed of Variation referred to in part (a) above has not been completed before 5th April 2024, or an extension of this time as may be agreed by the Executive Director for Environment and Place, the Director of Planning and Economy or the Service Manager – Development Control, authority is delegated to refuse the application on the grounds that development would not secure the necessary Biodiversity Net Gain and to ensure the SAM land transfer continues to be secured, in accordance with the requirements of the original permission and as the development would otherwise be contrary to National and Local Planning Policy.

- 115 24/00111/BC4 - Leigh Library Gardens, Broadway West (Leigh Ward)**
Proposal: Change of use from public hall (Class F1) to mixed use public hall, office and therapy practice (Sui Generis)
Applicant: Mr Keal
Agent: Mr Steven Kearney of SKArchitects

Resolved:-

That planning permission be REFUSED for the following reason:

01 The proposed development would result in the loss of community use at the site and introduce a mixture of uses that include elements which it is considered would be inappropriate within a designated public open space. It has not been demonstrated that the proposed location of the elements of the use which would fall under Class E of the Town and Country Planning (Use Classes) Order 1987 within the designated public open space is necessary. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework (2023) and Policies CP6 and CP7 of the Core Strategy (2007).

- 116 24/00011/FUL - Land at 444 - 456 Southchurch Road, Southend-on-Sea (Kursaal Ward)**
Proposal: Erect four storey building comprising commercial units on the ground floor and 8no. self-contained flats to first, second and third floors, with associated amenity space, landscaping, cycle and refuse store and car parking, form new vehicle access from Chase Road, alter elevation to shop front of existing separate two storey commercial building
Applicant: Mr Stilwell
Agent: Miss Emanuela Borri of Scene Architecture

Resolved:-

That planning permission be REFUSED for the following reason:

01 The proposal would, by reason of its size, form and detailed design, create an excessively scaled, visually dominant and incongruous feature, out of keeping with and significantly harmful to the character and appearance of the application site, the streetscene and wider surrounding area. The identified adverse impacts of granting permission would significantly and demonstrably outweigh the benefits of the proposal, including the provision of housing, when considered against the policies of the National Planning Framework as a whole. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework (2023), 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) and the National Design Guide (2021).

117 **24/00136/FUL - Melrose House, 95 - 99 Alexandra Road (Milton Ward)**
Proposal: Demolish link infill extension between existing buildings and convert existing 30 bed care home into 1 x block of 8 residential flats (Class C3) (east building) including a three-storey rear extension and 1 x block of serviced accommodation of 10 self-contained units (Sui Generis) (west building) including part demolition of existing rear extensions and erect part ground floor, part 2nd floor rear extension, roof terraces, balconies and Juliet balconies, extend existing vehicle crossover, reconfigure driveway and car parking spaces, reposition front boundary piers, bin stores, convert existing garden office into cycle stores, erect new boundary treatments to form private and communal gardens (Amended Proposal).
Applicant: Mr Woolley of TWL Property Developments 1 Ltd
Agent: Mr Maz Rahman of RD architecture Ltd.

Mr Moroney, a local resident, spoke as an objector to the application. Mr Wooley, the applicant's agent, responded.

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 solely in accordance with the following approved plans 2352-100-P3, 2352-110-P5, 2352-120-P4, 2352-130-P4, 2352-140-P3, 2352-210-P3, 2352-220-P3.

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

Materials

03 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition and construction up to ground floor slab level shall take place unless and until full product details of the materials to be used on all the external elevations for the approved alterations and extensions within the development hereby approved, including walls, roof including ridge tiles, soffit and rainwater goods, all new windows and doors, balconies and screens, roof and roof terraces, parapet coping and brise soleil, bin and cycle store doors, entrance gates, and boundaries have been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The development shall be carried out in accordance with the approved details before it is brought into first use or first occupied.

Reason: To safeguard the visual amenities of the area including the character and appearance of the Clifftown Conservation Area in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM5 and the advice contained within the Southend-on-Sea Design and Townscape Guide

(2009), National Design Guide (2021) and the Clifftown Conservation Area Appraisal (2021).

Detailing of Key Features

04 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition above ground floor slab level shall take place unless and until full detailed design drawings and cross sections of the replacement front balustrade to No 97-99 Alexandra Road, the reinstatement of traditional windows at second floor level at Nos 95 and 99 and all new front doors at a scale of 1:20 or 1:10 as appropriate have first been submitted to and agreed in writing by the Local Planning Authority under the terms of this condition. The development shall be carried out in full accordance with such approved details before it is brought into first use or first occupied. The inner facing flank elevations of No 95 Alexandra Road (west elevation) and No 97 Alexandra Road (east elevation) shall be reinstated to match the detailing and materials on the front elevations including matching materials, the dormer to No 95 and decorative eaves detailing as shown on plan reference 2353-220-P1.

Reason: To safeguard the visual amenities of the area including the character and appearance of the Clifftown Conservation Area in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM5 and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009), National Design Guide (2021) and the Clifftown Conservation Area Appraisal (2021).

Landscaping

05 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition works shall take place unless and 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 terms of this condition. The approved hard landscaping works shall be carried out prior to first occupation or first use of the development and the soft landscaping works within the first planting season following first occupation or first use of the development hereby approved. The details submitted shall include, but not be limited to:

- i. Means of enclosure, of the site including any alterations to gates, walls or boundary fencing;
- ii. All hard surfacing materials;
- iii. Full details of the number, size and location of the trees, shrubs and plants to be retained and planted, including new trees on the eastern boundary, together with a planting specification and tree management plan.
- iv. Details of measures to enhance biodiversity within the site.
- v. Details of the exact position and design of electric vehicle charging equipment on the site's forecourt area.

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 terms of this condition.

Reason: In the interests of visual amenity of the area and the Clifftown Conservation Area and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policies DM1 and DM5 of the Development Management Document (2015), Policy CP4 of the Core Strategy (2007) and the advice in the Southend-on-Sea Design and Townscape Guide (2009), National Design Guide (2021) and the Clifftown Conservation Area Appraisal (2021).

Tree Protection Measures

06 The tree and tree root protection measures as set out in the Arboricultural Method Statement by Moore Partners Ltd dated 22.01.24 and associated Tree Protection Plan reference RD/ALXR/01 in relation to the trees identified as T1-T7 in that statement including the mitigation measures in relation to construction of the replacement hardstanding and any boundary alterations within the root protection areas of the trees denoted as T6 and T7 shall be implemented in full prior to commencement of the development hereby approved and shall be retained throughout the construction phase of the development. Implementation of the development shall be undertaken only in full accordance with British Standard 3998 and British Standard 5837 including supervision of works by a qualified arboriculturist.

Reason: A pre commencement condition is justified to ensure the trees on and close to the site are adequately protected during building works in the interests of visual amenity and the character and appearance of the Clifftown Conservation Area and in accordance with Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM5 and advice within the Southend Design and Townscape Guide (2009) and the Clifftown Conservation Area Appraisal (2021).

Car Parking and EV Charging Provision

07 The 6 car parking spaces and the associated vehicular access for those spaces to access the public highway, shown on approved plan 2353-110-P5 shall be provided and made available for use at the site prior to the first occupation or first use of the development hereby approved. The car parking spaces and the associated vehicular access to and from the public highway shall thereafter be permanently retained solely for the parking of vehicles and the accessing of the car parking spaces in connection with the occupiers of the development hereby approved and their visitors. All parking spaces for the flats and at least one of the spaces for the serviced accommodation shall have access to active electric vehicle charging.

Reason: To ensure that satisfactory off-street car parking is provided in the interests of residential amenity and highways efficiency and safety, in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM15, Southend-on-Sea Electric Vehicle Charging Supplementary Planning Guidance (2021) and advice in the Southend Design and Townscape Guide (2009) .

Refuse and Recycling Storage

08 (A) Notwithstanding the plans submitted and otherwise hereby approved, the development hereby approved shall not be first occupied or brought into first use until and unless secure, covered refuse/recycling storage for users of the development hereby approved has been provided at the site in accordance with details which have been previously submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The approved refuse/recycling storage shall be made available for use by the users of the development hereby approved prior to its first use or first occupation and the refuse/recycling storage shall be retained as such for the lifetime of the development thereafter.

(B) Notwithstanding the details submitted and otherwise hereby approved, the serviced accommodation hereby approved shall not be first occupied or brought into first use until and unless a Waste Management Plan and Strategy, setting out the waste management and collection arrangements for the serviced accommodation, including frequency and timings of refuse and recycling collection, is being delivered at the site in accordance with details which have been previously submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The serviced accommodation shall be managed in accordance with the approved Waste Management Plan and Strategy prior to its first use or first occupation and shall be retained as such for the lifetime of the development thereafter.

Reason: To ensure that adequate refuse and recycling storage and secure cycle parking is provided and retained to serve the development in accordance with Policy CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015).

Cycle Storage

09 The development hereby approved shall not be first used or first occupied unless and until the cycle stores to serve the development as shown on approved drawing 2353-110-P5 and cycle store document reference 01_2024.03.13. have been provided at the site and made available for use by users of the development in full accordance with the approved plans, or any other alternative cycle storage provision, details of which have previously been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The approved cycle storage facilities shall be permanently retained thereafter and used only for the approved purpose. 5 cycles shall be provided for the serviced accommodation for visitors to be used free of charge as set out in the Travel Statement reference 02_2024.03.12.

Reason: To ensure that satisfactory cycle parking facilities are provided in the interests of highway safety and visual amenity and to protect the character of the surrounding area including the Clifftown Conservation Area, in accordance with Policies KP2 and CP3 of the Core Strategy (2007), Policies DM1, DM5 and DM15 of the Development Management Document (2015) and the advice in the Southend-on-Sea Design and Townscape Guide (2009) and the Clifftown Conservation Area Appraisal (2021) .

Privacy Screens

10 The development hereby approved shall not be first occupied or brought into first use unless and until all the privacy screens shown on approved plan references 2353-120-P4 and 2353-130-P4 have been installed in accordance with details and specifications that have previously been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The screens shall be no less than 1.7m high above the terrace level which they serve and shall be retained for the lifetime of the development in accordance with the approved details.

Reason: To protect the privacy and environment of people in neighbouring residential properties, in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policy CP4, Development Management Document (2015) Policy DM1 and the advice within the Southend-on-Sea Design and Townscape Guide (2009).

Water Efficiency

11 Prior to occupation of the development hereby approved, appropriate water efficient design measures as 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), to include measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting shall be implemented for the whole development and retained in perpetuity.

Reason: To minimise the environmental impact of the development through efficient use of water in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM2 and advice in the Southend-on-Sea Design and Townscape Guide (2009).

Renewables

12 A scheme detailing how at least 10% of the total energy needs of the development hereby approved will be supplied, where feasible, using on site renewable sources and sited in a way that does not compromise the character of the conservation area, must be submitted to and agreed in writing by the Local Planning Authority and implemented in full prior to the first occupation or first use of the development hereby approved. This provision shall be made for the lifetime of the development.

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 (2023), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM2 and advice in the Southend-on-Sea Design and Townscape Guide (2009).

Sustainable Drainage

13 No drainage infrastructure associated with the extension to No 95 Alexandra Road hereby approved shall be installed unless and until details which show how

the new extension will be drained, including a scheme for on-site foul water drainage works, including its connection point and discharge rate, and how this links with the existing drainage network have been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The approved scheme shall be implemented, in accordance with the approved details before the development is first occupied or brought into first use and shall be maintained as such thereafter for the lifetime of the development.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site for the lifetime of the development and to prevent environmental and amenity problems arising from flooding in accordance with the National Planning Policy Framework (2023), Policy KP2 and CP4 of the Core Strategy (2007) and Policy DM2 of the Development Management Document (2015).

Serviced Accommodation Controls

14 The serviced accommodation at Nos 97-99 Alexandra Road hereby approved shall only be used only as a short term lets to provide visitor accommodation (Sui Generis). It shall not be used for any other purpose.

Reason: To ensure the development accords with the permission sought and to enable the Local Planning Authority to retain control of the use of the floorspace specified so that the development maintains the provision of visitor accommodation within the City, in accordance with the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Core Strategy (2007), and Policies DM1, DM3, and DM12 of the Development Management Document (2015).

15 The maximum number of consecutive nights any guest may stay at the visitor accommodation available within the development hereby approved shall be limited to 90 nights. No guest shall stay at the visitor accommodation available at the property for more than 90 nights in any single calendar year.

Reason: To ensure the development accords with the permission sought and to enable the Local Planning Authority to retain control of the use of the floorspace specified so that the development maintains the provision of visitor accommodation within the City and that occupation of the premises does not prejudice amenity, in accordance with the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1, DM3, DM8 and DM12 of the Development Management Document (2015).

16 The serviced accommodation hereby approved shall be managed in full accordance with the submitted Management Strategy reference 02_2024.03.13 and the submitted Travel Statement reference 02_2024.03.12 for the lifetime of the development or in accordance with any alternative such details that have previously been submitted to and approved in writing by the Local Planning Authority under the terms of this planning condition.

Reason: To protect the amenity of occupiers in the proposed and neighbouring properties, in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policy CP4 and Development Management Document (2015) Policies DM1 and DM3.

Construction Management Plan

17 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority under the terms of this condition. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide 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 including contact details (including out of hour contact details) that are to be displayed on the hoardings.
- v. A Noise and Dust Management Plan - measures to control the emission of noise and dust and dirt during demolition and construction.
- vi. A scheme for recycling/disposing of waste resulting from demolition and construction works. No waste materials should be burnt on the site, instead being removed by licensed waste contractors.

Reason: This pre-commencement condition is required to minimise the environmental impact and disturbance to existing residents, during construction of the development in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2 and CP4 and Development Management Document (2015) Policies DM1 and DM3.

Hours of Construction

18 Construction hours for the development hereby approved shall be restricted to 8am – 6pm Monday to Friday, 8am - 1pm Saturday and not at all on Sundays, Bank or Public Holidays.

Reason: In the interests of the amenities of neighbours pursuant to Policy CP4 of the Core Strategy (2007) and Policy DM1 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 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. 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/community_infrastructure_levy) or the Council's website (www.southend.gov.uk/cil).

2. Highways - 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 advised that residents of and visitors to the development will not be eligible for permits for the Controlled Parking Zone in this area.

4. Asbestos - Prior to any alterations to or demolition of any part of the existing buildings an appropriate Asbestos survey of the buildings should be undertaken and a scheme implemented to remove and safely dispose of any asbestos-containing materials in accordance with the Control of Asbestos Regulations 2012 and the applicant's/developer's Waste duty of care. It is recommended that the Council's Building Control department is notified of the demolition in order that requirements can be made under section 81 of the Building Act 1984.

5. Construction outside of normal hours - If construction works are to be considered outside of normal hours especially overnight or are expected to cause a nuisance to existing receptors 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 will need an acoustically qualified person who will be able to calculate the predicted noise levels from the operation and the impact on nearby residents and then be able to evaluate mitigation measures that can be used. If Regulatory Services become aware of any works that are highly likely to cause a nuisance, they can serve a notice under section 60 of the Control of Pollution Act 1974 to prevent this. A breach of this will represent a criminal offence. The application form and guidance is available on the Southend-On-Sea City Council website. The applicant can also contact the Regulatory Services Team at Southend-on-Sea City Council for details.

6. Anglian Water Informative Used Water Network - 1: Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087. 2: Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water. 3: Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087. 4: The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact Anglian Water's Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

118 24/00068/FULH - 2 Ray Close, Leigh-on-Sea (West Leigh Ward)
Proposal: Infill roof extension to create crown roof, with dormers to front, sides and rear to form habitable accommodation in the loftspace
Applicant: Ms F Attwood
Agent: Mr Paul Aldridge of P A Design

Resolved:-

That planning permission be REFUSED for the following reason:

01 The proposed development by reason of its size, scale and design would result in dominant and incongruous additions to the dwelling which detract from the original form and character of the building including the existing gabled roof form to the front elevation, and would be out of keeping within the streetscene, to the detriment of the character and appearance of the dwelling, the street scene, and the Chapmanslord Conservation Area. The identified harm to the Chapmanslord Conservation Area is not outweighed by any public benefits. The development is therefore unacceptable and contrary to the National Planning Policy Framework (2023); Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007); Policies DM1, DM3 and DM5 of the Southend-on-Sea Development Management Document (2015) and advice in the Southend-on-Sea and Townscape Guide (2009) and the Chapmanslord Conservation Area Appraisal (2022).

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. The Local Planning

Authority is willing to discuss the best course of action via the pre-application service available at https://www.southend.gov.uk/info/200155/make_a_planning_application_and_planning_advice/365/planning_advice_and_guidance/2

Informative

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) or the Council's website (www.southend.gov.uk/cil) for further details about CIL.

119 24/00061/FULH - 38 Tudor Road, Eastwood (Eastwood Park Ward)
Proposal: Erect first floor extension and new roof above, single storey rear extension, porch to front and alter elevations
Applicant: Mr Ben Nock
Agent: Mr Marc Bloxham

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: 851-01 Rev B; 851-02 Rev B; 851-03 Rev A; 851-04 Rev B; 851-05 Rev B.

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 first floor window in the southern side elevation of the development hereby approved shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy) and fixed shut, except for any top hung fan light which shall be a minimum of 1.7 metres above internal finished

floor level prior to the first use or occupation of the development hereby permitted and shall be retained as such thereafter. In the case of multiple or double-glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4 on the Pilkington scale.

Reason: To ensure the development has an acceptable design and protects the amenities of neighbouring occupiers in accordance with Policy DM1 of the Development Management Document (2015).

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.

Informatives:

1. 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/community_infrastructure_levy) or the Council's website (www.southend.gov.uk/cil).

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.

120 24/00185/NTPOR - Footpath Adjacent to 7 Tylers Avenue on Chichester Road (Milton)

DEFERRED to enable highways and tree-related technical matters to be reviewed, following which a report addressing those matters will be brought to this Committee so that a fully informed decision can be made. The Committee was assured that the tree would not be removed in the interim period.

**121 22/00019/UNAU_B - 11C Palmeira Avenue, Westcliff-on-Sea (Milton Ward)
Breach of Planning Control: Infill of rear balcony within a conservation area**

Resolved:-

That ENFORCEMENT ACTION be AUTHORISED to secure the following:

- (a) Remove from the site the first-floor rear balcony infill extension in its entirety, and
- (b) Remove from site all materials resulting from compliance with (a) above.

The authorised enforcement action to include (if/as necessary) the service of an Enforcement Notice under Section 172 of the Act with time for compliance three (3) months and the pursuance of proceedings whether by prosecution or injunction to secure compliance with the requirements of the Enforcement Notice.

**122 20/00230/UNAU_B - 245 Bournemouth Park Road, Southend-On-Sea (St Luke's Ward)
Breach of Planning Control: Erection of lean-to/canopy to rear**

Resolved:

That the CLOSURE of the ENFORCEMENT CASE be AUTHORISED.

Chair: _____