

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

## **Meeting of Development Control Committee**

**Date: Wednesday, 11th December, 2024**

**Place: Committee Room 1 - Civic Suite**

**Present:** Councillor N Ward (Chair)  
Councillors M Borton (Vice-Chair), M Berry, K Buck, C Campbell\*,  
F Evans, N Folkard, S Habermel, A Jones, R Longstaff, C Mulroney,  
J Norman, M O'Connor, D Poulton, J Warren\* and C Webster  
(\*Substitute in accordance with Council Procedure Rule 30.)

**In Attendance:** Councillors S Aylen, S Badger, M Terry and R Woodley  
K Waters, P Keyes, C Galforg, A Greenwood, S Mouratidis, C White,  
M Warren, A Juson and T Row

**Start/End Time:** 5.00 pm - 7.45 pm

### **78 Apologies for Absence**

Apologies for absence were received from Councillors Dear (substitute: Councillor Warren), Garston (substitute: Councillor Campbell) and Richardson (no substitute).

### **79 Declarations of Interest**

The following interests were declared at the meeting:

(i) Councillor Aylen - Minute No. 86 (24/01301/FUL - 116 Arterial Road, Leigh-on-Sea) – Occasional user of the car wash

(ii) Councillor Buck

(a) Minute No. 82 (24/01006/FUL - The St Christopher School, Mountdale Gardens, Leigh-on-Sea) – Lives in vicinity of the school and is familiar with it;

(b) Minute No. 84 (24/01398/AMDT - Roslin Hotel, Thorpe Esplanade, Thorpe Bay) – Meets with representatives of the business community at the Roslin as Shadow Cabinet Member;

(c) Minute No. 86 (24/01301/FUL - 116 Arterial Road, Leigh-on-Sea) – Occasional user of the car wash

(iii) Councillor A Jones – Minute No. 81 (24/00409/BC3 - Land Adjacent 96 Denton Avenue Westcliff-on-Sea) – Southend City Council Application (Cabinet Member) (withdrew);

(iv) Councillor Mulroney – Minute No. 83 (24/01390/FULH - 98 Undercliff Gardens, Leigh-on-Sea) – Member of Leigh Town Council non-participant in planning; and

(v) Councillor Webster – Minute No. 83 (24/01390/FULH - 98 Undercliff Gardens, Leigh-on-Sea) – Lives in the same road as the property subject to the planning application.

**80 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.

**81 24/00409/BC3 - Land Adjacent 96 Denton Avenue Westcliff-on-Sea (St Laurence Ward)**

**Proposal: Erect a two storey dwellinghouse on land adjacent 96 Denton Avenue with amenity space to rear and layout parking to front**

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

**Agent: Mrs Michelle Fishlock of Southend-on-Sea City Council**

Resolved:-

That planning permission be GRANTED subject to the following conditions:

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

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

02. The development shall only be undertaken in accordance with the following approved plans: Site Location Plan EX-00 Rev B, Proposed Site Plan P-00 Rev E, Proposed Landscape Plan P-01 Rev A, Proposed Floor Plans P-10 Rev F, Proposed Roof Plan P-11 Rev C, Proposed Elevation P-21 Rev E, Proposed Street Elevation P-20 Rev B, Proposed Section P-30 Rev D, Existing Street Elevation EX-20, Existing Site Plan EX-01 Rev A and Proposed Drainage Layout H16854-DA D01 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. Notwithstanding the information submitted with the application, no development above ground floor slab level shall take place unless and until full details and specifications of the materials to be used for all the external surfaces of the approved dwelling at the site including facing materials, roof detail, windows, doors, fascia and soffits have been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The development must then be carried out in full accordance with the approved details before the dwelling hereby approved is first occupied.

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

04. A scheme detailing how at least 10% of the total energy needs of the development hereby approved will be supplied using on site renewable sources shall be submitted to and agreed in writing by the Local Planning Authority and

implemented in full prior to the first occupation of the development under the terms of this condition. This provision shall be made for the lifetime of the development and in accordance with the agreed details.

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

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

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

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

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

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

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

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

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

09. The three car parking spaces for the dwellings (two for the dwelling hereby approved and one for No.96 Denton Avenue) as shown on approved plan ref. P-00 Rev E, shall be provided and made available for use at the site prior to the first

occupation of the dwelling hereby approved. One car parking space at the dwelling hereby approved shall be fitted with an active electric vehicle charging point prior to its first occupation. The car parking spaces shall thereafter be permanently retained only for the parking of vehicles of the occupiers and visitors to the dwellings.

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

10. No drainage infrastructure associated with the development hereby approved shall be installed unless and until full details of surface water attenuation for the site, based on Sustainable Drainage Systems principles, have been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. The following information must also be submitted to address the drainage requirements of the site:

a.) Details must be submitted to and approved in writing by the Local Planning Authority to show the risks and solutions to address concerns that a 26mm orifice plate is small and prone to blockages under the terms of this condition.

b.) A maintenance plan for all new drainage and SuDS features must be submitted to and approved in writing by the Local Planning Authority under the terms of this condition.

c.) Confirmation from Anglian Water must be submitted to demonstrate that the new connection is acceptable and approved in writing by the Local Planning Authority under the terms of this condition.

d.) Full details of how the system will perform for critical storms for 1:1, 1:30 and 1:100 +45% climate change must be submitted to and approved in writing by the Local Planning Authority under the terms of this condition.

Any drainage infrastructure shall be installed in accordance with the approved details and maintained on site as approved thereafter.

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

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

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

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

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

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

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

13. No development shall take place, including any works of demolition, unless and until a Demolition and Construction Management Plan and Strategy (to include Noise and Dust Mitigation Strategies) has been submitted to and approved in writing by the Local Planning Authority pursuant to this condition. The approved Demolition and Construction Management Plan and Strategy shall be adhered to in full throughout the construction period. The Strategy shall provide, amongst other things, for:

- i.) the parking of vehicles of site operatives and visitors,
- ii.) loading and unloading of plant and materials,
- iii.) storage of plant and materials used in constructing the development,
- iv.) the erection and maintenance of security hoarding,
- v.) measures to control the emission of dust, dirt, mud being carried onto the road 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. and
- viii.) details of the duration and location of any noisy activities.

Reason: A pre-commencement condition is justified in the interest of the residential amenity of nearby occupiers in accordance with the National Planning

Policy Framework (2023), Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

14. Notwithstanding the information submitted with the application, no development shall be undertaken unless and until full details of the tree protection measures for the tree to the rear of the site to be employed during the construction phase of the development have been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The development shall be carried out in full accordance with the approved tree protection measures throughout the construction phase of the development.

Reason: This pre-commencement condition is needed to safeguard the character and appearance of the surrounding area in accordance with Policies DM1 and DM3 of the Development Management Document (2015) and Policies KP2 and CP4 of the Core Strategy (2007).

15. The first floor window in the northern side elevation of the development hereby approved shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy) and fixed shut, except for any top hung fan light which shall be a minimum of 1.7 metres above internal finished floor level prior to the first use or occupation of the development hereby permitted and shall be retained as such thereafter. In the case of multiple or double-glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4 on the Pilkington scale.

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

16. In the event that contamination is found at any time when carrying out the development, works shall cease and it shall be reported in writing immediately to the Local Planning Authority and the carrying out of the development shall stop immediately under the terms of this condition. An investigation and risk assessment shall be undertaken, and where remediation is necessary, a remediation scheme must be submitted and approved in writing by the Local Planning Authority under the terms of this condition. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by Local Planning Authority under the terms of this condition. 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: For the avoidance of land contamination and human health in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP1 and KP2 and Policy DM14 of the Development Management Document (2015).

## Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.

## Informatives:

1. Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended), and it is the responsibility of the landowner(s) to ensure they have fully complied with the requirements of these regulations. A failure to comply with the CIL regulations in full can result in a range of penalties. For full planning permissions, a CIL Liability Notice will be issued by the Council as soon as practicable following this decision notice. For general consents, you are required to submit a Notice of Chargeable Development (Form 5) before commencement; and upon receipt of this, the Council will issue a CIL Liability Notice including details of the chargeable amount and when this is payable. If you have not received a CIL Liability Notice by the time you intend to commence development it is imperative that you contact [S106andCILAdministration@southend.gov.uk](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. The applicant will be required to apply to highways to carry out the necessary vehicle crossover works to ensure vehicles can park off street.

4. If construction works are to be considered outside of normal hours especially overnight or are expected to cause a nuisance to existing receptors it is recommended that the applicant applies for a prior consent application under section 61 of the Control of Pollution Act 1974. A consent enables the applicant to conduct the works without the worry of enforcement provided they comply with it. The applicant will have to submit details of any noisy works including type of plant and machinery to be used, proposed daily start and finish times, consultation with nearby residents and businesses and duration and time scales of the works. The applicant will need an acoustically qualified person who will be able to calculate

the predicted noise levels from the operation and the impact on nearby residents and then be able to evaluate mitigation measures that can be used.

If the Council's Regulatory Services become aware of any works that are highly likely to cause a nuisance they can serve a notice under section 60 of the Control of Pollution Act 1974 to prevent this. A breach of this will represent a criminal offence.

The application form and guidance are available on the Southend-on-Sea City Council website. The applicant can also contact the Regulatory Services Team at Southend-on-Sea City Council for details.

**82 24/01006/FUL - The St Christopher School, Mountdale Gardens, Leigh-on-Sea (Blenheim Park Ward)**

**Proposal: Erect a detached single storey flat roof building with downlighting on elevations and PV solar panels and rooflights to roof to provide a four classroom block with supporting accommodation to rear boundary (south) of main school building, install external timber storage for push buggy/strollers, provide space for emergency vehicle turning, extend existing footpath and other associated works**

**Applicant: Audrey McLellan of The St. Christopher School**

**Agent: Mr Sam Milne of The Livemore Partnership**

Mr Yates, a local resident, spoke as an objector to the application. Mr Woodman (headteacher), responded on behalf of the applicant.

Resolved:-

That the Executive Director (Environment & Place), Director of Planning and/or Economy or the Service Manager - Development Management and Enforcement be DELEGATED to GRANT planning permission subject to the conditions set out below, provided any additional representations received up to the end of 19 December 2024 do not raise any new considerations which have not been addressed within the report. Should further representations be received up to that date which raise new considerations not already addressed within this report the application is to be brought back to Development Control Committee for determination.

01 The development hereby permitted shall begin no later than three years of 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 17478-12I, 17478-14D, 17478-16C.

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

03 Before the building hereby approved is brought into first use the materials for its external surfaces shall be as set out on approved plan reference 17478-14D and application form dated 19/06/2024 or in accordance with any other details that



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

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

04 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition and construction up to ground floor slab level shall take place until full details of both hard and soft landscape works to be carried out at the site have been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The approved hard landscaping works shall be carried out prior to first use of the development and the soft landscaping works within the first planting season following first use of the development hereby approved. The details submitted shall include, but not be limited to:-

- i) Existing and proposed levels;
- ii) Means of enclosure of the site including any gates or boundary fencing;
- iii) Hard surfacing materials including any replacement astro turf;
- iv) Full details of any associated structures (e.g. benches, planters, play equipment etc.).
- v) Full details of the number, size and location of the trees, shrubs and plants and turf to be retained and planted together with a planting specification and management plan.
- vi) 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 may be agreed with the Local Planning Authority under the terms of this condition.

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

05 Notwithstanding the details shown on the submitted plans and the Drainage Strategy Report by DBS reference 230327 dated July 2024 and updated Indicative Drainage Layout Plan reference 230327-04 T3 and otherwise hereby approved, no drainage infrastructure, including earthworks, associated with this development shall be undertaken unless and until the following details have been submitted to and approved in writing by the Local Planning Authority under the terms of this condition:

- i) Drainage calculations with greenfield runoff rate utilising a climate change of 45%.
- ii) A SuDS management plan including details of who is responsible for management and maintenance.

The approved drainage scheme shall be implemented in accordance with the approved details before the development is brought into first use and shall be maintained as such thereafter in perpetuity.

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

06 Prior to the commencement of development, tree protection measures shall be implemented in full accordance with the details set out in the Arboricultural Impact Assessment by Tree Fella Rev 1 dated 18.6.24 and Tree Protection Plan dated 20.5.24. These protection measures shall be maintained throughout the construction of the development. The development within the root protection areas of adjacent trees shall then be carried out in full accordance with the method statement set out within the Arboricultural Impact Assessment by Tree Fella Rev 1 dated 18.6.24 and the piling arrangement shown on plan reference 230327-01 T3 (General Arrangement Pile Setting Out Plan).

Reason: A pre commencement condition is required to safeguard the health of existing trees which represent an amenity feature in accordance with Core Strategy (2007) Policies KP2 and CP4, Policy DM1 of the Development Management Document (2015) and the advice contained in the Southend -on-Sea Design and Townscape Guide (2009).

07 The development hereby approved shall be carried out in full accordance with the noise mitigation measures detailed in the 'Noise Impact Assessment of Proposed Classroom Extension Block' dated 20 May 2024 by HA Acoustics (report Ref: HA/AG168/V1). The measures shall be fully implemented as set out in this report prior to the first use of the development hereby approved and maintained on site as approved in perpetuity. Noise from plant and equipment including ventilation and heating equipment shall be limited to at least 10 dB(A) below the background noise level including any penalties for noise characteristics such as tone and intermittency.

Reason: In order to protect the amenities of occupiers 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).

08 No external lighting shall be installed on the south and west elevations of the building hereby approved other than in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. All illumination shall be designed in accordance with the Institute of Lighting Professionals "Guidance Note 01/20: Guidance notes for the reduction of obtrusive light".

Reason: A condition is justified to protect the amenities of neighbours and to ensure any protected species and habitats utilising the site are adequately protected in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policy KP2 and Development Management Document (2015) Policies DM1 and DM2.

09 In the event that contamination is found at any time when carrying out the approved development work must cease and it must be reported in writing immediately to the Local Planning Authority under the terms of this condition. Works must not re-commence until and unless an investigation and risk assessment has been undertaken, submitted to and approved in writing by the Local Planning Authority. Where remediation is necessary, a remediation scheme must be prepared, submitted to and approved in writing by the Local Planning Authority before works recommence. The agreed remediation measures must then be implemented in full and a verification report must be submitted to and approved in writing by 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 such 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).

10 The development hereby approved shall not be first used unless and until a final Certificate has been issued certifying that a BREEAM (or any such equivalent national measure of sustainable building which replaces that scheme) rating of at least "Very Good" has been achieved for the development and a copy of this certification has been submitted to the Local Planning Authority under the provisions of this condition.

Reason: To minimise the environmental impact of the development through efficient use of resources and better use of sustainable and renewable resources in accordance with the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Core Strategy (2007) and Policy DM2 of the Development Management Document (2015).

11 Prior to the first use of the development hereby approved, the requirement for at least 10% renewable energy for the development shall be installed in full compliance with the details set out in the Energy Strategy by Hulley & Kirkwood Issue 1 dated 05.24 and the roof plan on drawing reference 17478-14D or in accordance with any other details which have been previously submitted to and approved in writing by the Local Planning Authority under the terms of this condition. All sinks and sanitaryware shall be low water usage.

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

12 The proposed site clearance and construction works for the development hereby approved shall be carried out in full accordance with the recommendations set out in the Preliminary Ecological Appraisal by Matthew Game rev 2 dated 10.6.24 and Table 2 of the Ecological Enhancement and Management Plan by Matthew Game rev 2 dated 10.6.24 or in accordance with any other details that have been previously submitted to and agreed in writing by the Local Planning Authority under the terms of this condition.

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

13 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;
- viii) Details outlining how surface water will be managed during the construction phase including details on the phasing of drainage installation relative to wider works.

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 & DM3.

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

Reason: In the interests of the amenities of neighbours pursuant to Policy CP4 of the Core Strategy (2007) and Policy DM1 of the Development Management Document (2015).

15 The development hereby approved shall only be used for educational purposes falling within use class F.1 as defined within the Town and Country Planning (Use Classes) Order 1987 as amended.

Reason: To determine the scope of the permission in the interest of neighbour amenity 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 and advice contained within the Southend-on-Sea Design and Townscape Guide.

#### POSITIVE AND PROACTIVE STATEMENT:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.

#### INFORMATIVES:

01 Community Infrastructure Levy Liability Notice: You are advised that in this instance the chargeable amount for the Community Infrastructure Levy (CIL) has been calculated as zero under the CIL Regulations 2010 (as amended) due to the specific nature of the use. However, should the nature of the use change then you are advised to contact the Planning and Building Control Group to discuss the requirement for planning permission and CIL liability.

02 You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council will seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the City.

03 Biodiversity Net Gain - 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).

04 Construction outside of normal hours - If construction works are to be considered outside of normal hours especially overnight or are expected to cause a nuisance to existing receptors it is recommended that the applicant applies for a prior consent application under section 61 of the Control of Pollution Act 1974. A consent enables the applicant to conduct the works without the worry of enforcement provided they comply with it. The applicant will have to submit details of any noisy works including type of plant and machinery to be used, proposed daily start and finish times, consultation with nearby residents and businesses and duration and time scales of the works. The applicant will need an acoustically qualified person who will be able to calculate the predicted noise levels from the operation and the impact on nearby residents and then be able to evaluate mitigation measures that can be used. If Regulatory Services become aware of any works that are highly likely to cause a nuisance they can serve a notice under section 60 of the Control of Pollution Act 1974 to prevent this. A breach of this will represent a criminal offence. The application form and guidance 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.

05 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. The applicant is also reminded that this permission is separate to the need to comply with Food Safety and Health & Safety at Work laws. These will include the Food Safety Act 1990 (as amended), the Food Hygiene (England) Regulations 2013, Regulation (EC) 852/2004 and the Health and Safety at Work Etc. Act 1974. Applicants should contact the Council's Regulatory Services Officer for Food and Health and Safety for more advice on 01702 215005 or at Regulatory Services, Southend-on-Sea City Council, Civic Centre, Victoria Avenue, Southend SS2 6ER.

- 83      24/01390/FULH - 98 Undercliff Gardens, Leigh-on-Sea (Leigh Ward)**  
**Proposal: Erect parking platform to rear at street level with wire balustrade and undercroft garden room, form vehicle crossover onto Grand Parade**  
**Applicant: Mr Martin Adams**  
**Agent: Mr Danny Knott of DK Building Designs**

Resolved:-

That planning permission be GRANTED subject to the following conditions:

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

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

02 The development shall only be undertaken in accordance with the following approved plans: MA05 Sheet 01 of 02, MA05 Sheet 02 of 02.

Reason: To ensure the development is carried out in accordance with the consent sought, has an acceptable design and complies with Policy DM1 of the Development Management Document (2015).

03 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no development shall take place, other than for demolition works and the construction above foundation level, until full details and specifications of the materials to be used in the construction of the development, including, the hardstanding, external walls and balustrades hereby permitted have been submitted to and agreed in writing by the Local Planning Authority pursuant to this condition. Details of the proposed balustrading should be submitted at a scale of 1:20. The development shall be carried out in full accordance with the approved details before it is occupied.

Reason: In the interests of visual amenity to ensure that the development hereby approved does not materially harm public views of the estuary available from Grand Parade. This is set out in the National Planning Policy Framework (2023), Core Strategy (2007), Policies KP2 and CP4, Development Management

Document (2015) Policies DM1, DM3 and DM6 and advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

04 The garden room hereby approved shall not be used or occupied at any time other than for purposes incidental to the enjoyment of the residential use of the dwelling known as 98 Undercliff Gardens, Leigh-on-Sea and furthermore shall not be used or occupied as a separate dwelling.

Reason: To protect the amenities of existing and future occupiers, to protect the privacy and environment of people in neighbouring residential properties, to ensure adequate parking provision and in the interests of highway safety in accordance with Core Strategy (2007) Policies KP2, CP3 and CP4, Development Management Document (2015) Policies DM1, DM3 and DM15 advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

05 Prior to first use of the platform hereby otherwise approved, for the parking of vehicles, a vehicular crossover must be installed in accordance with the approved plans MA05 Sheet 01 of 02, MA05 Sheet 02 of 02.

Reason: In the interest of highway safety in accordance with Core Strategy (2007) Policy CP3 and Development Management Document (2015) Policy DM3 and advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

#### Informatives

1. You are advised that as the development equates to less than 100sqm of new floorspace the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See [www.southend.gov.uk/cil](http://www.southend.gov.uk/cil) for further details about the Levy.

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. The granting of this permission does not negate the need for Highways Consent for the permanent vehicular crossing and there is no guarantee that you will automatically be granted Highways Consent for this. Applications for permanent vehicular crossings made under Planning Legislation consider a broader range of criteria in comparison to applications made under Highways legislation. They are separate regimes and different requirements apply to each. You will be expected to demonstrate that formation of the crossover subject of the application for separate application required for highways consent does not prejudice the health of the street tree including its root system.



## 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.

**84 24/01398/AMDT - Roslin Hotel, Thorpe Esplanade, Thorpe Bay (Thorpe Ward)**

**Proposal: Application to vary condition 13 (hours of operation) opening times for non-residents amended from 7am to 11pm on any day to 7am to midnight on Sundays to Thursdays and 7am to 1am on Fridays and Saturdays with the opening times extended by one hour on the Friday and Saturday from 7am to 2am and on the Sunday from 7am to 1am prior to certain bank and public holidays with exceptions (Material amendment of planning permission 20/01199/FULM dated 17.03.2022).**

**Applicant: Regis Entertainment Limited**

**Agent: Mr Jon Murch of Davies Murch**

Resolved:-

That planning permission be REFUSED for the following reason:

It has not been demonstrated that the proposed hours of operation would not result in material and significant harm to the residential amenity of neighbouring occupiers in the area due to increased noise and disturbance. This is unacceptable and contrary to the National Planning Policy Framework (2024), Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

**85 24/01652/TPO - Cantel Medical Ltd, Campfield Road, Shoeburyness (Shoeburyness Ward)**

**Proposal: Raise canopy to provide 3.5m clearance from ground level where the canopy overhangs proposed pile locations to one Norway Maple (T31) (Application for works to Tree subject to a Tree Preservation Order)**

**Applicant: Mr Harminder Rai of Taylor Wimpey London**

**Agent: Mr Harminder Rai of Taylor Wimpey London**

Resolved:-

That CONSENT FOR WORKS TO PRESERVED TREE be GRANTED subject to the following conditions:

01. The works covered by this consent must be begun no later than the expiration of two years beginning with the date of this consent.

Reason: To enable the circumstances to be reviewed at the expiration of the period if the consent has not been implemented, in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2 and CP4,

Development Management Document (2015) Policy DM1 and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

02 The works to the Norway Maple tree covered by TPO 4/2022 T8 (labelled as T31 on the submitted plan reference C181072-01-01-00) shall be restricted to raising of the canopy extents to provide 3.5m clearance from ground level where the canopy overhangs the proposed pile locations only. These works shall be carried out in full accordance with the procedures set out in the document titled 'Addendum to Arboricultural Method Statement for Campfield Road, Shoeburyness, Southend-on-Sea for Proposed Piling Works reference LT-MME-181072-01 dated 30.08.24'.

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

03 The works hereby granted consent shall be carried out solely in accordance with British Standard BS3998 (2010) by a suitably qualified person.

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

#### Informatives

01 The applicant is advised that trees labelled T12 and T33 on the submitted plan reference C181072-01-01-00 are not covered by a Tree Preservation Order and therefore works to these trees does not require permission from the Council.

02 You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council will seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the city.

**86 24/01301/FUL - 116 Arterial Road, Leigh-on-Sea (Belfairs Ward)**  
**Proposal: Erect roof extension and install roller shutter**  
**Applicant: Mr Marius Balilaj**  
**Agent: Mr Gary Horrigan**

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

Resolved:-

That planning permission be REFUSED for the following reason:

The proposed development by reason of its size, scale and proximity to the site boundary would appear dominant and would result in a materially harmful sense of enclosure to the detriment of the amenities of the occupiers of 52 Oakwood

Avenue. This is unacceptable and contrary to the National Planning Policy Framework (2024), 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 National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009)

## INFORMATIVES

01 You are advised that as the proposed extension(s) or change of use to your property equates to less than 100sqm of new floorspace, and does not involve the creation of a new dwelling (Class C3), the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See the Planning Portal ([www.planningportal.co.uk/info/200136/policy\\_and\\_legislation/70/community\\_infrastructure\\_levy](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)) for further details about CIL.

02 The applicant is reminded that the development in situ is unauthorised. Failure to regularise the breach either by removing the development or by obtaining permission for the development is likely to result in the Local Planning Authority considering the expediency of enforcement action to seek to remedy any identified harm.

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