

## **SOUTHEND-ON-SEA BOROUGH COUNCIL**

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

**Date: Wednesday, 5th July, 2017**

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

**Present:** Councillor F Waterworth (Chair)  
Councillors D Garston (Vice-Chair), B Arscott, B Ayling, M Borton,  
H Boyd, S Buckley, M Butler\*, J Garston, H McDonald, D McGlone\*,  
C Mulrone, D Norman MBE and C Walker  
\*Substitute in accordance with Council Procedure Rule 31.

**In Attendance:** J K Williams, P Geraghty, K Waters, C Galforg, J Rowley, M Warren  
and T Row

**Start/End Time:** 2.00 p.m. - 3.15 p.m.

#### **119 Apologies for Absence**

Apologies for absence were received from Councillors Callaghan, Folkard  
Substitute: Councillor McGlone), Hadley (Substitue: Councillor Butler), Van Looy  
and Ward.

#### **120 Declarations of Interest**

The following interests were declared at the meeting:

(a) Councillor Arscott – Agenda Item No. 4: 16/01475/FULM - Grand Hotel,  
Broadway, Leigh on Sea – Non-pecuniary interest: Acquainted with various  
neighbours and business owners in the area;

(b) Councillor Arscott – Agenda Item No. 5: 16/02045/FULM - Rileys, 258 Leigh  
Road. Leigh on Sea – Non-pecuniary interest: Acquainted with various  
neighbours and business owners in the area;

(c) Councillor Arscott – Agenda Item No. 9: 17/00822/BC3M - Sacred Heart  
Roman Catholic School, Windermere Road, Southend on Sea – Non-pecuniary  
interest: Governor of Our Lady of Lourdes Catholic Primary School which is a  
partner school with Sacred Heart Roman Catholic School;

(d) Councillor Boyd – Agenda Item No. 4: 16/01475/FULM - Grand Hotel,  
Broadway, Leigh on Sea – Non-pecuniary interest: Owns a property in the  
general vicinity;

(e) Councillor D Garston – Agenda Item No. 4: 16/01475/FULM - Grand Hotel,  
Broadway, Leigh on Sea – Non-pecuniary interest: Lives in the general vicinity  
and the premises was referred to by the objector in his address to the  
Committee;

(f) Councillor J Garston – Agenda Item No. 4: 16/01475/FULM - Grand Hotel,  
Broadway, Leigh on Sea – Non-pecuniary interest: Family member lives in the

general vicinity and the premises was referred to by the objector in his address to the Committee;

(g) Councillor Mulroney – Agenda Item No. 4: 16/01475/FULM - Grand Hotel, Broadway, Leigh on Sea – Non-pecuniary interest: Member of Leigh Town Council and Leigh Society (non-participant in planning); and

(h) Councillor Mulroney – Agenda Item No. 5: 16/02045/FULM - Rileys, 258 Leigh Road. Leigh on Sea – Non-pecuniary interest: Member of Leigh Town Council (non-participant in planning).

## 121 **Supplementary Report**

The Committee received a supplementary report by the Deputy Chief Executive (Place) that provided additional information on items referred to elsewhere on the Agenda.

- 122 **16/01475/FULM - Grand Hotel, Broadway, Leigh on Sea (Leigh Ward)**  
**Proposal: Convert existing hotel into mixed use comprising of basement wine bar and health club, ground floor restaurants and terrace, 19 self-contained flats on three floors, form new mansard roof and penthouse roof extension and three storey rear extension with mansard roof, external alterations, install extract/ventilation equipment and solar PV panels, layout parking, associated landscaping and form new vehicular access onto Broadway**  
**Applicant: 460 Leisure Ltd**  
**Agent: Mr Kieron Lilley**

Mr O'Boyle, a local resident, spoke as an objector to the application. Mr Lilley, the Applicant's Agent responded.

Planning Permission REFUSED for the following reasons:

01 The development, by reason of the design, mass, scale, siting and size of the proposed fourth floor penthouse roof extension and the increased scale and detailed design of the enlarged mansard roof, would have a detrimental impact on and be significantly harmful to the character and appearance of the locally listed building and the Leigh Cliff Conservation Area more widely. The development is therefore considered to be unacceptable and contrary to the National Planning Policy Framework (2012), policies KP2 and CP4 of the Southend Core Strategy (2007), policies DM1, DM3 and DM5 of the Southend Development Management Document (2015) and the advice contained in the Design and Townscape Guide (2009).

02 The submission does not include a completed formal undertaking to secure an appropriate financial contribution to the provision of education facilities in the borough, to mitigate the demand for such facilities generated by the development proposed. The application is therefore unacceptable and contrary to the National Planning Policy Framework and Policies KP2, KP3 and CP6 of the Southend Core Strategy (2007).

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing

those with the Applicant. Unfortunately, it has not been possible to resolve those matters within the timescale allocated for the determination of this planning application and therefore, the proposal is not considered to be sustainable development. However, the Local Planning Authority has clearly set out, within its report, the steps necessary to remedy the harm identified within the reasons for refusal - which may lead to the submission of a more acceptable proposal in the future. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.

Informative

Please note that this application would be liable for a payment under the Community Infrastructure Levy Regulations 2010 (as amended) if planning permission had been granted. Therefore if an appeal is lodged and subsequently allowed, the CIL liability will be applied. Any revised application would also be CIL liable.

- 123 16/02045/FULM - Rileys, 258 Leigh Road. Leigh on Sea (Leigh Ward)**  
**Proposal: Demolish existing building and erect 5 storey building incorporating 22 self-contained flats with balconies/terraces, layout parking and cycle stores at basement level, refuse store and amenity space.**  
**Applicants: Property Generation Services Limited**  
**Agent: Property Generation Services Limited**

(a) DELEGATED to the Deputy Chief Executive (Place), Director of Planning and Transport or Group Manager of Planning & Building Control to GRANT PLANNING PERMISSION subject to completion of a PLANNING AGREEMENT UNDER SECTION 106 of the Town and Country Planning Act 1990 (as amended) and all appropriate legislation to secure the provision of:

- a financial contribution for affordable housing of £187,485 (index-linked) in lieu of on-site provision, which is payable prior to occupation of the 7th dwelling
- a financial contribution towards secondary education provision of £40,315 (index-linked), specifically providing increased capacity at Futures Community College/Southchurch High School, which is payable prior to occupation of the 7th dwelling

(b) The Deputy Chief Executive (Place), Director of Planning and Transport or the Group Manager (Planning & Building Control) be authorised to determine the application upon completion of the above obligation, so long as planning permission when granted and the obligation when executed, accords with the details set out in the report submitted and the conditions listed below:

01 The development hereby permitted shall be begun not later than 3 years beginning with the date of this permission.

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

02 The development shall be carried out in accordance with the approved plans: 01 Site Location Plan; 02 Existing plans and elevations; 03 Proposed Site Plan & Parking Revision D; 05 Proposed Plans 0-3 Revision E; 06 Proposed fourth floor

and roof plan Revision B; Proposed elevations north and south revision C; Proposed elevations east and west revision C.

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

03 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works above the lower ground floor (parking) 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, fenestration, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in full accordance with the approved details.

Reason: To safeguard character and appearance of surrounding area in accordance with Policies KP2 and CP4 of the BLP and policies DM1 and DM3 of the Development Management DPD 2015

04 No construction works above the lower ground floor (parking) floor slab level shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include: proposed finished levels or contours; means of enclosure (including any gates to the car parks); car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, loggia, bollards, play equipment, refuse or other storage units, signs, lighting etc.) Details for the soft landscape works shall include the number, size and location of the trees, shrubs and plants to be planted together with a planting specification, the management of the site (e.g. the uncompacting of the site prior to planting) and the initial tree planting and tree staking details. The development shall be implemented in full accordance with the approved details before it is occupied or brought into use.

Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policy CP4 of the Core Strategy DPD1 with CP4 of the Core Strategy DPD1 and policies DM1 and DM3 of the Development Management DPD 2015.

05 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved by the local planning authority prior to the occupation of the development. The landscaping of the site shall be managed in accordance with the approved plan in perpetuity.

Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policy CP4 of the Core Strategy DPD1 and Policy DM1 of the Development Management DPD 2015.

06 The development shall not be occupied until space has been laid out within the site in accordance with drawing No. 03 for cars to be parked and for vehicles to turn so that they may enter and leave the site in a forward gear. The parking spaces shall be permanently retained thereafter for the parking of occupiers to the development.

Reason: To ensure that adequate car parking is provided and retained to serve the development in accordance with Policies CP3 of the Core Strategy DPD1 and Policy DM15 of the Development Management DPD 2015.

07 No construction works above lower ground floor slab level shall take place until details of 1.8m high balcony/terrace screens to the eastern and rear splayed elevation serving flats 2 and 3 on the second, third, fourth floor and the balustrade detailing for flats 1 and 2 on the fifth floor shall have been submitted to and approved in writing by the Local Planning Authority. The screens, as approved, shall be erected prior to first occupation of those units, and retained thereafter in perpetuity.

08 The development shall not be occupied until a waste management plan and service plan has been submitted to and agreed in writing by the Local Planning Authority. The waste management and servicing of the development shall thereafter be carried out in accordance with the approved details.

Reason: to ensure that the development is satisfactorily serviced and that satisfactory waste management is undertaken in the interests of highway safety and visual amenity and to protect the character of the surrounding area, in accordance with Policies KP2 and CP3 of the Core Strategy DPD1 and Policy DM15 of the Development Management DPD 2015.

09 The development shall not be occupied until details of the secure, covered cycle parking spaces to serve the residential development and cycle parking spaces have been submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented prior to first occupation of the development and shall be permanently retained thereafter.

Reason: To ensure that adequate cycle parking is provided and retained to serve the development in accordance with Policies CP3 of the Core Strategy DPD1 and Policy DM15 of the Development Management DPD 2015.

10 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide, 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 and dirt during construction
- vi) a scheme for recycling/disposing of waste resulting from demolition and construction works that does not allow for the burning of waste on site.

Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policy CP4 of the Core Strategy DPD1 with CP4 of the Core Strategy DPD1 and Policy DM1 of the Development Management DPD 2015.

11 No development shall take place until details of the implementation, maintenance and management of a scheme for surface water drainage works (incorporating Sustainable Urban Drainage (SuDs) Principles have been submitted to and approved by the local planning authority. The scheme shall be implemented and thereafter managed in accordance with the approved details before the development is occupied and brought into use and be maintained as such thereafter. Those details shall include:

i) an investigation of the feasibility of infiltration SUDS as the preferred approach to establish if the principles of any infiltration based surface water drainage strategy are achievable across the site, based on ground conditions. Infiltration or soakaway tests should be provided which fully adhere to BRE365 guidance to demonstrate this. Infiltration features should be included where infiltration rates allow;

ii) Drainage plans and drawings showing the proposed locations and dimensions of all aspects of the proposed surface water management scheme. The submitted plans should demonstrate the proposed drainage layout will perform as intended based on the topography of the site and the location of the proposed surface water management features;

iii) a timetable for its implementation; and

vii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site for the lifetime of the development and to prevent environmental and amenity problems arising from flooding in accordance with Policy KP2 and CP4 of the Core Strategy 2007 and area in accordance with policies KP2 and CP4 of the Core Strategy DPD1 and Policy DM2 of the Development Management DPD 2015.

12 Details of any external lighting to be installed in the development shall be submitted to and approved in writing by the local planning authority before the development is occupied or brought into use. Development shall be carried out in accordance with the approved details before the development is occupied or brought into use. No additional external lighting shall be installed on the building without the consent of the Local Planning Authority.

Reason: In the interest of the visual amenities and character of the area, and to protect the amenities of surrounding occupiers in accordance with policies KP2 and CP4 of the Core Strategy DPD1 and with CP4 of the Core Strategy DPD1 and Policies DM1 of the Development Management DPD 2015.

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

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

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

Reason: In order to protect the amenities of occupiers of the development surrounding occupiers and to protect the character the area in accordance with policies KP2 and CP4 of the Core Strategy DPD1 and Policies DM1 and DM3 of the Development Management DPD 2015.

15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking, re-enacting or modifying that Order), no structures such as canopies, fences, loggias, trellises or satellite or radio antennae shall be installed within the development or on the buildings hereby approved unless otherwise previously agreed in writing by the Local Planning Authority.

Reason: In order to protect the character and visual amenities of the development and surrounding area and airport safety in accordance with policies KP2 and CP4 of the Core Strategy DPD1 and Policy DM1 of the Development Management DPD 2015.

16 Before the development is occupied or brought into use, the development hereby approved shall be carried out in a manner to ensure that 2 of the flats hereby approved comply with building regulation M4 (3) 'wheelchair user dwellings' and the remaining 20 flats comply with building regulation part M4(2) 'accessible and adaptable dwellings'.

Reason: To ensure the residential units hereby approved provides high quality and flexible internal layouts to meet the changing needs of residents in accordance with National Planning Policy Framework, DPD1 (Core Strategy) policy KP2, DPD2 (Development Management Document) policy DM2 and SPD1 (Design and Townscape Guide).

#### Informatives

01 Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy Regulations 2010 (as amended). A Community Infrastructure Levy (CIL) Liability Notice will be issued as soon as practicable following this decision notice. This contains details including the chargeable amount, when this is payable and when and how exemption or relief on the charge can be sought. You are advised that a CIL Commencement Notice (CIL Form 6) must be received by the Council at least one day before commencement of development. Receipt of this notice will be acknowledged by the Council. Please ensure that you have received both a CIL Liability Notice and acknowledgement of your CIL Commencement Notice before development is commenced. Most claims for CIL relief or exemption must be sought from and approved by the Council prior to commencement of the

development. Charges and surcharges may apply, and exemption or relief could be withdrawn if you fail to meet statutory requirements relating to CIL. Further details on CIL matters can be found on the Council's website at [www.southend.gov.uk/cil](http://www.southend.gov.uk/cil).

02 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 also to the relevant sections of the Control of Pollution Act 1974. The provisions apply to the construction phase and not solely to the operation of the completed development. Contact 01702 215005 for more information.

03 This permission is governed by a legal agreement between the applicant and the Borough Council under Section 106 of the Town and Country Planning Act 1990. The agreement relates to a financial contribution towards affordable housing and secondary education.

(c) In the event that the planning obligation referred to in part (a) above has not been completed by 14th July 2017 or an extension of this time as may be agreed by the Deputy Chief Executive (Place), Director of Planning and Transport or Group Manager (Planning & Building Control), the Deputy Chief Executive (Place), Director of Planning and Transport or Group Manager (Planning & Building Control) be authorised to refuse planning permission for the application on the grounds that the development will not provide for affordable housing or education provision. As such, the proposal would be contrary to Policies KP2, KP3, CP6 and CP8.

**124 17/00559/FULM - Asda, North Shoebury Road, Shoeburyness (Shoeburyness Ward)**

**Proposal: Demolish existing two lane shopping collection point to the side and install a five lane shopping collection point to the side and alter vehicular access and erect new canopy**

**Applicant: Asda Superstores Limited**

**Agent: Whittam Cox Architects**

Planning permission GRANTED subject to the following conditions:

01 The development hereby permitted shall be begun not later than 3 years beginning with the date of this permission.

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

02 The development hereby permitted shall be carried out in accordance with the approved plans PL\_01A Site Location Plan; PL\_02B Proposed external Drive Thru; PL\_03 Existing click and Collect Canopy.

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

03 The development hereby approved shall be carried out in accordance with details on drawing PL\_02 Revision with respect to the materials used before it is brought into use.

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 surrounding locality. This is as set out in DPD1 (Core Strategy) 2007 policy KP2 and CP4, DPD2 (Development Management Document) 2015 policies DM1 and DM3 and SPD1 (Design and Townscape Guide).

Informative

01 You are advised that as the proposed works will not result in the creation of internal floorspace in accordance with the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See [www.southend.gov.uk/cil](http://www.southend.gov.uk/cil) for further details about CIL.

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.

**125 17/00584/FUL - 25 Britannia Road, Westcliff on Sea (Chalkwell Ward)**  
**Proposal: Erect two storey dwellinghouse on land at rear (Amended Proposal)**  
**Applicant: Mrs Linda Harrison**  
**Agent: Mercer Planning Consultants Ltd**

Mr Dayer, a local resident, spoke as an objector to the applicant. Mr Mercer, the Applicant's Agent, responded.

Planning permission GRANTED subject to the following conditions:

01 The development hereby permitted shall be begun not later than 3 years beginning with the date of this permission.

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

02 The development shall be carried out in accordance with the approved plans: P1000 Revision A; P1001 Revision A; P1002; P1003 Revision C; P1005; P1007; P1010; P1011; P1012; P1008; P1006; P1004 Revision A and P1009.

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

03 No development shall take place until samples of the materials to be used on all the external elevations, including walls, roof, windows, doors, paving, and on any screen/boundary walls and fences, driveway, forecourt or parking area have been submitted to and approved by the local planning authority. The development shall be carried out in accordance with the approved details before it is occupied.

Reason: To safeguard character and appearance of surrounding area in accordance with Policy DM1 of the Development Management DPD and KP2 and CP4 of the Core Strategy.

04 The development shall not be occupied until 5 car parking spaces have been provided at the site in accordance with drawing P1001 Revision A, together with properly constructed vehicular accesses to the adjoining highway, all in accordance with the approved plans. The parking spaces shall be permanently retained thereafter for the parking of occupiers of and visitors to the development.

Reason: To ensure that adequate car parking is provided and retained to serve the development in accordance with Policies DM15 of the Council's Development Management DPD and CP3 of the Core Strategy DPD1.

05 No development shall take place until full details of both hard and soft landscape works to be carried out at the site have been submitted to and approved in writing by the local planning authority. 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, unless otherwise agreed in writing by the local planning authority. The details submitted shall include, but not limited to:-

- i. proposed finished site levels or contours;
- ii. means of enclosure, of the site including any gates or boundary fencing;
- iii. car parking layouts;
- iv. other vehicle and pedestrian access and circulation areas;
- v. hard surfacing materials;
- vi. minor artefacts and structures (e.g. street furniture, loggia, bollards, play equipment, refuse or other storage units, signs, lighting, etc.);
- vii. details of the number, size and location of the trees, shrubs and plants to be retained and planted together with a planting specification
- ix. details of measures to enhance biodiversity within the site;

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

Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping and tree protections measures are implemented pursuant to Policy DM1 of the Development Management DPD and Policy CP4 of the Core Strategy DPD1

06 No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the Arboricultural method statement) in accordance with Clause 7 of British Standard BS5837 - Trees in Relation to Construction has been submitted to and approved in writing by the local planning authority. These protection measures shall be carried out in full as approved throughout the implementation of the development hereby approved.

Reason: In the interests of visual amenity and to ensure a satisfactory standard of landscaping, pursuant to DPD1 (Core Strategy) policies KP2 and CP4, DPD2

(Development Management) policies DM1, DM3 and the advice contained in the Design and Townscape Guide.

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

Reason: In the interests of providing sustainable development in accordance with Policy KP2 of the Core Strategy (DPD1), policy DM2 of the Development Management Document (DPD2).

08 Prior to occupation of the development hereby approved details of the water efficient design measures set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details before it is occupied and be retained as such in perpetuity.

Reason: To minimise the environmental impact of the development through efficient use of water in accordance with the National Planning Policy Framework, DPD1 (Core Strategy) policy KP2, DPD2 (Development Management Document) policy DM2 and SPD1 (Design and Townscape Guide).

09 The development hereby permitted shall not commence until details of surface water attenuation for the site, based on Sustainable Urban Drainage principles, have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details before it is occupied unless otherwise agreed in writing with the Local Planning Authority.

Reason: In order to ensure a satisfactory standard of sustainable drainage and to prevent environmental and amenity problems arising from flooding in accordance with Policies KP2 and CP4 of the Core Strategy DPD1, DPD2 (Development Management) policy DM2 .

10 The development hereby approved shall be carried out in a manner to ensure the house complies with building regulation M4 (2) 'accessible and adaptable dwellings' before it is occupied.

Reason: To ensure the residential units hereby approved provides high quality and flexible internal layouts to meet the changing needs of residents in accordance with National Planning Policy Framework, DPD1 (Core Strategy) policy KP2, DPD2 (Development Management Document) policy DM2 and SPD1 (Design and Townscape Guide).

11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any order revoking and re-enacting that Order with or without modification, no development shall be carried out at the development hereby approved within Schedule 2, Part 1, Classes A, B, C, D, E and F to those Orders.

Reason: To enable the Local Planning Authority to regulate and control development in the interest of the amenity of neighbouring properties and to safeguard the character of the area in accordance the National Planning Policy Framework, DPD1 (Core Strategy) Policies KP2 and CP4, DPD2 (Development Management Document) Policies DM1 and DM3 and SPD1 (Design and Townscape Guide).

12 Prior to occupation the development hereby approved the first floor windows in the flank elevations of the house hereby approved shall be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing with the local planning authority) and fixed shut and unopenable, except for any top hung light which shall be a minimum of 1.7 metres above internal floor level. 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. The windows shall be retained as such in perpetuity thereafter.

Reason: To avoid overlooking and the resultant loss of privacy of the adjoining residential properties, in accordance with the National Planning Policy Framework, DPD1 (Core Strategy) 2007 policies KP2 and CP4, and DPD2 (Development Management Document) 2015 policies DM1 and DM3 and advice contained within the Design and Townscape Guide SPD1.

#### Informative

01 Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy Regulations 2010 (as amended). Enclosed with this decision notice is a Community Infrastructure Levy (CIL) Liability Notice for the attention of the applicant and any person who has an interest in the land. This contains details including the chargeable amount, when this is payable and when and how exemption or relief on the charge can be sought.

You are advised that a CIL Commencement Notice (CIL Form 6) must be received by the Council at least one day before commencement of development. Receipt of this notice will be acknowledged by the Council. Please ensure that you have received both a CIL Liability notice and acknowledgement of your CIL Commencement Notice before development is commenced. Most claims for CIL relief or exemption must be sought from and approved by the Council prior to commencement of the development. Charges and surcharges may apply, and exemption or relief could be withdrawn if you fail to meet statutory requirements relating to CIL. Further details on CIL matters can be found on the Council's website at [www.southend.gov.uk/cil](http://www.southend.gov.uk/cil).

**126 17/00715/FUL - 70 Burdett Avenue, Westcliff on Sea (Milton Ward)**  
**Proposal: Convert existing dwellinghouse (Class C3) to house in multiple occupation**  
**Applicant: Mr and Mrs Dean**  
**Agent: Design Associates**

Planning Permission GRANTED subject to the following conditions:

01. The development hereby permitted shall begin not later than three years from the date of this decision.

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

02. The development hereby permitted shall be carried out in accordance with the following approved plans: 01 Site and existing floorplans; 02 Revision A Location and proposed plans.

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

03. Before the occupation of the development hereby approved, details of the provision of cycle storage at this site shall be submitted to and approved by the local planning authority. The cycle parking shall subsequently be provided in accordance with the approved details prior to the first occupation of the development and be retained in perpetuity thereafter.

Reason: To ensure that satisfactory secure off-street bicycle parking is provided in accordance with DPD1 (Core Strategy) 2007 policies KP2 and CP4, Development Management DPD policy DM1, and SPD1 (Design and Townscape Guide).

04. Before the occupation of the development hereby approved, details of the provision of refuse storage facilities at the site (including day-to-day refuse storage areas and day of collection storage areas as necessary) shall be submitted to and approved in writing by the Local Planning Authority. The approved refuse storage facilities shall be provided prior to the occupation of the development and be retained in perpetuity thereafter.

Reason: To safeguard the amenities of the future occupants of the proposed HMO and adjoining properties in accordance with the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy CP4, Development Management DPD policy DM1, and SPD1 (Design and Townscape Guide).

05. The building shall not be adapted to enable the formation of more than 5 bedrooms and it shall not be occupied by more than 8 persons at any one time.

Reason: To clarify the terms of the permission and enable the suitable consideration of any intensification of the use of the site.

## Informatives

1. You are advised that as the proposed alterations to your property do not result in new floorspace and the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See [www.southend.gov.uk/cil](http://www.southend.gov.uk/cil) for further details about CIL.

2. Please refer to [www.southend.gov.uk/hmollicence](http://www.southend.gov.uk/hmollicence) for further guidance with respect to the license requirements for a HMO.

- 127 17/00822/BC3M - Sacred Heart Roman Catholic School, Windermere Road, Southend on Sea (Kursaal Ward)**  
**Proposal: Demolish existing PE store and erect a single storey rear extension to rear of main school building comprising of a PE store, extend existing classbase and alterations to existing playground to include sports tarmac surface area.**  
**Applicant: Southend on Sea Borough Council**

Planning permission GRANTED subject to the following conditions:

01 The development hereby permitted shall be begun not later than 3 years beginning with the date of this permission.

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

02 The development hereby permitted shall be carried out in accordance with the approved plans 1489/0004 Site and Location Plan; 1489/002 Revision 2 Existing Site Plan; 1489/003 Revision 4 Proposed Plan; 1489/001 Existing and Proposed Elevations, Sections; 1489/005 Roof Plan.

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

03 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings hereby approved or are required by conditions to this permission.

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 surrounding locality. This is as set out in DPD1 (Core Strategy) 2007 policy KP2 and CP4, DPD2 (Development Management Document) 2015 policy DM1 and SPD1 (Design and Townscape Guide)

04 The new play court shall be completed in accordance with the submitted materials specification received 13th June 2017 before it is brought into use unless otherwise agreed with the Local Planning Authority.

Reason: To ensure provision of adequate improvements to the quality of the sports facilities and to accord with Core Strategy policy CP7 of the Core Strategy DPD1.

05 Development shall not commence on any part of the site until the mitigation measures and recommendations as set out in the Tree Survey, Arboricultural Impact Assessment and Tree Protection Plan carried out by Martin Dobson Associated reference G76 dated 12th June 2017 have been implemented in full. The development shall be implemented in accordance with the mitigation measures and recommendations unless otherwise agreed in writing by the local planning authority.

Reason: To protect the existing trees and in the interests of visual amenity and to ensure a satisfactory standard of landscaping, pursuant to DPD1 (Core Strategy) policies KP2 and CP4, DPD2 (Development Management) policies DM1, DM3 and the advice contained in the Design and Townscape Guide.

06 Prior to installation of any external lighting, to illuminate the play court hereby approved, details of the proposed lighting, including design, siting, luminance, hours of illumination and an assessment using the Institution of Lighting Engineers Guidance Note for the Reduction of Obtrusive Light shall be submitted to and approved in writing by the Local Planning Authority. The lighting of the play court shall be installed only in accordance with the approved scheme.

Reason: To protect the amenities of neighbouring properties and the general environmental quality in accordance with, NPPF, DPD1 (Core Strategy) 2007 policy KP2 and CP4, and DPD2 (Development Management Document) 2015 policy DM1.

07 The development hereby approved shall be carried out in accordance with the submitted Drainage Strategy carried out by Southend on Sea Borough Council dated 12.06.2017 before it is brought into use. The sustainable drainage system shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

Reason: In order to ensure a satisfactory standard of sustainable drainage and to prevent environmental and amenity problems arising from flooding in accordance with Policies KP2 and CP4 of the Core Strategy DPD1, DPD2 (Development Management) policy DM2.

08 The proposed new sports and play area shall not be used outside the hours of 10.00 – 19.00.

Reason: To safeguard the amenities of nearby residential properties, in particular to protect the occupiers from noise and disturbance, in accordance with the National Planning Policy Framework (2012), Southend Core Strategy (2007) policy CP4 and Development Management Document (2015) Policy DM1.

#### Informatives

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

2. You are advised that the development hereby approved is likely to require approval under Building Regulations. Our Building Control Service can be contacted on 01702 215004 or alternatively visit our website [http://www.southend.gov.uk/info/200011/building\\_control](http://www.southend.gov.uk/info/200011/building_control) for further information.

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.

- 128 17/00562/BC3M - Multi-Storey Car Park, Victoria Avenue, Southend on Sea (Victoria Ward)**  
**Proposal: Demolish existing car park and erect multi storey car park**  
**Applicant: Alan Richards**  
**Agent: Michelle Fishlock**

DEFERRED

- 129 16/02281/FULM - 177 London Road, Southend on Sea (Victoria Ward)**  
**Proposal: Demolish existing building, erect five storey building of 16 self-contained flats and two ground floor commercial units, layout parking, cycle and bin stores**  
**Applicant: Green Turtle Cay Limited**  
**Agent: DAP Architecture**

Planning Permission GRANTED subject to the following conditions:

01 The development hereby permitted shall be begun not later than 3 years beginning with the date of this permission.

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

02 The development shall be carried out in accordance with the approved plans: 703.200.01 Site and ground floor plan proposed; 1703.201.00 Third and Fourth Floor; 703.203.00 Site and roof plan proposed; 703.204.00 Streetscene and sections proposed; 703.205.00 Proposed elevations; 703.206.00 Proposed Site Waste Management Plan, 703.207.01 third and fourth plan; 703.001.00.

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

03 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works above the 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. The development shall be carried out in accordance with the approved details before it is occupied.

Reason: To safeguard character and appearance of surrounding area in accordance with Policies KP2 and CP4 of the Core Strategy and Policies DM1 and DM3 of the Development Management DPD 2015

04 No construction works above the floor slab level shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include: proposed finished levels or contours; means of enclosure (including any gates to the car parks); car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; external amenity areas minor artefacts and structures (e.g. furniture, loggia, bollards, play equipment, refuse or other storage units, signs, lighting etc.) Details for the soft landscape works shall include the number, size and location of the trees, shrubs and plants to be planted together with a planting specification, the management of the site (e.g. the uncompacting of the site prior to planting) and the initial tree planting and tree staking details. The development shall be implemented in full accordance with the approved details before it is occupied or brought into use.

Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policy CP4 of the Core Strategy DPD1 and policies DM1 and DM3 of the Development Management DPD 2015.

05 The development shall not be occupied until space has been laid out within the site in accordance with drawing No. 703.200.01 for 10 cars to be parked and for vehicles to turn so that they may enter and leave the site in a forward gear. The parking spaces shall be permanently retained thereafter for the parking of occupiers of and visitors to the development.

Reason: To ensure that adequate car parking is provided and retained to serve the development in accordance with Policies CP3 of the Core Strategy DPD1 and Policy DM15 of the Development Management 2015.

06 The development shall not be occupied until a waste management plan and service plan has been submitted to and agreed in writing by the Local Planning Authority. The waste management and servicing of the development shall thereafter be carried out in accordance with the approved details.

Reason: to ensure that the development is satisfactorily serviced and that satisfactory waste management is undertaken in the interests of highway safety and visual amenity and to protect the character of the surrounding area, in accordance with Policies KP2 and CP3 of the Core Strategy DPD1 and Policies DM1 and DM15 of the Development Management DPD 2015.

07 The development shall not be occupied until details of 16 secure, covered cycle parking spaces to serve the residential development and cycle parking spaces to serve the office floorspace have been submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented prior to first occupation of the development and shall be retained thereafter.

Reason: To ensure that adequate cycle parking is provided and retained to serve the development in accordance with Policies CP3 of the Core Strategy DPD1 and Policy DM15 of the Development Management DPD 2015.

08 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide, 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 and dirt during construction
- vi) a scheme for recycling/disposing of waste resulting from demolition and construction works that does not allow for the burning of waste on site.

Reason: In the interests of visual amenity and protecting the amenities of occupiers of neighbouring properties in accordance with policy KP2 and CP4 of the Core Strategy DPD1 and policies DM1 and DM3 of the Development Management DPD 2015.

09 Before the B1 (a) use hereby permitted is occupied, details of any extraction/ventilation equipment to be installed at the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be implemented before the use class B1 space is brought into use. All equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the manufacturer's instructions.

Reason: In order to protect the amenities of occupiers of the development surrounding occupiers and to protect the character and visual amenities of the area in accordance with policies KP2 and CP4 of the Core Strategy DPD1 and Policies DM1 and DM3 of the Development Management DPD 2015.

10 With reference to BS4142, the noise rating level arising from all plant and extraction/ventilation equipment installed at the site shall be at least 5dB(A) below the prevailing background at 3.5 metres from ground floor façades of the nearest noise sensitive property and 1 metre from all other façades of the nearest noise sensitive property with no tonal or impulsive character.

Reason: In order to protect the amenities of occupiers of the development and surrounding occupiers in accordance with policies KP2 and CP4 of the Core Strategy DPD1 and Policies DM1 and DM3 of the Development Management DPD 2015.

11 The Class B1(a) use hereby permitted shall not be open to customers outside the following times: 07:00 to 23:00 hours.

Reason: In order to protect the amenities of occupiers of the development and surrounding occupiers and to protect the character and amenities of the area in accordance with policies KP2 and CP4 of the Core Strategy DPD1 and Policies DM1 and DM3 of the Development Management DPD 2015.

12 No deliveries or refuse collection shall be taken at or despatched from the Use Class B1 unit outside the hours of 07:00-19:00hours Mondays to Fridays and 08:00-13:00hours on Saturdays nor at any time on Sundays, Bank or Public Holidays.

Reason: In order to protect the amenities of occupiers of the development surrounding occupiers and to protect the character and amenities of the area in accordance with policies KP2 and CP4 of the Core Strategy DPD1 and Policies DM1 and DM3 of the Development Management DPD 2015.

13 Other than the demolition, grubbing up of foundations and site clearance, no development shall take place until a site investigation of the nature and extent of any land contamination present has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority.

The results of the site investigation shall be made available to the local planning authority before any construction begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority before any construction begins. The site shall be remediated in accordance with the approved remediation measures before the development hereby approved is occupied and evidence to demonstrate that the remediation has taken place shall be submitted in writing to the Local Planning Authority before the development is occupied.

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and these shall be fully implemented before the site is occupied.

Reason: To ensure that any contamination on the site is identified and treated so that it does not harm anyone who uses the site in the future, and to ensure that the development does not cause pollution to Controlled Waters in accordance with DPD1 (Core Strategy) 2007 policy KP2 and Policies DM1 and DM14 of the Development Management DPD 2015.

14 No construction works shall take place until details of the implementation, maintenance and management of a scheme for surface water drainage works based on Sustainable Urban Drainage (SUDS) principles have been submitted to and approved by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details before the development is occupied and brought into use and thereafter be managed in accordance with those details. Those details shall include:

i) An investigation of the feasibility of infiltration SUDS as the preferred approach to establish if the principles of any infiltration based surface water drainage strategy are achievable across the site, based on ground conditions. Infiltration or soakaway tests should be provided which fully adhere to BRE365 guidance to

demonstrate this. Infiltration features should be included where infiltration rates allow;

ii) Drainage plans and drawings showing the proposed locations and dimensions of all aspects of the proposed surface water management scheme. The submitted plans should demonstrate the proposed drainage layout will perform as intended based on the topography of the site and the location of the proposed surface water management features;

iii) a timetable for its implementation; and

vii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site for the lifetime of the development and to prevent environmental and amenity problems arising from flooding in accordance with Policy KP2 and CP4 of the Core Strategy 2007 and Policy DM2 of the Development Management DPD 2015.

15 Details of any external lighting to be installed in the development shall be submitted to and approved in writing by the local planning authority before the development is occupied or the lighting is brought into use. The development shall be carried out in accordance with the approved details before the development is occupied or brought into use. No additional external lighting shall be installed on the site without the prior consent of the Local Planning Authority.

Reason: In the interest of the visual amenities and character of the area, and to protect the amenities of surrounding occupiers in accordance with policies KP2 and CP4 of the Core Strategy DPD1 and with CP4 of the Core Strategy DPD1 and Policies DM1 and DM3 of the Development Management DPD 2015.

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

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

17 Demolition or construction works associated with this permission shall not take place outside 07:30hours to 18:00hours Mondays to Fridays and 08:00hours to 13:00hours on Saturdays nor at any time on Sundays or Bank Holidays.

Reason: In order to protect the amenities of occupiers of the development surrounding occupiers and to protect the character the area in accordance with policies KP2 and CP4 of the Core Strategy DPD1 and Policies DM1 and DM3 of the Development Management DPD 2015.

18 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking, re-enacting or modifying that Order), no structures such as canopies, fences, shutters, loggias, trellises or satellite or radio antennae shall be installed within the development or on the buildings unless otherwise previously agreed in writing by the Local Planning Authority.

Reason: In order to protect the character and visual amenities of the development and surrounding area in accordance with policies KP2 and CP4 of the Core Strategy DPD1 and Policies DM1 and DM3 of the Development Management DPD 2015.

19 Notwithstanding the provisions of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any revocation, amendment or adaptation of this legislation of for the time being maybe in force, the commercial floorspace hereby approved shall be used only for purposes falling within Use Class B1(a) and for no other purpose including any within Classes A1, A2, A3, A4, A5, B8, C3 or D1 of the Town and Country Planning (Use Classes) Order 1987 as amended (or any statutory modification or re-enactment or replacement thereof (as the case may be) for the time being in force).

Reason: In order to retain B1 (a) employment floorspace and protect the amenities of occupiers of the development surrounding occupiers and to protect the character and amenities of the area in accordance with Policies CP1, KP2 and CP4 of the Core Strategy DPD1 and Policies DM1, DM11 and DM3 of the Development Management DPD 2015.

20 Before it is occupied or brought into use, the development hereby approved shall be carried out in a manner to ensure that 2 of the flats hereby approved comply with building regulation M4 (3) 'wheelchair user dwellings' standard and the remaining 14 flats comply with building regulation standards part M4(2) 'accessible and adaptable dwellings'.

Reason: To ensure the residential units hereby approved provides high quality and flexible internal layouts to meet the changing needs of residents in accordance with National Planning Policy Framework, DPD1 (Core Strategy) policy KP2, DPD2 (Development Management Document) policy DM2 and SPD1 (Design and Townscape Guide).

21 Prior to occupation of the development hereby approved details of the water efficient design measures set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details before it is occupied and be retained as such in perpetuity.

Reason: To minimise the environmental impact of the development through efficient use of water in accordance with the National Planning Policy Framework,

DPD1 (Core Strategy) policy KP2, DPD2 (Development Management Document) policy DM2 and SPD1 (Design and Townscape Guide).

#### Informatives

1. Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy Regulations 2010 (as amended). A Community Infrastructure Levy (CIL) Liability Notice will be issued as soon as practicable following this decision notice. This contains details including the chargeable amount, when this is payable and when and how exemption or relief on the charge can be sought.

You are advised that a CIL Commencement Notice (CIL Form 6) must be received by the Council at least one day before commencement of development. Receipt of this notice will be acknowledged by the Council. Please ensure that you have received both a CIL Liability Notice and acknowledgement of your CIL Commencement Notice before development is commenced. Most claims for CIL relief or exemption must be sought from and approved by the Council prior to commencement of the development. Charges and surcharges may apply, and exemption or relief could be withdrawn if you fail to meet statutory requirements relating to CIL. Further details on CIL matters can be found on the Council's website at [www.southend.gov.uk/cil](http://www.southend.gov.uk/cil).

2. 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 also to the relevant sections of the Control of Pollution Act 1974. The provisions apply to the construction phase and not solely to the operation of the completed development. Contact 01702 215005 for more information.

**130 17/00638/DOV - Shoebury Garrison, Ness Road, Shoeburyness (Shoeburyness Ward)**

**Proposal: Modification of planning obligation dated 6 February 2004 (as amended) pursuant to application 00/00777/OUT, in particular clauses relating to sea wall works and drainage infrastructure.**

**Applicant: Avant Homes**

DELEGATED to the Deputy Chief Executive (Place), Director of Planning and Transport or Group Manager for Planning and Building Control TO MODIFY THE SECTION 106 AGREEMENT dated 6th February 2004 to allow the revisions and additions set out in paragraph 1.4 and 3.9 of this report associated with sea wall works and drainage infrastructure.

**131 17/00639/AD - Shoebury Garrison, Ness Road, Shoeburyness (Shoeburyness Ward)**

**Application for approval of details pursuant to condition 30 (details of sea wall repairs) of planning permission 00/00777/OUT dated 06/02/2004 [Revised application]**

**Applicant: Avant Homes**

DELEGATED to the Deputy Chief Executive (Place), Director of Planning and Transport or Group Manager of Planning and Building Control to agree the details on the basis that 17128-SK103B, 'Specification – Hydraulic Grade

Asphalt', Shoebury Garrison Sea Wall Revetment Remedial Works', 'Hesselberg Hydro: Proposed works to repair revetment March 2017', together with the following previously approved documents satisfy the requirements of Condition 30:- 'Sea Wall and Defences Maintenance & Repair Works report dated November 2001' and 'Drainage and Flood Defence Strategy Concept Statement Revision 2 dated November 2001'. This recommendation is subject to completion of a Deed of Variation under Section 106 of The Town and Country Planning Act 1990 (as amended) to secure the provisions set out in paragraph 3.9 of this report.

Informatives:

1. Please note that the Deed of Variation completed pursuant to application 17/00638/DOV sets out the changes that have been agreed by the Council since 6th February 2004 in relation to the following documents, which formed part of the original Section 106 agreement:-

- Sea Wall and Defences Maintenance & Repair Works report dated November 2001
- Drainage and Flood Defence Strategy Concept Statement Revision 2 dated November 2001

2. This permission is governed by a legal agreement between the applicant and the Borough Council under Section 106 of the Town and Country Planning Act 1990. The agreement relates to methodology and supervision associated with the coastal defence repairs.

- 132 17/00893/DOV5 - 32-36 Valkyrie Road, Westcliff on Sea (Milton Ward)**  
**Proposal: Modification of planning obligation (Section 106 agreement) associated with planning application 14/00914/FULM dated 3rd July 2015 to provide a financial contribution in lieu of on-site provision of affordable housing.**  
**Applicant: Mr Dan Nyman of In Construction Services Ltd**

DELEGATED to the Deputy Chief Executive (Place), Director of Planning and Transport or Group Manager for Planning and Building Control to AGREE A MODIFICATION OF THE PLANNING OBLIGATION dated 3rd July 2015 pursuant to planning application 14/00914/FULM to provide a financial contribution for affordable housing of £218,000 (index-linked) in lieu of on-site provision by 14th September 2017 (i.e. within 3 months of the date of this committee).

- 133 17/00784/BC3 - Barons Court Primary School And Nursery, Avenue Road, Westcliff on Sea (Milton Ward)**  
**Proposal: Render north, west and east elevations**  
**Applicant: Barons Court Primary School**  
**Agent: Neil Pointer (Southend on Sea Borough Council)**

Planning permission GRANTED subject to the following conditions:

01. The development hereby permitted shall begin not 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. With the exception of the render details the development hereby permitted shall be carried out in accordance with the following approved plans: 1508-A-001 Location and Site Plan; 1508-A-102 West Elevation; 1508-A-101 North Elevation; 1508-A-103 South Elevation; 1508-A-104 East Elevation; 1509-A-201 Render.

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

03. Notwithstanding the details shown on the plans hereby approved, the render to be used for the external elevations to the north, east and west of the existing building shall be in accordance with sample reference 32222 (beige colour) received by the local planning authority on the 24.05.2017.

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 surrounding locality and in particular to preserve the character of the Milton Conservation Area. This is as set out in DPD1 (Core Strategy) 2007 policy KP2 and CP4, DPD2 (Development Management Document) 2015 policies DM1, DM3 and DM5 and SPD1 (Design and Townscape Guide).

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.

Informative

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

**Chairman:** \_\_\_\_\_