

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

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

**Date: Wednesday, 7th February, 2018**

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

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

\*Substitute in accordance with Council Procedure Rule 31.

**In Attendance:** Councillors A Chalk, S Habermel and P Wexham  
P Geraghty, M Smith, K Waters, P Keyes, C Galforg, J Rowley, C  
White, M Warren and T Row

**Start/End Time:** 2.00 p.m. - 4.35 p.m.

#### **715 Apologies for Absence**

Apologies for absence were received from Councillors Arscott (Substitute: Councillor Butler) and McDonald (Substitute: Councillor Jones).

#### **716 Declarations of Interest**

The following interests were declared at the meeting:

(a) Councillor Ayling – Agenda Item No. 10 (17/01495/FULM - Rear of 1 Shoebury Avenue, Shoeburyness, Southend-on-Sea, Essex) – Disqualifying non-pecuniary interest: Knows the site owner and purchases coal from the yard (withdrew);

(b) Councillor Butler – Agenda Item No. 5 (17/01489/FUL - Highlands Surgery, 1643-1645 London Road, Leigh on Sea, Essex, SS9 2SQ) – Non-pecuniary interest: Patient at the surgery;

(c) Councillor Chalk – Agenda Item No. 6 (17/01973/AMDT - Former East Beach Café, Rampart Terrace, Shoeburyness) – Non-pecuniary interest: Lives in the vicinity and knows residents affected by the proposals;

(d) Councillor Chalk – Agenda Item No. 10 (17/01495/FULM - Rear of 1 Shoebury Avenue, Shoeburyness, Southend-on-Sea, Essex) – Non-pecuniary interest: Lives in the vicinity and knows residents affected by the proposals;

(e) Councillor D Garston – Agenda Item No. 5 (17/01489/FUL - Highlands Surgery, 1643-1645 London Road, Leigh on Sea, Essex, SS9 2SQ) – Non-pecuniary interest: Patient at the surgery;

(f) Councillor J Garston – Agenda Item No. 5 (17/01489/FUL - Highlands Surgery, 1643-1645 London Road, Leigh on Sea, Essex, SS9 2SQ) – Non-pecuniary interest: Family member is a patient at the surgery;

(g) Councillor Hadley – Agenda Item No. 10 (17/01495/FULM - Rear of 1 Shoebury Avenue, Shoeburyness, Southend-on-Sea, Essex) – Disclosable pecuniary interest: Owns property backing on to the development (withdrew);

(h) Councillor Mulroney – Agenda Item Nos. 7 (16/00231/UNAU\_B - 3 New Road, Leigh on Sea, Essex. SS9 2EA) and 8 (17/00063/UNAU\_B - 7 Canvey Road, Leigh on Sea, Essex. SS9 2NN) – Non-pecuniary interest: Member of Leigh Society;

(i) Councillor Mulroney – Agenda Item Nos. 11 (17/00860/FUL, 17/00861/LBC, 17/00862/FUL, 17/00863/LBC & 17/00864/FUL – Herschell House, 87 Leigh Hill, Leigh-on-Sea, Essex), 13 (17/01648/FUL - Billet Wharf, High Street, Leigh-on-Sea) and 17 (17/02092/FULH - 36 Leigh Hill, Leigh-on-Sea, Essex, SS9 2DN) – Non-pecuniary interest: Member of Leigh Society and Leigh Town Council (non-participant in planning);

(j) Councillor Mulroney – Agenda Item Nos. 14 (17/01946/FUL - 1053 London Road, Leigh-on-Sea) and 18 (17/02115/FULH - 34 Percy Road, Leigh-on-Sea, Essex, SS9 2LA) – Non-pecuniary interest: Member of Leigh Town Council (non-participant in planning);

(k) Councillor Van Looy – Agenda Item No. 10 (17/01495/FULM - Rear of 1 Shoebury Avenue, Shoeburyness, Southend-on-Sea, Essex) – Non-pecuniary interest: People near to the site are known to him (withdrew);

(l) Councillor Van Looy – Agenda Item Nos. 5 (17/01489/FUL - Highlands Surgery, 1643-1645 London Road, Leigh on Sea, Essex, SS9 2SQ) and 6 (17/01973/AMDT - Former East Beach Café, Rampart Terrace, Shoeburyness) – Non-pecuniary interest: People near to application site are known to him;

(m) Councillor Ward – Agenda item No. 11 (17/00860/FUL, 17/00861/LBC, 17/00862/FUL, 17/00863/LBC & 17/00864/FUL - Herschell House, 87 Leigh Hill, Leigh-on-Sea, Essex) – Disqualifying non-pecuniary interest: Knows the person through work (withdrew);

(n) Councillor Ward – Agenda Item No. 13 (17/01648/FUL - Billet Wharf, High Street, Leigh-on-Sea) – Non-pecuniary interest: Applicant is known to him;

(o) Councillor Wexham – Agenda Item No. 17 (17/02092/FULH - 36 Leigh Hill, Leigh-on-Sea, Essex, SS9 2DN) – Non-pecuniary interest: Owner of the property is known to him in the fishing industry.

Note: All Councillors present declared a non-pecuniary interest in Agenda Item No. 4 (17/01738/FULM - 193 Thorpe Hall Avenue, Thorpe Bay, Essex, SS1 3AP) on the grounds that a fellow Councillor lived in close proximity to the application site.

**717 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.

**718 17/01738/FULM - 193 Thorpe Hall Avenue, Thorpe Bay, Essex, SS1 3AP (Thorpe Ward)**

**Proposal: Demolish existing dwellinghouses at 193 and 195 Thorpe Hall Avenue and erect a three storey building comprising of 33No. retirement apartments, install vehicular access onto Woodgrange Drive, layout car parking at rear and landscaping.**

**Applicant: Churchill Retirement Living**

**Agent: Planning Issues Ltd.**

Resolved:-

That planning permission be REFUSED for the following reasons:

01 The proposed development is located within a high flood risk zone (flood zone 3a), and insufficient information has been submitted to demonstrate that the development will be safe for future occupiers over its lifetime. The development is therefore considered to fail the exceptions test and would be unacceptable and contrary to the National Planning Policy Framework, and Policies KP1 and KP2 of the Core Strategy (2007).

02 The proposed development by reason of its height and excessive bulk coupled with its insufficient degree of set back from the site frontages and its bland, overly functional design and appearance including poor articulation and architectural quality, would appear as an overly dominant, obtrusive and incongruous development that is out of keeping with and detrimental to the prevailing character and appearance of the streetscene and the surrounding area. This is unacceptable and contrary to the National Planning Policy Framework, Core Strategy (2007) Policies KP2 and CP4, Policies DM1 and DM3 of the Development Management Document (2015) and advice contained within the Design and Townscape Guide (2009).

03 The proposed development by reason of insufficient provision of on-site parking would cause additional on street parking in the surrounding area to the detriment of highway safety and the operation of the local highway network. This is unacceptable and contrary to guidance contained within the National Planning Policy Framework (Section 4), Development Management Document (2015) Policy DM15, Core Strategy (2007) Policy CP3 and advice contained within the Design and Townscape Guide (2009).

04 The proposal, by reason of the limited useable amenity space provided for future occupants would result in a poor living environment for future occupiers of the proposed development. This is unacceptable and contrary to the National Planning Policy Framework (2012), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM8 of the Development Management Document (2015) and National Technical Housing Standards DCLG 2015.

05 The application does not include a formal undertaking to secure a contribution to affordable housing provision to meet the demand for such housing in the area despite it having been found financially viable for the development proposed to make such a contribution. The application is therefore unacceptable and contrary to Core Strategy policies CP8 and KP3 and Policy DM7 of the 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. 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.

#### Informatives

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.

**719 17/01489/FUL - Highlands Surgery, 1643-1645 London Road, Leigh on Sea, Essex, SS9 2SQ (West Leigh Ward)**  
**Proposal: Erect first floor extension to north elevation and layout parking**  
**Applicant: Doctor Houston, Doctor Husslebee and Partners**  
**Agent: APS Design Associates Limited**

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 plan: 01 Revision D; 03 Revision D.

Reason: To ensure that the development is carried out in accordance with 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 before the extension hereby approved is occupied or brought into

use. This applies unless differences are shown on the drawings hereby approved or are required by conditions to this permission.

Reason: To safeguard the visual amenities of the area, in accordance with National Planning Policy Framework (2012), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and advice contained within the Design and Townscape Guide.

04 Prior to their occupation the first floor extension hereby approved the windows to the east, west and north elevation 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.

05 Prior to first use of the development hereby approved a Travel Plan which seeks to encourage travel to the site by more sustainable modes of transport shall be submitted to and agreed in writing by the local planning authority. The Travel Plan shall be implemented in full accordance with the approved details from the first occupation of the development. Before the end of the first and third years operation of the development hereby approved, reports monitoring the effectiveness of the Travel Plan and setting out any proposed changes to the Plan to overcome any identified problems must be submitted to and approved in writing by the local planning authority. The Travel Plan must thereafter be updated to address the problems identified and be immediately implemented in accordance with the approved details unless otherwise agreed in writing with the local planning authority.

Reason: In the interests of sustainability, accessibility, highways efficiency and safety, residential amenity and general environmental quality in accordance with Core Strategy (2007) Policies KP2, CP3 and CP4, Policy DM15 of Development Management Document (2015), and the Design and Townscape Guide (2009).

06 The doctor's surgery shall not be open for use outside the hours of 08:15 hours to 18:30 hours Monday to Friday and 09:00 hours to 12:00 hours on Saturdays and shall not be open for use on Sundays or Bank Holidays.

Reason: To protect the residential amenity of surrounding occupiers and to protect the character the area in accordance with the National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

07 The flat roof area of the existing ground floor rear projection shall not be used as a balcony, roof garden or similar amenity area or for any other purpose without the receipt of express planning permission in writing from the local

planning authority. The roof can however be used solely for the purposes of maintenance or to provide for escape in an emergency.

Reason: To protect the residential amenity of surrounding occupiers and to protect the character the area in accordance with the National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

#### Informative

01 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.

02 In relation to condition 5 the details of a travel plan shall include:

1. General provisions- A Travel Plan is a long-term management strategy for the Site that seeks to deliver sustainable transport objectives through action and is articulated in a document that is regularly reviewed.

2. The Travel Plan will set the general objective to:

- a) reduce journeys to the site by single occupancy car and all car traffic;
- b) not adversely affect parking in the local area; and
- c) encourage travel by more sustainable modes of transport.

The Travel Plan must be consistent with the objectives of the National Planning Policy Framework, the Local Transport Plan and Development Plan Policies (departures from this will generally be unacceptable); clearly set out the benefits of a Travel Plan including carbon reduction and the health benefits from more active travel; and demonstrate how the travel needs for all users of the new development will be met.

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.

**720 17/01973/AMDT - Former East Beach Café, Rampart Terrace, Shoeburyness (Shoeburyness Ward)**  
**Proposal: Application to vary conditions 8 (Hours of Opening), condition 9 (Parking), Condition 10 (Gates) (Minor Material Amendment) of planning permission 11/00785/BC4 dated 20.07.2011**  
**Applicant: Mr Levy**  
**Agent: SK Architects Ltd**

Resolved:-

That planning permission be GRANTED subject to the following conditions:

01 The development hereby permitted shall be carried out in accordance with the following approved plans: 406-01-17 P01 Existing and Site Location Plan; P02 Revision C Proposed Plans, Elevations and Section and 09-04-09-01.

Reason: To ensure that the development is carried out in accordance with the policies outlined in the Reason for Approval.

02 Use of the external finishes shall be carried out in accordance with drawing number 09-04-09-06 of application 14/01028/AD dated 18.07.2014, before the building is brought into use.

Reason: To safeguard character and appearance of surrounding area in accordance with Policies DM1 and DM3 of the Development Management Document (2015) and Policies KP2 and CP4 of the Core Strategy (2007).

03 The details of renewable energy contained within the Energy Strategy dated 18.07.2014 carried out by pemxq are agreed in accordance with application 14/01028/AD and shall be implemented prior to the occupation of the development hereby approved in accordance with that consent. This provision of renewable energy 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), Policy DM2 of the Development Management Document (2015).

04 No part of the building shall be occupied until space has been laid out within the site in accordance with the approved drawing 406-01-17 P01 for three cars to be parked. The aforementioned parking spaces shall be retained in perpetuity thereafter for patrons and staff of the premises.

Reason: To ensure that adequate car parking is provided and retained to serve the development in accordance with Policy DM15 of the Council's Development Management Document (2015) and CP3 of the Core Strategy (2007).

05 No part of the building shall be occupied until space and facilities have been laid out on the site, in accordance with details to have been previously submitted and approved in writing by the Local Planning Authority, for no less than 15 bicycles to be parked.

Reason: To ensure that adequate bicycle parking is provided and retained to serve the development in accordance with Policy DM15 of the Council's Development Management Document (2015) and CP3 of the Core Strategy (2007).

06 The living accommodation shown on plan 406-01-17 P01 Rev C and 09-04-09-01 shall be for the exclusive use of persons employed at the café/restaurant hereby approved and shall remain ancillary to the A3 use of the site. It shall at no time be occupied as a separate residential unit.

Reason: To define the scope of this permission, in accordance with Policies CP7 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015).

07 The premises shall not be open for customers outside the hours of 07:00 to 23:00 on a Sunday, Monday, Tuesday and Wednesday. The premises shall not be open for customers outside the hours of 07:00 to 00:30 the following day on a Thursday, Friday and Saturday. Notwithstanding the limits imposed by this condition, on New Years Eve the premises shall not be open for customers outside the hours of 07:00 to 01:00 the following day.

Reason: To protect residential amenity and general environmental quality in accordance with the National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy, Policies DM1 and DM3 of the Development Management Document (2015) and advice contained within the Design and Townscape Guide (2009).

08 The area of the East Beach Car Park identified on plan number 09-04-09-01 (received 26/6/2011) and plan number 406-01-17-P01 shall be available for use at all times while the café/restaurant hereby approved is open to customers. The gates shall not be left open or unlocked outside the hours of 07:00 to 23:00 on a Sunday, Monday, Tuesday and Wednesday. The gates shall not be left open or unlocked outside the hours of 07:00 to 00:30 the following day on a Thursday, Friday and Saturday. Notwithstanding the limits imposed by this condition, on New Year's Eve the gates shall not be left open or unlocked outside the hours of 07:00 to 01:00 the following day.

Reason: To ensure there is sufficient parking off the highway and in the interest of highway safety, in accordance with National Planning Policy Framework, Policies KP2, CP3, and CP4 of the Core Strategy and Policy DM15 of the Development Management Document.

09 Prior to first use of the building hereby approved, two lockable gates and a scheme of low-level lighting, of a type, design and position to be first agreed in writing by the Local Planning Authority shall be installed within the East Beach Car park and shall be retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: For the purposes of preventing the wider use of the car park after dusk, in terms of its misuse and to provide a safe route between the café/restaurant and parking area, in accordance with National Planning Policy Framework, Policies KP2, CP3, and CP4 of the Core Strategy and Policy DM15 of the Development Management Document.



10 A scheme for the installation of equipment to control the emission of fumes and smell from the premises shall be submitted to, approved in writing by, the local planning authority and implemented, before the use hereby permitted begins. All equipment installed as part of the approved scheme shall thereafter be permanently operated and maintained in accordance with the approved details including the manufacturer's instructions.

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

11 Live or recorded music must not be audible outside the premises and doors and windows shall remain closed after 9.30pm should live or recorded music be playing.

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

12 The details of refuse storage facilities shall be carried out in accordance with drawing 09-04-09-05 agreed in accordance with 14/01028/AD before the development is brought into use. Waste must be stored inside the property and only put outside just before it is to be collected. The stores must not be used for any other purpose.

Reason: To protect the environment and provide suitable storage for waste and materials for recycling in accordance with Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM3, DM15 and Design and Townscape Guide (2009).

13 If, during the course of development, any contamination (including ordnance risk) is found 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 Development Management Document policy DM14.

14 The outdoor terrace at first floor level shall not be open for customers outside the following hours: -  
07:00 hours to 23:00 hours on any day.

Reason: To protect residential amenity and general environmental quality in accordance with the National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy, Policies DM1 and DM3 of the Development Management Document (2015) and advice contained within the Design and Townscape Guide (2009).

## Informatives

01 You may need separate licensing approval for the A3 premises. Your approved licensing hours may differ from those given above but you must not have any customers on the premises outside the hours set out in this planning permission.

02 Please contact Environmental Health (01702 215005) to register your food business and to make sure that all ventilation and other equipment will meet Council standards. Under environmental health legislation the Council may ask you to carry out other work if your business causes noise, smells or other types of nuisance.

03 The Council does not recommend that you install a wet-cooled air-conditioning system because of the serious risks to public health if the system becomes infected with legionella (the organisms which cause legionnaires' disease). Please discuss alternatives with Environmental Health (phone 01702 215005).

The following is a list of the types of air-conditioning systems that you can install, in order of preference.

1 Dry coolers (This is the preferred method as it poses no risk from legionella bacteria.)

2 Adiabatic units as heat rejection. (These units have dry coolers, but the cooling is assisted by water spray at peak times.)

3 Wet-cooling tower or evaporative condensers. (If you choose this method, you should carry out a feasibility study to decide whether to install dry coolers instead. You should discuss this with our Environmental Health service.)

Where the plant includes water storage, you must design it for easy and safe access, cleaning and maintenance. It is important to design the system so water is not stored for a long period of time, which could lead to harmful bacteria developing in the system.

If you do have to install a wet system, you must get advice from Environmental Health about where to put it and how to maintain it. You must also register the system with them.

It is not believed that air conditioning is essential for all buildings and the Council will consider each case on its own merits.

04 The site is classed as potentially contaminated land (including ordnance) due to historic land uses. Therefore, in accordance with condition 13 above should intrusive ground works be necessary for any part of the development including the construction of gates to the site, prior to any development commencing the developer should carry out an assessment of the nature and extent of the contamination and implement an appropriate remediation scheme as appropriate. Contact 01702 215005 for further information.

05 Compliance with this decision notice 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. Contact 01702 215005 for more information.

**721 16/00231/UNAU\_B - 3 New Road, Leigh on Sea, Essex. SS9 2EA (Leigh Ward)**

**Breach of Control: Without planning permission, the replacement of the existing wooden framed French windows at first floor level in the front elevation with Upvc French windows. (Article 4 Direction)**

Resolved:-

That ENFORCEMENT ACTION be AUTHORISED to secure the removal of the unauthorised Upvc framed French windows installed to the first floor front elevation of this property on the grounds that they harm the appearance of the property and the streetscene by reason of their unsympathetic materials, inappropriate style of opening and discordant frame thickness to the extent that they are detrimental to the character and appearance of the Leigh Conservation area contrary to the National Planning Policy Framework, Policies CP4 and KP2 of the Southend-on-Sea Core Strategy, Policies DM1, DM3 and DM5 of the Southend-on-Sea Development Management Document and the advice contained within the Council's Design and Townscape Guide.

The authorised enforcement action to include (if/as necessary) the service of an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 and the pursuance of proceedings whether by prosecution or injunction to secure compliance with the requirements of said Notice.

When serving an Enforcement Notice the local planning authority must ensure a reasonable time for compliance. In this case, the necessary research and quotes have already been undertaken and any time delay in manufacture and installation is likely to be dictated by the suppliers lead time. It is considered that a compliance period of 2 months is deemed reasonable.

**722 17/00063/UNAU\_B - 7 Canvey Road, Leigh on Sea, Essex. SS9 2NN (West Leigh Ward)**

**Breach of Control: Without planning permission, the installation of a replacement front door. (Article 4 Direction) (Refused planning application ref 17/00662/FULH)**

Resolved:-

That ENFORCEMENT ACTION be authorised to secure the removal of the unauthorised front door as its stained finish and leaded glass depicting a landscape scene is detrimental to the character of the existing property and the wider streetscene and would not preserve or enhance the character and significance of the Chapmanslord Conservation Area. This is contrary to the National Planning Policy Framework, Policies CP4 and KP2 of the Southend-on-Sea Core Strategy, Policies DM1 and DM5 of the Southend-on-Sea Development Management Document and the advice contained within the Council's Design and Townscape Guide.

The authorised enforcement action to include (if/as necessary) the service of an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 and the pursuance of proceedings whether by prosecution or injunction to secure compliance with the requirements of said Notice.

When serving an Enforcement Notice the local planning authority must ensure a reasonable time for compliance. In this case, taking into account the determination following the resubmission of a planning application and any lead time involving the sourcing and installation of an approved replacement front door, a compliance period of 3 months is deemed reasonable.

**723 17/01663/FULM - 69 - 71 High Street, Southend-on-Sea, Essex (Milton Ward)**

**Proposal: Change of use from retail (Class A1) at first and second floors to form ten self-contained flats, convert existing basement to form retail and residential storage space, erect second floor and roof extension, alter elevations, layout cycle and bin storage and install external staircase (Amended Proposal)**

**Applicant: Locker and Riley Ltd**

**Agent: Architectural Services Ltd**

Resolved:-

That 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: Location Plan; Site Location Plan; AS2102 21; AS2102 22; AS2102 23; AS2102 24; AS2102 25B; AS2102 26E; AS2102 27G; AS2102 28D; AS2102 31A.

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 the development hereby permitted shall not commence other than for groundworks and site preparation works unless and until details and appropriately sized samples of the materials to be used for all the external surfaces of the proposed buildings at the site including facing materials, flat roof detail, shopfront and fascia, windows, doors, lintel, parapet, coping, quoins, dormer cheeks, roof tile, decorative brickwork, balustrading, handrails and roller shutters to the bin store have been submitted to and approved in writing by the local planning authority. The works must then be carried out in accordance with the approved materials and drawings before the dwellings hereby approved once occupied.

Reason: To safeguard character and appearance of the area and amenities of neighbouring occupiers in accordance with Policies KP2 and CP4 of the Core

Strategy (2007), Policies DM1, DM3 and DM5 of the Development Management Document (2015) and the Design and Townscape Guide (2009). Given the nature of the development propose, the details sought and the objectives of the condition it is fundamental that information required is provided prior to the commencement of any development.

04 Prior to the first occupation of the flats hereby approved, cycle and refuse and general storage for the flats shall be provided in accordance with the details shown on plan AS2102 21. The approved cycle parking and refuse storage shall be provided in full and made available for use by the occupants of each 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.

05 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 installed prior to occupation of the development hereby approved 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 (2007) Policy KP2, Development Management Document (2015) Policy DM2 and the Councils Design and Townscape Guide (2009).

#### 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](http://www.southend)

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.

- 724 17/01495/FULM - Rear of 1 Shoebury Avenue, Shoeburyness, Southend-on-Sea, Essex (Shoeburyness Ward)**  
**Proposal: Erect part two storey, part three storey building comprising 14 self-contained flats, layout parking and erect fence, railings and electric gate**  
**Applicant: Mr Henry Hyde and Mr Alex Thorpe**  
**Agent: Architectural Design Associates**

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

Resolved:-

That planning permission be REFUSED for the following reasons:

01 The proposal would by reason of its size, scale, bulk, mass and detailed design, constitute unacceptable backland development, resulting in a contrived and incongruous scheme that is unacceptable and would result in material harm to the character and appearance of the site and the surrounding area, contrary to National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the advice contained within the Design and Townscape Guide (2009).

02 The development proposed fails to provide an appropriate dwelling mix that would reflect the Borough's identified housing needs, resulting in the scheme failing to deliver a sufficiently wide choice of homes. This is unacceptable and contrary to the National Planning Policy Framework, Policy KP2 of the Core Strategy (2007) and Policy DM7 of the Development Management Document (2015).

03 The design, size, siting, bulk and mass of the proposed development are such that it is overbearing, visually obtrusive and would cause unacceptable overlooking, a sense of enclosure and loss of privacy and light to the detriment of the amenities of the occupiers of neighbouring dwellings in Shoebury Avenue, Friars Street and Wakering Avenue.

The development is therefore unacceptable and contrary to the National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the advice contained within the Design and Townscape Guide (2009).

04 By virtue of the insufficient floorspace of the 1 bedroom flats proposed, the poor quality of the external amenity space provided, the inconveniently located parking spaces and the inadequate and inaccessible refuse stores, the development would provide substandard living conditions for the future occupiers

of the site, providing a poor quality residential environment. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM8 of the Development Management Document (2015) and the advice contained within the Design and Townscape Guide (2009).

05 The submission does not demonstrate that the proposal would provide a development that is appropriately accessible and adaptable for all members of the community and information has not been submitted to demonstrate that the new dwellings would meet the M4(2) and M4(3) accessibility standards. This is unacceptable and contrary to the National Planning Policy Framework, policies KP2 and CP4 of the Core Strategy (2007) and policies DM1, DM3 and DM8 of the Development Management Document (2015).

06 As a result of an existing lamp column, one of the parking spaces fronting Shoebury Avenue would not be safely accessible. As a result the development would provide either insufficient parking and result in an increase of on-street parking to the detriment of highway safety or would result in unsafe vehicular movements by virtue of residents trying to access an inaccessible space to the detriment of the highway safety. The development is therefore unacceptable and contrary to the National Planning Policy Framework and Policy CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015).

07 The application does not include a formal undertaking to secure a contribution to affordable housing provision to meet the demand for such housing in the area and no evidence has been submitted to demonstrate that such a contribution would make the scheme economically unviable. The submission also lacks a formal undertaking to secure a contribution to the delivery of education facilities to meet the need for such infrastructure generated by the development. In the absence of these undertakings the application is unacceptable and contrary to the National Planning Policy Framework, Policies KP2, KP3, CP6 and CP8 of the Core Strategy (2007) and policy DM7 of the Development Management Policies 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. 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

#### Informatives

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.

725 17/00860/FUL, 17/00861/LBC, 17/00862/FUL, 17/00863/LBC & 17/00864/FUL  
- Herschell House, 87 Leigh Hill, Leigh-on-Sea, Essex (Leigh Ward)

**Proposals:**

1. Replacement of dormer window sashes to south elevation
2. Replacement of dormer window sashes to south elevation 2nd floor, reinstatement of original loft doors within replica partitions at 2nd floor, removal of rooflights to north roofslope, reinstatement of fire surround to former breakfast room, removal of fireplace cast iron insert and install log burner in west living room, removal of fireplace to bathroom (Listed Building Consent)
3. Single storey side extension, two storey rear extension, alter rear elevations and reinstate chimney to parapet on west side of historic building (amended proposal)
4. Single storey side extension, two storey rear extension, alter rear elevations and reinstate chimney to parapet on west side of historic building (amended proposal)(Listed Building Consent)
5. Engineering operations relating to the changing ground levels, form terraces, retaining walls and steps, hard and soft landscaping including felling 7 trees (part retrospective).

**Applicant: Mr Graeme Newton**

**Agent: SKArchitects**

Resolved:-

1. That planning permission in respect of application 17/00860/FUL be GRANTED subject to the following conditions:

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

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

02 The development hereby permitted shall be carried out in accordance with the following approved plans 256RP00, 256RP01A, 256RP02A, 256RP03A, 256RP04A, 256RP07L

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

2. That Listed Building Consent for application 17/00861/LBC be GRANTED subject to the following conditions:

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

Reason: Required to be imposed pursuant to Section 18 of the Planning (Listed Building and Conservation Areas) Act 1990.

02 The development hereby permitted shall be carried out in accordance with the following approved plans 256RP00, 256RP01A, 256RP02A, 256RP03A, 256RP04A, 256RP07L



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

3. That planning permission in respect of application 17/00862/FUL be GRANTED subject to the following conditions:

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

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

02 The development hereby permitted shall be carried out in accordance with the following approved plans 256RP00, 256RP01A, 256RP02A, 256RP03A, 256RP04A, 2560RP7L, 2560RP8H, 256RP13B

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

03 The exterior materials for the reinstatement of the south façade of the late Victorian link and the reinstatement of the chimney on the west parapet shall only be reclaimed stock brick to match the existing brick work, matching lime mortar, lead flashing coping, stone sill, timber window frames and single glazed clear glass windows and the weatherboarding shall be made good with matching oak as detailed on plan reference 256RP08H.

Reason: To safeguard the visual amenities of the listed building and the wider Leigh Conservation Area, in accordance with policies. This is as set out in the National Planning Policy Framework (2012), Core Strategy (2007) policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM3 and DM5 and advice contained within the Southend Design and Townscape Guide (2009).

04 The exterior materials for the single storey side extension (part retrospective) shall only be black Marley Eternit profiled sheeting, aluminium doors, windows and rooflights and black metal guttering.

Reason: To safeguard the visual amenities of the listed building and the wider Leigh Conservation Area, in accordance with policies. This is as set out in the National Planning Policy Framework (2012), Core Strategy (2007) policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM3 and DM5 and advice contained within the Southend Design and Townscape Guide (2009).

4. That Listed Building Consent in respect of application 17/00863/LBC be GRANTED subject to the following conditions:

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

Reason: Required to be imposed pursuant to Section 18 of the Planning (Listed Building and Conservation Areas) Act 1990.

02 The development hereby permitted shall be carried out in accordance with the following approved plans 256RP00, 256RP01A, 256RP02A, 256RP03A, 256RP04A, 2560RP7L, 2560RP8H, 256RP13B

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

03 The exterior materials for the reinstatement of the south façade of the late Victorian link and the reinstatement of the chimney on the west parapet shall only be reclaimed stock brick to match the existing brick work, matching lime mortar, lead flashing coping, stone sill, timber window frames and single glazed clear glass windows and the weatherboarding shall be made good with matching oak as detailed on plan reference 256RP08H.

Reason: To safeguard the visual amenities of the listed building and the wider Leigh Conservation Area, in accordance with policies. This is as set out in the National Planning Policy Framework (2012), Core Strategy (2007) policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM3 and DM5 and advice contained within the Southend Design and Townscape Guide (2009).

04 The exterior materials for the single storey side extension (part retrospective) shall only be black Marley Eternit profiled sheeting, aluminium doors, windows and rooflights and black metal guttering.

Reason: To safeguard the visual amenities of the listed building and the wider Leigh Conservation Area, in accordance with policies. This is as set out in the National Planning Policy Framework (2012), Core Strategy (2007) policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM3 and DM5 and advice contained within the Southend Design and Townscape Guide (2009).

5. That planning permission in respect of application 17/00864/FUL be GRANTED subject to the following conditions:

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

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

02 The development hereby permitted shall be carried out in accordance with the following approved plans 256RP00, 256RP01A, 256RP02A, 256RP03A, 256RP04A, 256RP12C, , 256RP13B, 1551.L.2D, 1551.L.3revC, 1551.A.4A, Arboricultural Method Statement by DF Clark ref DFCC\_1774 dated 19th December 2017, George Chamber and Associates letter dated 18th October 2017, Arboricultural Report by J Moore dated 21.09.15, Landscape Statement by Portus + Whitton rev A dated 16.11.17

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

03 The development and works hereby approved shall be carried out in full accordance with the tree protection measures as set out in Arboricultural Method Statement by DF Clark ref DFCC\_1774 dated 17th December 2017 and Arboricultural Report by J Moore dated September 2015 throughout the construction and landscaping works.

Reason: To ensure the existing trees including their roots are adequately protected during building works in the interests of visual amenity and in accordance with Core Strategy (2007) policies KP2 and CP4, Development Management Document (2015) policy DM1 and advice contained within the Southend Design and Townscape Guide (2009).

04 The replacement tree species, planting sizes, locations and timescales for implementation shall be as detailed on plan reference 1551.L.2D. Any trees dying, removed, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees of such size and species within the following planting season.

Reason: To safeguard the visual amenities of the listed building and the wider Leigh Conservation Area, in accordance with policies. This is as set out in the National Planning Policy Framework (2012), Core Strategy (2007) policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM3 and DM5 and advice contained within the Southend Design and Townscape Guide (2009).

05 The hard and soft landscaping for the site, including surfacing for the terraces and paths, retaining walls, balustrading, boundary treatments and planting shall be implemented as detailed in the plans reference 1551.L.2D, 1551.L.3 rev C and 1551.A.4A including timescales for implementation.

Reason: To safeguard the setting of the listed building and the wider Leigh Conservation Area, in accordance with policies. This is as set out in the National Planning Policy Framework (2012), Core Strategy (2007) policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM3 and DM5 and advice contained within the Southend Design and Townscape Guide (2009).

06 The boundary treatment to the southern boundary of the site and the inner semi-circular timber palisade fence shall be undertaken only in full accordance with plan reference 1551.L.2D including its stated timescales for implementation and shall be permanently maintained thereafter. The yew hedge to the south boundary shall be permanently maintained at a height of between 1.1m and 1.5m.

Reason: In the interests of visual amenity and to safeguard the residents in properties to the south of the site from unreasonable overlooking and an unreasonable scale of boundary treatment in this location. This is as set out in the National Planning Policy Framework (2012), Core Strategy (2007) policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM3 and DM5 and advice contained within the Southend Design and Townscape Guide (2009).

Informative

01: You are advised that as the proposed development equates to less than 100 sqm of additional floorspace so 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 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.

**726 17/01332/FUL - 1A Stock Road, Southend-on-Sea, Essex SS2 5QA (St Lukes Ward)**

**Proposal: Change of use from light industrial (Class B1(c)) to dance and theatre school (Class D1), erect new entrance to front and single storey front and side extension.**

**Applicant: Mrs Wendy Headford**

**Agent: Ergotechnics Ltd**

Resolved:-

That personal planning permission be GRANTED to Mrs Wendy Headford 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: A101C, A102B, A103, A104B, A105

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

03 The dance and theatre school (use class D1) use hereby permitted shall be carried on only by Mrs Wendy Headford. When the premises ceases to be occupied by Mrs Wendy Headford the dance and theatre school (use class D1) use hereby permitted shall cease and the site shall immediately revert back to its former Class B1 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 Mrs Wendy Headford leaves to ensure compliance with the National Planning Policy Framework, Policies KP1, KP2 and CP1 of the Core

Strategy (2007) and Policies DM3 and DM11 of the Development Management Document (2015).

04 The external materials to be used for the development shall only be as detailed on the approved plans and the submitted application form dated 26.07.2017.

Reason: To safeguard visual amenities of the area, in accordance with policies. This is as set out in Core Strategy (2007) policy KP2 and CP4, Development Management Document (2015) Policy DM1 and advice contained within the Southend Design and Townscape Guide (2009).

05 The development shall not be occupied until 8 car parking spaces have been provided at the site in accordance with drawing A104B, 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 only 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 Core Strategy (2007) policy CP3 and Development Management Document (2015) policy DM15.

06 The development shall not be occupied until details of secure and covered cycle parking have been submitted to and approved by the local planning authority. The cycle parking shall be installed in accordance with the approved details before the building is occupied.

Reason: To ensure that adequate cycle parking is provided and retained to serve the development in accordance with Core Strategy (2007) policy CP3 and Development Management Document (2015) policy DM15.

07 Prior to first use of the development hereby approved a Travel Plan which seeks to encourage travel to the site by more sustainable modes of transport shall be submitted to and agreed in writing by the local planning authority. The Travel Plan shall be implemented in full accordance with the approved details from the first occupation of the development. Before the end of the first and third year's operation of the development hereby approved, reports monitoring the effectiveness of the Travel Plan and setting out any proposed changes to the Plan to overcome any identified problems must be submitted to and approved in writing by the local planning authority. The Travel Plan must thereafter be updated to address the problems identified and be immediately implemented in accordance with the approved details unless otherwise agreed in writing with the local planning authority.

Reason: In the interests of sustainability, accessibility, highways efficiency and safety, residential amenity and general environmental quality in accordance with Core Strategy (2007) Policies KP2, CP3 and CP4, Policy DM15 of Development Management Document (2015), and the Design and Townscape Guide (2009).

08 The development hereby approved, for purposes falling within Class D1, shall only be occupied as a dance and theatre school and shall not be used for any other purpose, including any other purpose within Use Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), nor

any change of use permitted under the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting these Orders, with or without modification.

Reason: To ensure the development is implemented in accordance with the permission sought and to enable the Local Planning Authority to retain control of the use of the floorspace within the Use Class specified so that occupation of the premises does not prejudice amenity, in accordance with 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 the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

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

#### Informatives

01 You are advised that as the proposed development equates to less than 100 sqm of additional floorspace so 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.

02 In relation to condition 5 the details of a travel plan shall include:

1. General provisions- A Travel Plan is a long-term management strategy for the Site that seeks to deliver sustainable transport objectives through action and is articulated in a document that is regularly reviewed.
2. The Travel Plan will set the general objective to:
  - a) reduce journeys to the site by single occupancy car and all car traffic and;
  - b) not adversely affect parking in the local area
  - c) encourage travel by more sustainable modes of transport.

The Travel Plan must be consistent with the objectives of the National Planning Policy Framework, the Local Transport Plan and Development Plan Policies (departures from this will generally be unacceptable); clearly set out the benefits of a Travel Plan including carbon reduction and the health benefits from more active Continuation of travel; and demonstrate how the travel needs for all users of the new development will be met.

**727 17/01648/FUL - Billet Wharf, High Street, Leigh-on-Sea (Leigh Ward)**  
**Proposal: Erect mooring structure with ramp and metal balustrade (retrospective)**  
**Applicant: Osborne & Sons (Shellfish) Ltd**  
**Agent: GL Hearn**

Resolved:-

That planning permission be GRANTED.

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.

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.

**728 17/01946/FUL - 1053 London Road, Leigh-on-Sea (Blenheim Park Ward)**  
**Proposal: Demolish existing commercial building and erect part 1/part 2 storey mixed use building comprising of ground floor retail unit (Class A1) and 3 self-contained flats (Class C3) (Amended Proposal)**  
**Applicant: TernRock Ltd**  
**Agent: Studio:08 Architecture + Planning**

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: 2000.EX.01, 2000.EX.02, 2000.P.11A, 2000.P.12, 2000.P.13A, 2000.P.14, 2000.P.15A, 2000.P.16, 2000.P.17A, 2000.BP.01, 2000.LP.01

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

03 Except for demolition, no development 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. Development shall be carried out in accordance with the approved details before it is accepted.

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), Core Strategy (2007) policy KP2 and CP4, Development Management Document (2015) policy DM1, and Design and Townscape Guide) (2009).

04 With the exception of the front and rear balconies hereby permitted as shown on drawing no's 2000.P.12, 2000.P.14, 2000.P.15A, 2000.P.16, 2000.P.17A, the roof of the rear single storey projection 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 (2015) policy DM1, and the guidance contained within the Design and Townscape Guide (2009).

05 Secure, covered cycle parking and refuse and recycling storage areas to serve the development shall be provided in accordance with details that have previously been submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the development and these facilities shall be permanently retained as such thereafter.

Reason: To ensure that adequate cycle parking and waste storage is provided and retained to serve the development in accordance with Policies CP3 of the Core Strategy (2007) and Policies DM1 and DM15 of the Development Management Document (2015).

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

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

07 Other than the demolition, 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 Core Strategy (2007) policy KP2 and Policies DM1 and DM14 of the Development Management Document (2015).

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

Reason: To minimise the environmental impact of the development through efficient use of resources and better use of sustainable and renewable resources in accordance with the National Planning Policy Framework, Core Strategy (2007) policy KP2 and CP4, and the Design and Townscape Guide.

09 Notwithstanding the details shown in the plans submitted and otherwise hereby approved the dwellings hereby granted consent shall not be occupied unless and until plans and other appropriate details are submitted to the Local Planning Authority and approved in writing which specify the size, design, materials and location of all privacy screens to be fixed to the proposed building. Before the building hereby approved is occupied the development shall be implemented in full accordance with the details and specifications approved under this condition and shall be permanently retained as such thereafter.

Reason: To safeguard character and appearance of surrounding area and the amenities of neighbouring occupiers 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.

10 The development hereby approved shall be carried out in a manner to ensure the ground floor dwelling complies fully with Building Regulation M4 (2) 'Accessible and Adaptable Dwellings Standard'.

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 (2007),

Policy KP2, Development Management Document (2015) policy DM2 and the Design and Townscape Guide (2009).

11 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 to be included in the scheme shall be submitted to and approved in writing by the Local Planning Authority. The development shall subsequently be undertaken in accordance with the approved details before it is occupied and retained 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 (2007) policy KP2, Development Management Document (2015) policy DM2 and the guidance within the Design and Townscape Guide (2009).

12 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any statutory modification or re-enactment or replacement thereof (as the case may be) for the time being in force, the ground floor retail unit hereby permitted shall not benefit from a change use to any other use without the receipt of express planning permission from the local planning authority.

Reason: To determine the scope of the development hereby approved in the interests of protecting the amenity of occupiers of neighbouring properties, general environmental quality and in the interests of visual amenity, in accordance with the National Planning Policy Framework (NPPF), Core Strategy (2007) policy CP4, Development Management Document (2015) policy DM1, and the guidance contained within the Design and Townscape Guide (2009).

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

#### Informatives

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).

02 Please note that advertisements i.e. fascia signage for the commercial unit will require separate advertisement consent. Details can be found at [https://www.planningportal.co.uk/info/200130/common\\_projects/4/adverts\\_and\\_signs](https://www.planningportal.co.uk/info/200130/common_projects/4/adverts_and_signs)

03 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. In addition, any asbestos containing material (ACM) must be removed and disposed off-site to a facility licenced by the Environment Agency. A waste transfer certificate must be submitted to the local planning authority prior to development commencing. Contact Environmental Health 01702 215005 for more information

**729 17/02056/OUT - Land adjacent 5 Shorefield Gardens, Westcliff-on-Sea, Essex (Milton Ward)**

**Proposal: Erect building comprising three self-contained flats with terraces to front and Juliette balconies to rear at first and second floor level with layout parking to front**

**Applicant: Southend-on-Sea Borough Council**

**Agent: SKArchitects**

Mrs L Cook, a local resident, spoke as an objector to the application. Mr Kearney, the applicant's agent, responded.

Resolved:-

That consideration of this application be DEFERRED pending a site visit.

**730 17/02048/FULH - 8 Cashiobury Terrace, Southend-on-Sea, Essex SS1 1EZ (Milton Ward)**

**Proposal: Erect timber fence to existing wall and install gate on north boundary with Cambridge Road (Retrospective)**

**Applicant: Mr and Mrs Le Cam**

Resolved:-

1. That planning permission be REFUSED for the following reason:

01 The fence erected, by reason of its siting, poor design, scale and the materials used, has resulted in a harmfully incongruous addition to the streetscene that does not preserve or enhance the character of the Clifftown Conservation Area. The proposal is therefore unacceptable and contrary to the

National Planning Policy Framework (2012), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM5 of the Development Management Document (2015), Policy PA6 of the emerging Southend Central Area Action Plan (2018) and the advice contained within the Design and Townscape Guide (2009) and Clifftown Conservation Area Appraisal (2005).

## Informatives

01 You are advised that as the proposed development equates to less than 100 sqm of additional floorspace so 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 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.

2. That ENFORCEMENT ACTION be AUTHORISED to secure the removal of the unauthorised fence on the grounds that it harms the appearance of the property and the streetscene by reason of their unsympathetic materials, inappropriate style to the extent that it is detrimental to the character and appearance of the Clifftown Conservation area contrary to the National Planning Policy Framework, Policies CP4 and KP2 of the Southend-on-Sea Core Strategy, Policies DM1, DM3 and DM5 of the Southend-on-Sea Development Management Document and the advice contained within the Council's Design and Townscape Guide.

The authorised enforcement action to include (if/as necessary) the service of an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 and the pursuance of proceedings whether by prosecution or injunction to secure compliance with the requirements of said Notice.

When serving an Enforcement Notice, the local planning authority must ensure a reasonable time for compliance. In this case, the necessary research and quotes have already been undertaken and any time delay in manufacture and installation is likely to be dictated by the suppliers lead time. It is considered that a compliance period of 3 months is deemed reasonable.

**731 17/02092/FULH - 36 Leigh Hill, Leigh-on-Sea, Essex, SS9 2DN (Leigh Ward)**

**Proposal: Raise roof height to form habitable accommodation in the roof, install dormer with balcony to rear and alter elevations.**

**Applicant: Mr and Mrs Osborne**

**Agent: T C Matthew Chartered Architects**

Resolved:-

That planning permission be REFUSED for the following reason:

01 The proposal, by reason of the appearance, design, scale, form and bulk of the roof, would result in an incongruous and unsympathetic addition that does not relate satisfactorily to the existing dwelling, the character and appearance of the wider Leigh Conservation Area or the setting of the adjacent statutory listed building. The development is therefore unacceptable and contrary to the National Planning Policy Framework (2012), policies KP2 and CP4 of the Core Strategy (2007), policies DM1, DM3, DM5 and DM6 of the Development Management Document (2015) and advice contained within the adopted Design and Townscape Guide (2009) and the Leigh Conservation Area Appraisal (2010).

Informatives

01 You are advised that as the proposed development equates to less than 100 sqm of additional floorspace so 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 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.

**732 17/02115/FULH - 34 Percy Road, Leigh-on-Sea, Essex, SS9 2LA (West Leigh Ward)**

**Proposal: Erect single storey side and rear extensions, raise and alter roof height, install gables to front and rear, dormer to rear, rooflight to front and side and alter elevations.**

**Applicant: Mrs H Collins**

**Agent: Knight Gratrix Architects**

Resolved:-

That planning permission be GRANTED subject to the following conditions:

01 The development hereby permitted shall begin no 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 approved plans: 030; 031A; 032.

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 submitted otherwise hereby approved the development hereby permitted shall not commence other than for groundworks and site preparation works unless and until details and appropriately sized samples of the materials to be used for all the external surfaces of the proposed buildings at the site have been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall be implemented in full accordance with the details and samples approved under this condition before it is occupied.

Reason: To safeguard character and appearance of the area and amenities of neighbouring occupiers in accordance with Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the Design and Townscape Guide (2009). Given the nature of the development proposed, the details sought and the objectives of the condition it is fundamental that information required is provided prior to the commencement of any development.

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

Reason: To ensure the residential units hereby approved provide high quality and flexible internal layouts to meet the changing needs of residents in accordance with the National Planning Policy Framework, Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM2 and Design and Townscape Guide (2009).

05 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 surrounding occupiers and to protect the character 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).

06 Prior to its first occupation the first floor level accommodation hereby approved shall be constructed so that the first floor level of the bedrooms with east facing windows shall be set not less than 1.65m below the cil level of the east facing windows. The development shall be retained as such in perpetuity thereafter.

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

07 The new rooflight in the southern 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. 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. (C17B)

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

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

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).

**733 EN/17/00283/UNAU\_B - 176 Brightwell Avenue, Westcliff on Sea, Essex.  
SS0 9EH (Westborough Ward)  
Breach of Control: Without planning permission, construction of a single  
storey rear extension.**

Resolved:-

That ENFORCEMENT ACTION be AUTHORISED to secure (a) The removal of the rear extension, & (b) the removal of all rubble, materials and equipment associated with complying with the notice.

The authorised enforcement action to include (if/as necessary) the service of an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 and the pursuance of proceedings whether by prosecution or injunction to secure compliance with the requirements of said Notice.

When serving an Enforcement Notice the local planning authority must ensure a reasonable time for compliance. In this case, a compliance period of 1 month is deemed reasonable for the removal of the unauthorised extension.

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