

## **SOUTHEND-ON-SEA CITY COUNCIL**

### **Meeting of Development Control Committee**

**Date: Wednesday, 21st August, 2024**

**Place: Council Chamber - Civic Suite**

- Present:** Councillor N Ward (Chair)  
Councillors Sam Allen\*, S W Allen\*, L Burton\*, K Buck, F Evans,  
N Folkard, D Garston, S Habermel, A Jones, R McMullan\*,  
C Mulrone, S Nadeem\*, J Norman and J Warren\*  
(\*Substitute in accordance with Council Procedure Rule 40.)
- In Attendance:** Councillors S Aylen, D Cowan, L Hyde, R Woodley and J McMahon  
K Waters, P Keyes, A Greenwood, S Mouratidis, C White, M Warren,  
A Brown and T Row
- Start/End Time:** 5.00 pm - 8.20 pm

#### **38 Apologies for Absence**

Apologies for absence were received from Councillors Berry (substitute: Cllr Nadeem), Borton (substitute: Cllr Burton), Dear (Cllr Warren), Harland (no substitute), Longstaff (substitute: Cllr Stuart Allen), Poulton (substitute: Cllr McMullan), Richardson (substitute: Cllr Sam Allen) and Webster (no substitute).

#### **39 Declarations of Interest**

The following interest was declared at the meeting:

(i) Councillor Anne Jones - Minute No. 44 - Application 24/00420/DOV (Land Between Barge Pier Road and Ness Road, Shoeburyness) - Housing Dept was consulted and she is Cabinet Member with the responsibility for housing.

#### **40 Minutes of the meeting held on Wednesday, 24th July, 2024**

Resolved:-

That the Minutes of the Meeting held on Wednesday, 24<sup>th</sup> July 2024 be confirmed as a correct record and signed.

#### **41 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.

**24/00237/AMDT - Land Between Barge Pier Road and Ness Road, Shoeburyness (Shoeburyness Ward)**

**Proposal: Application to vary condition 03 (approved parameter plans and landscape plan) to state - The development shall be carried out in accordance with the approved parameter plans which set out the parameters for the heights and levels of the development, the locations of the different uses across the site, the landscaping and the access and movement arrangements for the site BA9923-1600 Rev 06 - Land Use Parameter Plan; BA9923-1601 Rev 05 - Heights and Levels Parameter Plan; BA9923-1602 Rev 04 - Access and Movement Parameter Plan; PR243-01 Rev L - Landscape Master Plan, so replacing approved parameter plans and Landscape Plan, 032-S2-P401-D-Land Use, 032-S2-P402-E - Heights and Levels, 032-S2-P403-E-Access and Movement and 2166-00-20-B-Landscaping with amended drawings: BA9923-1600 Rev 06-Land Use Parameter Plan, BA9923-1601 Rev 05-Heights and Levels Parameter Plan, BA9923-1602 Rev 4 -Access and Movement Parameter Plan, PR243-01 Rev L-Landscaping Plan (Material Amendment of Planning Permission 20/01227/OUTM dated 26/02/2021)**

**Applicant: C/O Savills**

**Agent: Mr Giuseppe Cifaldi of Savills**

Mr Lovett, a local resident, spoke as an objector to the application. Mr Wheeler responded on behalf of the Applicant's Agent.

Resolved:-

(a) That the Council enters into a LEGAL AGREEMENT under section 106 of the Town and Country Planning Act 1990 (as amended) as set out under application reference 24/00420/DOV or a deed of variation to the legal agreement previously signed pursuant to planning permission reference 20/01227/OUTM on 26th February 2021 as amended by 21/01887/DOV5 solely to bind to it to this consent.

(b) That, following the completion of a legal agreement as set out in resolution (a) above the Executive Director (Environment and Place), the Director of Planning and Economy and the Service Manager - Development Management and Enforcement be DELEGATED to GRANT PLANNING PERMISSION subject to CONDITIONS as set out below:

01 Details of the appearance, layout and scale (hereinafter called the "reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved under the reserved matters. Application for approval of the reserved matters shall be made to the Local Planning Authority not later than 26th February 2024. The development hereby permitted shall begin not later than 2 (two) years from the date of approval of the last of the reserved matters to be approved.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 (as amended) and because the application is for outline planning permission only and the particulars submitted are insufficient for consideration of details mentioned.

02 No development, other than site preparation works and any works required to comply with requirements of other conditions on this permission, shall take place on site until a phasing plan has been submitted to and approved in writing by the Local Planning Authority. Following approval of the plan, each phase shall be completed in accordance with the plan before the next phase commences.

Reason: To ensure a coordinated development that complies with the National Planning Policy Framework (2023) and the requirements of the Development Plan.

03 The development hereby approved shall be carried out in accordance with the approved parameter plans which set out the parameters for the heights and levels of the development, the locations of the different uses across the site, the landscaping and the access and movement arrangements for the site: BA9923-2201, BA9923-1600 Rev 06, BA9923-1601 Rev 05, BA9923-1602 Rev 04, PR24301M Landscape Master Plan.

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

04 The development hereby approved shall include no more than 214 dwellings, no more than 1,000sqm health centre (Use Class E (e)) and no more than 400sqm of commercial floorspace (Use Classes - E (a)-(c)).

Reason: To define the scope of the permission and to ensure that the development meets the requirements of the Development Plan.

#### Design and Heritage Related Conditions

05 Notwithstanding the details shown on the plans submitted and otherwise hereby approved the development hereby permitted shall not commence, other than for groundworks and site preparation works, unless and until full details and appropriately sized samples of the materials to be used for all the external surfaces of the proposed buildings and structures at the site including facing materials, roof detail, windows (including sections, profiles and reveals), doors, balustrading, fascia and balconies have been submitted to and approved in writing by the Local Planning Authority. The works must then be carried out in full accordance with the approved details before the dwellings or non-residential parts of the development hereby approved are first occupied or brought into use.

Reason: To safeguard character and appearance of the area and the visual amenities of neighbouring occupiers in accordance with 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).

06 Notwithstanding the details shown in the plans submitted and otherwise hereby approved none of the buildings hereby granted planning permission shall be occupied unless and until plans and other appropriate details are submitted to the Local Planning Authority and approved in writing which specify the size, design, obscenity, materials and location of all privacy screens to be fixed to the proposed buildings. Before a building hereby approved is occupied the building shall be

implemented in full accordance with the details and specifications approved under this condition and shall be permanently retained as such thereafter.

Reason: In the interests of the residential amenity of adjoining and proposed new residents and the character and appearance of the area 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 The development hereby approved shall be constructed only in full accordance with the archaeology reports and recommendations previously submitted to and approved in writing by the Local Planning Authority under the approval of details application reference 24/00153/AD or any other alternative archaeological investigation reports and recommendations that have previously been submitted to the Local Planning Authority and approved in writing within the terms of this planning condition before the development is first occupied or first brought into first use.

Reason: Required to allow the preservation by record of archaeological deposits and to provide an opportunity for the watching archaeologist to notify all interested parties before the destruction of any archaeological finds in accordance with the National Planning Policy Framework (2023) and Policy DM5 of the Development Management Document (2015).

08 A. Platform levels: The levels for the development platforms hereby approved shall be constructed only in full accordance with the existing and proposed platform levels previously submitted to and approved in writing by the Local Planning Authority under application reference 22/01602/RES or any other alternative platform levels details that have previously been submitted to the Local Planning Authority and approved in writing within the terms of this planning condition before the development is first occupied or first brought into first use.

B. Development Levels: No development other than the construction of the raised platforms approved under application 22/01602/RES shall be undertaken unless and until details of the final proposed site levels at and surrounding the site have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken and completed at the levels indicated on the approved drawing.

Reason: In the interests of the residential amenity of adjoining residents and the character and appearance of the area 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).

#### Construction Related Conditions

09 A. Construction of the Raised Platforms: The construction of the raised platforms shall be undertaken in full accordance with Construction Management Plan and Strategy (CMP) Rec C previously submitted to and approved in writing by the Local Planning Authority under application reference 22/01602/RES or any

other alternative Construction Management Plan and Strategy (CMP) that has previously been submitted to the Local Planning Authority and approved in writing within the terms of this planning condition. The approved Construction Management Plan and Strategy shall be adhered to in full throughout the construction period of the raised platforms.

B. Construction of the Development: No construction of the development hereby approved other than the construction of the raised platforms approved under application reference 22/01602/RES 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. The approved Demolition and Construction Management Plan and Strategy shall be adhered to in full throughout the construction period. The Statement 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
- v) measures to control the emission of dust, dirt and noise during construction
- vi) a scheme for recycling/disposing of waste resulting from construction works that does not allow for the burning of waste on site.
- vii) a dust management plan to include mitigation and boundary particulate monitoring during demolition and construction.
- viii) details of the duration and location of any noisy activities.

Reason: In the interests of the amenities of nearby and surrounding occupiers pursuant to Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015).

10 Demolition or construction works associated with this permission shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:00hours to 13:00hours on Saturdays and at no time on Sundays or Bank or Public Holidays.

Reason: In order to protect the amenities of surrounding occupiers and to protect the character of the area in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

#### Landscaping and Ecology Conditions

11 Notwithstanding the details shown on the plans hereby approved no development shall take place, other than ground and site preparation works, unless and until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping for the site and a landscaping phasing plan setting out the timescales for the implementation of the hard and soft landscaping.

This shall include full details of the number, size and location of the trees and shrubs to be planted together with a planting specification, details of measures to enhance biodiversity within the site; details of the treatment of all hard and soft

surfaces, including any earthworks to be carried, all means of enclosing the site and full details of the play equipment, benches and associated facilities proposed.

All landscaping in the approved landscaping scheme shall be carried out in accordance with the timescales specified in the approved landscaping phasing plan. Any 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, biodiversity and the amenities of future occupiers and to ensure a satisfactory standard of landscaping pursuant to Policies KP2 and CP4 of the Core Strategy, Policies DM1 and DM3 of the Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

12 All of the landscaped areas and open space including play equipment, benches and associated facilities shown on the plans hereby approved shall be provided prior to the first occupation of any part of the phase of the development hereby approved they fall within and shall be retained and maintained in perpetuity for the occupants of the development and the wider community.

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

13 A. Raised Platforms: The biodiversity mitigation measures outlined at paragraph 8.7.2 of the Environmental Statement which includes mitigation in relation to habitats, rare plants, amphibians, reptiles, breeding birds, badgers, mammals and bats shall be implemented in full before the development platforms are brought into first use and in accordance with the timescales for these mitigation measures previously submitted to and agreed in writing by the Local Planning Authority under application reference 22/01602/RES and in accordance with the recommendations set out in the Badger Mitigation Survey Rev A by SES dated June 2024 or any other alternative timescale details of which have previously been submitted to the Local Planning Authority and approved in writing within the terms of this planning condition.

B. Built Development: The development hereby approved shall be implemented and operated thereafter in strict accordance with the biodiversity mitigation measures outlined at paragraph 8.7.2 of the Environmental Statement which includes mitigation in relation to habitats, rare plants, amphibians, reptiles, breeding birds, badgers, mammals and bats. Prior to the commencement of the built development, other than for demolition and site preparation works, a timescale for the implementation of these measures shall be submitted to the Local Planning Authority and approved in writing. The measures shall be implemented in accordance with the approved timescale.

Reason: In the interest of biodiversity 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).

14 The development hereby approved shall be implemented and operated thereafter in strict accordance with the findings, recommendations and mitigation measures of the Breeding Bird Survey by D F Clark Bionomique Ltd dated 23 July 2020 ref. DFCP 3398 including the mitigation measures outlined at paragraph 6.5 of that report.

Reason: In the interest of biodiversity 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).

15 The development hereby approved shall be implemented and operated thereafter in accordance with the findings, recommendations and mitigation measures of the Great Crested Newt and Mammal Report by D F Clark Bionomique Ltd dated 23 July 2020 ref. DFCP 3398 including the mitigation measures outlined at Chapter 6 of the report and in accordance with the recommendations set out in the Badger Mitigation Survey Rev A by SES dated June 2024.

Reason: In the interest of biodiversity 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).

16 A. Raised Platforms: The ecological enhancement measures outlined at paragraphs 8.7.6, 8.7.7 and 8.7.8 of the Environmental Statement shall be implemented in full before the development platforms are brought into first use and in accordance with the timescales for these mitigation measures previously submitted to and agreed in writing by the Local Planning Authority under application reference 22/01602/RES and in accordance with the recommendations set out in the Badger Mitigation Survey Rev A by SES dated June 2024 or any other alternative timescale details of which have previously been submitted to the Local Planning Authority and approved in writing within the terms of this planning condition.

B. Built Development: The development hereby approved shall be implemented in strict accordance with the ecological enhancement measures outlined at paragraphs 8.7.6, 8.7.7 and 8.7.8 of the Environmental Statement. Prior to the commencement of the development, other than for demolition and site preparation works, a timescale for the implementation of these measures shall be submitted to the Local Planning Authority and approved in writing. The measures shall be implemented in accordance with the approved timescale.

Reason: In the interest of biodiversity 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).

17 The development hereby approved shall be implemented and operated thereafter in strict accordance with the findings, recommendations and mitigation measures contained within the Botany reports submitted, including the mitigation at paragraph 5.2 of the Botany Survey by D F Clark Bionomique Ltd dated 8 June 2020 ref. DFCP 3398 and the mitigation and avoidance measures outlined in Chapter 5 of the Botanical Survey by The Landscape Partnership dated 28 July 2020 ref. E20841.

Reason: In the interest of biodiversity 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).

18 The development hereby approved shall be undertaken in strict accordance with the findings, recommendations and conclusions of the Arboricultural Impact Assessment by D F Clark Bionomique Ltd dated 27 May 2020 ref DFCEP 3398 including the mitigation outlined within Chapter 5 and the Tree Protection Plans included in Appendix 5 of the report ref. DFCEP 3398 TPP (1 of 5, 2 of 5, 3 of 5, 4 of 5 and 5 of 5).

Reason: In the interests of the character, appearance and amenities of the area 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).

#### Parking and Highway Conditions

19 The development hereby approved shall not be first occupied unless and until 502 on site car parking spaces comprising 210 spaces for the flats, 198 spaces for houses, 16 spaces for the commercial (Class E (a)-(c)) uses and 78 spaces for the Health Centre (Class E (e)) use have been provided and made available for use in full accordance with drawing 032-S2-P003 Rev. H, together with properly constructed vehicular access to the adjoining highway, all in accordance with the approved plans. The parking spaces shall be permanently maintained thereafter solely for the parking of occupiers of and visitors to the development.

Reason: To ensure that adequate car parking is provided and retained to serve the development in accordance with Policy CP3 of the Core Strategy (2007) and Policy DM15 of the Council's Development Management Document (2015).

20 The development shall not be first occupied or brought into first use unless and until full details of the covered and secure cycle parking to serve the health centre, commercial and residential parts of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. Each building in the development shall be carried out in accordance with those approved details before the building is first occupied or brought into first use and the development shall be retained as such in perpetuity.

Reason: To ensure that adequate cycle parking is provided and retained to serve the development in accordance with Policies KP2 and CP3 of the Core Strategy (2007) and Policies DM1 and DM15 of the Development Management Plan (2015).

21 The approved Travel Plan (ref. Travel Plan dated July 2020 ref. IT1971TPF\_22.07.20\_Issued) shall be fully implemented prior to first use of the development hereby approved and shall be maintained thereafter in perpetuity. For the first three years at the end of each calendar year a document setting out the monitoring of the effectiveness of the Travel Plan and setting out any proposed changes to the Plan to overcome any identified issues and timescales for doing so must be submitted to and approved in writing by the Local Planning



Authority. The agreed adjustments shall be implemented in accordance with the agreed conclusions and recommendations.

Reason: In the interests of sustainability, accessibility, highways efficiency and safety, residential amenity and general environmental quality in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2, CP3 and CP4, Development Management Document (2015) Policy DM15, and advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

22 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the development hereby permitted shall not be first occupied unless and until a car park management plan has been submitted to and approved in writing by the Local Planning Authority. The car park management plan must be implemented in full accordance with the details approved under this condition before the dwellings hereby approved are first occupied or the commercial (Classes E (a)-(c)) or Health Centre (Class E(e)) uses are brought into first use and shall be maintained as such in perpetuity.

Reason: To ensure that adequate car parking arrangements are provided to serve the development in accordance with Policy CP3 of the Core Strategy (2007) and Policy DM15 of the Council's Development Management Document (2015).

23 Prior to the first occupation of any dwelling, details for the Residential Travel Packs shall be submitted to and approved in writing by the Local Planning Authority. The approved travel packs shall then be provided to each dwelling within 1 month of occupation.

Reason: In the interests of sustainability in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2, CP3 and CP4, Development Management Document (2015) Policy DM15, and advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

#### Waste Management

24 No part of the commercial (Class E (a)-(c)) or Health Centre (Class E (e)) uses hereby approved, shall be brought into first use unless and until a waste management plan which includes full details of refuse and recycling storage and servicing arrangements has been submitted to and agreed in writing by the Local Planning Authority. The waste management and servicing of the development shall be carried out solely in accordance with the approved details from the first use of the development.

Reason: To ensure that the development is satisfactorily serviced and that satisfactory waste management is undertaken in the interests of highway safety and visual amenity and to protect the character of the surrounding area, in accordance with Policies KP2 and CP3 of the Core Strategy (2007), Policy DM15 of the Development Management Document (2015) and the advice in the Southend-on-Sea Design and Townscape Guide (2009).

25 The residential dwellings hereby approved shall not be first occupied unless and until full details of the refuse and recycling stores have been submitted to and approved in writing by the Local Planning Authority. The approved refuse and

recycling stores shall be provided in accordance with the approved plans and details and shall be made available for use prior to the first occupation of the dwelling to which they relate and shall be retained as such in perpetuity.

Reason: To ensure that the development provides adequate refuse and recycling facilities in the interests of highway safety and visual amenity and to protect the character of the surrounding area, in accordance with Policies KP2 and CP3 of the Core Strategy (2007), Policy DM15 of the Development Management Document (2015) and advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

#### Flood and Drainage conditions

26 The development hereby approved shall be implemented and undertaken in strict accordance with the findings, recommendations and mitigation measures, including within Chapter 5, and including the minimum floor levels as set out within Chapter 5 (no habitable accommodation below 6.50m Above Ordinance Datum (AOD)) and the resilience measures as outlined within parts 5.30, 5.31, 5.32 and 5.33 of the submitted Flood Risk Assessment by Ardent ref.185320-01B dated July 2020. All ground levels are to be set with development platforms to 3.0m AOD for residential apartments and 6.0m AOD for residential houses and all domestic dwellings must have provision for refuge greater than the 0.1% Annual Exceedance Probability (AEP) plus climate change level of 6.5m AOD.

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

27 The development hereby approved shall be undertaken and operated in accordance with the Flood Response Plan submitted by Ardent ref. 185320-08B dated July 2020 including its recommendations at Chapter 4.

Reason: To ensure the approved development is safe in flood risk terms in accordance with National Planning Policy Framework (2023) and Core Strategy (2007) Policies KP1, KP2 and KP3.

28 No drainage infrastructure associated with this consent shall be undertaken at this site unless and until full details of the drainage infrastructure and a drainage strategy have been submitted to and approved in writing by the Local Planning Authority. The strategy submitted shall apply the sustainable drainage principles and the sustainable drainage hierarchy. Where more sustainable methods of drainage are discounted clear evidence and reasoning for this shall be included within the strategy submitted. The approved drainage infrastructure and strategy shall be implemented in full accordance with the approved scheme prior to the first occupation of the development hereby approved and be retained as such thereafter.

Reason: To ensure satisfactory drainage of the site in accordance with Policy KP2 of the Core Strategy (2007) and Development Management Document (2015) Policy DM14.

29 Notwithstanding the provisions of the Town and Country Planning Act 1990 (as amended) or the Town and Country Planning (General Permitted Development)

Order 2015 (as amended), or any order revising or re-enacting that legislation with or without modification, no garages or undercroft parking areas nor any non-habitable accommodation in the development hereby approved below a level of 6.50m AOD shall be converted into habitable accommodation at any time.

Reason: To ensure the approved development is safe in flood risk terms in accordance with the National Planning Policy Framework (2023) and Core Strategy (2007) Policies KP1, KP2 and KP3.

#### Noise and Odour Related Conditions

30 No extraction and ventilation equipment for the proposed non-residential uses hereby approved (Class E(a)-(c) and (e)) shall be installed until and unless full details of their location, design, appearance and technical specifications and a report detailing any mitigation measures proposed in respect of noise and odour impacts has been submitted to, and approved in writing by, the Local Planning Authority. The installation of extraction equipment shall be carried out in full accordance with the approved details and specifications and any noise and odour mitigation measures undertaken in association with the agreed details before the extraction and ventilation equipment is brought into first use. With reference to British Standard BS4142 the noise rating level arising from all plant and extraction/ventilation equipment shall be at least 5db(A) below the prevailing background at 3.5 metres from the ground floor facades and 1m from all other facades of the nearest noise sensitive property with no tonal or impulsive character.

Reason: To protect the amenities of the occupiers from undue noise and disturbance in order to protect their amenities in accordance with Core Strategy (2007) Policies KP2 and CP4, Policies DM1, DM3 and DM8 of the Development Management Document (2015) and advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

31 None of the commercial (Class E (a)-(c)) or health centre (Class E (e)) uses hereby approved shall be first occupied or brought into first use unless and until full details of the operating and opening times of that unit have been submitted to and approved in writing by the Local Planning Authority. Each unit shall subsequently be operated only in full accordance with the details approved under this condition.

Reason: To protect residential amenity and general environmental quality in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2 and CP4 and Policies DM1 and DM3 of the Development Management Document (2015).

32 Commercial refuse collection and delivery times for the development hereby approved shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays and at no time on Sundays or Bank or Public Holidays.

Reason: In order to protect the amenities of surrounding occupiers and to protect the character the area in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

## Use Class Conditions

33 The commercial (Class E (a)-(c)) and Health Centre (Class E (e)) uses hereby approved, as identified on plan number 032-S2-P401 rev. F shall only be used for purposes falling within use classes A1, A2 or A3 or D1 as defined under the Town and Country Planning (Use Classes) Order 1987 (as amended) on the date this application was submitted and shall not be used for any other purpose, including any purpose permitted under amendments to the Town and Country Planning (Use Classes) Order 1987 since the application was submitted nor any change of use permitted under the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or in any provisions equivalent to those in any statutory instrument revoking and re-enacting these Orders, with or without modification.

Reason: To ensure the development is implemented in accordance with the permission sought and to enable the Local Planning Authority to retain control of the use of the floorspace within the Use Class specified so that occupation of the premises does not prejudice amenity and wider objectives of the planning system, in accordance with the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007) and Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015).

## Accessibility

34 No development other than site preparation works shall take place until and unless details have been submitted to and approved in writing by the Local Planning Authority to show how at least 10% and a specified number of the dwellings will be built in compliance with the building regulation M4(3) 'wheelchair user dwellings' standard with all of the remaining dwellings complying with the building regulation part M4(2) accessible and adaptable dwellings' standard. Each approved dwelling shall be constructed to comply with either building regulation M4(2) or M4(3) in accordance with the approved details prior to its first occupation.

Reason: To ensure the residential units 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), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015), Policies DM1 and DM8 and advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

## Lighting

35 No external lighting shall be installed in the development hereby approved unless it is in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. The ditch corridors shall not be illuminated directly or as a result of light spillage.

Reason: In the interest of the safety and amenities of the area, in the interests of biodiversity and to protect the amenities of surrounding occupiers in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

36 No development above ground floor level shall be undertaken unless and until a Light Assessment has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and maintained in perpetuity.

Reason: In the interest of the safety and amenities of the area, in the interests of biodiversity and to protect the amenities of surrounding occupiers in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

#### Sustainability

37 Prior to construction of the development hereby approved above ground floor slab level a scheme detailing how at least 10% of the total energy needs of the development will be supplied using on site renewable sources must be submitted to and agreed in writing by the Local Planning Authority. A building in the scheme shall not be occupied until it has been implemented in accordance with the details approved under this condition. This provision shall be made for the lifetime of the development.

Reason: In the interests of providing sustainable development and ensuring a high quality of design in accordance with Policy KP2 of the Core Strategy (2007) and advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

38 Prior to occupation of the flats 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 the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

39 No part of the non-residential development hereby approved shall take place above ground floor slab level until evidence that the development is registered with a BREEAM certification body and a pre-assessment report (or design stage certificate with interim rating if available) has been submitted indicating that the development can achieve Very Good BREEAM level.

Reason: This condition is required in the interests of providing a sustainable development, in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policy DM2 of the Development Management Document (2015).

40 No part of any non-residential building hereby approved shall be first occupied unless and until a final Certificate has been issued certifying that BREEAM (or any

such equivalent national measure of sustainable building which replaces that scheme) rating “Very Good” has been achieved for that building.

Reason: In the interests of providing a sustainable development, in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policy DM2 of the Development Management Document (2015).

41 A. Site Characterisation - Prior to the construction of any built form on site an assessment of the nature and extent of contamination must be submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include:

- i.) a survey of the extent, scale and nature of contamination; and
- ii.) an assessment of the potential risks to: human health, property, existing or proposed, including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments.

B. Submission of Remediation Scheme. Should contamination be identified 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 must be submitted to the Local Planning Authority prior to the construction of any built form on site. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a 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.

C. Implementation of Approved Remediation Scheme - The agreed remediation scheme shall be implemented in accordance with the approved timetable of works. Within 3 months of the completion of measures identified in the approved remediation scheme, a validation report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved by 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 immediately to the Local Planning Authority and development stopped with immediate effect. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared and submitted for the approval in writing of the Local Planning Authority. Any measures so identified in the approved remediation scheme shall be completed and a verification report must be submitted to the Local Planning Authority for its agreement.

E. Long Term Monitoring and Maintenance

E1) No development shall take place, on any part of the phase of the development hereby approved they fall within, until a monitoring and maintenance scheme to include monitoring of the long-term effectiveness of the proposed remediation over

a period of 5 years, and the provision of reports on the same must both be submitted to and approved in writing by the Local Planning Authority.

E2) Following completion of the measures identified in that scheme and when the remediation scheme is complete, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be submitted to and approved in writing by the Local Planning Authority

Reason: To ensure that any contamination on the site is identified and treated so that it does not harm anyone who uses the site in the future, and to ensure that the development does not cause pollution to Controlled Waters in accordance with Core Strategy (2007) Policy KP2 and Policies DM1 and DM14 of the Development Management Document (2015).

42 The development hereby approved shall be implemented and undertaken in strict accordance with the findings and recommendations and mitigation, as outlined in Section 10 of the Unexploded Ordnance Assessment by MACC ref. 6503 V.1.0 dated 11/05/2020.

Reason: In the interests of the residential amenity and public safety of the area in accordance with Core Strategy (2007) Policy KP2 and Policies DM1 and DM14 of the Development Management Document (2015).

#### CCTV

43 No CCTV shall be installed in the development hereby approved unless in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard character and appearance of the area and amenities of neighbouring occupiers in accordance with 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).

#### Air Quality

44 The development hereby approved shall be implemented and undertaken in strict accordance with the findings and recommendations and mitigation, as outlined in Tables 6.1 and 6.2 of the Air Quality Assessment by WYG ref. A117624. Prior to the commencement of the development, other than for demolition and site preparation works, a timescale for the implementation of these measures and mitigation shall be submitted to the Local Planning Authority and approved in writing. The measures shall be implemented in accordance with the approved timescale.

Reason: In the interests of the residential amenity of the area in accordance with Core Strategy (2007) Policy KP2 and Policies DM1 and DM14 of the Development Management Document (2015).

45 The onsite car parking spaces comprising, 16 spaces for the commercial (Class A1, A2 and A3) uses and 78 spaces for the Health Centre (Class D1) use hereby approved shall be provided and made available for use in full accordance

with drawing 032- S2-P003 Rev. H, prior to first occupation of any part of the phase of the development hereby approved they fall within, together with properly constructed vehicular access to the adjoining highway, all in accordance with the approved plans. The parking spaces shall be permanently maintained thereafter solely for the parking of occupiers of and visitors to the development.

Reason: To ensure that adequate car parking is provided and retained to serve the development in accordance with Policy DM15 of the Council's Development Management Document (2015) and Policy CP3 of the Core Strategy (2007).

46 No development above ground floor level shall be undertaken unless and until a third party instrument flight procedure assessment has been completed and submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of aircraft safety and the safe operation of London Southend Airport in accordance with the National Planning Policy Framework (2023) and Policy DM4 of the Development Management Document (2015)

(c) In the event that a deed of variation as outlined in recommendation A has not been completed by 23 September 2024 or an extension of this time as may be agreed by the Executive Director (Environment and Place), Director of Planning and Economy or Service Manager - Development Management and Enforcement, authority is delegated to the Director of Planning and Economy or Service Manager - Development Management and Enforcement, to refuse planning permission for the application on grounds that the development will not secure the necessary contribution for affordable housing, secondary education, highways works and RAMS and that, as such, the proposal would be unacceptable and contrary to the National Planning Policy Framework (2023), Policies KP2, KP3, CP3, CP6 and CP8 of the Core Strategy (2007) and Policies DM1, DM3, DM7 of the Development Management Document (2015) and the Essex Coast Recreational Disturbance Avoidance Mitigation Strategy (RAMS) Supplementary Planning Document (2020).

#### 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 proposed development subject of this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). The amount of levy due will be calculated at the time a reserved matters application is submitted. Further information about CIL can be found on the [Planning Portal](#)



([www.planningportal.co.uk/info/200136/policy\\_and\\_legislation/70/community\\_infrastructure\\_levy](http://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy)) or the Council's website ([www.southend.gov.uk/cil](http://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. Should the applicant require roads within the development adopted the Council's highways team should be contacted.

4. Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore, the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991 or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

5. The development site is within 15m of a sewage pumping station which requires access for maintenance and will have sewage infrastructure leading to it and cannot be easily relocated. The site layout should take this into account and accommodate this infrastructure type through a necessary cordon sanitaire, through public space or highway infrastructure to ensure that no development within 15 metres from the boundary of a sewage pumping station if the development is potentially sensitive to noise or other disturbance or to ensure future amenity issues are not created.

6. If the developer wishes to connect to the Anglian Water sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. Anglian Water will then advise them of the most suitable point of connection. 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.

7. 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.

8. 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.

9. 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.

10. 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 our 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.

11. Given the scale of the development, a Prior Consent under Section 61 COPA (1974) will be required from Regulatory Services at Southend-on-Sea City Council. Construction and Demolition will also be required to be undertaken in accordance with London Good Practice Guide.

12. The additional SuDS and drainage information that will need to be submitted as part of condition 28 of this permission includes:

- i.) Adoptable SuDS and drainage by Anglian Water need to be in line with the 'Design and Construction Guidance'. Evidence of the agreement in principle with Anglian Water is required to ensure that the SuDS/drainage systems will be maintained in perpetuity.
- ii.) A plan showing the SuDS/drainage elements managed by the different parties (SBC, Anglian Water, Management Company) to be provided.
- iii.) Catchment plan showing impervious and pervious areas (positively and non-positively drained) to be provided.
- iv.) Greenfield runoff rates are calculated for all the site area. Greenfield runoff rates should be calculated for areas positively drained (pervious or impervious). It is unclear if all areas are positively drained (pervious and impervious) into the system, but calculations and modelling suggest that only impervious areas are positively drained. Greenfield runoff will need to be re-calculated. Also, the greenfield runoff rate for the 100 year should be reduced to take into account the extra discharge of Long Term Storage. This could have an impact on the storage requirements.
- v.) Long Term Storage is estimated, but it is not clear how this is going to be provided in the site (i.e. part of main attenuation feature or separate storage area).
- vi.) The SuDS/drainage strategy should consider the effects of submerged outfalls in the Barge Pier Ditch.
- vii.) Consideration should be given to un-lining system in areas of less risk of high groundwater table and pollution (incl. consideration of land contamination).
- viii.) Exceedance routes to be shown on plan.
- ix.) Phasing Plan to be provided as part of the Drainage Strategy.
- x.) Management of Health and Safety Risks to be provided as part of the Drainage Strategy.
- xi.) Construction details (including flow controls) to be provided.
- xii.) Management of groundwater and land drainage (from external areas and from pervious areas within the development) to be provided.
- xiii.) Additional information in line with Detailed Drainage Design Checklist (Essex County Council).

13. Maximum development height in this area is 161.46m AOD. All aspects of the development must comply with CAP168 and EASA regulations including lighting, landscaping and renewable energy sources.

14. The applicant is advised that refuse stores should not be prominently located within the development. As such it is recommended that the refuse stores are not located to the front of the dwellings.

15. The Council will need to retain access across the site to maintain its land and infrastructure in perpetuity.

16. No waste as part of the development shall be burnt on site.

17. The applicant is advised that the condition 19 of this permission, parking, will need to be varied to comply with the reserved matters approval under a separate application.

18. This permission is governed by a legal agreement between the applicant and Southend-on-Sea City Council under Section 106 of the Town and Country Planning Act 1990. The agreement relates to the provision of affordable housing, a financial contribution towards secondary education, a highways junction improvement contribution and a payment in mitigation of impacts identified in the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) SPD (2020).

**43 24/00311/RESM - Land Between Barge Pier Road and Ness Road, Shoeburyness (Shoeburyness Ward)**

**Proposal: Approval of Reserved Matters including details of appearance, layout, and scale relating to the development of the site, comprising of 210 residential dwellings (Class C3) with associated infrastructure, cycle and car parking, public open space, play and refuse recycling details, submission of details for discharge of conditions 2 (Phasing Plan), 8 (Existing and Proposed Site Levels), part discharge of condition 11 (Landscaped Areas and Play Space), 13 (Timetable for Implementation of Biodiversity Mitigation Measures), 16 (Timetable for Implementation of Ecology Enhancement Measures), 20 (Cycle Parking Details), 25 (Refuse and Recycling Details), 28 (Flood Risk and Drainage Strategy), 34 (Part M4(2) and (3) details) (Approval of reserved matters following outline permission 20/01227/OUTM dated 26/02/2021)**

**Applicant: C/O Agent**

**Agent: Mr Giuseppe Cifaldi of Savills**

Mr Lovett, a local resident, spoke as an objector to the application. Mr Wheeler responded on behalf of the Applicant's Agent.

Resolved:-

(a) That the Executive Director for Environment and Place, the Director of Planning and Economy, and the Service Manager - Development Management and Enforcement be DELEGATED to amend the description of development in so far as it relates to only the application reference number to reflect the decision made on application reference 24/00237/AMDT.

(b) That, subject to the granting of permission for application reference 24/00237/AMDT, the Executive Director for Environment and Place, the Director of Planning and Economy, and the Service Manager - Development Management

and Enforcement, be DELEGATED to APPROVE RESERVED MATTERS application reference 24/00311/RESM in relation to condition 03 of planning permission ref 24/00237/AMDT subject to conditions as set out below.

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

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

02 The development hereby permitted shall be carried out in accordance with the following approved plans: BA9923-2001A, BA9923-2002A, BA9923-2003C, BA9923-2004D, BA9923-2005D, BA9923-2011D, BA9923-2111C, BA9923-2112B, BA9923-2113C, BA9923-2114C, BA9923-2203B, BA9923-2204A, BA9923-2570A, BA9923-2571A, BA9923-2572A, BA9923-2574A, BA9923-2575, BA9923-2576A, BA9923-2578A, BA9923-2580A, BA9923-2600B, BA9923-2601B, BA9923-2602B, BA9923-2603B, BA9923-2604B, BA9923-2605B, BA9923-2606B, BA9923-2607A, BA9923-2610B, BA9923-2612B, BA9923-2640B, BA9923-2641A, BA9923-2642B, BA9923-2650B, BA9923-2652B, BA9923-2660A, BA9923-2662A, BA9923-2670B, BA9923-2672B, BA9923-2680A, BA9923-2682A, 2105160-002, 2105160-003, 2105160-300, PR243-01M Landscape Master Plan.

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

Design Quality Conditions

03 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works above lower ground floor slab level shall take place unless and until full detailed design drawings and cross sections of the key design features including the full details of window details including reveals, window surrounds and projecting oriel windows, gabled roof verge and eaves details, entrance canopies and porches, balconies and balustrades, parapet to flat roofed designs and details of all types of brick decoration 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 accordance with the approved details before it is first occupied.

Reason: To safeguard the visual amenities of the area, including the impact on nearby heritage assets, 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 National Design Guide (Rev 2021) and the Southend-on-Sea Design and Townscape Guide (2009).

Details and Management of Green Wall Screens

04 A. No construction works above lower ground floor slab level for Blocks A and B of Home Zone 1 hereby approved shall take place unless and until full design details and cross sections of the feature pergola at a scale of 1:10 or 1:20 as appropriate have been submitted to and approved in writing by the Local Planning Authority under the terms of this condition, together with full planting details and a Landscape Management Plan, including long term design objectives,

management responsibilities and maintenance schedules for the pergola planting. The feature pergola shall be provided in full accordance with those approved details prior to the first occupation of the development hereby approved. The landscaping of this feature shall be managed in accordance with the approved plans and details from first occupation in perpetuity.

B. No construction works above lower ground floor slab level for block C in Home Zone 1 and all other flatted blocks in Home Zones 3 and 4 shall take place until the full design and planting details for the green screens, including a landscape management and maintenance plan have been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The green screens shall be provided in full accordance with those approved details prior to the first occupation of the development hereby approved. The landscaping of the green screening shall be managed in accordance with the approved plans and details from occupation in perpetuity.

Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policy CP4 of the Core Strategy (2007) and Policies DM1, DM3 and DM5 of the Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

#### Residential Amenity Conditions

05 All first floor rear windows of dwellings on plots 26 and 31 within 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, or such equivalent) and fixed shut up to a height of not less than 1.7m above the relevant rooms' internal finished floor level before the occupation of each of those dwellings. The windows shall be retained as such thereafter 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 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).

06 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, roof enlargements, outbuildings or hardstandings shall be created at the development hereby approved specified within Schedule 2, Part 1, Classes A, B, D, E and F of the Town and Country Planning (General Permitted Development) Order 2015 without the prior receipt of express planning permission.

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 including the impact on the setting of nearby heritage assets in accordance 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 Shoebury Garrison Conservation Area Appraisal (2021).

#### Waste Management Arrangements

07 The development within each Home Zone approved under this permission shall not be first occupied unless and until a Waste Management Plan for that Home Zone has been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The development shall only be implemented in accordance with the approved details from first occupation of each Home Zone and must be maintained as such in perpetuity thereafter.

Reason: To ensure that the development is satisfactorily serviced and that satisfactory waste management is undertaken in the interests of highway safety and visual amenity and to protect the character of the surrounding area, in accordance with Policies KP2, CP3 and CP4 of the Core Strategy (2007) and Policies DM1, and DM15 of the Development Management Document (2015).

#### RSBP Enhancements

08 The RSPB ecological enhancement measures as set out in Table 1 of the Ecological supporting note in response to RSPB comments on application 24/00311/RESM by SES dated 9.5.24, shall be implemented in full prior to the occupation of each phase of the development hereby approved.

Reason: In the interests of biodiversity in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policy KP2, and Development Management Document (2015) Policy DM2.

#### Electric Vehicle Charging

09 Prior to the first occupation of the development hereby approved full details of the proposed electric vehicle charging arrangements for the site shall be submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The approved details shall then be installed at each dwelling, prior to the first occupation of that unit as agreed under this condition.

Reason: In the interests of sustainability and in accordance with the Southend Electric Vehicle Charging Infrastructure Supplementary Planning Document (2021).

10 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works above lower ground floor slab level of Home Zones 2 and 3 shall take place unless and until full detailed design drawings of the external lifts in each of these Home Zones have been submitted to and approved in writing by the Local Planning Authority. The agreed lift details shall then be installed and the lifts shall be operational prior to the first occupation of the Home Zone to which they relate. The lifts shall be retained for the lifetime of the development and maintained in good working order at all times.

Reason: To ensure the residential units hereby approved are accessible to all 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 (2009).

(c) That, subject to the granting of permission for application reference 24/00237/AMDT, the Executive Director (Environment and Place), the Director of Planning and Economy, and the Service Manager - Development Management and Enforcement, be DELEGATED to GRANT DISCHARGE OF THE FOLLOWING PLANNING CONDITIONS in FULL or PARTIALLY for planning permission 24/00237/AMDT as set out below:

#### Condition 02 (Phasing Plan)

02 The submitted details, including the phasing plan reference Drawing BA9923-1005-07 (Shoebury Garrison - Phasing Plan) are considered to satisfy the requirements of Condition 02 (Phasing Plan) of planning permission 24/00237/AMDT, are acceptable in all relevant regards and are hereby approved in so far as they relate to the housing part of the overall site subject of the outline planning permission only.

#### Condition 08 (Existing and Proposed Levels)

08 The submitted details including Drawing BA9923-2002 (Topography Survey) and Drawing 2105160-300 (External Levels Strategy) are considered to satisfy the requirements of Condition 08 (Existing and Proposed Levels) of planning permission 24/00237/AMDT, are acceptable in all relevant regards and are hereby approved in so far as they relate to the housing part of the overall site subject of the outline planning permission only.

#### Part discharge of condition 11 (Landscaping for Play Space Areas only)

11 The submitted details of the Landscaped Areas and Play Spaces as set out on drawing references PR243-01M Landscape Master Plan, Drawing PR243-02 (Leap Play Area Proposals), Drawing PR243-03 (Lap Play Area Proposals) and Drawing PR243-04A Informal Play Areas are considered to satisfy part of the requirements of Condition 11 (Landscaping for Play Space Areas only) of planning permission 24/00237/AMDT, are acceptable in all relevant regards and are hereby approved. Condition 11 is part discharged. Details of the remaining details of the remaining site wide landscaping will require a further submission of details for approval at a later date.

#### Condition 13 (Timescale for the implementation of Biodiversity Mitigation Measures)

13 The submitted details of the timescales for the implementation of Biodiversity Mitigation Measures, including the amended mitigation measures for the site in relation to badgers, as set out in Residential Reserved Matters Application – Ecological Condition Discharge Document Conditions 13 to 17 by SES dated February 2024 are considered to satisfy the requirements of Condition 13 (Timescale for the implementation of Biodiversity Mitigation Measures) of planning permission 24/00237/AMDT, are acceptable in all relevant regards and are hereby approved in so far as they relate to the housing part of the overall site subject of the outline planning permission only.

#### Condition 16 (Timetable for Ecological Enhancement Measures)

16 The submitted details of the timescales for the implementation of Ecological Enhancement Measures as set out in the Residential Reserved Matters Application – Ecological Condition Discharge Document Conditions 13 to 17 by SES dated February 2024 are considered to satisfy the requirements of Condition 16 (Timetable for Ecological Enhancement Measures) of planning permission 24/00237/AMDT, are acceptable in all relevant regards and are hereby approved in so far as they relate to the housing part of the overall site subject of the outline planning permission only.

#### Condition 20 (Cycle Parking Details)

20 The submitted details, including the cycle parking details, as set out on Drawings BA9923-2015C (Cycle Store Location Plan) and Bin and Bicycle Storage Schedule Rev A are considered to satisfy the requirements of Condition 20 (Cycle Parking Details) of planning permission 24/00237/AMDT, are acceptable in all relevant regards and are hereby approved in so far as it relates to the housing part of the overall site subject of the outline planning permission only.

#### Condition 25 (Refuse and Recycling Details)

25 The submitted details, including the refuse and recycling details, as set out on drawing BA9923-2014F (Refuse Store and Collection Plan) and drawing 2105160-003 (Site Layout – Swept Path Analysis) and Bin and Bicycle Storage Schedule Rev A are considered to satisfy the requirements of Condition 25 (Refuse and Recycling Details) of planning permission 24/00237/AMDT, are acceptable in all relevant regards and are hereby approved in so far as it relates to the housing part of the overall site subject of the outline planning permission only.

#### Condition 28 (Flood Risk and Drainage Strategy)

28 The submitted details, including the sustainable drainage details for the development as set out in the Drainage Strategy Briefing Note by Ardent reference 2105160-R02 dated April 2024, Drawing 2105160-400B Proposed Drainage Strategy Home Zones 1 and 2, Drawing 2105160-401B Proposed Drainage Strategy Home Zones 2,3 and 4, Letter titled 24/00311/RESM – Flood Risk and Drainage Strategy from Ardent reference BC/2105160/LLFA Response dated 4.4.24, Ardent response to LLFA Drainage Queries dated 06.06.2024 and Drainage Calculations for Catchments A-D are considered to satisfy the requirements of Condition 28 (Flood Risk and Drainage Strategy) of outline planning permission 24/00237/AMDT, are acceptable in all relevant regards and are hereby approved in so far as it relates to the housing part of the overall site subject of the outline planning permission only.

#### Condition 34 (Part M4(2) and (3) details)

34 The submitted details, including drawings BA9923-2700 M4(3) and M4(2) Compliance Flats and Houses, BA9923-2007E House Types Plan (showing location of M4(3) units, BA9923-2206A M4(2) Accessibility HZ1, BA9923-2207 M4(2) Accessibility HZ2, BA9923-2208 M4(2) Accessibility HZ3 and BA9923-2209 M4(2) Accessibility HZ4 • Planning Statement and Design and Access Statement



satisfy the requirements of Condition 34 (Part M4(2) and (3) details) of planning permission 24/00237/AMDT, are acceptable in all relevant regards and are hereby approved in so far as they relate to the housing part of the overall site subject of the outline planning permission only.

#### 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](mailto: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](http://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy)) or the Council's website ([www.southend.gov.uk/cil](http://www.southend.gov.uk/cil)).

2. Please note that the conditions imposed on the Outline Permission 20/01227/OUTM are in force and need to be complied with. The applicant is advised that condition 19 of that outline permission will need to be varied as it is different to the parking arrangement proposed within this application.

3. 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.

4. The applicant is advised that if a crane or piling rig is required to construct the development a safeguarding assessment will need to be undertaken by the Airport. Applications should be directed to [sam.petrie@southendairport.com](mailto:sam.petrie@southendairport.com) / 01702 538521.

#### 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.

- 44 24/00420/DOV - Land Between Barge Pier Road and Ness Road, Shoeburyness (Shoeburyness Ward)**  
**Proposal: Modification of planning obligation (Section 106 agreement) dated 26th February 2021 pursuant to application 20/01227/OUTM dated 26.02.2021 (as amended by 21/01887/DOV5) to modify the affordable housing obligations**  
**Applicant: Bellway Homes Limited (Essex)**  
**Agent: Giuseppe Cifaldi of Savills**

Resolved:-

That planning permission for the application be REFUSED on grounds that the development will not secure the necessary contribution for affordable housing, secondary education, highways works and RAMS and that, as such, the proposal would be unacceptable and contrary to the National Planning Policy Framework (2023), Policies KP2, KP3, CP3, CP6 and CP8 of the Core Strategy (2007) and Policies DM1, DM3, DM7 of the Development Management Document (2015) and the Essex Coast Recreational Disturbance Avoidance Mitigation Strategy (RAMS) Supplementary Planning Document (2020).

- 45 24/00546/FUL - Woodside Parade, Woodside, Leigh-on-Sea (Belfairs Ward)**  
**Proposal: Demolish existing building, erect 4no. dwellinghouses with associated amenity space and bin stores, layout parking to front and form new vehicle crossovers onto Woodside Parade**  
**Applicant: Mr J Thomas of Harrison Developments Limited**  
**Agent: Mrs Samantha Stephenson of Phase 2 Planning**

Resolved:-

(a) That the Council enter into a Planning Obligation by Deed of Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:

- Off-site purchase of 0.18 habitat units (0.15 individual tree habitat units and 0.03 scrub units or 0.18 high distinctiveness habitat units) to reach a 10% Biodiversity Net Gain along with a Habitat Management, Maintenance and Monitoring Plan (HMMMP) to facilitate delivery.

- Monitoring fee of up to £10,000.

(b) That the Executive Director for Environment and Place, Director of Planning and Economy or Service Manager - Development Management and Enforcement be DELEGATED to GRANT PLANNING PERMISSION subject to the completion of the section 106 agreement referred to above and subject to the conditions set out below:

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: 1445-WDPR-SCN-XX-00-DR-A-00.001-A3-PL01, 1445-WDPR-SCN-XX-00-DR-A-01.001-A3-PL01, 1445-WDPR-SCN-XX-00-DR-A-60.001-A3-PL01, 1445-WDPR-SCN-XX-00-DR-A-10.001-A3-PL01, 1445-WDPR-SCN-XX-00-DR-A-00.003-A3-PL01, 1445-WDPR-SCN-XX-00-DR-A-00.002-A3-PL01; NC24.835-P-201 Rev A

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 Prior to commencement of the development above ground floor slab level, full product details of the materials to be used in the construction of all the external elevations of the development hereby approved shall be submitted to and agreed in writing by the Local Planning Authority under the terms of this condition. These materials shall include brick, including for the brick decoration, roof including for the sloped and flat area, ridge and eaves and party wall detail, fascia and soffit, all windows and doors including dormer surrounds, terrace screen and flooring, porch framing and rainwater goods. The development shall be carried out solely in accordance with the approved details before it is first occupied.

Reason: In the interests of visual amenities, in accordance with 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).

04 Prior to the occupation of the development hereby approved, full details of the privacy screens for the first floor rear terraces shown on approved plan 1445-WDPR-SCN-XX-00-DR-A-10.001-A3-PL01 shall be submitted to and approved in writing by the Local Planning Authority. The screens shall enclose the first floor terraces at a height of not less than 1.7m above terrace finished floor level. The screens shall be installed prior to first occupation of the development and 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).

05 No development above ground floor slab level shall take place unless and until full details of hard and soft landscape works and boundary treatments 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 landscape works and boundary treatments shall be completed prior to first occupation of the development hereby approved, 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.) Existing and proposed site levels.
- (ii.) Means of enclosure of the site and plots including any walls, gates or boundary fencing.
- (iii.) Details of external hard surfacing.
- (iv.) Details of the number, size and location of trees, shrubs and plants to be planted together with a planting specification and management.
- (v.) Details of measures to enhance biodiversity within 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 agreed with the Local Planning Authority under the terms of this condition.

Reason: In the interests of visual amenity and the amenities of 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).

06 The 4 car parking spaces and the associated vehicular access for the spaces to access the public highway, shown on approved plan 1445-WDPR-SCN-XX-00-DR-A-01.001-A3-PL01 shall be provided and made available for use at the site prior to the first occupation of the development hereby approved. The car parking spaces and the associated vehicular accesses 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 dwellings hereby approved and their visitors. Every car parking space must have access to active electric vehicle charging.

Reason: In the interests of the living conditions of future occupiers, highway safety, and sustainability further to the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2, CP3 and CP4, Development Management Document (2015) Policies DM2 and DM15 and the advice contained within the Electric Vehicle Charging Infrastructure for new development Supplementary Planning Document (2021).

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

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

08 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 (lppd) (110 lppd 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).

09 The four dwellings hereby approved shall be completed in a manner to ensure compliance with Building Regulations part M4(2) 'Accessible Dwellings' before they are first occupied.

Reason: To ensure the provision of flexible internal layouts 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 DM2 and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

10 The dwellings hereby approved shall not be occupied until and unless the refuse and recycling and cycle storage facilities are provided and made available for use by the occupiers in full accordance with the details shown on approved drawing numbers 1445-WDPR-SCN-XX-00-DR-A-01.001-A3-PL01 and 1445-WDPR-SCN-XX-00-DR-A-60.001-A3-PL01 or any other details that have been previously submitted to and agreed in writing by the Local Planning Authority under the terms of this condition. The refuse and recycling and cycle storage facilities shall be retained for the lifetime of the development in accordance with the approved details.

Reason: To ensure that the development is satisfactorily serviced and that satisfactory waste management is undertaken in the interests of highway safety and visual amenity and to protect the character of the surrounding area, in accordance with Policies KP2 and CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015).

11 No drainage infrastructure associated with this development shall be undertaken unless and until details of the design implementation, maintenance and management of a scheme for surface water drainage works (incorporating Sustainable Drainage Systems (SuDS) Principles) 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 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).

12 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, E and F 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 and advice in the Southend-on-Sea Design and Townscape Guide (2009).

13 Land Contamination - The following works shall be conducted by competent persons and in accordance with the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers' and DEFRA and the Environment Agency's Land Contamination Risk Assessment guidance (LCRM) and other current guidance deemed authoritative for the purposes. The development hereby permitted shall not commence until the measures set out in the approved report have been implemented.

#### 14 A. Site Characterisation

Notwithstanding the details submitted with this application, no development shall commence other than that required to carry out additional necessary investigation which in this case includes demolition, site clearance, removal of underground tanks and old structures until an investigation and risk assessment has been submitted to and approved in writing by the Local Planning Authority. 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 produced. The report of the findings must include:

- a survey of extent, scale and nature of contamination;
- an assessment of the potential risks to:
  - Human health,
  - Properly (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - Adjoining land,
  - Groundwaters and surface waters,
  - Ecological systems
- an appraisal of remedial options, and proposal of the preferred option(s).

#### B. Site Remediation Scheme

The development hereby permitted shall not commence 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. Where cover systems are recommended as part of the scheme it shall be subject to assessment in accordance with the National Contaminated Land Officers Group document "A Regulator's Guide to Cover Systems and their Verification" and any subsequent revisions thereof that compliments the LCRM.

#### C. Remediation Implementation and Verification

The development hereby permitted shall not commence other than that required to carry out the agreed remediation until the measures set out in the approved Remediation scheme have been implemented. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Where cover systems have been implemented as part of the scheme verification shall be subject to assessment in accordance with the National Contaminated Land Officers Group document 'A Regulator's Guide to Cover Systems and their Verification and any subsequent revisions thereof that compliments the LCRM.'

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 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 it must be reported in writing immediately to the Local Planning Authority. All works must cease upon the finding of contamination at the site and shall not commence until an investigation and risk assessment has been undertaken, submitted to the Local Planning Authority and approved in writing. Where remediation is necessary, a remediation scheme must be prepared, submitted to the Local Planning Authority and approved in writing before works recommence. The agreed remediation measures must then be implemented in full and, and a verification report must be submitted and approved in writing of the Local Planning Authority prior to the first use of the development hereby approved. Investigation, remediation and verification must be undertaken by competent persons and in accordance with the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers' and DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and other current guidance deemed authoritative for the purposes.

Reason: To ensure that any contamination on the site is identified and treated so that it does not harm anyone who uses the site in the future, and to ensure that the development does not cause pollution to Controlled Waters in accordance with Core Strategy (2007) Policies KP2 and CP4 and Policies DM1 and DM14 of the Development Management Document (2015).

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 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. 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.

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.

16 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 or Public 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).

(c) In the event that the planning obligation referred to in part (a) above has not been completed before 23 August 2024 or an extension of this time as may be agreed by the Director of Planning and Economy or Service Manager- Development Management and Enforcement, authority is delegated to the Director of Planning and Economy or Service Manager- Development Management and Enforcement to refuse planning permission for the application on grounds that the development will not secure the necessary contributions to comply with Biodiversity Net Gain legislation.

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](mailto: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](http://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy)) or the Council's website ([www.southend.gov.uk/cil](http://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. 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 we become aware of any works that are highly likely to cause a nuisance, we 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.

4. Asbestos - Prior to demolition 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. The applicant is reminded that this permission does not bestow compliance with other regulatory frameworks. In particular, your attention is drawn to the statutory nuisance provisions within the Environmental Protection Act 1990 (as amended) and the noise provisions within the Control of Pollution Act 1974. Applicants should contact the Council's Regulatory Services Officer in Environmental Protection for more advice on 01702 215005 or at Regulatory Services, Southend-on-Sea City Council, Civic Centre, Victoria Avenue, Southend SS2 6ER'.

6. The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition") that development may not begin unless:

(a) a Biodiversity Gain Plan has been submitted to the planning authority, and

(b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Southend-on-Sea City Council

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission ("the earlier Biodiversity Gain Plan") there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted

(i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and

(ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of

the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

Where development is to proceed in phases Biodiversity Gain Plans are required before development may be begun (the overall plan) and required before each phase of development may be begun (phase plans).

**Chair:** \_\_\_\_\_