

SOUTHEND-ON-SEA CITY COUNCIL

Meeting of Development Control Committee

Date: Wednesday, 26th February, 2025

Place: Committee Room 1 - Civic Suite

Present: Councillor N Ward (Chair)
Councillors M Borton (Vice-Chair), A Dear, L Burton, F Evans, N Folkard, D Garston, S Habermel, R Longstaff, C Mulrone, C Nevin*, J Norman, M O'Connor, D Poulton and C Webster (*Substitute in accordance with paragraphs 2.26 to 2.28 of the Committee Procedure Rules at Part 3 Section 2 of the Council's Constitution)

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

Start/End Time: 5.00 pm - 7.20 pm

99 Apologies for Absence

Apologies for absence were received from Councillors Berry (no substitute), Buck (no substitute) and A Jones (substitute: Councillor Nevin).

100 Declarations of Interest

The following interests were declared at the meeting:

(i) All Councillors on the Committee – Minute No. 105 (Application Ref. No. 25/00021/AMDT – Roslin Hotel, Thorpe Esplanade, Thorpe Bay) – Have received email correspondence from both the applicant and objectors;

(ii) Councillors Borton, Burton, Nevin, Norman, O'Connor and Webster – Minute No. 103 (Application Ref. No. 25/00040/GPDE – 148 Shoebury Road, Thorpe Bay) – Applicant is the son of a fellow Councillor;

(iii) Councillor Habermel – Minute No. 104 (Application Ref. No. 24/01708/FUL – 74 Leigh Road, Leigh on Sea) – Knows the Applicant well (withdrew);

(iv) Councillor Mulrone – Minute No. 104 (Application Ref. No. 24/01708/FUL – 74 Leigh Road, Leigh on Sea) – Is a Leigh Town Councillor non-participant in planning;

(v) Councillor Nevin – Minute No. 12 (Ref. No. 25/00002/UNAU_B – 19 Blatches Chase, Eastwood) – Has made comments on social media about this matter (withdrew);

(vi) Councillor Poulton – Minute No. 12 (Ref. No. 25/00002/UNAU_B – 19 Blatches Chase, Eastwood) – Has received visits from the applicant at a Councillor Surgery; and

(vii) Councillor Ward – Minute No. 104 (Application Ref. No. 24/01708/FUL – 74 Leigh Road, Leigh on Sea) – Knows the Applicant well (withdrew) – the Chair for this item was taken by the Vice-Chair, Councillor Borton.

101 Minutes of the Meeting held on Wednesday, 29th January, 2025

Resolved:-

That the Minutes of the Meeting held on Wednesday, 29th January 2025 be confirmed as a correct record and signed.

102 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.

**103 25/00040/GPDE - 148 Shoebury Road, Thorpe Bay (Southchurch Ward)
Proposal: Erect single storey rear extension projecting 4m beyond the existing rear wall of the dwelling, 2.95m high to eaves and with a maximum height of 3.2m
Applicant: Mr Rhys Taylor
Agent: Miss Liz Schofield of BDA Architecture**

Resolved:-

That PRIOR APPROVAL is REQUIRED and that PRIOR APPROVAL be GRANTED

Informatives:

1. This written notice indicates that the proposed development would comply with condition A.4 of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). If you want confirmation that the proposed development would be lawful/permitted development (e.g. on the basis that it would comply with all of the limitations and conditions of Schedule 2, Part 1, Class A), then you should submit an (optional) application to the local planning authority for a Lawful Development Certificate.

2. The applicant's attention is drawn to the condition of development permitted by Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) under paragraph A.3 (a) that the materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.

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

take care when carrying out works on or near the public highways and footpaths in the city.

4. The proposed building equates to less than 100sqm of new floorspace as such 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.

COUNCILLOR BORTON, VICE-CHAIR IN THE CHAIR

- 104 24/01708/FUL - 74 Leigh Road, Leigh-on-Sea (Chalkwell Ward)**
Proposal: Demolish garage building, erect 4 three-storey terraced dwellings with associated amenity spaces to the rear, install vehicle crossover onto Beach Avenue
Applicant: c/o SKArchitects
Agent: Mr Steven Kearney of SKArchitects

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

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: 840P01; 840P02 Rev A; 840P03 Rev A; 840P04 Rev A; 840P05 Rev B; 840P06 Rev A; 840P07.

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 of detailed fenestration design (including window reveal depths) and all the materials to be used on all the external elevations of the development hereby approved including for the external walls, roofing, fascia and soffits, doors and windows, have been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The development shall only be carried out and completed in accordance with the approved details.

Reason: To safeguard the character and appearance of the surrounding area in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policy DM1 of the Development Management Document (2015).

04 No development above ground level shall take place unless and until full details of both hard and soft landscape works to be carried out at the site have

been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The approved hard landscaping works shall be carried out prior to first occupation 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) means of enclosure of and subdividing the site including any gates or boundary fencing;
- (ii) hard surfacing materials;
- (iii) details of the number, size and location of the trees, shrubs and plants to be retained and planted together with a planting specification;
- (iv) details of measures to enhance biodiversity within the site.
- (v) details of any permeable paving or other sustainable drainage measures to be implemented, and;
- (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 agreed in writing by the Local Planning Authority under the terms of this condition.

Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping are implemented pursuant to Policy CP4 of the Core Strategy (2007) and Policy DM1 of the Development Management Document (2015).

05 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 under the terms of this condition and implemented in full prior to the first occupation of the development. This provision shall be made for the lifetime of the development 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), Development Management Document (2015) Policy KP2 and the advice within the Southend-on-Sea Design and Townscape Guide (2009).

06 Prior to occupation of the development hereby approved water efficient design measures as set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption), 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: To minimise the environmental impact of the development through efficient use of water in accordance with the National Planning Policy Framework (2024), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM2 and the advice within the Southend-on-Sea Design and Townscape Guide (2009).

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

Reason: To ensure the development hereby approved provides 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) Policy KP2, Development Management Document (2015) Policy DM2 and the advice within the Southend-on-Sea Design and Townscape Guide (2009).

08 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 within the Southend-on-Sea Design and Townscape Guide (2009).

09 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.
- (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 (2024), Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

10 Prior to the first occupation of the development hereby approved, full details (including scaled elevations) shall be submitted to and approved in writing by the Local Planning Authority under the terms of this condition identifying the provision of secure and enclosed refuse and recycling and cycle storage for the approved development at the site. The approved refuse and recycling and cycle storage shall be provided in full and made available for use by the occupants of the approved dwellings prior to the first occupation of the dwellings hereby approved and shall be retained as such for the lifetime of the development.

Reason: To ensure that satisfactory refuse and recycling and cycle storage facilities are provided at the site 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).

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

Reason: To protect the privacy and environment of future occupiers and people in neighbouring residential properties, 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 Southend-on-Sea Design and Townscape Guide (2009).

12 One off-street car parking space per dwelling and the vehicle crossover onto Beach Avenue as detailed on approved plan 840P02 Rev A shall be provided and made available for use at the site and the existing vehicle crossover onto Leigh Road and the public footpath shall be reinstated all prior to the first occupation of the dwellings hereby approved. The car parking spaces hereby approved shall all be fitted with an active electric vehicle charging point prior to first occupation of the dwellings. The car parking spaces shall thereafter be permanently retained only for the parking of vehicles of the occupiers and visitors to the new 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 (2024), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM15 and the advice within the Southend-on-Sea Design and Townscape Guide (2009).

13 Notwithstanding the details shown on the documents submitted and otherwise hereby approved, with reference to British Standard BS8233:2014, the design and structure of the development hereby approved shall be of such a standard that it will protect residents within it from existing external noise so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

Reason: In the interest of the residential amenity 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).

14 The first floor window in the rear elevation of the easternmost dwelling 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).

15 Prior to first occupation of the development hereby approved acoustic fencing shall have been installed to the eastern and southern boundaries of the car parking area in the eastern part of the site in accordance with full details which shall have previously been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The approved acoustic fencing shall then be retained as such for the lifetime of the development.

Reason: To protect the environment of people in the development and general environmental quality in accordance with Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the advice in the Southend-on-Sea Design and Townscape Guide (2009).

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

The report of the findings must include:

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

- Human health;
 - Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
 - Adjoining land;
 - Groundwaters and surface waters;
 - Ecological systems;
 - Archaeological sites and ancient monuments; and
- (iii) An appraisal of remedial options, and proposal of the preferred option(s).

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

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

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

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

Reason: To ensure that any contamination on site is identified and treated so that it does not harm anyone who uses the site in the future and in accordance with the National Planning Policy Framework (2024), Policies KP2 and CP4 of the Core

Strategy (2007) and Policy DM14 of the Development Management Document (2015).

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

Reason: In order to ensure a satisfactory standard of sustainable drainage and to prevent environmental and amenity problems arising from flooding in accordance with the National Planning Policy Framework (2024), Policies KP2 and CP4 of the Core Strategy (2007) and Policy DM2 of the Development Management Document (2015).

POSITIVE AND PROACTIVE STATEMENT:

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

Informatives:

1. Please note that the development 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. 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 Team 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.

4. Prior to demolition of the existing building(s) an appropriate Asbestos survey of the building(s) should be undertaken and a scheme implemented to remove and safely dispose of any asbestos-containing materials in accordance with the Control of Asbestos Regulations 2012 and the applicant's/developer's Waste duty of care.

It is recommended that the Council's Building Control Team is notified of the demolition in order that requirements can be made under section 81 of the Building Act 1984.

5. Applicants are advised of the need to ensure the thermal comfort of dwellings under Regulation 40B of the Building Regulations 2010. The code of practice to the Regulations in Approved Document O requires a overheating mitigation strategy and assessment. This includes where noise protection measures require windows and openings to be closed.

6. The architect or applicant is reminded that additional water supplies for firefighting may be necessary for this development. The architect or applicant is urged to contact Water Section at Service Headquarters, 01376 576000.

7. There is clear evidence that the installation of Automatic Water Suppression Systems (AWSS) can be effective in the rapid suppression of fires. Essex County Fire & Rescue Service (ECFRS) therefore uses every occasion to urge building owners and developers to consider the installation of AWSS. ECFRS are ideally placed to promote a better understanding of how fire protection measures can reduce the risk to life, business continuity and limit the impact of fire on the environment and to the local economy.

Even where not required under Building Regulations guidance, ECFRS would strongly recommend a risk-based approach to the inclusion of AWSS, which can substantially reduce the risk to life and of property loss. ECFRS also encourage developers to use them to allow design freedoms, where it can be demonstrated that there is an equivalent level of safety and that the functional requirements of the Regulations are met.

8. The applicant will be required to apply to the Highways Authority for separate consent to carry out the construction works to create the vehicle crossover onto Beach Avenue and reinstate the redundant vehicle crossover on Leigh Road.

COUNCILLOR WARD IN THE CHAIR

105 25/00021/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 any day other than New Years Eve into New Years Day where the opening hours would be 7am to 1am (Material amendment of planning permission 20/01199/FULM dated 17.03.2022).

Applicant: Regis Entertainment Limited

Agent: Mr Jon Murch of Davies Murch

Ms Hatcher, a local resident, spoke as an objector to the application. Mr Murch, the Applicant's Agent, responded. All three local Ward Councillors also addressed the Committee in respect of the application.

Resolved:-

That PLANNING PERMISSION be GRANTED subject to the following conditions:

01 The development hereby permitted shall begin no later than 17.03.2025, three years from the date planning permission 20/01199/FULM was granted.

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

02 The development hereby approved shall be carried out in accordance with the approved plans: WP-0753-A-0000-P-00 Rev A; WP-0753-A-0001-P-00 Rev A; WP-0753-A-0003-P-00 Rev A; WP-0753-A-0004-P-01 Rev A; WP-0753-A-0005-P-02 Rev A; WP-0753-A-0006-P-03 Rev A; WP-0753-A-0020-E-XX Rev A; WP-0753-A-0021-E-XX Rev A; WP-0753-A-0022-E-XX Rev A; WP-0753-A-0030-S-XX Rev A; WP-0753-A-0099-P-B1 Rev A; WP-0753-A-0100-P-00 Rev A; WP-0753-A-0101-P-01 Rev A; WP-0753-A-0102-P-02 Rev A; WP-0753-A-0103-P-03 Rev A; WP-0753-A-0200-E-XX Rev A; WP-0753-A-0201-E-XX Rev A; WP-0753-A-0300-S-XX Rev A; WP-0753-A-0301-S-PR Rev A; WP-0753-A-0202-E-XX Rev A; WP-0753-A-0203-E-XX Rev A; WP-0753-A-0204-E-XX Rev A; WP-0753-A-0205-E-XX Rev A; WP-0753-A-0206-E-XX Rev A; WP-0753-A-0207-E-XX Rev A; Existing Room Count Markup.

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

03 The development hereby approved shall only be used as a hotel within Use Class C1 with ancillary or incidental facilities as shown on the approved plans and shall not be used for any other purposes including any other purposes within that use class in the Town and Country Planning (Use Classes) Order 1987 (as amended) nor any change of use permitted under the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or in any provision equivalent to that Class in any statutory instruments revoking or re-enacting these Orders.

Reason: To determine the scope of the permission in the interest of amenity and the character and functionality of the area in accordance with the National Planning Policy Framework (2024), Policies KP2 and CP1 of the Core Strategy (2007) and Policies DM10, DM11 and DM12 of the Development Management Document (2015).

04 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works except demolition and construction up to ground floor slab level shall take place until samples of the materials to be used in the construction of the external elevations of the building hereby permitted, including balconies, balustrades, screening and fenestration, 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 solely in full accordance with the approved details before it is first used or operated.

Reason: In the interest of visual amenity of the area in accordance with the National Planning Policy Framework (2024), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM4 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).

05 Within the first available planting season (October to March inclusive) following the first use of the development hereby approved, a soft landscaping scheme shall be implemented and completed in full accordance with details that 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 follow the general principles shown within the approved plans and shall include measures to enhance the biodiversity on site, details of the species to be planted, the treatment of the ground before planting and maintenance details.

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: Reason: In the interest of visual amenity of the area in accordance with the National Planning Policy Framework (2024), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM4 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).

06 The use of the development hereby approved shall not commence until a hard landscaping scheme has been carried out and implemented solely in full accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The hard landscaping scheme shall follow the general principles shown on the approved plans and shall include details and, where practicable, samples of materials to be used on hardsurfacing and boundary treatment of the site, including boundaries within the site.

Reason: In the interest of visual amenity of the area in accordance with the National Planning Policy Framework (2024), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM4 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).

07 The substation hereby approved shall be constructed solely in accordance with the details contained in the approved plan WP-0753-A-0210-E Rev A or alternative details which have previously been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition.

Reason: In the interest of visual amenity of the area in accordance with the National Planning Policy Framework (2024), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM4 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).

08 Prior to the first use of the development hereby approved, a signage strategy shall be implemented in full accordance with details which have previously been submitted to and agreed in writing by the Local Planning Authority under the provisions of this condition.

Reason: In the interest of visual amenity of the area in accordance with the National Planning Policy Framework (2024), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM4 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).

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

- a) the parking of vehicles of site operatives and visitors
- b) loading and unloading of plant and materials
- c) storage of plant and materials used in constructing the development
- d) the erection and maintenance of security hoarding
- e) measures to control the emission of dust and dirt during construction
- f) a scheme for recycling/disposing of waste resulting from construction works that does not allow for the burning of waste on site.

- g) a dust management plan to include mitigation and boundary particulate monitoring during demolition and construction.
- h) details of the duration and location of any noisy activities and the measures to be implemented to minimise noise impacts.

Reason: This pre-commencement condition is required 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), Policies DM1, DM3 and DM4 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).

10 Construction works associated with the approved development on site shall only be undertaken between 7:30 am to 6 pm on weekdays, between 8 am and 1 pm on Saturdays and not at any time on Sundays and Bank and Public 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), Policies DM1, DM3 and DM4 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).

11 No dust or fume extraction or filtration equipment or air conditioning, ventilation, or refrigeration equipment shall be installed on the building hereby approved unless and until details of its design, siting, discharge points, predicted acoustic performance and details of any noise and odour mitigation measures to be used have been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. The equipment shall be installed only in accordance with the approved details and shall be maintained in good working order thereafter.

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), Policies DM1, DM3 and DM4 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).

12 No external lighting shall be installed on site unless in accordance with the details of a scheme which has previously been submitted to and agreed in writing by the Local Planning Authority under the provisions of this condition. Details to be submitted for approval shall include design, siting, direction and screening of the light sources on site. All lighting shall be retained on site in accordance with the approved scheme for the lifetime of the development.

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), Policies DM1, DM3 and DM4 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).

13 From the commencement of the development hereby approved the premises of the hotel hereby approved shall not be open to non-residents outside the hours of 7am to midnight on any given day, with the opening times extended by one additional hour (to a maximum 1am finish) on New Years Eve (into New Years Day Morning) only. No access after 11pm will be permitted for non-residents wishing to enter the venue.

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), Policies DM1, DM3 and DM4 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).

14 From the commencement of the development hereby approved deliveries to and collections (including refuse and recycling collections) from the premises hereby approved shall not take place outside the hours of 7:30 am to 6 pm on weekdays, between 8 am and 1 pm on Saturdays and not at any time on Sundays and Bank or Public 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), Policies DM1, DM3 and DM4 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).

15 Notwithstanding the details shown on the documents submitted and otherwise hereby approved, with reference to British Standard 7445:2003, the noise rating level arising from activities associated with the use hereby approved (including amplified music and human voices) shall be at least 10dB(A) below the background noise level as measured at 1m from the facades of the neighbouring noise sensitive premises.

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), Policies DM1, DM3 and DM4 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).

16 Notwithstanding the information submitted and otherwise hereby approved, the substation within the development hereby approved shall not be constructed unless and until full details of the acoustic insulation of this building have been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. The substation shall be constructed in full accordance with the approved details prior to its first use and shall be retained as such thereafter for the lifetime of the development.

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), Policies DM1, DM3 and DM4 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).

17 The development hereby approved shall not be first used unless and until the access improvement works, the sixty (60) on site car parking spaces, including two (2) spaces for disabled users and forty-four (44) cycle parking spaces shown on the approved plans and traffic management signage and pedestrian access improvements, the details of which have previously submitted to and approved in writing by the Local Planning Authority under the provisions of this condition, have been fully implemented at the site solely in accordance with the approved details. The car and cycle parking spaces, the access arrangements, traffic management signage and pedestrian access improvements shall be permanently maintained thereafter.

Reason: To ensure that acceptable access arrangements and adequate car and cycle parking is provided and retained to serve the development in accordance with the National Planning Policy Framework (2024), Policies KP2 and CP3 of the Core Strategy (2007) and Policies DM3 and DM15 of the Development Management Document (2015).

18 Prior to the first use of the development hereby approved at least twelve (12) car parking spaces shall have an active electric charging point provided, capable of charging vehicles from the outset, and the remaining forty-eight (48) car parking spaces shall be future proofed with passive electric vehicle charging point provision, with measures such as, but not exclusively, four-way duct and drawpits to all service bays, so that electric charging points can be installed when demand requires.

Reason: In the interests of providing sustainable transport choices in accordance with the National Planning Policy Framework (2024), Policies KP2 and CP3 of the Core Strategy (2007), Policies DM3 and DM15 of the Development Management Document (2015) and the advice contained within the Electric Vehicle Charging Infrastructure for New Development Supplementary Planning Document (2021).

19 The development hereby approved shall not be brought into first use unless and until a Detailed Travel Plan to promote sustainable travel for journeys associated with the proposed development, which shall include, among other requirements, details of parking packs, booking arrangements to be offered to customers, details of parking areas for staff, a communication strategy, which shall include the provision of individual travel packs to engage with customers and employees in order to encourage them to use public transport to access the hotel and timescales for implementation, monitoring and review arrangements for the Detailed Travel Plan, has been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. The Detailed Travel Plan shall be implemented and reviewed in full accordance with the terms set out in the approved details.

Reason: In the interests of providing sustainable transport choices in accordance with the National Planning Policy Framework (2024), Policies KP2 and CP3 of the Core Strategy (2007) and Policies DM3 and DM15 of the Development Management Document (2015).

20 The development hereby approved shall not be brought into first use unless and until a detailed Car Parking Management Plan to promote sustainable use of the available car parking spaces associated with the proposed development, which shall include, among other requirements, details of the operation of the car parking facilities e.g. timed use of parking by different users, management and enforcement, and consideration to the Safer Parking Award, has been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. The detailed Car Parking Management Plan shall be implemented from the first use of the development and operated for the lifetime of the approved development in accordance with the terms set out in the approved details.

Reason: In the interests of providing sustainable car parking in accordance with the National Planning Policy Framework (2024), Policies KP2 and CP3 of the Core Strategy (2007) and Policies DM3 and DM15 of the Development Management Document (2015).

21 Prior to the first use of the development hereby approved the refuse area shown on the approved plans shall be provided and operated in full accordance with the principles contained within a refuse management strategy, which has previously been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition, in perpetuity for the lifetime of the development.

Reason: To ensure that the development is satisfactorily serviced and that refuse and recycling facilities are provided in the interests of highway safety and visual amenity and to protect the character of the surrounding area, in accordance with the National Planning Policy Framework (2024), Policies KP2, CP3 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM15 of the Development Management Document (2015) and the advice contained within the National Design Guide (2021), the Southend-on-Sea Design and Townscape Guide (2009) and Waste Storage, Collection and Management Guide for New Developments (2019).

22 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 "Very Good" has been achieved for the development and a copy of this certification has been submitted to the Local Planning Authority.

Reason: In the interests of providing a sustainable development, in accordance with the National Planning Policy Framework (2024), Policies KP2 and CP4 of the Core Strategy (2007) and Policy DM2 of the Development Management Document (2015).

23 Prior to first use of the development hereby approved the energy efficiency and other sustainability measures to benefit 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 implemented on site in accordance with the agreed details contained within in the submitted Energy and Sustainability Statement August 2021.

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

24 No construction works other than demolition and excavation works shall take place on site unless and until detailed designs of a surface water drainage scheme incorporating the following measures has been submitted to and agreed in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority under the provisions of this condition. The approved scheme shall be implemented prior to the first occupation of the development and be maintained in good working order in accordance with the maintenance plan for the lifetime of the development. The scheme shall address the following matters:

- 1) A final version of the Surface Water Management Strategy document shall be submitted.
- 2) The applicant should consider that although a full infiltration method of discharge may not be feasible, a partial infiltration method may be. Soakaway testing may be required if a partial infiltration system is proposed. Where partial or total infiltration is proposed, consideration should be given to ground stability and deterioration in groundwater quality.
- 3) The applicant must confirm that the proposed permeable pavement will be implemented. The applicant should consider the use of appropriate systems as green roofs, rainwater harvesting, rain gardens and trees to manage and re-use surface water from roof and impervious hardstanding areas. If these systems are not used, appropriate justification is required.
- 4) The applicant shall provide a Catchment Plan. This should include any permeable and impermeable areas draining into the system.
- 5) The applicant shall provide a Detailed Drainage Plan which should show the proposed point of connection and flow control chamber. Evidence shall be provided for the acceptance from Anglian Water and the proposed construction details for the connection into the sewer.
- 6) The application shall include graphical information such as plans to show the blockage, conveyance and exceedance routes.
- 7) A more detailed calculation of the available storage volume in the permeable pavement shall be provided, by considering site gradients, permeable/impermeable ratios, sub-base depths, access points for SuDS and incoming/outgoing pipework of the different sections of the pavement.
- 8) The applicant shall provide method statements or other evidence for the management of any health and safety risks related to the drainage/SuDS
- 9) Where applicable, the applicant shall present a process for information delivery and community engagement to relevant stakeholders.
- 10) Where applicable, the applicant shall provide economic valuation costs to demonstrate long-term viability.
- 11) The details of the management agent responsible for maintenance shall be provided. The maintenance schedule provided by the applicant shall consider the requirements of permeable pavement in CIRIA's SuDS Manual.
- 12) The applicant shall provide proposals for foul drainage.
- 13) The permeable pavement must be designed to preserve their structural integrity under any anticipated loading conditions as per S10 (Non-statutory technical standards for SuDS, DEFRA, 2015).

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

25 No plant or machinery associated with the approved use shall be installed or operated on the site unless and until details of its design, siting, discharge points, predicted acoustic performance and details of any noise, vibration and odour mitigation measures to be used have been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. The plant shall be installed only in accordance with the approved details and shall be maintained in good working order thereafter.

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), Policies DM1, DM3 and DM4 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).

26 The development hereby approved (the new side wings) shall not be used unless and until an environmental noise management plan has been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. The environmental noise management plan shall relate to the operation of the extended premises as a whole with the specific aim to protect existing residential premises from disturbances from noise and artificial light and also to ensure that recycling and waste is managed correctly and as far as is reasonably practicable. The management plan shall include but not be limited to details of:

- how customer noise and behaviour is managed on and off the premises as far as is reasonably practicable
- how staff noise and behaviour is managed including at the opening and closing of the premises
- how and where complaints of noise from residents are responded to and logged
- the quiet operation of plant and equipment including kitchen extract ventilation and chiller/freezers, ensuring that unessential plant and machinery are switched off at the end of operations
- management of noise from deliveries and collections to and from the hotel premises
- how neighbours will be protected from harmful light intrusion including external artificial light installations such as security lights
- disposal storage and collection of recycling and waste from the premises including details of lockable and vermin-proof containers and with regards to Southend-On-Sea City Council's current Waste Management Policy and Guidance in force.

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), Policies DM1, DM3 and DM4 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).

27 The development hereby approved (the new side wings) shall not be used unless and until a service and delivery management plan has been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. The service and delivery management plan shall relate to the operation of the extended premises as a whole and include details in relation to matters such as, but not limited to, management of waste storage and collection, delivery and collection of goods, management of third-party service providers attending the site as part of the normal operation of the premises. The service and delivery management plan shall be implemented in full from the first use of the development hereby approved and adhered to at all times thereafter in perpetuity.

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), Policies DM1, DM3 and DM4 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).

Positive and proactive statement:

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

Informatives:

1. Please note that the development 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. 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-on-Sea SS2 6ER.

4. 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.

5. Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist. If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus.

The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

6. Advertisement signage associated with the development may require consent under separate Advertisement legislation.

106 24/01865/FUL - 42 Honiton Road, Southend-on-Sea (Kursaal Ward)
Proposal: Change of use from 6-person HMO (Use Class C4) to 8-person large HMO (sui generis)
Applicant: Mr Mitch Nunn
Agent: Mr Joseph Orbell 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: Location Plan, 913-200; 913-201; 913-202; 913-203; 913-204; 913-205.

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

03 Prior to first use of the development hereby approved, refuse and recycling storage shall be implemented and made available for use in accordance with the details shown on the approved plan no. 913-200 and in the email from the agent dated 07.01.2025 or alternative details which shall have previously been submitted to and approved in writing by the Local Planning Authority pursuant to this condition. The refuse and recycling facilities shall be permanently maintained thereafter for the lifetime of the development.

Reason: To ensure that satisfactory refuse and recycling facilities are provided at the site in the interest of sustainability and amenity in accordance with the National Planning Policy Framework (2024), Core Strategy (2007) Policy KP2, Policies DM1 and DM8 of the Development Management Document (2015) and the advice in the Southend-on-Sea Design and Townscape Guide (2009) and the Southend-on-Sea Waste Storage, Collection and Management Guide for New Developments (2019).

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

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

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

Reason: To minimise the environmental impact of the development through efficient use of resources and better use of sustainable and renewable resources in accordance with the National Planning Policy Framework (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)

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

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

07 Prior to first use of the development hereby approved, secure and covered cycle parking for at least 8 no. bicycles (1 no. per HMO room) shall be provided and made available for use by occupiers of the approved development and their visitors in accordance with the details shown on the approved plan no. 913-200 and in the email from the agent dated 07.01.2025 or alternative details which shall have previously been submitted to and approved in writing by the Local Planning Authority pursuant to this condition. The cycle parking shall be permanently maintained thereafter for the lifetime of the development.

Reason: To ensure that satisfactory cycle parking facilities are provided at the site in the interest of sustainability and amenity in accordance with the National Planning Policy Framework (2024), Core Strategy (2007) Policies KP2 and CP3, Policies DM1, DM8 and DM15 of the Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

08 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).

Positive and Proactive Statement

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

Informatives

1. You are advised that as the proposed extension(s) or change of use to your property equates to less than 100sqm of new floorspace, and does not involve the creation of a new dwelling (Class C3), the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See the Planning Portal (www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy) or the Council's website (www.southend.gov.uk/cil) for further details about CIL.

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

3. Future occupiers will not be eligible for a residential parking permit.

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

If the Regulatory Services Team at Southend-on-Sea City Council become aware of any works that are highly likely to cause a nuisance, Regulatory Services can serve a notice under section 60 of the Control of Pollution Act 1974 to prevent this. A breach of this will represent a criminal offence.

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

5. The architect or applicant is reminded that additional water supplies for firefighting may be necessary for this development. The architect or applicant is urged to contact Water Section at Service Headquarters, 01376 576000.

6. There is clear evidence that the installation of Automatic Water Suppression Systems (AWSS) can be effective in the rapid suppression of fires. Essex County Fire & Rescue Service (ECFRS) therefore uses every occasion to urge building owners and developers to consider the installation of AWSS. ECFRS are ideally placed to promote a better understanding of how fire protection measures can reduce the risk to life, business continuity and limit the impact of fire on the environment and to the local economy.

Even where not required under Building Regulations guidance, ECFRS would strongly recommend a risk-based approach to the inclusion of AWSS, which can substantially reduce the risk to life and of property loss. We also encourage developers to use them to allow design freedoms, where it can be demonstrated that there is an equivalent level of safety and that the functional requirements of the Regulations are met.

7. The applicant is advised that the soft landscaping scheme required by the conditions of this permission will need to be robust and substantial to be considered acceptable by the Local Planning Authority at the approval of details stage.

107 22/00206/UNAU_B - 60 Poynings Avenue, Southend-on-Sea (Southchurch Ward)
Breach of Planning Control: Single storey rear extension and roof extension comprising rear dormer and hip to gable to the side.

Resolved:-

That ENFORCEMENT ACTION be AUTHORISED to include the service of an Enforcement Notice under Section 172 of the Act and the pursuance of proceedings whether by prosecution or injunction to secure compliance with the requirements of the Enforcement Notice to require those issued with a copy of the Enforcement Notice to:

a) Remove the unauthorised single storey rear extension and rear dormer in their entirety;

OR

Build out the development in full accordance with planning permission 24/00275/FULH;

AND

b) Restore the land to its condition before the breach took place;

AND

c) Remove from site all materials resulting from compliance with both a) and b) above.

With time for compliance of 3 calendar months.

For the following reasons:

01 The development, by reason of its size, scale, form and appearance, fails to integrate with the host building and represents a visually dominant and incongruous addition which is detrimental to, and significantly alters, the character and appearance of the host property, the streetscene and the area more widely. The development is therefore unacceptable and contrary to the National Planning Policy Framework (2024); Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007); Policies DM1 and DM3 of the Southend-on-Sea Development

Management Document (2015); and the advice contained within the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009).

02 The rear dormer and single storey rear extension, by reason of their size and siting in close proximity to the property boundaries, are overly dominant and oppressive additions, resulting in a significantly harmful loss of outlook and an unacceptable sense of enclosure to the detriment of the residential amenity of neighbouring occupiers at 58 Poynings Avenue and 62 Poynings Avenue and furthermore the single storey rear extension results in significantly harmful loss of light detrimental to the residential amenities of the occupiers of 58 Poynings Avenue. The development 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).

108 24/00146/UNAU_B - 210 Bournemouth Park Road, Southend-on-Sea (St Luke's Ward)
Breach of Planning Control: Change of use from dwellinghouse (Class C3) to supported living unit (Class C2)

Resolved:-

That ENFORCEMENT ACTION be AUTHORISED to include the service of an Enforcement Notice under Section 172 of the Act and the pursuance of proceedings whether by prosecution or injunction to secure compliance with the requirements of the Enforcement Notice to require those issued with a copy of the Enforcement Notice to:

a) Cease use of the site as a Class C2 use;

AND

b) Restore the land to its condition before the breach took place.

With time for compliance of two (2) calendar months.

For the following reason:

01 It has not been demonstrated to the satisfaction of the Local Planning Authority that the Class C2 supported living use in situ can, or will be, operated with adequate management measures in place, including noise management measures, sufficient to ensure that significant harm will not continue to be caused to the amenity of neighbouring occupiers. through excessive levels of noise and disturbance. This is unacceptable and contrary to the National Planning Policy Framework (2024), Policy KP2 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

**109 22/00119/UNAU_B - 26 Broadway, Leigh-on-Sea (Leigh Ward)
Breach of Planning Control: Installation of 5no. air conditioning units,
creation of a side door and installation of imprint paving**

Resolved:-

That ENFORCEMENT ACTION be AUTHORISED to include (if/as necessary) the service of an Enforcement Notice under Section 172 of the Act and the pursuance of proceedings whether by prosecution or injunction to secure compliance with the requirements of the Enforcement Notice] to require those issued with a copy of the Enforcement Notice to:

a) Remove the air conditioning units to the rear southern wall in their entirety from the property;

AND

b) Remove the door from the western elevation and reinstate the former window opening, including any decorative elements on the elevation, with a window of the exact same design and material that was previously there before the breach took place;

AND

c) Remove in its entirety from the site the hardstanding material installed on the site's western frontage and reinstate this frontage with hardstanding comprising the same materials that were there before the breach took place;

AND

d) Restore the land to its condition before the breach took place;

AND

e) Remove from site all materials resulting from compliance with a, b, c and d above.

With time for compliance of one (1) calendar month for (a) and three (3) calendar months for (b), (c), (d) and (e) above.

For the following reason(s):

The design and siting of the air-conditioning units and the design of the new entrance door and hardstanding fail to respect the character or appearance of the existing building and are harmful to its character and appearance and reduce its positive contribution to the character and appearance of the Leigh Cliff Conservation Area, causing less than substantial, albeit significant, harm to the character and significance of the heritage asset. That harm is not outweighed by public benefits. The development is therefore contrary to the National Planning Policy Framework (2024), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM5 and the guidance contained in the Southend-on-Sea Design and Townscape Guide (2009) and the Leigh Cliff Conservation Area Appraisal (2022).

**110 25/00002/UNAU_B - 19 Blatches Chase, Eastwood (Eastwood Park Ward)
Breach of Planning Control: Use of outbuilding as hair salon**

Resolved:-

That ENFORCEMENT ACTION be AUTHORISED to include (if/as necessary) the service of an Enforcement Notice under Section 172 of the Act and the pursuance of proceedings whether by prosecution or injunction to secure compliance with the requirements of the Enforcement Notice, to require those issued with a copy of the Enforcement Notice to:

a) Cease the use of the outbuilding at the site as a hair salon (Use Class E) and restore the outbuilding to its condition and ancillary residential use to the dwellinghouse at No 19 Blatches Chase (Use Class C3) before the breach took place;

AND

b) Remove from the site all items associated with the unauthorised use, including, but not limited to, the hair salon chairs, the reclining chairs and sinks used for hair washing, and trolleys used for storage of hair salon related items.

AND

c) Remove from site all materials resulting from compliance with both a) and b) above.

With time for compliance of one (1) calendar month.

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).

Chair: _____

