

SOUTHEND-ON-SEA CITY COUNCIL

Meeting of Development Control Committee

Date: Wednesday, 29th January, 2025

Place: Committee Room 1 - Civic Suite

Present: Councillor M Borton (Vice-Chair, in the Chair)
Councillors M Berry, A Dear, K Buck, L Burton, F Evans, N Folkard,
D Garston, A Jones, R Longstaff, C Mulroney, J Norman,
M O'Connor, D Poulton and C Webster

In Attendance: Councillors P Collins and M Dent
K Waters, P Keyes, C Galforg, O Hart, S Mouratidis, M Warren,
A Juson and T Row

Start/End Time: 5.00 pm - 7.45 pm

87 Apologies for Absence

Apologies for absence were received from the Chair (Councillor Ward) and Councillor Habermel (no substitutes).

88 Declarations of Interest

The following interests were declared at the meeting:

(i) All Councillors on the Committee – Minute No. 96 (Application Ref. No. 24/01866/FUL – 19 Blatches Chase, Eastwood, Leigh on Sea) – Received an email from the objector;

(ii) Councillor Dear – Minute No. 97 (Application Ref. No. 24/01558/AMDT - The Old Vienna Restaurant, 162 Eastwood Road, Leigh-on-Sea) – Had been contacted by the local press and had made a comment about the time the site had been empty but had not predetermined the application;

(iii) Councillor A Jones – Minute No. 98 (Application Ref. No. 24/01599/FUL - 1 Hastings Road, Southend-on-Sea) – Lives in close proximity to the application site (withdrew);

(iv) Councillor Longstaff – Minute No. 93 (24/01963/FULH - 69 Fernleigh Drive, Leigh-on-Sea) – Professional interest in the site (withdrew);

(v) Councillor Mulroney – Minute No. 93 (24/01963/FULH - 69 Fernleigh Drive, Leigh-on-Sea) – Non-planning Member of Leigh Town Council;

(vi) Councillor Poulton – Minute No. 96 (Application Ref. No. 24/01866/FUL – 19 Blatches Chase, Eastwood, Leigh on Sea) – Met with the applicant and objector at his local Councillor surgery.

89 Minutes of the meeting held on Wednesday 16th October 2024

Resolved:-

That the Minutes of the Meeting held on Wednesday, 16th October 2024 be confirmed as a correct record and signed.

90 Minutes of the meeting held on Wednesday 13th November 2024

Resolved:-

That the Minutes of the Meeting held on Wednesday, 13th November 2024 be confirmed as a correct record and signed.

91 Minutes of the meeting held on Wednesday, 11th December, 2024

Resolved:-

That the Minutes of the Meeting held on Wednesday, 11th December 2024 be confirmed as a correct record and signed.

92 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.

**93 24/01963/FULH - 69 Fernleigh Drive, Leigh-on-Sea (Chalkwell Ward)
Proposal: Demolish existing garage to side, erect single storey front and side extension, extend habitable accommodation in roof space with rooflights and reposition front door
Applicant: Mr Jason Paul
Agent: N/A**

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: 23-69FD-001 Rev A, 23-69FD-002 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 Before the development hereby approved is occupied the materials used on the external surfaces of the development must match those used on the external

surfaces of the existing property. This applies unless differences are shown on the drawings hereby approved or are required by other conditions on this permission.

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

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

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

05 The flat roof of the development hereby approved shall not be used as a balcony, roof garden or terrace or for any other purpose at any time without planning permission having been granted. The roof can however be used for the purposes of maintenance or to escape in the event of an emergency.

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

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 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.

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.

94 24/01705/FUL - 35 Northville Drive, Westcliff-on-Sea (Prittlewell Ward)
Proposal: Erect single storey annexe to rear for ancillary use to the main dwelling (Amended Proposal)
Applicant: Mr Ken Wong
Agent: N/A

Resolved:-

That PLANNING PERMISSION be GRANTED subject to the following conditions:

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

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

02 The development hereby approved shall only be undertaken in accordance with the following approved plans: Proposed Block Plan; Proposed Elevations; Proposed Floor Plans

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 All new work to the outside of the building hereby approved must match that of the main dwelling No 35 Northville Drive in terms of the choice of materials, and its method of construction and finished appearance shall be as shown on approved plan No 0002.

Reason: In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of the area. This is as set out in the National Planning Policy Framework (2024), 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).

04 The annexe development (building) hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 35 Northville Drive and shall not be sold, let or used as an independent residential unit.

Reason: To ensure a satisfactory standard of accommodation and to protect the amenities of existing and proposed occupiers of the application site, to protect the privacy and environment of people in neighbouring residential properties, and to prevent additional parking demand which cannot be met within the application site, in accordance with the Core Strategy (2007) Policies KP2, CP3 and CP4, Development Management Document (2015) Policies DM1, DM3, DM8 and advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

05 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the proposed windows in the north flank elevation of the building hereby approved shall only be glazed in obscure glass (the glass to be obscure to

at least Level 4 on the Pilkington Levels of Privacy) and fixed shut (except for any top hung fan light which shall be a minimum of 1.7 metres above internal floor level of the room which they serve) and shall be retained as such for the lifetime of the development.

Reason: In the interests of neighbour amenities further to the National Planning Policy Framework (2024), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the advice within the Southend-on-Sea Design and Townscape Guide (2009).

Informatives

01 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 for further details about the Levy.

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.

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.

- 95 24/01830/FULH - 33 Hall Park Avenue, Westcliff-on-Sea (Chalkwell Ward)**
Proposal: Demolish existing rear extensions and north facing chimney stacks, convert garage to habitable accommodation, erect part single part two storey rear extension, raise ridge height to form habitable accommodation in roof, front gables, roof lights, rear dormer with balcony, alteration to elevations and relocate front door from side elevation to front elevation.
Applicant: Mr & Mrs Vallance & Summers
Agent: Mr Mulry of Edith Garland Architecture

Resolved:

That PLANNING PERMISSION be GRANTED subject to the following conditions:

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

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

02 The development shall only be undertaken in accordance with the following approved plans: P01, P02 (Rev B), P04 (Rev H), P07, MS-001

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

03 Before the development hereby approved is occupied the materials used on the external surfaces of the development must match those used on the external surfaces of the existing property. This applies unless differences are shown on the drawings hereby approved or are required by other conditions on this permission.

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

04 The roof of the development hereby approved shall not be used as a balcony, roof garden or terrace or for any other purpose at any time without planning permission being granted by the Local Planning Authority. The roof can however be used for the purposes of maintenance or to escape in the event of an emergency.

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

05 The windows on the first floor side elevations 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 retained as such thereafter. In the case of multiple or double-glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4 on the Pilkington scale.

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

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 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.

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.

- 96 24/01866/FUL - 19 Blatches Chase, Eastwood, Leigh-on-Sea (Eastwood Park Ward)**
Proposal: Use outbuilding as hair salon (Use Class E) (retrospective)
Applicant: D Holder and M Fallan
Agent: Mr Matthew Driscoll of MJD Planning Ltd

MS Bartlett, a local resident, spoke as an objector to the application. Mr Driscoll, the applicant's agent responded.

Resolved:

That PLANNING PERMISSION be REFUSED for the following reasons:

01 The development introduces types and levels of non-domestic activity which are materially out of keeping with and significantly harmful to the residential character of the dwelling and its relationship to the residential character of the immediately surrounding area. 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 Southend-on-Sea Design and Townscape Guide (2009).

02 The development, by reason of the frequency, repetition and regularity of comings and goings introduces types and levels of activity, noise and disturbance which are incompatible with a residential setting and harmful to the amenity of neighbouring occupiers. 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 Southend-on-Sea Design and Townscape Guide (2009).

24/01558/AMDT - The Old Vienna Restaurant, 162 Eastwood Road, Leigh-on-Sea (Belfairs Ward)

Proposal: Application to vary conditions 02 (approved plans), 04 (details of site levels), 06 (details of hard and soft landscaping), 11 (details of accessible dwellings) and 15 (details of parking spaces) - amendments required to meet other conditions which are in conflict with these and/or as a result of the information required causing changes to the approved drawings (Material Amendment of Planning Permission 19/01110/FULM dated 09.02.2022)

Applicant: Mr James Robinson of FORMA London

Agent: Mr Mark Hadfield of McWilliam Lippe Architects

Resolved:

(a) 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 following conditions and following the completion of a PLANNING AGREEMENT UNDER SECTION 106 of the Town and Country Planning Act 1990 (as amended) to secure the provision of:

- £23,359.59 contribution towards secondary education.
- Essex RAMS payment of £2,130.18 to mitigate the potential disturbance to European designated sites.
- Monitoring fee of £1,167.97

(b) That the Executive Director for Environment and Place, Director of Planning and Economy or Service Manager - Development Management and Enforcement be authorised to determine the application upon completion of the above requirement, so long as planning permission when granted and, where it is used, the obligation when executed, accords with the details set out in the report submitted and the conditions listed below:

01 The development hereby approved shall be carried out in accordance with the approved plans:

575-P01 Rev A; 5965-BW(90)001 Rev B; 5965-BW(00)001 Rev C; 5965-BW(00)002 Rev C; 5965-BW(04)001 Rev C; 5965-BW(04)002 Rev C; 5965-BW(05)001 Rev C; 5965-BW(05)002 Rev C; 5965-BW(05)003 Rev C; 5965-BW(05)004 Rev C; 5965-BW(05)005 Rev C; 5965-BW(05)006 Rev C; 5965-BW(05)007 Rev C; LOI Rev C; P25-177 Rev B; C1000-DRG-100 Rev P4

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

02 The development hereby approved shall be constructed in accordance with the materials details including openings which were submitted and approved under the approval of details application reference 24/00041/AD or, any other alternative details which have previously been submitted to and approved in writing by the Local Planning Authority under the terms of this condition before the development is first occupied.

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).

03 The highest part of the building subject of this permission, including associated plant and renewable technologies shall not exceed 58.50m AOD. The development shall be implemented in full accordance with the requirements of this condition.

Reason: In the interest of visual amenity and to safeguard the safety of air traffic, in accordance with the National Planning Policy Framework (2024), Core Strategy (2007) Policies KP2, CP3 and CP4, Development Management Document (2015) Policies DM1, DM3 and DM15, and the advice contained within the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009).

04 The approved scheme of tree protection measures for the development hereby approved shall be fully implemented before the commencement of works and maintained throughout construction in accordance with the measures contained within the Arboricultural Impact Assessment (AIA) & Method Statement [Ref. 2636 Rev-03] authored by Owen Allpress and dated 01st October 2024.

Reason: In the interest of visual amenity in accordance with the National Planning Policy Framework (2024), 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).

05 The development hereby approved shall only be constructed in accordance with the landscaping details contained within approved plans '5965-BW(90)001 Rev B' and 'LOI Rev C' or, any other alternative landscaping details which have previously been submitted to and approved in writing by the Local Planning Authority under the terms of this condition before the development is first occupied.

The hard landscaping details must be completed in full prior to occupation of the approved dwellings.

The soft landscaping details must be completed in full within the first planting season following first occupation of the approved dwellings.

Reason: In the interest of visual amenity in accordance with the National Planning Policy Framework (2024), 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).

06 Within a period of five years from the completion of the development hereby approved, or from the date of the planting of any tree or any tree planted in its replacement, if any tree existing or planted as part of the approved landscaping scheme is removed, uprooted, destroyed, dies, or becomes, in the opinion of the

Local Planning Authority, seriously damaged or defective, another tree of the same species and size as that of the original tree shall be planted in the same place or in accordance with alternative tree replacement details approved under the scope of this planning condition.

Reason: In the interest of visual amenity in accordance with the National Planning Policy Framework (2024), 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).

07 The development hereby approved shall be constructed in accordance with the noise mitigation measures which were submitted and approved under the approval of details application reference 24/00041/AD or, any other alternative details which have previously been submitted to and approved in writing by the Local Planning Authority under the terms of this condition before the development is first occupied. The implemented noise mitigation measures shall be retained and/or maintained at the site thereafter for the lifetime of the development.

Reason: To mitigate the noise from highway traffic and the communal parking area in the interest of the living conditions of future occupiers in accordance with 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).

08 Before the development is occupied or brought into use, the development hereby approved shall be carried out in a manner to ensure that the 2No flats (06 & 10) identified on approved plans '5965-BW(00)001 Rev C and 5965-BW(00)002 Rev C' comply with the Building Regulations' Part M4 (3) 'wheelchair user dwellings' standard and the remaining 11No flats comply with Building Regulations' part M4(2) 'accessible and adaptable dwellings' standard.

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 (2024), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM3 and DM8 and advice contained in the Southend-on-Sea Design and Townscape Guide (2009).

09 Any construction works at the site in association with the development hereby approved shall only take place in accordance with the construction management measures which were submitted and approved under the approval of details application reference 23/00941/AD or, any other alternative details which have previously been submitted to and approved in writing by the Local Planning Authority under the terms of this condition.

Reason: In the interest of the residential amenity of nearby occupiers in accordance with 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).

10 Construction works for the approved development on site shall only be undertaken between 8 am to 6 pm on weekdays, between 8 am and 1 pm on Saturdays and not at any time on Sundays and Public or Bank Holidays.

Reason: In the interest of the residential amenity of nearby occupiers in accordance with 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).

11 The approved dwellings shall not be occupied unless and until the redundant crossover to Eastwood Road is removed and reinstated to footway.

Reason: In the interests of highway safety in accordance with the National Planning Policy Framework (2024), Policy CP3 of the Core Strategy (2007) and Policy DM15 of Development Management Document (2015).

12 The dwellings hereby approved shall not be occupied unless and until at least one parking space per unit in the area shown on the approved plan '5965-BW(90)001 Rev B' has been provided and made available for use on site. The parking spaces shall be retained for the lifetime of the development for the purposes of car parking solely for residents of the approved dwellings on site and their visitors.

Reason: To ensure the provision of adequate parking in accordance with the National Planning Policy Framework (2024), Policy CP3 of the Core Strategy (2007) and Policies DM3, DM8 and DM15 of Development Management Document (2015).

13 The development hereby approved shall not be brought into first use unless and until at least one cycle parking space per unit has been provided on site and made available for use in line with the details shown in approved plan '5965-BW(90)001 Rev B'. The provision of at least one cycle parking space per unit for the benefit of future occupiers of the approved development shall be retained in perpetuity.

Reason: To ensure the provision of adequate cycle parking in accordance with the National Planning Policy Framework (2024), Core Strategy (2007) Policy CP3 and Development Management Document (2015) Policies DM3, DM8 and DM15.

14 The development hereby approved shall not be brought into first use unless and until waste storage has been provided on site and made available for use in line with the details shown in approved plan '5965-BW(90)001 Rev B'. The provision of the waste storage facilities shall be retained in perpetuity.

Reason: To ensure the provision of adequate waste, recycling and food waste storage and in the interest of visual amenity in accordance with the National Planning Policy Framework (2024), Core Strategy (2007) Policies KP2, CP3 and CP4, Development Management Document (2015) Policies DM1, DM3, DM8 and DM15, and the advice contained within the National Design Guide (2021), the Southend-on-Sea Design and Townscape Guide (2009), and the Waste Storage, Collection and Management Guide for New Developments (2019).

15 The development hereby approved shall be constructed in accordance with the drainage details which were submitted and approved under the approval of details application reference 24/00041/AD or, any other alternative details which have previously been submitted to and approved in writing by the Local Planning Authority under the terms of this condition before the development is first occupied.

Reason: To ensure the approved development does not increase flood risk elsewhere in accordance with the National Planning Policy Framework (2024) and Core Strategy (2007) Policies KP1, KP2 and KP3.

16 The development hereby approved shall be constructed in accordance with the relevant details which were submitted and approved under the approval of details application reference 24/00041/AD, confirming that at least 10% of the energy needs of the development will be produced from on-site renewable energy sources, or in accordance with any other alternative details which have previously been submitted to and approved in writing by the Local Planning Authority under the terms of this condition, before the development is first occupied.

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 (2024), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM2, and the advice contained within the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009).

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

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 (2024), Core Strategy (2007) Policies KP2 and CP4 and Development Management Document (2015) Policy DM2.

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.

(c) In the event that the planning obligations or other means of securing the financial contributions referred to in part (a) above have not been completed by 5 February 2025 or an extension of this time as may be agreed, the Director of Planning and Economy or the Service Manager – Development Management and Enforcement be authorised to refuse planning permission for the application on the grounds that the development would not provide adequate mitigation for the

potential disturbance to European designated sites and would not provide any secondary education contributions to mitigate the development contrary to National and Local planning policy.

Informatives:

1. Please note that the development which is the subject of this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and it is the responsibility of the landowner(s) to ensure they have fully complied with the requirements of these regulations. A failure to comply with the CIL regulations in full can result in a range of penalties. For full planning permissions, a CIL Liability Notice will be issued by the Council as soon as practicable following this decision notice. For general consents, you are required to submit a Notice of Chargeable Development (Form 5) before commencement; and upon receipt of this, the Council will issue a CIL Liability Notice including details of the chargeable amount and when this is payable. If you have not received a CIL Liability Notice by the time you intend to commence development, it is imperative that you contact S106andCILAdministration@southend.gov.uk to avoid financial penalties for potential failure to comply with the CIL Regulations 2010 (as amended). If the chargeable development has already commenced, no exemption or relief can be sought in relation to the charge and a CIL Demand Notice will be issued requiring immediate payment. Further details on CIL matters can be found on the Planning Portal (www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy) or the Council's website (www.southend.gov.uk/cil).

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

3. Please note that if you require a crane or piling rig to construct the proposed development, this will need to be safeguarded separately and dependant on location may be restricted in height and may also require full coordination with the Airport Authority. Any crane applications should be directed to sam.petrie@southendairport.com / 01702 538521.

4. The applicant will be required to reinstate any redundant vehicle crossover as part of the development.

98 24/01599/FUL - 1 Hastings Road, Southend-on-Sea (Kursaal Ward)
Proposal: Change of use from a 6-bedroom HMO (Class C4) to a 7-bedroom HMO (Sui Generis) and erect cycle and refuse stores
Applicant: Mr Mitchell Nunn
Agent: Mrs Francelita Balbido of Town Planning Expert

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: 970-201, 970-101, 970-102 (Rev 01), 970-103 (Rev 05).

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 provisions of the Town and Country Planning Act 1990 (as amended) the development and use of the building as a House in Multiple Occupation (HMO), subject of this permission, shall not at any time be adapted to enable formation of more than seven (7) bedrooms and the property shall not be occupied by more than seven (7) residents at any one time.

Reason: To ensure the development hereby approved would offers acceptable living conditions for its occupiers in accordance with the National Planning Policy Framework (2024), Core Strategy (2007) Policies KP2 and CP4 and Development Management Document (2015) Policies DM1, DM3 and DM8.

04 Prior to the first occupation of the development hereby approved full details of appropriately secure and covered cycle storage facilities for at least 7 bicycles shall be submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The approved facilities shall be provided in accordance with the approved details, made available for use prior to first occupation of the development hereby approved and shall be thereafter retained as such for the lifetime of the development.

Reason: To ensure the provision of adequate cycle parking for future occupiers and in the interest of visual amenity in accordance with the National Planning Policy Framework (2024), Core Strategy (2007) Policies KP2, CP3 and CP4, Development Management Document (2015) Policies DM1, DM3, DM8 and DM15, and the advice contained within the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009).

05 Prior to the first occupation of the development hereby approved a scheme for the means of appropriately sized and covered refuse and recyclable storage facilities together with a waste management plan shall be submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The agreed scheme shall be implemented and made available for use prior to the first occupation of the development hereby approved and shall be retained for such purposes at all times thereafter.

Reason: To ensure the provision of adequate waste, recycling and food waste storage and in the interest of visual amenity in accordance with the National Planning Policy Framework (2024), Core Strategy (2007) Policies KP2, CP3 and CP4, Development Management Document (2015) Policies DM1, DM3, DM8 and DM15, and the advice contained within the National Design Guide (2021), the

Southend-on-Sea Design and Townscape Guide (2009) and the Southend-on Sea Waste Storage, Collection and Management Guide for New Developments (2019).

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

Reason: To minimise the environmental impact of the development through efficient use of resources and better use of sustainable and renewable resources in accordance with the National Planning Policy Framework (2024), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM2, and the advice contained within the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009).

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

Reason: To minimise the environmental impact of the development through efficient use of resources and better use of sustainable and renewable resources in accordance with the National Planning Policy Framework (2024), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM2, and the advice contained within the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009).

08 Hours of works associated with this permission shall only 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 residential amenity and to ensure that the development complies with the National Planning Policy Framework (2024), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and advice in the Southend-on-Sea Design and Townscape Guide (2009).

09 Notwithstanding the approved plans within the first available planting season (October to March inclusive) following the first occupation of the development hereby approved, a soft landscaping scheme for the front of the site shall be implemented in accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. The soft landscaping scheme shall be implemented, completed and maintained thereafter in full accordance with the approved details.

Reason: In the interest of visual amenity in accordance with the National Planning Policy Framework (2024), 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).

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

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.

Chair: _____