

# Public Document Pack

## SOUTHEND-ON-SEA BOROUGH COUNCIL

### Meeting of Development Control Committee

**Date: Wednesday, 13th September, 2017**

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

**Present:** Councillor F Waterworth (Chair)  
Councillors D Garston (Vice-Chair), B Ayling, M Borton, H Boyd,  
S Buckley, T Callaghan, N Folkard, J Garston, R Hadley,  
H McDonald, C Mulroney, D Norman MBE, P Van Looy, C Walker  
and N Ward

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

**Start/End Time:** 2.00 p.m. - 2.40 p.m.

#### **271 Apologies for Absence**

Apologies for absence were received from Councillor Arscott (no substitute).

#### **272 Declarations of Interest**

The following interests were declared at the meeting:

(a) Councillor Folkard – Agenda Item No. 12 (17/01019/FULH - 6 Leas Gardens, Westcliff-on-Sea) – Disqualifying non-pecuniary interest: Applicant is known to him as a Councillor and socialises with him (withdrew);

(NOTE: All other Councillors present declared non-pecuniary interest in this item on the grounds that the applicant was known to them as a fellow Councillor.)

(b) Councillor Mulroney – Agenda Item Nos. 4 (17/01001/FUL - 141 Leighton Avenue, Leigh-on-Sea), 5 (17/01287/FUL - Garages R/o 1- 4 Chalkwell Bay Flats, Undercliff Gardens, Leigh-on-Sea), 8 (17/01041/FUL - 34 Percy Road, Leigh-on-Sea), 9 (17/01361/TPO - Haydon House, 10 Underwood Square, Leigh-on-Sea), 10 (17/00969/FUL - 42A Lord Roberts Avenue, Leigh-on-Sea) and 11 (17/01008/FULH - 66 Leigham Court Drive, Leigh-on-Sea) – Non-pecuniary interest: Member of Leigh Town Council (non-participant in planning);

(c) Councillor Norman MBE – Agenda Item No. 7 (17/01090/FUL - 78 Mounddale Gardens, Leigh-on-Sea) – Non-pecuniary interest: Daughter worked at the School;

(d) Councillor Van Looy – Agenda Item No. 5 (17/01287/FUL - Garages R/o 1- 4 Chalkwell Bay Flats, Undercliff Gardens, Leigh-on-Sea) – Non-pecuniary interest: Applicant is known to him;

(e) Councillor Walker – Agenda Item No. 7 (17/01090/FUL - 78 Mounddale Gardens, Leigh-on-Sea) – Non-pecuniary interest: Head teacher is a fellow trustee of Southend Boys and Girls Choir;

(f) Councillor Walker – Agenda Item No. 9 (17/01361/TPO - Haydon House, 10 Underwood Square, Leigh-on-Sea) – Non-pecuniary interest: Friends live in Underwood Square and Lime Avenue;

(g) Councillor Ward – Agenda Item No. 9 (17/01361/TPO - Haydon House, 10 Underwood Square, Leigh-on-Sea) – Non-pecuniary interest: Applicant is known to him.

NOTE: All Councillors present also declared a non-pecuniary interest in Agenda Item No. 11 (17/01008/FULH - 66 Leigham Court Drive, Leigh-on-Sea) on the grounds that the applicant was an officer at the Council.

### **273 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.

### **274 17/01001/FUL - 141 Leighton Avenue, Leigh-on-Sea (Leigh Ward)**

**Proposal: Demolish existing two storey dwelling house and erect a pair of two storey semi-detached dwelling houses, layout associated parking and form vehicular accesses on to Leighton Avenue**

**Applicant: Mr Herrtage**

**Agent: Mr John Beuvink**

Resolved: That Planning Permission be 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: 17-101 PO1C; 17-101 P02; 17-101 P03; 17-101 PO4 & 17-101 P05.

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, dormers, porch canopy, 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 only be carried out in accordance with the approved details.

Reason: To safeguard character and appearance of surrounding area in accordance with policies KP2 and CP4 of the Core Strategy, policies DM1 and DM3 of the Development Management Document and the Design and Townscape Guide.

04 The development shall not be occupied until four car parking spaces have been provided at the site in accordance with drawing 17-101 PO1C, 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 policy CP3 of the Core Strategy, policy DM15 of the Development Management Document.

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 including new street tree shrubs and plants to be retained and planted together with a planting 11 specification
- (viii) 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 Policies DM1 and DM3 of the Development Management Document and Policy CP4 of the Core Strategy.

06 No development approved by this permission shall take place until Southend Borough Council (as local planning authority and highway authority) has approved in writing a full scheme of replacement tree planting on a two for one basis (including details of size, species and location (to be agreed with the Councils arboriculturalist) and contract details and the relevant approvals are in place) in relation to loss of the street tree. The development and the associated replacement tree planting shall thereafter be undertaken in accordance with the approved details prior to occupation of the development hereby approved unless otherwise agreed in writing by 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 Policies DM1 and DM3 of the Development Management Document and Policy CP4 of the Core Strategy.

07 A scheme detailing how at least 10% of the total energy needs of the dwellinghouses will be supplied using on site renewable sources must be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development 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 (2007) and policy DM2 of the Development Management Document.

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, Core Strategy policy KP2, Development Management Document policy DM2 and Design and Townscape Guide.

09 The development hereby approved shall be carried out in a manner to ensure the houses comply with building regulation 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, Core Strategy policy KP2, Development Management Document policy DM2 and Design and Townscape Guide.

10 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, Core Strategy Policies KP2 and CP4, DPD2 Development Management Document Policy DM1 and Design and Townscape Guide.

11 Prior to their occupation the proposed windows in the flank elevations of the houses 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 and shall be retained as such in perpetuity 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.

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

12 Prior to the first occupation of the dwellings hereby approved, details shall be submitted of the provision of cycle parking and refuse storage at the site. The approved cycle parking and refuse storage shall be provided in full and made available for use by the occupants of the proposed dwelling prior to the first occupation of the dwellings hereby approved and be retained as such in perpetuity.

Reason: To ensure the provision of adequate cycle parking and refuse storage in accordance with policies DM3, DM8 and DM15 of Development Management Document.

Informative

01 In relation to condition 06 please contact Development Engineer Martin Warren on 01702 534328 and Park Management Officer Ian Brown 01702 215176.

02 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](http://www.southend.gov.uk)

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.

- 275 17/01287/FUL - Garages R/o 1- 4 Chalkwell Bay Flats, Undercliff Gardens, Leigh-on-Sea (Leigh Ward)**  
**Proposal: Erect additional garage to existing garage site rear of 1 to 4 Chalkwell bay flats (Amended Proposal)**  
**Applicant: Mr Christopher Bailey**

Resolved: That Planning Permission is REFUSED for the following reasons:

01 The proposed development, by reason of its size, scale, bulk, use of materials, siting and the prominence of the proposed structure, would be detrimental to the character and appearance of the application site and the area more widely. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework; 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 advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

02 The proposed development would result in a reduction in the area available for parking vehicles at the application site and be likely to cause additional vehicles to park within the surround public highway, to the detriment of the free flow of traffic and highway safety conditions in the area. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework; Policy CP3 of the Southend-on-Sea Core Strategy (2007); and Policies DM3 and DM15 of the Southend-on-Sea Development Management Document (2015).

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The detailed analysis is set out in a report prepared by officers. The Local Planning Authority is willing to discuss the best course of action in respect of any future application for a revised development.

#### Informative

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

276 **17/00821/AMDT - Crown Secretarial College Ltd, 411 - 415 Sutton Road, Southend-on-Sea (Victoria Ward)**

**Proposal: Application to vary condition 2 (approved plans) of planning permission 16/01503/FULM (Demolish existing buildings, erect 3 storey block comprising of 44 flats, 252sq. m retail commercial floor space at ground floor, communal amenity space, landscaping, parking and associated works) dated 29/03/2017 to alter elevations, alter layout, alter unit mix.**

**Applicant: Dove Jeffrey Homes Ltd**

**Agent: FRONT Architecture Ltd**

Resolved: (a) That the Deputy Chief Executive (Place), Director of Planning and Transport or Group Manager of Development Control & Building Control be DELEGATED 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 seek the following:

- A minimum of 9 units of affordable rented housing units (20% of overall provision) comprising 2x1 bed and 7x2 bed units.
- Traffic Regulation Order contribution of £4,000
- Provision of Travel Packs for residents.
- Retail Travel Plan.

(b) The Deputy Chief Executive (Place) Director for 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 the original permission (29th March 2017).

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: FRNT\_16.563\_200\_P5 site plan and streetscene; FRNT\_16.563\_201\_P4 Block A floor plans; FRNT\_16.563\_202\_P4 Block B floor plans; FRNT\_16.563\_204\_P4 Block A elevations; FRNT\_16.563\_205\_P4 Block B elevations; FRNT\_16.563\_203\_P3 Block C Floor Plans; FRNT\_16.563\_206\_P4 Block C elevations: Location plan 001.

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

03 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, fenestration, front porches and hoods have been submitted to and approved in writing by the local planning authority. Development shall be carried out only in accordance with the approved details.

Reason: To safeguard character and appearance of surrounding area in accordance with Policies KP2 and CP4 of the Core Strategy 2007, Policy DM1 and DM3 of the Development Management Document 2015 and the Design and Townscape Guide 2009

04 Hard and Soft Landscaping shall be carried out in accordance with details approved under application 17/00884/AD and plan No 2244-17 received on 14th August 2017 unless otherwise agreed in writing with the Local Planning Authority. Hard Landscaping shall be completed prior to first occupation of the development and soft landscaping/planting shall be completed within the planting season following first occupation of the development. (or within any other time limit agreed in writing with the local planning authority) The landscaping shall be permanently retained thereafter. If any trees are removed or found to be dying, severely damaged or diseased within 5 years of planting them, they must be replaced with trees of a similar size and species.

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

05 The development shall not be occupied until space has been laid out within the site in accordance with drawing No. 200 P4 for cars to be parked and for the loading and unloading of vehicles and for vehicles to turn so that they may enter and leave the site in forward gear. The parking spaces shall be permanently retained thereafter for the parking of occupiers, staff 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 (2007) and Policy DM15 of the Development Management Document 2015.

06 The development shall not be occupied until a car park management plan for the development has been submitted to and agreed in writing by the Local Planning Authority. The development shall only be occupied in accordance with the agreed management plan.

Reason: To ensure that the car parking is satisfactorily managed in the interests of traffic management and highway safety in accordance with Policies KP2 and CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015)

07 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 only in accordance with the approved details.

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



08 The development shall not be occupied until details of the secure, covered cycle parking spaces to serve the residential development and cycle parking spaces to serve the retail/commercial unit have been submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented prior to first occupation 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 (2007) DPD1 and Policy DM15 of the Development Management Document (2015).

09 Construction shall be carried out in accordance with the Construction Method Statement approved under application 17/00883/AD unless otherwise agreed in writing with the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period.

Reason: In the interests of visual amenity and to protect the amenities of occupiers of the development and surrounding occupiers pursuant to Policies CP4 of the Core strategy (2007) and policies DM1 and DM3 of the Development Management Document (2015).

10 Before the retail use hereby permitted begins a scheme for the installation of equipment to control the emission of fumes and smell from the premises shall be submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be implemented before the retail unit is occupied. 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 and surrounding occupiers and to protect the character and visual amenities of the area in accordance with policies Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015)

11 With reference to BS4142, the noise rating level arising from all plant and extraction/ventilation equipment should be at least 5dB(A) below the prevailing background at 3.5 metres from ground floor façades 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 surrounding occupiers and to protect the character and visual amenities of the area in accordance with policies Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015.)

12 The retail use hereby permitted shall not be open to customers outside the following times: 07:00 to 23:00 hours on any day.

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 Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015)

13 No deliveries or refuse collection shall be taken at or despatched from the retail 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 Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

14 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 contamination has been carried out in accordance with a methodology approved under application ref 17/00953/AD. 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. The site shall be remediated in accordance with the approved measures before development begins.

If, during the course of development, any further 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 before the development is brought into use.

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

15 No development shall take place until details of the implementation, maintenance and management of a scheme for surface water drainage works 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. 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 Policy DM2 of the Development Management Document 2015.

16 Details of any external lighting shall be submitted to and approved in writing by the local planning authority before the retail use hereby permitted begins and residential apartments are occupied. The development shall be carried out in accordance with the approved details. 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 Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 of the Development Management Document (2015).

17 No construction works above the level of the floor slab shall take place until a scheme for protecting the proposed dwellings from noise from road traffic has been submitted to and approved in writing by the Local Planning Authority. The details shall include the insulation scheme including predicted internal Lmax and LAeq levels for the noise sources identified in the noise assessment. Glazing and ventilation shall be selected with relevant acoustic properties as outlined in the Noise Assessment submitted with application 16/01503/FULM and dated 18 December 2014. The agreed noise prevention measures will be installed prior to first occupation of the dwellings and retained at all times thereafter.

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

18 Demolition or construction works 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 Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

19 Landscape management of the development, including management responsibilities and maintenance for all landscape areas shall be carried out only in accordance with details approved under application 17/00884/AD.

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

20 No construction works above the level of the floor slab shall take place until details of the proposed Photovoltaic cells set out in the Energy and Sustainability Statement by Fusion 13 submitted with application 16/01503/FULM have been submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be implemented and brought into use on first occupation of the development.

Reason: To ensure the development maximises the use of renewable and recycled energy, water and other resources, in accordance with Policy KP2 of the Core Strategy (2007) and Policy DM2 of the Development Management Document 2015.

21 Prior to the installation of any shopfront, the details of the design, materials, glazing, doors, shutters, signage and lighting shall be submitted to and approved in writing by the Local Planning Authority. The retail unit development shall be carried out in accordance with the approved details before it is occupied and permanently retained thereafter.

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

22 Notwithstanding the provisions of the Town and Country Planning (Control of Advertisements) Regulations 2007, or any order revoking and re-enacting that Order with or without modification, no advertisement shall be displayed on the building without the prior written consent of the Local Planning Authority.

Reason: In the interest of the visual amenities of the area in accordance with policies KP2 and CP4 of the Core Strategy (2007) and Policy DM1 and DM13 of the Development Management Document (2015).

23 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 unless otherwise 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 (2007) and Policy DM1 of the Development Management Document (2015)

24 The commercial floorspace hereby approved shall only be occupied for uses falling within Use Class A1 retail and shall not be used for any other purpose and for no other purpose including any within Classes A, 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). The hereby approved Use Class A1 retail floorspace shall also not be used for any alternative uses otherwise permitted under the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any order revoking or re-enacting that Order).

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 (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

25 The development shall be carried out in accordance with the Method Statements for Tree Protection and Tree Works approved under application 17/00885/AD unless otherwise agreed in writing by the Local Planning Authority.

Reason In the interests of amenity, to protect existing trees and to ensure a satisfactory standard of landscaping pursuant to Policy CP4 of the Core Strategy (2007) and policy DM1 of the Development Management Document (2015)

26 The development shall not be occupied until new accesses, removal of the existing redundant crossovers and street furniture, loading bays, on street car parking spaces and public realm improvements in accordance with details approved under application 17/00974/AD have been implemented in full and (prior to this) the Council as Highways Authority has approved in writing a full scheme of highways works and the relevant associated highways approvals are in place.

Reason: In the interests of sustainability, accessibility, highways management, efficiency and safety in accordance Core Strategy (2007) policies KP2, KP3 and CP3 and policies DM1 and DM15 of the Development Management Document (2015)

#### Informatives

01 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.

02 For further guidance on the control of odour and noise from ventilation systems you are advised to have regard to – Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems published by DEFRA. This can be downloaded free from [www.DEFRA.Gov.UK](http://www.DEFRA.Gov.UK)

03 The applicant is reminded that this permission does not bestow compliance with the Licensing Act 2003. Applicants should contact the Council's Licensing Team for more advice on 01702 215005.

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

owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

05 An application to discharge trade effluent must be made to Anglian Water and must have been obtained before any discharge of trade effluent can be made to the public sewer. Anglian Water recommends that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of such facilities could result in pollution of the local watercourse and may constitute an offence. Anglian Water also recommends the installation of a properly maintained fat traps on all catering establishments. Failure to do so may result in this and other properties suffering blocked drains, sewage flooding and consequential environmental and amenity impact and may also constitute an offence under section 111 of the Water Industry Act 1991.

06 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 and 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 of life, business continuity and limit the impact of fire on the environment and local economy. Even where not required under Building Regulation's guidance, ECFRS would strongly recommend a risk base approach to the inclusion of AWSS, which can substantially reduce the risk to life and of property loss. We would also encourage developers to use them to allow design freedom, where it can be demonstrated that there is an equivalent level of safety and that the functional requirements of the regulations are met.

07 The applicant is reminded that additional water supplies for fire fighting may be necessary for this development. The applicant is urged to contact the Water Technical Officer at Service Headquarters tel 01376 576342

08 Please note that the proposed development 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 CIL Liability Notice for the applicant's attention and any other person who has an interest in the land. This contains details of the chargeable amount and how to claim exemption or relief if appropriate. There are further details on this process on the Council's website at [www.southend.gov.uk/cil](http://www.southend.gov.uk/cil).

09 In relation to Condition 26; you are advised to contact Highways Engineer – Martin Warren; (Tel: 01702 215003) to discuss the requisite Highways Licence/Agreements under the Highways Act 1980. You are advised that a Highways Licence/Agreement needs to be in place before any works are carried out to the public highway and any works to public transport infrastructure (e.g. bus stops) will need to be carried out by a Council approved contractor.

10 Informative (approval of S73 applications where original permission granted post-CIL charging AND there is no net increase in floorspace):  
Community Infrastructure Levy (CIL): This application has been made pursuant to Section 73 of the Town and Country Planning Act 1990 and as such CIL Regulation 9(6) applies. You are advised that as the amount of CIL payable would not change from the previous permission ref. 16/01503/FULM, the chargeable development is the development for which permission was granted

by the previous permission as if that development was commenced. Therefore, CIL Liability Notice ref. 16/01503/FULM/0001 still applies to the permission hereby granted and is enclosed for your reference.

(c) In the event that the planning obligation referred to in part (a) above has not been completed by 20th September 2017 the 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 :-

- i) provide for improvements to the public highway and the public realm within the vicinity of the site;
- ii) provide an effective means of enforcing/delivering a Travel Plan;
- iii) provide for a satisfactory provision of public art;
- iv) provide for a satisfactory method of servicing the development;
- v) provide for affordable housing.

As such, the proposal would not make a satisfactory contribution towards the quality of the built environment within the vicinity of the site, would traffic congestion and be to the detriment of highway safety and is likely to place increased pressure on public services and infrastructure to the detriment of the general amenities of the area, contrary to Policies KP2, KP3, CP3, CP4 and CP6 of the Core Strategy, Policies DM1, DM3, DM7, and DM15 of the Development Management DPD 2015.

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.

**277 17/01090/FUL - 78 Mountdale Gardens, Leigh-on-Sea (Blenheim Park Ward)**

**Proposal: Change of use from dwellinghouse (Class C3) to Non-residential education centre (Class D1).**

**Applicant: The St. Christopher School Academy**

**Agent: The Livemore Partnership – Mr Tony Watts**

Resolved: That Planning Permission be GRANTED subject to the following conditions:

01 The development hereby permitted shall begin not later than 3 (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: 16032-01(-), 16032-02(-), 16032-03(-), 16032-04(-)

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

03 The use hereby permitted shall be carried on only by St Christopher School Academy Trust for the purpose of education. When the premises cease to be occupied for educational purposes, the use hereby permitted shall cease and all materials and equipment brought on to the premises in connection with the use shall be removed. The premises would then return to a residential (Class C3 use).

Reason: Permission has been granted taking into consideration the special circumstances of this case. The local planning authority needs to control future use of the premises if the education use of the premises ceases to ensure compliance with, DPD1 (Core Strategy) 2007 policy K2, CP4, CP8; Borough Local Plan 1994 policies U7 and H4 and SPD1 (Design and Townscape Guide).

04 The Class D1 use allowed by this permission can only be carried out as an ancillary use to The St Christopher School Academy and for no other purpose unless agreed in writing by the Local Planning Authority.

Reason: Planning permission for unrestricted use within Class D1 cannot be granted in this case because of the special circumstances of the application and it would therefore fail to comply with the National Planning Policy Framework (2012), Core Strategy 2007 policy CP8.

05 The premises shall not be used outside the following hours: -

8am to 4pm Monday - Friday and at no time on Saturdays, Sundays or Bank Holidays or within the Essex County Council school holiday dates.

Reason: To protect residential amenity and general environmental quality in accordance with the National Planning Policy Framework (2012), Core Strategy 2007 policy KP2 and CP4.

Informative

You are advised that as the change of use 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.

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.



**17/01041/FUL - 34 Percy Road, Leigh-on-Sea (West Leigh Ward)**

**Proposal: Demolish existing bungalow, erect detached bungalow with roof extension to front and sides, boundary wall to side to form covered courtyard, form layout parking to front and install new vehicular access on to Percy Road (Amended Proposal)**

**Applicant: Mrs H Collins**

**Agent: Knight Gratrix Architects**

Resolved: That Planning Permission be REFUSED for the following reason:

01 The proposed development would, by reason of its scale, size bulk, mass, detailed design and use of materials appear incongruous and out of keeping within the streetscene to the detriment of the character, appearance of the site and area more widely. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework; 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 advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

Informative

01 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.

02 It should be noted there are a number of mistakes on the submitted plans and any resubmission should ensure the first floor plan shows northern windows, roof plan needs to clearly detail the width of the dormer roof at the northern end and the parking arrangement differs between ground floor and block plan including crossovers.

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The detailed analysis is set out in a report prepared by officers. In the circumstances the proposal is not considered to be sustainable development. The Local Planning Authority is willing to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development, should the applicant wish to exercise this option in accordance with the Council's pre-application advice service.

- 279 17/01361/TPO - Haydon House, 10 Underwood Square, Leigh-on-Sea (West Leigh Ward)**  
**Proposal: Fell one Oak tree, crown lift, prune and removal of deadwood to various oak trees (works covered by a tree preservation order)**  
**Applicant: Mr Newton**  
**Agent: DF Clark Bionomique Limited**

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

Resolved: That consideration of this application be DEFERRED for a site visit.

- 280 17/00969/FUL - 42A Lord Roberts Avenue, Leigh-on-Sea (Leigh Ward)**  
**Proposal: Erect dormer to rear and first floor rear extension**  
**Applicant: Mr J Beuvink**

Resolved: That Planning Permission be 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: PL01 and PL02.

Reason: To ensure that the development is carried out in accordance with the provisions of 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 the area. This is as set out in the National Planning Policy Framework, Core Strategy 2007 policy KP2 and CP4, Development Management Document policies DM1 and DM3, and Design and Townscape Guide.

04 The roof of the development hereby approved shall not be used as a balcony, roof garden or similar amenity area or for any other purpose unless otherwise agreed in writing by the local planning authority. The roof can however be used for the purposes of maintenance or to escape in an emergency.

Reason: To protect the privacy and environment of people in neighbouring residential properties, in accordance with the National Planning Policy Framework (NPPF), Core Strategy 2007 policy CP4, Development Management Document policy DM1, and Design and Townscape Guide.

05 The proposed first floor clerestory window in the north elevation shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing with the local planning authority) and fixed shut, except for any top hung fan light which shall be a minimum of 1.7 metres above internal floor level unless otherwise agreed in writing by the local planning authority.

Reason: To protect the privacy and environment of people in neighbouring residential properties, in accordance with the National Planning Policy Framework, Core Strategy 2007 policy CP4, Development Management Document policy DM1 and 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 development equates to less than 100sqm of new floorspace the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See [www.southend.gov.uk/cil](http://www.southend.gov.uk/cil) for further details about CIL.

**281 17/01008/FULH - 66 Leigham Court Drive, Leigh-on-Sea (Leigh Ward)**  
**Proposal: Erect single storey side extension, alter side roof to form pitched roof with dormer to front and alter elevations**  
**Applicant: Mr and Mrs Ian Brown (Council employee)**  
**Agent: Trudy's Architectural Consultants**

Resolved: That Planning Permission be GRANTED subject to the following conditions:

01 The development hereby permitted shall begin not later than three years from the date of this decision. (C01A)

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990. (R01A)

02 The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, 60/17/A, 60/17/B, 60/17/C

Reason: To ensure that the development is carried out in accordance with the provisions of the Development Plan. (R01D)

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. (C23D)

Reason: In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of the area. This is as set out in the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy KP2 and CP4, Development Management DPD policies DM1 and DM3, 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.

- 282 17/01019/FULH - 6 Leas Gardens, Westcliff-on-Sea (Chalkwell Ward)**  
**Proposal: Raise ridge height and alterations to roof to form habitable accommodation, install dormers, Juliette balcony with terrace area and alter elevations**  
**Applicant: Mr S Habermel (Councillor)**  
**Agent: SKArchitects**

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 permitted shall be carried out in accordance with the following approved plans: 353P01, 353P02

Reason: To ensure that the development is carried out in accordance with the provisions of 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 the area. This is as set out in the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy KP2 and CP4, Development Management DPD policy DM1, and SPD1 (Design and Townscape Guide).

#### Informative

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

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

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