

SOUTHEND-ON-SEA CITY COUNCIL

Meeting of Development Control Committee

Date: Wednesday, 31st January, 2024

Place: Committee Room 1 - Civic Suite

Present: Councillor N Ward (Chair)
Councillors B Beggs, M Berry, M Borton, S Buckley, C Campbell*,
A Dear, M Dent, J Harland, A Jones, R Longstaff, C Mulroney,
M Sadza and R Woodley
(*Substitute in accordance with Council Procedure Rule 30.)

In Attendance: Councillors P Collins, T Cowdrey and S Habermel
K Waters, P Keyes, C Galforg, S Mouratidis, C White, G Fairley,
O Hart, M Warren, A Brown and T Row

Start/End Time: 2.00 pm - 6.20 pm

80 Apologies for Absence

Apologies for absence were received from Councillors Evans (no substitute), Folkard (substitute: Councillor Campbell) and Walker (no substitute).

81 Declarations of Interest

The following interests were declared at the meeting:

(i) Councillor Buckley – Minute No. 86 (Application Ref. No. 22/01827/FULM - 1285 London Road, Leigh-on-Sea) – Husband is a Member of Leigh Town Council;

(ii) Councillor A Jones – Minute No. 85 (Application Ref. No. 23/00264/OUTM - 7 Tylers Avenue, Southend-on-Sea) – Public Transport was mentioned in the debate and a family member works in the Council's Transport Team; and

(iii) Councillor Mulroney – Minute No. 86 (Application Ref. No. 22/01827/FULM - 1285 London Road, Leigh-on-Sea) – Non planning member of Leigh Town Council.

82 Minutes of the Meeting held on Wednesday, 13th December, 2023

Resolved:-

That the Minutes of the meeting held on Wednesday, 13th December 2023 be confirmed as a correct record and signed.

83 Supplementary Report

The Committee received and noted a supplementary report by the Executive Director (Environment & Place) that provided additional information on the items referred to elsewhere on the agenda since the publication of the reports.

84 23/01329/BC3 - Bishop House, 40 Western Approaches, Eastwood (St Laurence Ward)

Proposal: Install 6no. prefabricated mobility scooter stores within rear garden

Applicant: Mr Kevin Auger

Agent: Miss Elizabeth Williams of Calfordseaden LLP

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 the decision.

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

02 The development hereby approved shall be carried out in accordance with the approved plans and details: Location plan, PSM-3_LHH_SW TGV+FB_EU (FB ROOF) Unit Dimensions; PSM-3_LHH_SW TGV+FB_EU (FB ROOF) Foundation Pads; PSM-3_LHH_SW TGV+FB_EU (FB ROOF) Foundation Slab, C 18-01 Revision A, C 18-02 Revision A.

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

03 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the development hereby permitted shall be finished externally in a green colour which blends in with the surrounding amenity space, or in an alternative blending colour details of which have previously been submitted to and approved in writing by the Local Planning Authority under the scope of this planning condition.

Reason: To ensure the development is carried out in accordance with the consent sought, has an acceptable design and complies with Policy DM1 of the Development Management Document (2015) and the advice contained within the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009).

Positive and Proactive Statement:

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

out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.

Informatives:

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

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

- 85 23/00264/OUTM - 7 Tylers Avenue, Southend-on-Sea (Milton Ward)**
Proposal: Erect 14 storey building comprising of 58 self-contained flats (Class C3) and commercial units at ground floor level (Class E) with ancillary bike and bin store on vacant land (Outline Application)
Applicant: M r Kotecha
Agent: Mr Steven Kearney of SKArchitects

Resolved:-

That planning permission be REFUSED for the following reason:

The proposed development would, by reason of its scale, form, detailed design and subsequent visibility from longer public vistas, create an excessively scaled, visually dominant and incongruous feature, out of keeping with and significantly harmful to the character and appearance of the application site, the streetscene and wider surrounding area which is typically of much lower scale. The harm of granting permission would significantly and demonstrably outweigh the public benefits when considered against the policies of the National Planning Policy Framework taken as a whole. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM4 of the Development Management Document (2015), Policies DS2, DS3, PA1 and PA7 of the Southend Central Area Action Plan (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009) and the National Design Guide (2021)."

Informative

The applicant is advised that in relation to the agreed planning obligations, in the event an appeal is lodged, the Local Planning Authority would expect a S106 legal agreement is finalised before an appeal decision is formally issued and significant progress should have been made before the appeal statement submission stage.

In any other event the Local Planning Authority would request the Planning Inspector to dismiss the appeal additionally on the grounds that the development will not secure the necessary contributions for secondary education, tree replanting and removal, biodiversity mitigation or Travel Information Packs and a viability review mechanism for a late stage affordable housing viability review and that, as such, the proposal would be unacceptable and contrary to the National Planning Policy Framework (2023), Policies KP2, KP3, CP3, CP6 and CP8 of the Core Strategy (2007) and Policies DM1, DM3, DM7 and DM15 of the Development Management Document (2015).

- 86 **22/01827/FULM - 1285 London Road, Leigh-on-Sea (Belfairs Ward)**
Proposal: Demolish existing buildings, erect part three/part four storey building and form 17no. self-contained flats and 1no. commercial unit, layout parking and associated landscaping
Applicant: Carlton Group Developments
Agent: Mr John Ferguson of Collective Planning

Resolved:-

(a) That the Council enter into a Planning Obligation by Deed of Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:

- Secondary education contribution of £19,780.30
- RAMS contribution – 17 x £156.76 = £2,664.92
- Provision of Travel Information Packs to all residents.
- Travel Plan Monitoring fee up to £2,500 (£500 x 5 years)
- Affordable Housing Financial Contribution= £131,955
- Monitoring fee of up to £10,000.

(b) That the Executive Director for Environment and Place, Director of Planning and Economy or Service Manager - Development Control be DELEGATED to GRANT PLANNING PERMISSION subject to the completion of the section 106 agreement referred to above and subject to the conditions set out below:

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

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

02 The development hereby approved shall be carried out in accordance with the approved plans: 1222-CYA-AA-XX-DR-A-00001A; 1222-CYA-AA-ZZ-DR-A-00002A; 1222-CYA-AA-00-DR-A-00009H; 1222-CYA-AA-00-DR-A-00010M; 1222-CYA-AA-01-DR-A-00011I; 1222-CYA-AA-02-DR-A-00012I; 1222-CYA-AA-02-DR-A-00013H; 1222-CYA-AA-02-DR-A-00014H; 1222-CYA-AA-ZZ-DR-A-00015F; 1222-CYA-AA-ZZ-DR-A-00016D; 1222-CYA-AA-ZZ-DR-A-00017I; 1222-CYA-AA-ZZ-DR-A-00018G; 1222-CYA-AA-ZZ-DR-A-00019D; 1222-CYA-AA-ZZ-DR-A-00020D; 1222-CYA-AA-XX-DR-A-00025C; 1222-CYA-AA-XX-DR-A-00026C; 1222-CYA-AA-ZZ-DR-A-00027C; 1222-CYA-AA-ZZ-DR-A-00028C; 1222-CYA-AA-ZZ-DR-A-00029A; 1222-CYA-AA-XX-DR-A-00030I; 1222-CYA-AA-XX-DR-A-00031E; 1222-CYA-AA-XX-DR-A-00032 E.

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

03 Notwithstanding the details shown on the plans and the materials schedule submitted and otherwise hereby approved, no construction works other than demolition and construction up to ground floor slab level shall take place unless and until full product details of the materials to be used on all the external elevations of the development, including but not limited to the exterior walls and associated brick and cladding details; roof, including coping; windows and doors including entrance curtain walling; bi-fold shutters for dwellings; commercial shutters, signage details; waste and recycling store doors; shopfronts including awnings and fascias, privacy screening measures and balcony specifications and rainwater goods have been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The development shall be carried out in accordance with the approved details before it is first occupied or brought into first use.

Reason: To safeguard the visual amenities of the area, in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM1 and the advice contained within the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009).

04 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition and construction up to ground floor slab level shall take place unless and until full details of both hard and soft landscape works to be carried out at the site have been submitted to and approved in writing by the Local Planning Authority under the terms of this condition.

The approved hard landscaping details shall be delivered in full accordance with the approved details prior to first occupation of the development. The approved soft landscaping details shall be delivered in full accordance with the approved details within the first planting season following first use of the development hereby approved. The details submitted shall include, but not be limited to:

- (i.) Existing and proposed finished site levels or contours;
- (ii.) Details and specifications of all means of enclosure of the site, including boundary walls, Acoustic boundary fencing for the north, west and east boundaries of the development site's car park (as denoted on Drawing No 1222-CYA-AA-00-DR-A-00009H) and details of the boundary treatments to subdivide the private amenity areas;
- (iii.) Hard surfacing materials for forecourt and vehicle access, turning and parking areas and the balconies;
- (iv.) Full details of the number, size and location of the trees, shrubs and plants to be planted together with a planting specification and management plan;
- (v.) Measures to enhance the biodiversity of 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 under the terms of this condition.

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

05 Prior to the first occupation of the development hereby approved, the separate residential and commercial cycle and bin storage facilities shown on the approved plan 1222-CYA-AA-00-DR-A-00010M shall be provided and made available for use by the occupiers of the development. These areas shall be retained for the lifetime of the development in accordance with the approved details included in the approved plan 1222-CYA-AA-00-DR-A-00010M.

Reason: To ensure that satisfactory cycle and bin storage is provided in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policy CP3, Development Management Document (2015) Policy DM15 and the guidance in the Southend-on-Sea Waste Storage, Collection and Management Guide for New Developments (2019).

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

Reason: In the interest of the residential amenity of nearby occupiers in accordance with the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

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

- (i) the parking of vehicles of site operatives and visitors,
- (ii) loading and unloading of plant and materials,
- (iii) storage of plant and materials used in constructing the development,
- (iv) the erection and maintenance of security hoarding,
- (v) measures to control the emission of dust, dirt, mud being carried onto the road and noise during construction,
- (vi) a scheme for recycling/disposing of waste resulting from construction works that does not allow for the burning of waste on site.
- (vii) a dust management plan to include mitigation and boundary particulate monitoring during demolition and construction. and
- (viii) details of the duration and location of any noisy activities.

Reason: A pre-commencement condition is justified in the interest of the residential amenity of nearby occupiers in accordance with the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

08 The ten (10No) car parking spaces shown on approved plan '1222-CYA-AA-00-DR-A-00009H' shall be provided and made available for use at the site prior to

the first occupation of the dwellings hereby approved. The parking spaces shall each be fitted with an active electric vehicle charging point. The car parking spaces shall thereafter be permanently retained solely for the parking of vehicles of the occupiers and visitors to the approved dwellings.

Reason: To ensure that satisfactory off-street car parking is provided in the interests of highway safety, in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policy CP3, Development Management Document (2015) Policy DM15 and the guidance in the Electric Vehicle Charging Infrastructure for New Development Supplementary Planning Document (2021).

09 Prior to first occupation of the development hereby approved details of energy efficiency and other sustainability measures to be included in the scheme, including the provision of at least 10% of the energy needs of the development hereby approved being provided from onsite renewable sources, shall be submitted to and agreed in writing by the Local Planning Authority under the terms of this condition and implemented on site in accordance with the agreed details. The agreed measures shall be maintained on site as approved 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 (2023), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM2, and the advice contained within the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009).

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

Reason: To minimise the environmental impact of the development through efficient use of resources and better use of sustainable and renewable resources in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM2, and the advice contained within the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009).

11 A - Site Characterisation

Notwithstanding the details submitted with this application, no development shall commence other than that required to carry out additional necessary investigation which in this case includes demolition, site clearance, removal of any underground tanks and old structures until an investigation and risk assessment has been submitted to and approved in writing by the Local Planning Authority. The risk assessment shall assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings must include:

- (i.) a survey of extent, scale and nature of contamination

(ii.) an assessment of the potential risks to:

- Human health,
- Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- Adjoining land,
- Groundwaters and surface waters,
- Ecological systems
- Archaeological sites and ancient monuments;

(iii.) an appraisal of remedial options, and proposal of the preferred option(s).

B - Site Remediation Scheme

The development hereby permitted shall not commence until a detailed remediation scheme to bring the site to a condition suitable for the intended uses by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

C - Remediation Implementation and Verification

The development hereby permitted shall not commence other than that required to carry out the agreed remediation unless and until the measures set out in the approved Remediation scheme have been implemented, unless otherwise agreed in writing by the Local Planning Authority under the terms of this condition. The Local Planning Authority must be given at least two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

D - Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified the development must stop and it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared and submitted for the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

The above works shall be conducted by competent persons and in accordance with the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers' and DEFRA and the Environment Agency's 'Model Procedures for the Management of Land

Contamination, CLR 11' and other current guidance deemed authoritative for the purposes. The development hereby permitted shall not commence until the measures set out in the approved report have been implemented.

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) Policies KP2 and CP4 and Policies DM1 and DM14 of the Development Management Document (2015).

12 Prior to first occupation of the dwellings hereby approved, a Noise Impact Assessment must be conducted by a competent person to assess the potential impacts of noise generated by existing commercial uses and road traffic and, as relevant, the impact of the commercial unit within the development itself, on the living conditions of future occupiers of the dwellings. The assessment must be made using the appropriate standards and methodology for the noise sources and best practice. A report on that Noise Impact Assessment, which must include any mitigation measures needed for the proposal to meet the required noise standards, as specified below, must be submitted to the Local Planning Authority for approval in writing before the dwellings are first occupied.

The mitigation measures recommended in the submitted report shall ensure that the internal ambient noise levels of the proposed dwellings shall not exceed the guideline values in British Standards BS8233:2014.

The development must be implemented in full accordance with the mitigation and other details submitted in the report approved under this condition before the dwellings are first occupied and thereafter be maintained as such for the lifetime of the development.

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

13 The commercial unit hereby approved shall only be used for purposes falling within Use Class E as defined under the Town and Country Planning (Use Classes) Order 1987 (as amended) on the date this application was submitted. That excludes any use as a gymnasium which, notwithstanding the provisions of the Use Classes Order, shall not take place without express planning permission first having been obtained. The development shall not be used for any other purpose, including any purpose otherwise permitted under 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 those Orders in any statutory instrument revoking and re-enacting these Orders, with or without modification.

Reason: To define the scope of this permission in the interests of residential amenities and environmental quality, further to the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy

(2007) and Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015)

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

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

15 Notwithstanding the details shown on the documents submitted and otherwise hereby approved, with reference to British Standard BS7445:2003, the noise rating level arising from any equipment, plant or activities associated with the ground floor commercial unit hereby approved shall be at least 10dB(A) below the background noise level as measured at 1m from the facades of the nearest noise sensitive premises.

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

16 Prior to first use or occupation of the commercial unit hereby approved, a delivery and servicing plan shall first have been submitted to and agreed in writing by the Local Planning Authority under the terms of this condition. Thereafter, the delivery and servicing needs of the commercial unit shall only take place in accordance with the approved details.

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

17 No external lighting shall be installed on the development or within the parking, access or landscaped areas of the development hereby approved other than in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. All illumination shall be designed in accordance with the Institute of Lighting Professionals "Guidance Note 01/20: Guidance notes for the reduction of obtrusive light" and "PLG05 The brightness of illuminated advertisements." All illumination within the site shall be retained in accordance with the approved details.

Reason: To protect the privacy and environment of residents within the development and to safeguard the visual amenities of the area in accordance with

the National Planning Policy Framework (2023), Core Strategy (2007) Policy CP4, Development Management Document (2015) Policy DM1, and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

18 The development hereby approved shall be constructed solely in accordance with the drainage details contained within the Surface Water Drainage Strategy (Issue 06) by Cole Easdon. The approved drainage works shall be maintained in good working condition for the lifetime of the development.

Reason: To ensure the approved development does not increase flood risk elsewhere in accordance with the National Planning Policy Framework (2023) and Core Strategy (2007) Policies KP1 and KP2.

19 Before the development is occupied or brought into use, the development hereby approved shall be carried out in a manner to ensure that 2No of the flats hereby approved comply with the building regulation M4 (3) 'wheelchair user dwellings' standard and the remaining 15No flats comply with building regulation part 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 (2023), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM8 and Design and advice in the Southend-on-Sea Townscape Guide (2009).

20 As the development hereby approved is taller than the adjacent properties, no development above ground floor slab level shall take place until a third-party instrument flight procedure assessment (ILS) assessment to satisfy London Southend Airport has been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition.

Reason: To avoid a significantly harmful impact on air traffic, in accordance with the Core Strategy (2007) Policy CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015).

21 Notwithstanding the details shown in the plans submitted and otherwise hereby approved, no part of the development hereby granted planning permission shall be occupied unless and until plans and other appropriate details have been submitted to and approved in writing by the Local Planning Authority, which specify the size, design, obscenity, materials and location of all privacy screens to be fixed to the proposed development. Before any part of the development hereby approved is first occupied the privacy screens shall be implemented in full accordance with the details and specifications approved under this condition and shall be permanently retained as such thereafter for the lifetime of the development.

Reason: In the interests of residential amenity and the character and appearance of the area and to ensure that the development complies with the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the advice in the Southend-on-Sea Design and Townscape Guide (2009).

22 Prior to first occupation of the development hereby approved, the following windows hereby approved shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy) and fixed shut, except for any top hung fan light which shall be a minimum of 1.7 metres above internal finished floor level of the room or area served by that window and retained as such thereafter. In the case of multiple or double-glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4 on the Pilkington scale.

- The proposed second floor west-flank bedroom window serving Flat 11;
- The proposed third floor rear (north) facing stairwell windows;
- The proposed third floor rear (north) facing windows serving Flat 17's storage, WC and single occupancy bedroom.

Reason: To protect the privacy and environment of people in neighbouring residential properties, in accordance with the Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

23 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the development hereby permitted shall not be first occupied unless and until a car park management plan has been submitted to and approved in writing by the local planning authority. The development shall be brought into first use only in full accordance with the details approved under this condition and shall be operated and maintained as such in perpetuity thereafter."

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

(c) In the event that the planning obligation referred to in part (a) above has not been completed before 2nd February 2024 or an extension of this time as may be agreed by the Director of Planning and Economy or Service Manager of Development Control, authority is delegated to the Director of Planning and Economy or Service Manager of Development Control to refuse planning permission for the application on grounds that the development will not secure the necessary contributions for affordable housing, secondary education, RAMs, Travel Plan, monitoring of travel plan and provision of Travel Information Packs, and for a Monitoring fee and that, as such, the proposal would be unacceptable and contrary to the National Planning Policy Framework (2023), Policies KP2, KP3, CP3, CP6 and CP8 of the Core Strategy (2007) and Policies DM1, DM3, DM7 and DM15 of the Development Management Document (2015).

Positive and proactive statement:

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

out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.

Informatives:

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

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

3. This permission is governed by a legal agreement between the applicant and the City Council under Section 106 of the Town and Country Planning Act 1990. The agreement relates to the provision of a financial contribution to affordable housing in lieu of on-site provision, a financial contribution in relation to education, a financial RAMS contribution, the provision of Travel Information Packs and a Travel Plan inclusive of monitoring fee and monitoring of the agreement.

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

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

6. The applicant is reminded that this permission does not bestow compliance with other regulatory frameworks. In particular, your attention is drawn to the statutory nuisance provisions within the Environmental Protection Act 1990 (as amended)

and the noise provisions within the Control of Pollution Act 1974. Applicants should contact the Council's Regulatory Services Officer in Environmental Protection for more advice on 01702 215005 or at Regulatory Services, Southend-on-Sea City Council, Civic Centre, Victoria Avenue, Southend SS2 6ER.

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

- 87 23/00443/FUL - 13 Cobham Road, Westcliff-on-Sea (Chalkwell Ward)**
Proposal: Change of use from hotel (Class C1) to 15 bed HMO (Class Sui Generis), install rooflight, infill window, layout bin store to front and bike store to rear
Applicant: Mr Ben Adler of Green Eagle Estates Ltd
Agent: Mr Dwight Breley of Breley Design Ltd

Resolved:-

That planning permission be REFUSED for the following reason:

The application does not demonstrate that the established use as a hotel is not feasible or viable. The site is located within a key area for visitor accommodation and on this basis the proposal is found to be harmful to the provision of visitor accommodation within the city, and the harm is not outweighed by any public benefits of the development. This is unacceptable and contrary to the National Planning Policy Framework (2023), Policies KP1, KP2, CP4 and CP8 of the Southend-on-Sea Core Strategy (2007) and Policy DM12 of the Southend-on-Sea Development Management Document (2015).

- 88 23/01735/FUL - 11 Hartington Road, Southend-on-Sea (Kursaal Ward)**
Proposal: Change of use from dwellinghouse (Class C3) to short term let rental unit (Sui Generis) (retrospective)
Applicant: Mr And Mrs Grice
Agent: Mr Kunal Desai of KVD Plans Ltd

Resolved:-

That planning permission be REFUSED for the following reason:

The development would result in the loss of a dwelling to the detriment of the quantity and quality of the City's housing stock against the background of an unmet strategic housing need. The application is therefore found to be unacceptable and contrary to the National Planning Policy Framework (2023), Policies KP2, CP4 and CP8 of the Southend-on-Sea Core Strategy (2007)

- 89 23/01708/FUL - 29 Parkanaur Avenue, Thorpe Bay (Thorpe Ward)**
Proposal: Erect two storey detached dwellinghouse on land adjacent 29 Parkanaur Avenue with garage to side and vehicular access onto Parkanaur Avenue (amended proposal)
Applicant: Peter Emptage
Agent: Peter Emptage of EAV2 Architects

Resolved:-

That planning permission be REFUSED for the following reason:

The proposed development would, by reason of its size, scale and proximity to the southern site boundary have an unduly dominant impact on the setting of No 17 Parkanaur Avenue to the significant detriment of its occupiers' amenities. The harm of granting permission would significantly and demonstrably outweigh the public benefits when considered against the policies of the National Planning Policy Framework taken as a whole. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework (2023), Policies DM1 and DM3 of the Development Management Document (2015), and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009)

- 90 23/01670/FULH - 112 Pinewood Avenue, Eastwood (Eastwood Park Ward)**
Proposal: Erect first floor side extension
Applicant: Mr Daniel Carey
Agent: Mr Alan Green of A9 Architecture

Resolved:-

That planning permission be GRANTED subject to the following conditions:

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

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

02 The development shall only be undertaken in accordance with the following approved plans: Location plan, Proposed 3D Views, 02 (Rev A), 03 (Rev A), 04 (Rev A), 05 (Rev A), 06 (Rev A), 07 (Rev A), 08 (Rev A).

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

03 Before the development hereby approved is occupied the materials used on the external surfaces of the development must be rendered to match the render used on the external surfaces of the original dwelling element of the existing property.

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

Positive and Proactive Statement:

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

Informatives:

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

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

91 23/01771/FULH - 38 Chalkwell Avenue, Westcliff-on-Sea (Chalkwell Ward)

Proposal: Erect part single/part two storey rear extension and two storey front extension with new porch, convert integral garage into habitable accommodation and alter elevations

Applicant: Mr I Jennings

Agent: Ms R Warren of 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 shall only be undertaken in accordance with the following approved plans: P01; P02; P03 Rev E

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

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

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

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

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

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

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

Positive and Proactive Statement:

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

Informatives:

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

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

92 **20/00296/UNAU_B - 66 Westcliff Park Drive, Westcliff-on-Sea
(Westborough Ward)
Breach of Planning Control: Erection of garage and covered walkway**

Resolved:-

That ENFORCEMENT ACTION be AUTHORISED to secure:

(a) the removal from the site in their entirety the southern side garage and covered walkway.

AND

(b) the removal from site all materials resulting from compliance with (a) above.

The authorised enforcement action to include (if/as necessary) the service of an Enforcement Notice under Section 172 of the Act with time for compliance three (3) months and the pursuance of proceedings whether by prosecution or injunction to secure compliance with the requirements of the Enforcement Notice

93 **21/00033/UNAU_B - 404 - 406 Rayleigh Road, Eastwood (Eastwood Park
Ward)
Breach of Planning Control: Extensions and balcony not completed in full
accordance with approved plans**

Resolved:-

That the closure of the case be AUTHORISED.

Chair: _____