

SOUTHEND-ON-SEA CITY COUNCIL

Meeting of Development Control Committee

Date: Wednesday, 29th May, 2024

Place: Committee Room 1 - Civic Suite

Present: Councillor N Ward (Chair)
Councillors M Borton (Vice-Chair), S Allen*, M Berry, L Burton*,
P Collins*, A Dear, F Evans, N Folkard, D Garston, S Habermel,
J Harland, C Mulroney and J Norman
(*Substitute in accordance with Council Procedure Rule 30.)

In Attendance: Councillors S W Allen and S Ayles
K Waters, P Keyes, C Galforg, A Greenwood, S Mouratidis, C White,
C Read, A Brown and T Row

Start/End Time: 2.00 pm - 4.10 pm

1 Apologies for Absence

Apologies for absence were received from Councillors Dent (substitute: Councillor Sam Allen), Jones (substitute: Councillor Burton), Poulton (substitute: Councillor Collins) and Buck (no substitute).

2 Declarations of Interest

The following interests were declared at the meeting:

(i) Councillor Burton - Minute No. 12 - Application Reference No. 23/00184/UNAU_B - 12 Pavilion Drive, Leigh-on-Sea (Blenheim Park Ward) – Has been quoted in the press regarding this application (withdrew);

(ii) Councillor Dear – Minute No. 5 - Application Reference No. 24/00271/FUL - 28 Belfairs Drive, Leigh-on-Sea (Belfairs Ward)) – Has been approached by a number of objectors regarding the amended application but has not offered any advice;

(iii) Councillor Mulroney – Minute No. 8 – Application Reference No. 24/00272/FUL - 22-26 Leigh Hill, Leigh-on-Sea (Leigh Ward) – Member of Leigh Town Council and Leigh Conservation and Heritage Association, non-participant in planning; and

(iv) Councillor Ward – Minute No. 6 – Application Reference No. 24/00499/AD - Elkington House, 9 Imperial Avenue (Chalkwell Ward) and Minute No. 12 - 23/00184/UNAU_B - 12 Pavilion Drive, Leigh-on-Sea (Blenheim Park Ward) – Applicants are known to him.

3 **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.

4 **24/00454/BC3 - Garages Rear of 40, 42, 44 and 46 Anson Chase (Shoeburyness Ward)**

Proposal: Erect 1no. new accessible bungalow with associated amenity space, parking and carport

Applicant: Mr Martin Berry of Southend-on-Sea City Council

Agent: Mr David Lloyd of AK Design Partnership LLP

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: 5173.A.100 Rev PL1; 5173.A.101 Rev PL1.

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 Notwithstanding the information submitted with the application, no development above ground floor slab level shall take place unless and until full details and specifications of the materials to be used for all the external surfaces of the approved dwelling at the site including facing materials, roof detail, windows, doors, fascia and soffits and the carport have been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The development must then be carried out in full accordance with the approved details before the dwelling hereby approved is first occupied.

Reason: In the interest of visual amenity in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3, and the advice contained within the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009).

04 A scheme detailing how at least 10% of the total energy needs of the development hereby approved will be supplied using on site renewable sources shall be submitted to and agreed in writing by the Local Planning Authority and implemented in full prior to the first occupation of the development under the terms of this condition. This provision shall be made for the lifetime of the development and in accordance with the agreed details.

Reason: In the interests of providing sustainable development in accordance with Policy KP2 of the Core Strategy (2007) and Development Management Document (2015) Policy DM2.

05 Prior to occupation of the development hereby approved water efficient design measures set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting shall be installed in the development hereby approved and be retained in perpetuity thereafter.

Reason: In the interests of providing sustainable development in accordance with Policy KP2 of the Core Strategy (2007) and Development Management Document (2015) Policy DM2.

06 Hours of works associated with this consent shall be 8am - 6pm Monday to Friday, 8am - 1pm Saturday. No works shall be carried out on Sundays or Bank or Public Holidays

Reason: In the interests of the residential amenity of the adjoining residents and to ensure that the development complies with the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

07 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) Order 2015, or any order revising or re-enacting that Order with or without modification, no development shall be carried out on the new dwellinghouse within Schedule 2, Part 1, Classes A, B, C, D and E.

Reason: In the interests of the residential amenity of the adjoining residents and to ensure that the development complies with the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

08 The development hereby approved shall be carried out in a manner to ensure that the dwelling complies with Building Regulation part M4(2) 'accessible and adaptable dwellings' before it is brought into use and first occupied.

Reason: To ensure the residential unit hereby approved provide high quality and flexible internal layouts to meet the changing needs of residents in accordance with the Development Management Document (2015) Policy DM8 as amended by the Technical Housing Standards Policy Transition Statement (2015).

09 The four car parking spaces and the associated vehicular access for the spaces to access the public highway shall be provided in full accordance with the details shown on approved plan 5173.A.100 Rev PL1. The car parking space noted on the approved plan as 1 and the associated vehicular access to and from the public highway shall be provided and made available for use prior to occupation of the bungalow hereby approved and shall thereafter be permanently

retained solely for the parking of vehicles and the accessing of the car parking space in connection with the occupiers of that dwelling and their visitors. The car parking space noted on the approved plan as 1 shall be fitted with an active electric vehicle charging point prior to first occupation of the dwelling. The remaining three parking spaces to the south of the proposed dwelling shall be permanently retained for public use.

Reason: To ensure that satisfactory off-street car parking is provided in the interests of highway safety, in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policy CP3, Development Management Document (2015) Policy DM15 and the guidance in the Electric Vehicle Charging Infrastructure for New Development Supplementary Planning Document (2021).

10 No drainage infrastructure associated with the development hereby approved shall be installed until details of surface water attenuation for the site, based on Sustainable Drainage Systems principles, have been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. Any drainage infrastructure shall be installed in line with the approved details and maintained on site as approved thereafter.

Reason: To ensure the approved development does not increase flood risk on site or elsewhere in accordance with the National Planning Policy Framework (2023) and Core Strategy (2007) Policies KP1 and KP2.

11 Prior to the first occupation of the dwelling hereby approved, covered and secure cycle parking for at least one bicycle and covered and screened bin storage facilities shall be provided for the future occupiers of the dwelling and made available for use on site in line with full details (including elevations) which have previously been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. The approved facilities shall be retained for the benefit of the future users and occupiers of the approved development and their visitors for the lifetime of the development.

Reason: To ensure the provision of adequate cycle parking and bin storage in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policy CP3, Development Management Document (2015) Policies DM3, DM8 and DM15 and the advice contained within the Waste Storage, Collection and Management Guide for New Developments (2019).

12 a) Site Characterisation: Notwithstanding the details submitted and otherwise hereby approved, no development shall take place, other than that required to carry out additional necessary investigation which in this case may include demolition and site clearance, until an investigation and risk assessment has been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The risk assessment shall assess the nature and extent of any contamination on the site whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be submitted to and approved in writing by the local planning authority.

The report of the findings must include:

- i) A survey of extent, scale and nature of contamination;
- ii) An assessment of the potential risks to:

- o Human health;
- o Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
- o Adjoining land;
- o Groundwaters and surface waters;
- o Ecological systems;
- o Archaeological sites and ancient monuments; and

iii) An appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the Local Planning Authority.

(b) Remediation Scheme: Notwithstanding the details submitted and otherwise hereby approved, no development shall be undertaken, other than where necessary to carry out additional investigation, until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. This must be conducted by a competent person and in accordance with DEFRA and the Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the Local Planning Authority.

(c) Implementation of Remediation Scheme: Notwithstanding the details submitted and otherwise hereby approved, no development shall be undertaken unless and until the measures set out in the detailed remediation scheme approved under part (b) of this condition have been implemented. The Local Planning Authority may give approval for the commencement of development prior to the completion of the remedial measures when it is deemed necessary to do so in order to complete the agreed remediation scheme. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced. This must be conducted by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the Local Planning Authority.

(d) Reporting of Unexpected Contamination: In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 7 days to the Local Planning Authority. Development must be halted on that part of the site until an assessment has been undertaken in accordance with the requirements of part (a) of this condition, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, has been submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of part (b) of this condition. The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the Local Planning Authority before the development is brought into use.

Reason: A pre-commencement condition is justified to ensure that any contamination on site is identified and treated so that it does not harm anyone who uses the site in the future and in accordance with the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Core Strategy (2007) and Policy DM14 of the Development Management Document (2015).

13 The development hereby permitted shall not be occupied until and unless full details of both hard and soft landscape works to be carried out at the site in association with the development 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 completed prior to first occupation of the development and the soft landscaping works within the first planting season following first occupation of the development. The details submitted shall include, but not be limited to:

- i. hard surfacing materials;
- ii. details of the number, size and location of trees, shrubs and plants to be planted together with a planting specification;
- iii details of any permeable paving or other sustainable drainage measures to be implemented;
- iv. all and any means of enclosing the site;
- v. existing and proposed finished levels or contours.

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, the amenities of occupiers and the amenities of neighbouring occupiers, and to ensure a satisfactory standard of landscaping is implemented pursuant to Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

14 No development shall take place, including any works of demolition, unless and until a Demolition and Construction Management Plan and Strategy (to include Noise and Dust Mitigation Strategies) has been submitted to and approved in writing by the Local Planning Authority pursuant to this condition. The approved Demolition and Construction Management Plan and Strategy shall be adhered to

in full throughout the construction period. The Strategy shall provide, amongst other things, for:

- i) the parking of vehicles of site operatives and visitors,
- ii) loading and unloading of plant and materials,
- iii) storage of plant and materials used in constructing the development,
- iv) the erection and maintenance of security hoarding,
- iv) measures to control the emission of dust, dirt, mud being carried onto the road and noise during construction,
- v) a scheme for recycling/disposing of waste resulting from construction works that does not allow for the burning of waste on site.
- vi) a dust management plan to include mitigation and boundary particulate monitoring during demolition and construction. and
- viii) details of the duration and location of any noisy activities.

Reason: A pre-commencement condition is justified 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).

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.

3. 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 the Council's 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 are 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.

- 5 24/00271/FUL - 28 Belfairs Drive, Leigh-on-Sea (Belfairs Ward)**
Proposal: Demolish existing bungalow and erect a pair of semi-detached dwellinghouses, layout parking to front and amenity space to rear and install new vehicular access from Belfairs Drive (Amended Proposal)
Applicant: Bedrock Developments
Agent: Mr Tim Knight of Knight Gratrix Architects

Ms Flemming, a local resident, spoke as an objector to the application.

Resolved:- That the Executive Director (Environment & Place), the Director of Planning and Economy and/or the Development Control Service Manager be DELEGATED to GRANT PLANNING PERMISSION subject to the conditions set out below, provided that any additional representations received up to the end of 30th May 2024 do not raise any new considerations which have not been addressed within the report. Should further representations be received up to that date which raise new considerations not already addressed within this report the application is to be brought back to Development Control Committee for determination.

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 solely out in accordance with the following approved plans: 010G; 020F; 021F; 022B; 023C; 024C; 025C

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

03 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no development shall take place, other than for demolition works and construction up to ground floor slab level, until and unless details of the materials to be used in the construction of the external elevations of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority pursuant to this condition. The development shall be carried out in full accordance with the approved details before it is occupied.

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 (2023), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the advice contained within the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009).

04 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the proposed first floor windows in the flank elevations of the dwellings 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 floor level of the room which they serve) and shall be retained as such for the lifetime of the development.

Reason: In the interests of neighbour amenities further to the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the advice within the Southend-on-Sea Design and Townscape Guide (2009).

05 The dwellings hereby approved shall not be occupied until and unless full details of both hard and soft landscape works to be carried out at the site in association with the development have been submitted to and approved in writing by the Local Planning Authority. The approved hard landscaping works shall be completed prior to first occupation of the development and the soft landscaping works within the first planting season following first occupation of the development. The details submitted shall include, but not limited to:

- i. hard surfacing materials;
- ii. details of the number, size and location of trees, shrubs and plants to be planted together with a planting specification;
- iii. product details of the permeable paving or other sustainable drainage measures to be implemented to the front curtilage;
- iv. all and any means of subdividing and enclosing the site.

Any trees or shrubs dying, removed, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or

shrubs of such size and species as may be agreed with the Local Planning Authority.

Reason: In the interests of visual amenity, the amenities of occupiers and the amenities of neighbouring occupiers, and to ensure a satisfactory standard of landscaping and drainage is implemented pursuant to Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

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

Reason: To protect the environment of people in neighbouring residential properties, in accordance with the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

07 The development hereby approved shall be carried out in a manner to ensure the dwellings comply fully with Building Regulation M4(2) 'accessible and adaptable dwellings' before they are occupied.

Reason: To ensure the dwellings hereby approved provide high quality and flexible internal layouts to meet the changing needs of residents in accordance with the National Planning Policy Framework (2023), Policy KP2 of the Southend-on-Sea Core Strategy (2007), Policy DM2 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

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

Reason: To minimise the environmental impact of the development through efficient use of resources and better use of sustainable and renewable resources in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM2, and the advice contained within the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009)

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

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

10 Notwithstanding the provisions of Classes A, B, C, D and E of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any statutory amendment, modification or re-enactment or replacement thereof (as the case may be) for the time being in force), no extensions, porches, roof extensions or outbuildings shall be erected at the dwellings hereby approved without the receipt of express planning permission from the Local Planning Authority.

Reason: To allow consideration of impacts on neighbouring occupiers, in the interests of neighbour amenities, further to the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

11 The development hereby permitted shall not be occupied until and unless two off-street car parking spaces per dwelling have been provided and made available for use for each of the dwellings hereby approved in accordance with plan no. 021F, with properly made accesses to the public highway. At least 1no car parking space per dwelling shall be fitted with active electric vehicle charging infrastructure before the dwellings are occupied. The car parking spaces shall be retained as such for the lifetime of the development thereafter.

Reason: To ensure that satisfactory off-street 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 and the guidance in the Southend-on-Sea Design and Townscape Guide (2009) and the Electric Vehicle Charging Infrastructure (EVCI) for New Development Supplementary Planning Document (SPD) (2021)

12 No development shall take place, including any works of demolition, until and unless a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide, amongst other things, for:

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

Reason: This pre-commencement condition is required in the interests of visual amenity, highway safety and the amenities of occupiers and neighbouring occupiers pursuant to Policy CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

13 No drainage infrastructure associated with the development hereby approved shall be installed until details of surface water attenuation for the site, based on Sustainable Urban Drainage principles, have been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. The development shall be carried out in accordance with the approved details before it is occupied.

Reason: To ensure the approved development does not increase flood risk elsewhere in accordance with National Planning Policy Framework (2023), Core Strategy (2007) Policies KP1, KP2 and KP3.

14 Notwithstanding the details submitted and otherwise hereby approved full details (including elevations) shall be submitted to and approved in writing by the Local Planning Authority under the provisions of this condition identifying the provision of refuse and recycling storage and at least one covered and secure cycle parking per dwelling for the approved development at the site before the development is occupied. The approved refuse and recycling store and covered and secure cycle store facilities shall be provided in full and made available for use by the occupants of the dwellings prior to their first occupation and shall be retained as such in perpetuity.

Reason: In the interests of residential amenity for future occupants, to ensure the provision of adequate refuse storage and cycle parking and in the interests of visual amenity as set out in the National Planning Policy Framework (2023), Core Strategy (2007) policies KP2 and CP4 and Policies DM1, DM8 and DM15 of the Development Management Document (2015) and the guidance within the Southend-on-Sea Design and Townscape Guide (2009).

15 The roof of the single storey rear projection of the dwellings 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 roofs 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 (2023), 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).

16 Occupation of the development hereby approved shall not begin unless and until the reinstatement of the existing vehicle crossover serving the site has been completed and unless and until the new vehicle crossover hereby approved has been provided and made available for use by the occupiers of the development.

Reason: In the interest of pedestrian and highway safety, in accordance with the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Core

Strategy (2007) and Policies DM1, DM3 and DM14 of the Development Management Document (2015).

17 The approved vehicular crossovers shall not be implemented unless and until a scheme for compensatory planting of a standard size tree within the City has been submitted to and approved in writing by the Local Planning Authority. The approved crossover shall not be implemented until the Local Planning Authority has received confirmation that the compensatory measures so agreed have been implemented in accordance with the approved details.

Reason: In the interests of visual amenity and to ensure that the development provides adequate mitigation for the loss of planted verge at the site in accordance with Policy CP7 of the Core Strategy (2007).

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 Regulations 2010 (as amended). A Community Infrastructure Levy (CIL) Liability Notice will be issued as soon as practicable following this decision notice. This contains details including the chargeable amount, when this is payable and when and how exemption or relief on the charge can be sought. You are advised that a CIL Commencement Notice (CIL Form 6) must be received by the Council at least one day before commencement of development. Receipt of this notice will be acknowledged by the Council. Please ensure that you have received both a CIL Liability Notice and acknowledgement of your CIL Commencement Notice before development is commenced. Most claims for CIL relief or exemption must be sought from and approved by the Council prior to commencement of the development. Charges and surcharges may apply, and exemption or relief could be withdrawn if you fail to meet statutory requirements relating to CIL. Further details on CIL matters can be found on the Council's website at 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.

3. Separate highways consent will be required for the formation of new vehicular accesses and for the re-instatement of the redundant vehicular access to the north of the application site.

- 6 24/00499/AD - Elkington House, 9 Imperial Avenue (Chalkwell Ward)**
Proposal: Application for approval of details pursuant to condition 10 (Construction Method Statement) of planning permission 23/00451/FUL dated 31/08/2023.
Applicant: Mr D MacDonald
Agent: Mr Gary Coxall of Third Dimension Arch. Design Ltd

Resolved:- That the following for Condition 10 be approved:

10 The details of the Construction Method Statement as set out in the Construction Environment Management Plan (CEMP) January 2024 Rev A by R J Ellis Ltd Plan including Plan 250 REV A Site Compounds and Plan 251 Site Access Routes and the Demolition Method Statement REF: 14749 by Edward Parsley Associates - Updated April 24, satisfy the requirements of Condition 10 of planning permission 23/00451/FUL, are acceptable in all relevant regards and are hereby approved.

Informative

1. 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.

- 7 24/00421/BC3 - Garages at Bradford Bury, Leigh-on-Sea (Belfairs Ward)**
Proposal: Demolish existing garage block and erect two, two storey dwellinghouses and layout parking
Applicant: Mr Martin Berry of Southend-on-Sea City Council
Agent: Mrs Michelle Fishlock of Southend-on-Sea City Council

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

Resolved:- DEFERRED for clarification of information.

- 8 24/00272/FUL - 22-26 Leigh Hill, Leigh-on-Sea (Leigh Ward)**
Proposal: Part demolish No 24 Leigh Hill, part rebuild and erect 2 three storey dwellinghouses adjoining No 22, balconies to rear, change use of basement and ground floor at No 22 Leigh Hill from shop to dwellinghouse (Class C3), alter rear elevation, layout associated parking area, refuse and cycle storage at basement level and amenity space to rear
Applicant: Mr Thomas of Caneleigh Limited
Agent: Miss Emanuela Borri of Scene Architecture

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: LH-SCN-XX-XX-DR-A-01.001-A1-PL01, LH-SCN-XX-XX-DR-A-10.001-A1-PL01, LH-SCN-XX-XX-DR-A-10.001-A3-PL01, LH-SCN-XX-XX-DR-A-10.002-A3-PL01, LH-SCN-XX-XX-DR-A-10.003-A3-PL02, LH-SCN-XX-XX-DR-A-10.004-A3-PL01, LH-SCN-XX-XX-DR-A-10.005-A3-PL01, LH-SCN-XX-XX-DR-A-10.006-A3-PL01, LH-SCN-XX-XX-DR-A-ZZ.001-A3-PL01, LH-SCN-XX-ZZ-DR-A-ZZ.002-A3-PL02, LH-SCN-XX-ZZ-DR-A-ZZ.003-A3-PL02, LH-SCN-XX-XX-DR-A-ZZ.601-A3-PL01, LH-SCN-XX-XX-DR-A-ZZ.602-A3-PL01, LH-SCN-XX-XX-DR-A-ZZ.604-A3-PL01, LH-SCN-XX-XX-DR-A-ZZ.801-A3-PL02, LH-SCN-XX-XX-DR-A-ZZ.802-A3-PL01, LH-SCN-XX-XX-DR-A-ZZ.803-A3-PL01, LH-SCN-XX-XX-DR-A-ZZ.804-A3-PL01, LH-SCN-XX-XX-DR-A-ZZ.805-A3-PL01, LH-SCN-XX-XX-DR-A-ZZ.806-A3-PL01, LH-SCN-XX-XX-DR-A-ZZ.807-A3-PL01, LH-SCN-XX-XX-DR-A-ZZ.808-A3-PL01, LH-SCN-XX-ZZ-DR-A-ZZ.004-A3-PL01, LH-SCN-XX-XX-DR-A-ZZ.603-A3-PL04, LH-SCN-XX-XX-DR-A-ZZ.001-A3-PL04, LH-SCN-XX-ZZ-DR-A-ZZ.006-A3-PL02, LH-SCN-XX-ZZ-DR-A-ZZ.005-A3-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).

Design and Heritage Conditions

03 Before any of the dwellinghouses hereby approved are occupied, the materials used for their external surfaces shall be as set out on plan reference LH-SCN-XX-ZZ-DR-A-ZZ.002-A3-PL02 and the associated submitted materials specifications or in accordance with any other alternative external materials details that have previously been submitted to and approved in writing by the Local Planning Authority under the terms of this condition.

Reason: To safeguard the visual amenities, character and appearance of the area including the Leigh Conservation Area and Leigh Old Town 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) and National Design Guide (2021) and the Leigh Conservation Area Appraisal (2021) and the Leigh Old Town Conservation Area Appraisal (2021)

04 The detailing for the key design elements of the development hereby approved shall only be as shown in plan references LH-SCN-XX-XX-DR-A-ZZ.801-A3-PL02, LH-SCN-XX-XX-DR-A-ZZ.802-A3-PL01, LH-SCN-XX-XX-DR-A-ZZ.803-A3-PL01, LH-SCN-XX-XX-DR-A-ZZ.804-A3-PL01, LH-SCN-XX-XX-DR-A-ZZ.805-A3-PL01, LH-SCN-XX-XX-DR-A-ZZ.806-A3-PL01, LH-SCN-XX-XX-DR-A-ZZ.807-A3-PL01, LH-SCN-XX-XX-DR-A-ZZ.808-A3-PL01 (Windows and Doors), LH-SCN-XX-XX-DR-A-ZZ.601-A3-PL01 (Eaves, Canopies and Bay), LH-SCN-XX-XX-DR-A-ZZ.602-A3-PL01 (Balconies, Ridge and Parapet) and LH-SCN-XX-ZZ-DR-A-ZZ.006-A3-PL02 (Vents) or in accordance any other alternative key design details

that have been previously submitted to and approved in writing by the Local Planning Authority under the terms of this condition.

Reason: To safeguard the visual amenities, character and appearance of the area including the Leigh Conservation Area and Leigh Old Town Conservation Area, in accordance with the National Planning Policy Framework (2023) Core Strategy (2007) policy 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) and National Design Guide (2021), the Leigh Conservation Area Appraisal (2021) and the Leigh Old Town Conservation Area Appraisal (2021)

05 No electricity, gas or water meter boxes, soil ventilation pipes, air extraction pipes, air conditioning units, boiler flues, ventilation grills or ducting shall be fixed to the front (north) exterior elevation of the building without the receipt of express planning permission from the Local Planning Authority.

Reason: In the interests of visual amenity and to ensure that the building makes a positive contribution to the character of the Leigh Conservation Area and Leigh Old Town Conservation Area. This is as set out in the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM5 and advice in the Southend-on-Sea Design and Townscape Guide (2009), the Leigh Conservation Area Appraisal (2021) and the Leigh Old Town Conservation Area Appraisal (2021)

06 The development hereby approved shall be carried out in full accordance with the procedures set out in the Structural Report by HLS Structural Engineers Ltd reference 23323/JL/JL dated 26 Apr 2024 and Letter from HLS Structural Engineers Ltd reference 23323 Rev B dated Apr 2024 including a full photographic survey and level monitoring of No 28 Leigh Hill.

Reason: To ensure that the development respects the integrity of the adjacent listed building during construction. This is as set out in the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM5 and advice in the Southend-on-Sea Design and Townscape Guide (2009), the Leigh Conservation Area Appraisal (2021) and the Leigh Old Town Conservation Area Appraisal (2021)

Landscaping

07 The hard and soft landscaping and boundary treatments at the site subject of this permission shall be carried out in full accordance with the proposed landscaping scheme shown on plan reference LH-SCN-XX-XX-DR-A-ZZ.603-A3-PL04 prior to occupation of any of the dwellings hereby approved, or in accordance with any other alternative landscaping details that have previously been submitted to and approved in writing by the Local Planning Authority. 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.

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

Neighbour Impact and Privacy

08 The first floor east side windows to bedroom 2 of the dwelling hereby approved at No 26 Leigh Hill shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing with the Local Planning Authority) as shown on plan references LH-SCN-XX-XX-DR-A-10.004-A3-PL01 and LH-SCN-XX-ZZ-DR-A-ZZ.002-A3-PL02 before the occupation of the replacement dwelling at No 26 Leigh Hill hereby approved. The windows shall be retained as such in perpetuity. 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.

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

09 Privacy screens not less than 1.7m high above balcony level shall be fitted to the sides and dividers of the rear balconies of the dwellings hereby approved at Nos 22 and 24 Leigh Hill and the southern section of the east side of the second floor balcony of No 26 Leigh Hill as shown on plan reference LH-SCN-XX-XX-DR-A-ZZ.603-A3-PL04 and in full accordance with details shown on this plan and plan reference LH-SCN-XX-XX-DR-A-ZZ.604-A3-PL01 or in full accordance any other alternative privacy screen details that have previously been submitted to and approved in writing by the Local Planning Authority under the scope of this condition, in all cases prior to first occupation of the development. The screens 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 new and neighbouring residential properties, in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) policy CP4, Development Management Document (2015) Policy DM1, and advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

10 With the exception of the balcony shown in plan reference LH-SCN-XX-XX-DR-A-10.004-A3-PL01, the remaining area of flat roof to the ground floor single storey rear projection to No 26 Leigh Hill hereby approved shall not be used as a balcony, roof garden or similar amenity area or for any other such 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 Core Strategy (2007) Policies KP2 and CP4, the Development Management Document (2015) policies DM1 and DM3 and

advice contained within the Southend-on-Sea Design and Townscape Guide (2009)

11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any Order or Act of Parliament revoking and re-enacting that Order with or without modification, no extensions or detached buildings shall be erected at the development hereby approved specified within Schedule 2, Part 1, Classes A, B, D and E of the Town and Country Planning (General Permitted Development) Order 2015 without the receipt of express planning permission in writing from the Local Planning Authority.

Reason: To enable the Local Planning Authority to regulate and control development in the interest of the amenity of neighbouring properties and to safeguard the character of the area in accordance the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM1 advice in the Southend-on-Sea Design and Townscape Guide (2009).

Parking

12 The 3 car parking spaces, turntable and the associated vehicular access for vehicles using these spaces to access the public highway, shown on approved plan LH-SCN-XX-XX-DR-A-10.002-A3-PL01 shall be provided and made available for use at the site prior to the first occupation of any of the dwellings hereby approved. The car parking spaces, turntable 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. Each car parking space 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 and advice in the Southend-on-Sea Design and Townscape Guide (2009).

Waste and Cycle Storage

13 A) The dwellings hereby approved shall not be occupied unless and until the refuse and recycling stores to serve the development as shown on approved drawing LH-SCN-XX-XX-DR-A-10.002-A3-PL01 have been provided at the site and made available for use by users of the development in full accordance with the approved plans. The approved refuse and recycling facilities shall be permanently retained thereafter and used only for the approved purpose.

B) The waste management arrangements for the dwellings hereby approved shall be carried out in full accordance with the Recycling and Waste Management Strategy reference 2307-022/RMWS/01 dated Dec 2023 or in accordance with any other alternative waste management details that have been previously submitted to and approved in writing by the Local Planning Authority under the terms of this condition.

Reason: To ensure that satisfactory refuse and recycling facilities are provided in the interests of highway safety and visual amenity and to protect the character and appearance of the surrounding area including the Leigh 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 Leigh Conservation Area Appraisal (2021).

14 The dwellings hereby approved shall not be occupied until and unless the cycle storage facilities are provided and made available for use by the occupiers in full accordance with the details shown on approved drawing number LH-SCN-XX-XX-DR-A-10.002-A3-PL01 or in accordance with any other alternative cycle storage details that have been previously submitted to and agreed in writing by the Local Planning Authority under the terms of this condition. The cycle storage facilities shall be retained for the lifetime of the development in accordance with the approved details.

Reason: To ensure the provision of adequate cycle parking in accordance with Policy CP3 of the Core Strategy (2007) and Policies DM3 and DM15 of Development Management Document (2015).

Construction Management

15 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. 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. This should make reference to current guidance on the Assessment of Dust from Demolition and Construction - Institute of Air Quality Management or an acceptable equivalent;
- (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;
- (vii.) Measures to mitigate noise disturbance during the development;
- (viii) Arrangements for contact with the Southend-on-Sea Council's Highways Engineer at least 2 weeks prior to commencement of the basement construction to facilitate reasonable inspection of the basement construction works.

Reason: This pre-commencement condition is required to minimise the environmental impact and disturbance to existing residents and ensure satisfactory measures are in place to safeguard the stability of the Leigh Hill highway 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 & DM3.

16 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).

Renewables, Water Efficiency and Sustainable Drainage

17 A scheme detailing how at least 10% of the total energy needs of the development hereby approved will be supplied, using on site renewable sources must be submitted to and agreed in writing by the Local Planning Authority and implemented in full prior to the first occupation 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) Policy KP2 and CP4, Development Management Document (2015) Policy DM2 and advice in the Southend-on-Sea Design and Townscape Guide (2009).

18 Prior to occupation of the dwellings 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).

19 No drainage infrastructure, including earthworks, associated with the development hereby approved shall be undertaken until details of the design implementation, maintenance and management of a scheme for surface water drainage works (incorporating Sustainable Urban Drainage (SuDs) Principles) have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented, in accordance with the approved details before the development is occupied or brought into use and shall be maintained as such thereafter in perpetuity.

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).

Bats

20 No development shall commence until and unless two bat emergence/re-entry surveys of the buildings present on the application site, have been undertaken to determine whether bats are present within the existing buildings. The results of the survey and any proposed mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. If bats are found to be present, no demolition work shall take place until and unless an acceptable mitigation scheme has been submitted to and approved in writing by the Local Planning Authority. The development shall commence and proceed only in accordance with the approved mitigation scheme or any other details that have been previously agreed in writing by the Local Planning Authority under the terms of this condition.

Reason: A pre commencement condition is justified to ensure any protected species and habitats present on or utilising the site are adequately protected during demolition and building works in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policy KP2, and Development Management Document (2015) Policy DM2.

Noise Report

21 The development shall be carried out in full accordance with the mitigation measures set out in Table 4 and figure 2 of the Environmental Noise Assessment by Loven Acoustics reference LA/1810/02cR/ML dated 31.01.24 and mechanical ventilation system as shown on plan reference LH-SCN-XX-ZZ-DR-A-ZZ.006-A3-PL02 or any other ventilation details which have been previously submitted to and approved in writing by the Local Planning Authority under the terms of this condition.

Reason: To mitigate road traffic noise from Leigh Hill and noise from the nearby railway line in the interests of the living conditions of future occupiers of the approved development 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).

Accessible Dwellings (New Development only)

22 The development hereby approved shall be carried out in full accordance with the submitted RIBA Stage 3 Building Control Plan Review Category 2 - Accessible and Adaptable Dwellings reference 66109328 by Sweco dated 06.10.23 and in a manner to ensure the new dwellinghouses at No 24 and No 26 Leigh Hill comply with building regulation M4 (2) 'accessible and adaptable dwellings' before they are occupied.

Reason: To ensure the two new dwellings hereby approved provide a high quality and flexible internal layout to meet the changing needs of residents in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM8 and the advice contained in the Southend-on-Sea Design and Townscape Guide.

23 No development shall commence unless and until a detailed Land and Slope Stability Risk Assessment Report has been submitted to and approved in writing by the Local Planning Authority. This report shall include details of how any land

and slope instability conditions at and around the application site, including at No 28 Leigh Hill, have been investigated, identified and understood, and how any necessary mitigation measures have been designed and will be incorporated into the implementation of the development hereby approved, including the demolition and basement construction works, to ensure that the land on and around the site remains stable during the approved development's demolition and construction works. The development permitted by this consent shall be implemented only and in full accordance with the measures set out in the Land and Slope Stability Risk Assessment Report approved under this condition.

Reason: A pre commencement condition is required to ensure that the development is undertaken in a such a manner as to minimise the risk and effects of land stability on property, infrastructure and the public at and in the vicinity of the site and detrimental impacts on designated heritage assets and the amenity of neighbours all in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM5 and DM14 and the national planning guidance on Land Stability (2019)

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:

01 CIL - 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).

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.

03 In relation to condition 15 of this permission the contact details for the Highway service are Highwaysqueries@southend.gov.uk

- 9 24/00441/FUL - Lynton House, 38 Kilworth Avenue (Kursaal Ward)**
Proposal: Change of use from 6-person HMO (Class C4) to 8-bedroom HMO (Sui Generis), infill window at ground floor level on side elevation and provide associated bin and cycle stores at rear
Applicant: Mr M Nunn
Agent: Mr Jonathan McDermott of Town Planning Experts

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: 894-100 Rev 02; 894-101 Rev 02; 894-106 Rev 01.

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 Notwithstanding the details shown on the approved plans, the development hereby approved shall not be occupied unless and until full details of secure and covered refuse and recycling facilities have been submitted to and agreed in writing by the Local Planning Authority under the terms of this condition. The refuse and recycling facilities shall be implemented and made available for use in accordance with the approved details before first occupation of any of the development and shall be permanently maintained thereafter.

Reason: To ensure that satisfactory refuse and recycling facilities are provided at the site in the interest of sustainability and amenity in accordance with the

National Planning Policy Framework (2023), Core Strategy (2007) Policy KP2, Policies DM1 and DM8 of the Development Management Document (2015) and the advice in the Southend-on-Sea Design and Townscape Guide (2009).

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

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

06 Prior to the first use of the building for the purposes hereby approved details of energy efficiency and other sustainability measures to be included in the scheme, including the provision of at least 10% of the energy needs of the development hereby approved being provided from onsite renewable sources, shall be submitted to, agreed in writing by the Local Planning Authority and implemented on site in accordance with the agreed details under the terms of this condition. The energy efficiency and other sustainability measures shall be maintained 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 the advice contained within the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009)

07 Notwithstanding the provisions of the Town and Country Planning Act 1990 (as amended) the development and use of the building as a House in Multiple Occupation subject of this permission shall not at any time be adapted to enable formation of more than eight (8) bedrooms and the property shall not be occupied by more than eight (8) residents at any one time with all eight (8) bedrooms for single occupancy only.

Reason: To ensure the use hereby approved accords with the development sought and so that it would offer acceptable living conditions for its occupiers in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2 and CP4, and Development Management Document (2015) Policies DM1, DM3 and DM8.

08 Notwithstanding the details shown on the approved plans, the development hereby approved shall not be occupied unless and until full details of secure, covered cycle parking for at least 8 no. bicycles (1no. per HMO room) have been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The cycle parking shall be provided and made available for use by occupiers of the approved development and their visitors prior to first use

of the development and shall be retained as such thereafter for the lifetime of the development.

Reason: To ensure that satisfactory cycle 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 and the guidance in the Southend-on-Sea Design and Townscape Guide (2009).

09 The development hereby permitted shall not be first occupied until and unless full details of both hard and soft landscape works to be carried out at the site, including in the rear garden, in association with the development 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 completed prior to first occupation of the development and the soft landscaping works within the first planting season following first occupation of the development. The details submitted shall include, but not be limited to:

- i. hard surfacing materials;
- ii. details of the number, size and location of trees, shrubs and plants to be planted together with a planting specification;
- iii. details of any permeable paving or other sustainable drainage measures to be implemented;
- iv. all and any means of enclosing the site;

Any trees or shrubs dying, removed, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed with the Local Planning Authority.

Reason: In the interests of visual amenity and the amenities of future occupiers, and to ensure a satisfactory standard of landscaping is implemented pursuant to Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 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 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_infra

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

2 You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council 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 Future occupiers will not be eligible for a residential parking permit.

4 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 the Council become aware of any works that are highly likely to cause a nuisance, Regulatory Services 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 are 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.

5 Prior to any alterations to the existing building an appropriate Asbestos survey of the building 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.

6 The applicant should check the room layout of existing HMO rooms that will be above or below the proposed and ensure that the stacking arrangement compliments this. If this is not the same as those proposed in the application additional sound insulation may be required in the ceiling in order to protect against noise from the normal use of the dwelling due to conflicting activities e.g. sleep and living spaces. The applicant should be aware of this as should complaints arise when it is occupied because of this Southend-on-Sea City Council cannot require action under other primary legislation it has i.e. for statutory nuisance.

**10 23/00197/UNAU_B - 35 Albion Road, Wescliff-on-Sea (Victoria Ward)
Breach of Planning Control: Erection of single storey rear extension**

Resolved:- That ENFORCEMENT ACTION be AUTHORISED to require those issued with a copy of the Enforcement Notice to:

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

The extension, due its siting abutting the site boundary, its size, noting its significant depth and its height above the existing fence, is dominant and creates an unacceptable loss of outlook and light and an undue sense of enclosure significantly harmful to the residential amenity of the occupiers of the neighbouring dwelling No.37 Albion Road. This is 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 guidance contained within the Southend-on-Sea Design and Townscape Guide (2009).

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 of 3 months and the pursuance of proceedings whether by prosecution or injunction to secure compliance with the requirements of the Enforcement Notice.

**11 23/00091/UNAU_B - 192 Manchester Drive, Leigh-on-Sea (Blenheim Park Ward)
Breach of Planning Control: Erection of roof additions including a hip to gable roof extension and a rear dormer**

Resolved:- That ENFORCEMENT ACTION be AUTHORISED to require those issued with a copy of the Enforcement Notice to:

- a) Remove from the site the hip to gable roof extension and rear dormer,
- b) Restore the roof of the dwelling to its condition before the breach took place; and
- c) Remove from site all materials resulting from compliance with a) and b) above.

The scale, form, siting and detailed design of the roof extensions under construction result in visually dominant and incongruous additions to the existing building which results in significant harm to the character and appearance of the site, the rear garden scene, the streetscene and wider area. This is 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).

In the absence of a planning condition to require that the rear and side facing openings created at roof level are glazed in obscure glass and non-openable up to 1.7m from internal floor levels, the development would result in unacceptable overlooking and loss of privacy, causing significant harm to the residential amenity of neighbouring occupiers at No. 188 Manchester Drive, No. 61 Madeira Avenue and No.60 Blenheim Crescent. This is unacceptable and contrary to the National Planning Policy Framework (2023), Policy KP2 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).

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 of three (3) calendar months and the pursuance of proceedings whether by prosecution or injunction to secure compliance with the requirements of the Enforcement Notice.

12 23/00184/UNAU_B - 12 Pavilion Drive, Leigh-on-Sea (Blenheim Park Ward)
Breach of Planning Control: Material change of use from ancillary outbuilding to a self-contained dwellinghouse (Use Class C3)

Resolved:- That ENFORCEMENT ACTION be AUTHORISED to require those issued with a copy of the Enforcement Notice to:

- a) Cease the use of the building as a self-contained dwellinghouse (Use Class C3); and
- b) Remove from the building at least one category of items from the following so that the unauthorised use cannot take place at the site:
 - i. Shower/bath tab and/or any other item which can be used for washing (showering or bathing); or
 - ii. Toilet; or
 - iii. Oven and/or hob and/or any other item which can be used for cooking; or
 - iv. Fridge and/or freezer or other items which allows the storage of food; or
 - v. Clothes washing and/or drying equipment; or
 - vi. Beds and/or sofa/beds and/or other items which can be used for sleeping.

The significant shortfall of the unit's overall size and bedroom sizes against the adopted minimum standards, the unacceptable outlook at the south-eastern bedroom, and the separation distance from first floor openings at neighbouring properties which results in significantly harmful overlooking and loss of privacy, are to the substantial detriment of living conditions of current and future occupiers at the site. The identified adverse impacts of granting permission would significantly and demonstrably outweigh the benefits of the development taking into consideration the presumption in favour of sustainable development. This is unacceptable and contrary to the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM8 [as amended with the Technical Housing Standards Policy Transition Statement (2015)] of the Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009) and the Technical Housing Standards – Nationally Described Space Standards (2015).

The development offers no suitable mitigation of the in-combination effect of the net increase of one dwelling on habitats and species in accordance with the Conservation of Habitats and Species Regulations (2017), as identified in the adopted Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy Supplementary Planning Document (2020). This is unacceptable and contrary to the National Planning Policy Framework (2023), Policies KP1, KP2 and CP4 of the Core Strategy (2007), Policy DM6 of the Development Management Document (2015) and the guidance contained within the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy Supplementary Planning

Document (2020), which seek to protect the designated habitats and species with specific reference to the coastal environment.

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.

13 20/00334/UCOU_B - 69 West Road, Shoeburyness (West Shoebury Ward)

Breach of Planning Control:

(a.) Material change of use from shop (Use Class E) to dwellinghouse (Use Class C3).

(b.) Replacement of shopfront.

Resolved:- That ENFORCEMENT ACTION be AUTHORISED to require those issued with a copy of the Enforcement Notice to:

- a) Cease the use of the ground floor part of the building as a self-contained dwelling (Use Class C3); and
- b) Remove from the building all residential fixtures and fittings which facilitate the use including but not limited to:
 - i. Shower/bath tab and/or any other item which can be used for washing (showering or bathing); and
 - ii. Oven and/or hob and/or any other item which can be used for cooking; and
 - iii. Fridge and/or freezer or other items which allows the storage of food; and
 - iv. Clothes washing and/or drying equipment; and
 - v. Beds and/or sofa/beds and/or other items which can be used for sleeping.

The development has disrupted the continuity of the Primary Shopping Frontage and reduced activity in a key shopping area. No evidence has been provided to show that there is no reasonable prospect of the re-use of the premises as shops or services within Use Class E. It is therefore found that the development, including the material change of use of the site and the removal of the traditional shop frontage, is significantly and demonstrably harmful to the character, function and thus the sustainability of the Primary Shopping Frontage in a key shopping area. The development is unacceptable and contrary to the National Planning Policy Framework (2023), Policies KP1, KP2, CP1, CP2 and CP4 of the Core Strategy (2007) and Policies DM1, DM3 and DM13 of the Development Management Document (2015).

It has not been demonstrated that the residential unit would not result in significant shortfall against the minimum standards for the overall size of the home and the bedroom sizes, and in an unacceptable outlook and receipt of light at the bedroom which would be to the substantial detriment of living conditions of current and future occupiers at the site. The identified adverse impacts of the development would significantly and demonstrably outweigh the benefits of the development taking into consideration the presumption in favour of sustainable development. This is unacceptable and contrary to the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM8 [as amended with the Technical Housing Standards Policy Transition Statement (2015)] of the Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide

(2009) and the Technical Housing Standards – Nationally Described Space Standards (2015).

The development offers no suitable mitigation of the in-combination effect of the net increase of one dwelling on habitats and species in accordance with the Conservation of Habitats and Species Regulations (2017), as identified in the adopted Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy Supplementary Planning Document (2020). This is unacceptable and contrary to the National Planning Policy Framework (2023), Policies KP1, KP2 and CP4 of the Core Strategy (2007), Policy DM6 of the Development Management Document (2015) and the guidance contained within the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy Supplementary Planning Document (2020), which seek to protect the designated habitats and species with specific reference to the coastal environment.

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.

- 14 23/00231/UNAU_B - 5 Westcliff Park Drive, Westcliff-on-Sea
(Westborough Ward)
Breach of Planning Control: Unauthorised change of Use from a dwelling
(Use Class C3) to a mixed use of dwelling and circumcision clinic (sui
generis).**

Resolved:- That ENFORCEMENT ACTION be AUTHORISED to require those issued with a copy of the Enforcement Notice to:

- a) Cease the use of the property for mixed use purposes as a clinic and residential accommodation and to return the property to its lawful planning use as a Class C3 single family dwellinghouse; and
- b) Remove from site all materials, fittings and equipment resulting from compliance with a) above.

It has not been demonstrated in principle that the development could operate in a way that would not result in the total loss of the dwellinghouse use to the detriment of the provision of housing in the city. This is unacceptable and contrary to the National Planning Policy Framework (2023) and Policies KP1, KP2 and CP8 of the Core Strategy (2007).

It has not been demonstrated that the development operating on a 24-hour basis would not erode the domestic character of the site and the area and would not result in an unacceptable significant harm to the residential amenity of neighbouring occupiers in term of noise and disturbance. This is unacceptable and contrary to the National Planning Policy Framework (2023), Policy KP2 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).

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 of one

(1) month and the pursuance of proceedings whether by prosecution or injunction to secure compliance with the requirements of the Enforcement Notice.

Chair: _____