

SOUTHEND-ON-SEA CITY COUNCIL

Meeting of Development Control Committee

Date: Wednesday, 26th June, 2024

Place: Committee Room 1 - Civic Suite

Present: Councillor N Ward (Chair)
Councillors M Borton (Vice-Chair), M Berry, A Dear, L Burton*,
P Collins*, M Dent, N Folkard, D Garston, S Habermel, A Jones,
R Longstaff, J Norman and D Poulton
(*Substitute in accordance with Council Procedure Rule 30.)

In Attendance: Councillors S Ayles, D Cowan and J Warren,
K Waters, P Keyes, G Fairley, C Galforg, S Mouratidis, C White,
M Warren, M Berry, T Holland, A Brown and T Row

Start/End Time: 5.00 pm - 9.00 pm

15 Apologies for Absence

Apologies for absence were received from Councillors Evans (no substitute), Harland (no substitute), Mulrone (substitute: Councillor Collins) and Richardson (substitute: Councillor Burton).

16 Declarations of Interest

The following interests were declared at the meeting:

(i) Councillor Dear – Minute No. 23 – Application Reference No. 24/00629/FULH – 6 The Gables, Eastwood (Belfairs Ward) – Has spoken with the resident on No.5 the Gables and has visited the site to assess the application; and

(ii) Councillor A Jones – Minute No. 24 – Application Reference No. 24/02046/DOV – Cantel Medical Ltd, Campfield Road Shoeburyness (Shoeburyness Ward) – Conflicts with role as Cabinet Member as the matter relates to policy not principle (withdrew)

17 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.

18 **23/01751/FULM - 658 - 664 London Road, Westcliff-on-Sea (Chalkwell Ward)**

Proposal: Demolish existing buildings at 658-664 London Road, erect a five-storey block comprising of 14 self-contained flats and commercial space at ground floor level and a four-storey block comprising of 11 self-contained flats with associated parking, landscaping and refuse/cycle stores

Applicant: Raymond Dove of Dove Jeffrey Homes

Agent: Ms Maddie Wild of Sphere25

Mr Webb, a local resident, spoke as an objector to this application. Ms Wild, the applicant's agent, responded.

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
- Affordable Housing Financial Contribution= £73,601
- Late-Stage Viability Review Mechanism in regard to Affordable Housing Provision to retrieve 60% of any surplus up to cap of £391,699.09
- RAMS contribution – 23 x £156.76 = £3,605.48
- Travel Plan and travel plan monitoring fee up to £5,000; Provision of Travel Information Packs to all residents.
- Monitoring fee of up to £10,000.

(b) That the Executive Director (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: PL001 Rev C; PL003 Rev C; PL10 Rev C; PL11 Rev C; PL003 Rev C; PL10 Rev C; PL11 Rev C; PL12 Rev C; PL31 Rev C; PL32 Rev C; PL33 Rev C; PL34 Rev C; PL35 Rev C; PL100 Rev C; PL101 Rev C; PL102 Rev C; PL103 Rev C; PL104 Rev C; PL105 Rev C; PL110 Rev C; PL111 Rev C; PL112 Rev C; PL113 Rev C; PL114 Rev C; PL201 Rev C; PL300 Rev C; PL301 Rev C; PL500 Rev C; PL501 Rev C; PL502 Rev C; PL503 Rev C; PL601 Rev C; PL701 Rev C

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 details; roof, including coping; windows and doors; 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 implemented in full accordance with the approved details prior to first occupation of the development.

The approved soft landscaping details shall be implemented 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 front boundary walls and Acoustic boundary fencing for the north and west boundaries of the development site's car park;
- 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;
- vi.) 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 first occupation or first use of the development hereby approved, a Landscape Management Plan shall be submitted to the Local Planning Authority containing details for the long-term management of the areas identified for planting. The approved Management Plan must be maintained in perpetuity.

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)

06 Prior to the first occupation or first use of the development hereby approved, the residential and commercial cycle and bin storage facilities shown on the approved plan 'PL100 Rev C' 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.

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).

07 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).

08 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).

09 The 34 car parking spaces to be provided in association with the residential use [and shared with the approved flats within Chalkwell Lawns] as shown on

approved plan 'PL100 Rev C' 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 and the permitted flats at Chalkwell Lawns.

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).

10 The development hereby approved shall only be built in accordance with the approved renewable energy and water sustainability measures contained within the Energy and Sustainability Statement (including Appendices A & B) by The PES [dated 24.08.2023] or, in accordance with any other renewable energy and water sustainability measures that have been submitted to and approved in writing by the Local Planning Authority. The approved measures must be delivered prior to first occupation of the development and retained as approved at the application site for the lifetime of the development.

Reason: To minimise the environmental impact of the development through efficient use of resources and better use of sustainable and renewable resources in accordance with the National Planning Policy Framework (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 The development hereby approved shall only be built in accordance with the noise mitigation measures as detailed in the Noise Assessment by Anderson Acoustics Ltd Ref 23-10938 and delivered in full prior to first use.

Prior to first use of the development, a post completion noise survey must be undertaken by a suitably qualified acoustic consultant and a report submitted to, and approved in writing by, the Local Planning Authority. The post completion testing shall assess performance of the noise mitigation measures against the noise levels as set in the Report. If the mitigation measures tested in the post-completion report prove to be insufficient, additional noise mitigation measures (where necessary to ensure the appropriate noise levels can be met), shall be submitted to and approved in writing by the Local Authority and installed and tested prior to occupation.

The mitigation measures must be retained in perpetuity thereafter.

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 Prior to first occupation of the development hereby approved, details of external lighting shall be submitted to and approved in writing by the Local Planning Authority. The details shall include, as a minimum, the external lighting at the undercroft. The external lighting scheme approved under the provisions of this condition shall be implemented prior to first occupation of the development hereby approved and shall be maintained as approved for the lifetime of the application thereafter. No other external lighting shall be installed on the development or within the parking, undercroft, access or landscaped areas of the development hereby approved unless it is in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority pursuant to 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).

14 No drainage infrastructure associated with the development hereby approved shall be installed until details of surface water attenuation for the site, based on Sustainable Drainage Systems (SuDS) principles, have been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. Specifically, such details must have regard to the following:

- a) A construction method statement must be provided outlining how surface water will be managed during the construction phase including details on the phasing of drainage installation relative to wider works;
- b) An agreement in principle from Anglian Water regarding the surface water connection point and proposed maximum flow rate of 1.924 l/s should be provided;
- c) Confirmation and details of the type of flow control, paragraph 5 states restricted discharge by gravity whereas the table in paragraph 6 refers to discharge rate restricted via pump;
- d) Details of proposals for surface water management in the event of failure of pump/flow control;
- e) Updated drainage plan showing the location of flow control and rainwater harvesting tanks.

The development shall only be implemented in accordance with the approved details which shall be maintained 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.

15 Before the development is occupied or brought into use, the development hereby approved shall be carried out in a manner to ensure that the 3No flats (51, 52 & 61) identified on approved plans 'PL101 Rev C' and 'PL102 Rev C' comply with the building regulation M4 (3) 'wheelchair user dwellings' standard and the remaining 22No flats comply with building regulation part M4(2) 'accessible and adaptable dwellings' standard.

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 National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM8 and advice in the Southend-on-Sea Design and Townscape Guide (2009).

16 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. 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)

17 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).

18 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).

19 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 and of 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).

20 The recommendations and biodiversity enhancement measures as detailed in the Preliminary Ecological Appraisal by Skilled Ecology Consultancy Ltd. [dated 29.08.2023] shall be implemented in full by competent persons and delivered prior to occupation of the development. The bird and bat boxes shall be installed solely in accordance with details inclusive of their siting and design that have previously been submitted to and agreed in writing by the Local Planning Authority.

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

21 Other than demolition works of the existing London Road frontage building, no development shall commence unless and until a detailed, site specific Arboricultural method statement and tree protection plan has been submitted to the Local Planning Authority and approved. The development must then be carried out solely in accordance with the approved methodology and tree protection measures.

Reason: This condition is needed to safeguard existing trees on the site and the character and appearance of the 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).

22 Occupation or first use of the development hereby approved shall not begin unless and until the reinstatement of the existing vehicle crossover serving the site has been completed and unless and until the new vehicle crossover hereby approved has been provided and made available for use by the occupiers and other users of the development.

Reason: In the interest of pedestrian and highway safety, in accordance with the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1, DM3 and DM15 of the Development Management Document (2015).

23. Occupation or first use of the development hereby approved shall not begin unless and until a scheme for signage and a localised traffic light system sensor operated green/red light system at both ends of the undercroft below Chalkwell Lawns ensuring that vehicles exiting the site via the undercroft give way to vehicles entering the site has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall then be installed prior to first occupation of the development hereby approved and shall be maintained as such for the lifetime of the development thereafter..

Reason: In the interest of the free flow of traffic and highway safety, in accordance with the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1, DM3 and DM15 of the Development Management Document (2015).

(c) In the event that the planning obligation referred to in part (a) above has not been completed before 28 June 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.

8. The applicant has shown the redundant vehicle crossovers being reinstated back to footway and shown the new location of the vehicle crossover. This will need to be carried out under the appropriate highway agreement and be carried out by the Council's approved contractor.

- 19 23/01285/FUL - 314 Station Road, Westcliff-on-Sea (Chalkwell Ward)**
Proposal: Change of use from mixed-use laundrette on basement/ground floors and residential on first and second floors (Sui Generis/Class C3) to assisted living accommodation to front (C3(b)) and new dwelling to rear (Class C3), erect second floor rear extension and alter elevations (amended proposal)
Applicant: Mr Joe Thomas
Agent: Edith Garland 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 hereby approved shall be carried out in accordance with the approved plans: 384/R04/E, 384/R03/H, 384/R02/A, 384/R01/C.

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

03 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition and construction up to ground floor slab level shall take place unless and until details, including full product details, of the materials to be used on all the external elevations of the development hereby approved, including but not limited to the exterior walls and associated brick and cladding details including details of the brick banding; roof, including coping; windows, doors, rooflights and fascias; 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 unless and until full details of hard and soft landscape works and boundary treatments 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 landscape works and boundary treatments shall be completed prior to first occupation of the development hereby approved, and the soft landscaping works within the first planting season following first occupation of the development. The details submitted shall include, but not be limited to:

- i.) Means of enclosure of the site and plots including any walls, gates or boundary fencing.
- ii.) Details of external hard surfacing.
- iii.) Details of the number, size and location of trees, shrubs and plants to be planted together with a planting specification and management.
- iv.) Details of measures to enhance biodiversity within the site.

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

06 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).

07 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).

08 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any Order or Act of Parliament revoking and re-enacting that Order with or without modification, no extensions or detached buildings shall be erected at the development hereby approved specified within Schedule 2, Part 1, Classes A, B, C, D, E and F of the Town and Country Planning (General Permitted Development) Order 2015 without the receipt of express planning permission in writing from the Local Planning Authority.

Reason: To enable the Local Planning Authority to regulate and control development in the interest of the amenity of proposed and neighbouring occupiers and to safeguard the character of the area in accordance the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM1 and advice in the Southend-on-Sea Design and Townscape Guide (2009).

09 The development hereby approved shall not be occupied until and unless refuse and recycling and cycle storage facilities are provided and made available for use by its occupiers in full accordance with details, including details of allocation of cycle storage, which shall have been previously submitted to and agreed in writing by the Local Planning Authority under the terms of this condition. The refuse and recycling and cycle storage facilities shall be retained for the lifetime of the development in accordance with the approved details.

Reason: To ensure that adequate refuse and recycling storage and secure cycle parking is provided and retained to serve the development in accordance with Policies CP3 and CP4 of the Core Strategy (2007) and Policies DM1, DM3 and DM15 of the Development Management Document (2015).

10 In the event that contamination is found at any time when carrying out the approved development that was not previously identified 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 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. Investigation, remediation and verification must be undertaken 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.

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).

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. CIL 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.
3. No waste materials are to be burnt on the site, instead shall be removed by licensed waste contractors.
4. The applicant shall provide scheme to prevent the emissions of noise, dust and fumes from leaving the boundary of the site.
5. Consideration must be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site. If it is predicted that the construction works are likely to cause a nuisance the applicant should apply for a prior consent application under section 61 of the Control of Pollution Act 1974. A consent enables the applicant to conduct the works without the worry of enforcement provided they comply with it. The applicant will have to submit details

of any noisy works including type of plant and machinery to be used, proposed daily start and finish times, consultation with nearby residents and businesses and duration and time scales of the works. The applicant should contact the Regulatory Services Team at Southend-on-Sea City Council for details.

6. Overheating and Noise Protection 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.

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

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

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23/00878/FUL - 3A West Street, Leigh-on-Sea (Leigh Ward)

Proposal: Convert existing building from five self-contained flats to 4 self-contained flats at first and second floors and one commercial unit to ground floor (Class E (c) Financial and professional services) and alterations to elevations, raise height and change of roof form, change of layout of car park to east of site including landscaping, refuse and cycle stores

Applicants: Mr Graham Newton of Intext Properties

Agents: Mr Adam Webster of Webster Little Architects

Mr Green, a local resident, spoke as an objector to this application.

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: 010_A_00_001 Rev 1, 010_A_00_050 Rev 1, 010_A_00_060 Rev 1, 010_A_00_100 Rev 1, 010_A_00_101 Rev 1, 010_A_00_102 Rev 1, 010_A_00_103 Rev 1, 010_A_00_200 Rev 1, 010_A_00_201 Rev 1, 010_A_00_210 Rev 1, 010_A_00_211 Rev 1, 010_A_00_300 Rev 1, 010_A_00_301 Rev 1, 010_A_00_302 Rev 1, 010_A_00_303 Rev 1, 010_A_10_050 Rev 2, 010_A_10_060 Rev 2, 010_A_10_100 Rev 2, 010_A_10_101 Rev 2, 010_A_10_102 Rev 2, 010_A_10_103 Rev 2, 010_A_10_200 Rev 2, 010_A_10_201 Rev 2, 010_A_10_210 Rev 2, 010_A_10_211 Rev 2, 010_A_10_300 Rev 2, 010_A_10_301 Rev 2, 010_A_10_302 Rev 2, 010_A_10_303 Rev 2.

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 first occupied or brought into first use, the materials for the external surfaces of the extensions and alterations hereby approved, including the brick infill bonding patterns and signage, shall be as set out on approved plan references 010_A_10_300 Rev 2, 010_A_10_301 Rev 2, 010_A_10_302 Rev 2 and 010_A_10_303 Rev 2 or in accordance with any other alternative materials, details of which shall have previously been submitted to and approved in writing by the Local Planning Authority under the terms of this condition.

Reason: To safeguard the visual amenities, character and appearance of the area including the nearby Leigh Conservation Area in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM5 and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009), National Design Guide (2021) and Leigh Conservation Area Appraisal (2021).

04 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no new windows, doors or Juliette balconies shall be installed at the site unless and until full product details for the proposed aluminium windows including colour and detailed design drawings showing the window reveals and fixing of the Juliette balconies within the reveals at a scale of 1:20 or 1:10 as appropriate have first been submitted to and agreed 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, character and appearance of the area including the adjacent Leigh Conservation Area, in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policy KP2 and CP4, Development Management Document (2015) Policies DM1 and DM5 and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009), National Design Guide (2021) and the Leigh Conservation Area Appraisal (2021).

05 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works except for demolition works shall take place until full details of both hard and soft landscape works to be carried out at the site have been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The approved hard and soft landscaping works shall be carried out prior to first use or first occupation of the development hereby approved. The details submitted shall include, but not be limited to:

- i) Full details of any replacement hardsurfacing or boundaries.
- ii) Full details of the number, size and location of trees, shrubs and plants to be planted together with a planting specification and landscaping management plan.
- iii) Details of measures to enhance biodiversity within the site.

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

Reason: In the interests of the visual amenities, character and appearance of the area including the adjacent Leigh Conservation Area and to ensure a satisfactory standard of landscaping pursuant to Policies DM1 and DM5 of the Development Management Document (2015) and Policy CP4 of the Core Strategy (2007), and the advice contained in the Southend-on-Sea Design and Townscape Guide (2009) and the Leigh Conservation Area Appraisal (2021).

06 No externally mounted extraction or ventilation plant or equipment including ducting, flues, ventilation grilles, fans and air conditioning units shall be installed on or in association with the development hereby approved without express planning permission having first been obtained from the Local Planning Authority.

Reason: In the interests of the residential amenity of the future and nearby residents and in the interests of visual amenity and to ensure that the building makes a positive contribution to the character of the area including the adjacent Leigh Conservation Area. This is as set out in the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM5 and advice in the Southend-on-Sea Design and Townscape Guide (2009) and the Leigh Conservation Area Appraisal (2021).

07 Prior to the occupation of the development hereby approved, full details of the proposed first and second floor windows on the east elevation shall be submitted to and approved in writing by the Local Planning Authority. These details shall demonstrate the use of obscure glazing (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy) and restricted north side hinged opening only as shown on plan reference 010_A-10_302 Rev 2. In the case of multiple or double glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4. The windows shall be implemented in full accordance with the agreed details and retained as such for the lifetime of the development.

Reason: To protect the privacy and environment of people in proposed and neighbouring residential properties, 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).

08 The 5 car parking spaces and the associated vehicular access for the spaces to have access from the public highway, shown on approved plan 010_A_10_060 Rev 2 shall be provided and made available for use at the site prior to the first occupation or first use of the development hereby approved. The car parking spaces and the associated vehicular access to and from the public highway shall thereafter be permanently retained solely for the parking of vehicles and the accessing of the car parking spaces in connection with the occupiers of the development hereby approved and their visitors.

Reason: To ensure that satisfactory off-street car parking is provided in the interests of residential amenity and highways efficiency and safety, in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM15 and advice in the Southend-on-Sea Design and Townscape Guide (2009).

09 A) The development hereby approved shall not be first occupied or brought into first use unless and until the refuse and recycling stores to serve the development as shown on approved drawing 010_A_10_100 Rev 2 have been provided at the site and made available for use by users and occupiers of the development in full accordance with the approved plans. The approved refuse and recycling facilities shall be permanently retained thereafter and used only for the approved purpose.

B) Notwithstanding the details submitted and otherwise hereby approved, the development hereby approved shall not be first occupied or brought into first use until and unless a Waste Management Plan and Strategy, setting out the waste management and collection arrangements for the development, including vehicle loading position, frequency and timings of refuse and recycling collection is implemented in accordance with details which have been previously submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The development shall be managed in accordance with the approved Waste Management Plan and Strategy prior to its first use or first occupation and shall be retained as such for the lifetime of the development thereafter.

Reason: To ensure that satisfactory refuse and recycling facilities are provided in the interests of highway safety and visual amenity and to protect the character and appearance of the surrounding area including the adjacent Leigh Conservation Area, in accordance with Policies KP2 and CP3 of the Core Strategy (2007), Policies DM1, DM5 and DM15 of the Development Management Document (2015) and the advice in the Southend-on-Sea Design and Townscape Guide (2009) and Leigh Conservation Area Appraisal (20210).

10 Notwithstanding the plans submitted and otherwise approved, the development hereby approved shall not be first occupied or brought into first use until and unless secure, covered cycle storage has been provided at the site in accordance with details which have been previously submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The approved cycle storage shall be made available for use by the occupants of the commercial and residential development hereby approved prior to its first use. The cycle storage shall be retained as such for the lifetime of the development thereafter.

Reason: To ensure the provision of adequate cycle parking in accordance with Policy CP3 of the Core Strategy (2007) and Policies DM3 and DM15 of Development Management Document (2015).

11 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority under the terms of this condition. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide 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 including contact details (including out of hour contact details) that are to be displayed on the hoardings;
- (v.) A Noise and Dust Management Plan - measures to control the emission of noise and dust and dirt during demolition and construction. This should make reference to current guidance on the Assessment of Dust from Demolition and Construction - Institute of Air Quality Management or an acceptable equivalent;
- (vi.) A scheme for recycling/disposing of waste resulting from demolition and construction works. No waste materials should be burnt on the site, instead being removed by licensed waste contractors;
- (vii.) Measures to mitigate noise disturbance during the development.

Reason: This pre-commencement condition is required to minimise the environmental impact and disturbance to existing residents, during construction of the development in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2 and CP4 and Development Management Document (2015) Policies DM1 and DM3.

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

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

13 Prior to occupation of the dwellings hereby approved, appropriate water efficient design measures as set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption), to include measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting shall be implemented for the whole development 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 (2023), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM2 and advice in the Southend-on-Sea Design and Townscape Guide (2009).

14 The use of the ground floor commercial area shall be solely used within Use Class E (c) as defined within the Town and Country Planning (Use Classes) Order 1987 as amended and shall not be used for any other purpose, nor any change of use permitted under the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or in any provisions equivalent to those Classes in any statutory instrument revoking and re-enacting these Orders.

Reason: To determine the scope of the permission in the interest of the character and functionality of the area and the amenities of the building's residential

occupiers and surrounding residential dwellings in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM1 and advice in the Southend-on-Sea Design and Townscape Guide (2009).

15 Construction hours for the development hereby approved shall be restricted to 8am – 6pm Monday to Friday, 8am - 1pm Saturday and not at all on Sundays, Bank or Public Holidays.

Reason: In the interests of the amenities of neighbours pursuant to Policy CP4 of the Core Strategy (2007) and Policy DM1 of the Development Management Document (2015).

16 Notwithstanding the information submitted and otherwise hereby approved, the commercial unit at ground floor hereby approved shall not be brought into first use unless and until a service plan including full details of how the unit will be serviced, including how deliveries and collections to and from the site will be made and their timings, has been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The servicing of the development shall thereafter be undertaken in strict accordance with the approved service plan for the lifetime of the development.

Reason: In the interests of the amenities of neighbours and to ensure a good general environmental standard in accordance with the National Planning Policy Framework (2023), Policy KP2 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Plan (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:

01 You are advised that as the proposed development 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

02 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.

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

04 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'.

- 21 **24/00352/FUL - 135 Marine Parade, Leigh-on-Sea (West Leigh Ward)**
Proposal: Demolish existing building and erect three storey building comprising four self-contained flats with balconies to front, layout parking, refuse and cycle store to rear (amended proposal)
Applicant: P Miller + P Hills of P + PR Property Developments Ltd
Agent: Miss Liz Schofield of BDA 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: 23.172/01, 23.172/02 Rev C, 23.172/03 Rev B, 23.172/04 Rev B, 23.172/05 Rev B.

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

03 Prior to commencement of the development above ground floor slab level, full product details of the materials to be used in the construction of all the external elevations of the development hereby approved shall be submitted to and agreed in writing by the Local Planning Authority under the terms of this condition. The development shall be carried out solely in accordance with the approved details before it is first occupied.

Reason: In the interests of visual amenities, in accordance with the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

04 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition above ground floor slab level shall take place unless and until full detailed design drawings and cross sections of the approved development's gable and dormer framing and balconies including any privacy screens at a scale of 1:20 or 1:10 as appropriate have first been submitted to and agreed in writing by the Local Planning Authority under the terms of this condition. The development shall be carried out in full accordance with such approved details before it is first occupied.

Reason: To safeguard the visual amenities of the area including the character and appearance of the area in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM5 and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009) and the National Design Guide (2021)

05 The roof of the single storey rear projection within the development hereby approved shall not be used as a balcony, roof garden or similar amenity area or for any other purpose unless express planning permission has previously been obtained. 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 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).

06 No development above ground floor slab level shall take place unless and until full details of hard and soft landscape works and boundary treatments 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 landscape works and boundary treatments shall be completed prior to first occupation of the development hereby approved, and the soft landscaping works within the first planting season following first occupation of the development. The details submitted shall include, but not be limited to:

- i.) Existing and proposed site levels.
- ii.) Means of enclosure, of the site including any gates or boundary fencing;
- iii.) Details of external hard surfacing, to include permeable paving;
- iv.) Details of the number, size and location of trees, shrubs and plants to be planted together with a planting specification;
- v.) Details of measures to enhance biodiversity within the site;
- vi.) All and any means of subdividing and enclosing 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 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 is implemented pursuant to Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

07 The 8 car parking spaces and the associated vehicular access for the spaces to be accessed from the public highway, shown on approved plan 23.172/02 Rev C shall be provided and made available for use at the site prior to the first occupation of the development hereby approved. The car parking spaces and the associated vehicular access to and from the public highway shall thereafter be permanently retained solely for the parking of vehicles and the accessing of the car parking spaces in connection with the occupiers of the dwellings hereby approved and their visitors. At least one parking space for each flat must have access to active electric vehicle charging. The redundant vehicular crossover must be reinstated to pavement prior to the first occupation of the development.

Reason: In the interests of the living conditions of future occupiers and highway safety, further to the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2, CP3 and CP4, Development Management Document (2015) Policy DM15 and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009) and the Southend-on-Sea Vehicle Crossing Policy & Application Guidance (2021).

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

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

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

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

10 The four dwellings hereby approved shall be completed in a manner to ensure compliance with Building Regulations part M4(2) 'Accessible Dwellings' before they are first occupied.

Reason: To ensure the provision of flexible internal layouts to meet the changing needs of residents in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM2 and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

11 Notwithstanding the plans submitted and otherwise approved, the development hereby approved shall not be occupied until and unless secure, covered cycle storage and refuse/recycling storage for users of the development have been provided at the site in accordance with details which have been previously submitted to and approved in writing by the Local Planning Authority. The approved cycle and refuse/recycling storage shall be made available for use by the users of the development hereby approved prior to its occupation and shall be retained as such for the lifetime of the development thereafter.

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

12 No drainage infrastructure associated with this development shall be undertaken unless and until details of the design implementation, maintenance and management of a scheme for surface water drainage works (incorporating Sustainable Urban Drainage (SuDs) Principles) have been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The approved scheme shall be implemented, in accordance with the approved details before the development is first occupied and shall be maintained as such thereafter in perpetuity.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site for the lifetime of the development and to prevent environmental and amenity problems arising from flooding in accordance with the National Planning Policy Framework (2023), Policy KP2 and CP4 of the Core Strategy (2007) and Policy DM2 of the Development Management Document (2015).

13 All glazing to habitable rooms windows shall be acoustic glazing RW 37 for bedrooms and RW 31 for Living Rooms to meet the requirements of British Standard 8233:2014 as set out on Table 10 in plan reference 23.172/03B unless alternative details are otherwise submitted to and agreed in writing with the Local Planning Authority under the scope of this planning condition.

Reason: In order to protect the amenities of occupiers of the development from traffic noise in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

14 Unexpected Contamination - In the event that contamination is found at any time when carrying out the approved development that was not previously identified 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 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.

Investigation, remediation and verification must be undertaken 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.

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).

15 The development hereby approved shall be constructed in full accordance with the Construction Method Statement by BDA dated May 2024 or any other construction method statement which has previously been submitted to and agreed in writing by the Local Planning Authority under the terms of this condition and prior to any development commencing.

Reason: To minimise the environmental impact and disturbance to existing residents, during construction of the development in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2 and CP4 and Development Management Document (2015) Policies DM1 and DM3.

16 Construction hours for the development hereby approved shall be restricted to 8am to 6pm Monday to Friday, 8am to 1pm on Saturdays and not at all on Sundays or Bank or Public Holidays.

Reason: To protect the environment of people in neighbouring residential properties, in accordance with the National Planning Policy Framework (2023), 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).

17 Privacy screens of not less than 1.7m high above terrace/balcony level shall be fitted on the centre line of the southern terrace/balcony at ground and first floor levels in accordance with details that have previously been submitted and approved by the Local Planning Authority prior to first occupation of the development. The screens shall be retained for the lifetime of the development in accordance with the approved details.

Reason: To protect the privacy and environment of people in new and neighbouring residential properties, in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policy CP4, Development

Management Document (2015) Policy DM1, and advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

18 The first floor windows in the eastern elevation of the proposed development 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 up to a height of not less than 1.7m above the relevant rooms internal finished floor level before the occupation of the development hereby approved and the windows shall be retained as such in perpetuity. 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 protect the privacy and environment of people in proposed and neighbouring residential properties, in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policy CP4, Development Management Document (2015) Policy DM1, and advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

POSITIVE AND PROACTIVE STATEMENT:

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

INFORMATIVES:

1. Please note that the development 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. Construction outside of normal hours - If construction works are to be considered outside of normal hours especially overnight or are expected to cause a nuisance to existing receptors it is recommended that the applicant applies for a prior consent application under section 61 of the Control of Pollution Act 1974. A consent enables the applicant to conduct the works without the worry of enforcement provided they comply with it. The applicant will have to submit details of any noisy works including type of plant and machinery to be used, proposed daily start and finish times, consultation with nearby residents and businesses and duration and time scales of the works. The applicant will need an acoustically qualified person who will be able to calculate the predicted noise levels from the operation and the impact on nearby residents and then be able to evaluate mitigation measures that can be used. If we become aware of any works that are highly likely to cause a nuisance we can serve a notice under section 60 of the Control of Pollution Act 1974 to prevent this. A breach of this will represent a criminal offence. The application form and guidance are available on the Southend-On-Sea City Council website. The applicant can also contact the Regulatory Services Team at Southend-on-Sea City Council for details.

4. Asbestos - Prior to demolition of the existing buildings an appropriate Asbestos survey of the buildings should be undertaken and a scheme implemented to remove and safely dispose of any asbestos-containing materials in accordance with the Control of Asbestos Regulations 2012 and the applicant's/developer's Waste duty of care. It is recommended that the Council's building control department is notified of the demolition in order that requirements can be made under section 81 of the Building Act 1984.

5. Stacking – Where the floor layouts result in sleeping and living rooms stacked over each other between separate apartments the applicant is advised that additional sound insulation may be required in the ceiling in order to protect against noise from the normal use of the dwellings in the block due to conflicting activities e.g. sleep and living. The applicant should be aware of this as should complaints arise when it is occupied because of this Southend-on-Sea City Council cannot require action under other primary legislation it has i.e. for statutory nuisance.

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'.

24/00421/BC3 - Garages at Bradford Bury, Leigh-on-Sea (Belfairs Ward)
Proposal: Demolish existing garage block and erect two, two storey dwellinghouses and layout parking
Applicant: Mr Martin Berry of Southend-on-Sea City Council
Agent: Mrs Michelle Fishlock of Southend-on-Sea City Council

Mr Russell, a local resident, spoke as an objector to the application. Mr Tim Holland responded on behalf of the applicants.

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: H16854-BG-D01 Rev A; TCTC-1884 (2)-PL-01; EX-00; EX-01; EX-02; EX-20; P-00 Rev D; P-01; P-10 Rev G; P-11 Rev H; P-12 Rev C; P-20 Rev B; P-21 Rev F; P-22 Rev F; P-30 Rev C.

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

03 Notwithstanding the information submitted with the application, no development above ground floor slab level shall take place unless and until full details and specifications of the materials to be used for all the external surfaces of the approved dwellings at the site including facing materials, roof detail, windows, doors, fascia and soffits have been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The development must then be carried out in full accordance with the approved details before the dwellings hereby approved are first occupied.

Reason: In the interest of visual amenity in accordance 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 contained within the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009).

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

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

05 Prior to first occupation of the development hereby approved 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 in the development hereby approved and be retained in perpetuity thereafter.

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

06 Hours of works associated with this consent shall be 8am - 6pm Monday to Friday, 8am - 1pm Saturday. No works shall be carried out on Sundays or Bank or Public Holidays.

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

07 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) Order 2015, or any order revising or re-enacting that Order with or without modification, no development shall be carried out on the new dwellinghouse within Schedule 2, Part 1, Classes A, B, C, D and E.

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

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

Reason: To ensure the residential units hereby approved provide high quality and flexible internal layouts to meet the changing needs of residents in accordance with the Development Management Document (2015) Policy DM8 as amended by the Technical Housing Standards Policy Transition Statement (2015).

09 The four car parking spaces for the dwellings, two per dwelling, hereby approved, as shown on approved plans P-00 Rev D and P-01, shall be provided and made available for use at the site prior to the first occupation of the dwellings hereby approved. One car parking space per dwelling shall be fitted with an active electric vehicle charging point prior to first occupation of the dwellings. The car parking spaces shall thereafter be permanently retained only for the parking of vehicles of the occupiers and visitors to the new dwellings.

Reason: To ensure that satisfactory off-street car parking is provided in the interests of residential amenity and highways efficiency and safety, in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM15 and the advice within the Southend-on-Sea Design and Townscape Guide (2009).

10 No drainage infrastructure associated with the development hereby approved shall be installed until details of surface water attenuation for the site, based on Sustainable Drainage Systems principles, have been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. The details shall include the following:

- An agreement in principle from Anglian Water to make a new drainage connection should be provided, including agreement to proposed flow rate this connection will discharge at.
- The greenfield runoff rate for the site with calculations showing how this has been reached.
- Calculations to demonstrate the hydraulic performance of the entire pipe network, including the proposed pipe network, for the 1 in 1 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus 45% climate change.
- Details of the body that will be responsible for the maintenance of the drainage system throughout the lifetime of the development including a management statement and schedule to outline the required maintenance for the SuDS features such as tanked system, flow restrictors and permeable paving.
- Details on how flood risk will be minimised during the construction phase.
- Consideration of the installation of water butts as a cost-effective measure to improve surface water flood and drought resilience.

11 Any drainage infrastructure shall be installed in accordance with the approved details and maintained on site as approved thereafter.

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

12 Prior to the first occupation of the dwellings hereby approved, covered and secure cycle parking for at least one bicycle per dwelling and covered and screened refuse and recycling storage facilities shall be provided for the future occupiers of the dwellings and made available for use on site in accordance with full details (including elevations) which have previously been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. The approved facilities shall be retained for the benefit of the future users and occupiers of the approved development and their visitors for the lifetime of the development.

Reason: To ensure the provision of adequate cycle parking and bin storage in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policy CP3, Development Management Document (2015) Policies DM3,

DM8 and DM15 and the advice contained within the Waste Storage, Collection and Management Guide for New Developments (2019).

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

The report of the findings must include:

i) A survey of extent, scale and nature of contamination;

ii) An assessment of the potential risks to:

o Human health;

o Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;

o Adjoining land;

o Groundwaters and surface waters;

o Ecological systems;

o Archaeological sites and ancient monuments; and

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

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

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

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

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

Reason: To ensure that any contamination on site is identified and treated so that it does not harm anyone who uses the site in the future and in accordance with the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Core Strategy (2007) and Policy DM14 of the Development Management Document (2015).

14 The development hereby permitted shall not be occupied until and unless full details of both hard and soft landscape works to be carried out at the site in association with the development have been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The approved hard landscaping works shall be completed prior to first occupation of the development and the soft landscaping works within the first planting season following first occupation of the development. The details submitted shall include, but not be limited to:

- i.) hard surfacing materials;
- ii.) details of the number, size and location of trees, shrubs and plants to be planted together with a planting specification;
- iii.) details of any permeable paving or other sustainable drainage measures to be implemented;
- iv.) all and any means of subdividing and enclosing the site;
- v.) existing and proposed finished levels or contours.

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

Reason: In the interests of visual amenity, the amenities of occupiers and the amenities of neighbouring occupiers, and to ensure a satisfactory standard of landscaping is implemented pursuant to Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

15 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,
- iv) measures to control the emission of dust, dirt, mud being carried onto the road and noise during construction,
- v) a scheme for recycling/disposing of waste resulting from construction works that does not allow for the burning of waste on site.
- vi) 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).

16 Notwithstanding the information submitted with the application, no development shall be undertaken unless and until an Arboricultural Impact Assessment which includes details of tree protection measures to be employed during the construction phase of the development has 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 full accordance with the approved tree protection measures throughout the construction phase of the development.

Reason: This pre-commencement condition is needed to safeguard the character and appearance of the 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).

17 The first floor window in the eastern 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).

18 No development above ground level shall be undertaken unless and until details of existing and proposed site levels at and surrounding the site have been submitted to and approved in writing by the Local Planning Authority under the terms of his condition. The development shall be undertaken and completed at the levels in full accordance with the details so approved and shall not exceed the highest level of land adjacent to the application site.

Reason: In the interests of the residential amenity of adjoining residents 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 advice in the Southend-on-Sea Design and Townscape Guide (2009).

19 Prior to occupation of the development hereby approved, a Noise Impact Assessment (NIA) shall be undertaken and mitigation measures evaluated and designed to ensure that the internal areas of dwellings are protected from external noise caused by the site's proximity to the A127 in accordance with British Standard BS8233:2014 and the current Noise Policy Statement for England. The internal ambient noise levels shall not exceed the guideline values in British Standard BS8233:2014 Table 4.

07:00 to 23:00

Resting - Living room 35 dB LAeq,16hour

Dining - Dining room/area 40 dB LAeq,16hour

Sleeping/Daytime Resting - Bedroom 35 dB LAeq,16hour

23:00 to 07:00

Sleeping/Nighttime Bedroom 30 dB LAeq,8hour

Prior to occupation of the development hereby approved, a post completion noise survey must be undertaken, and a report submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The post completion testing shall assess performance of the noise mitigation measures against the noise levels as set in the Report. The final agreed noise mitigation scheme shall be operated and permanently maintained thereafter for the lifetime of the development.

The applicant must also have regards to thermal comfort and noise mitigation in accordance with Acoustic Ventilation and Overheating - Residential Design Guide by IOA and ANC. Where necessary a scheme for approval for alternative means of ventilation and air cooling and heating is required in writing to demonstrate that:

- The alternative means of ventilation and cooling will not compromise any noise protection measures.
- The alternative means of ventilation and cooling will not present an adverse noise or odour impact on occupants.
- The alternative means of ventilation and cooling will enable optimum living conditions in all weather and with reference to climate change predictions.

The means of ventilation must be in accordance with documents CIBSE Guide A:2015-Environmental Design, CIBSE TM52:2013-The limits of thermal comfort: avoiding overheating in European buildings and CIBSE TM59:2017-Design methodology for the assessment of overheating risk in homes. The alternative means of ventilation shall be maintained thereafter for the lifetime of the development.

Reason: In the interest of protecting the development's internal room environment from road traffic noise associated with the A127 in the interests of future occupiers' amenity in accordance with the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Core Strategy (2007), and Policies DM1, DM3 and DM14 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. Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and it is the responsibility of the landowner(s) to ensure they have fully complied with the requirements of these regulations. A failure to comply with the CIL regulations in full can result in a range of penalties. For full planning permissions, a CIL Liability Notice will be issued by the Council as soon as practicable following this decision notice. For general consents, you are required to submit a Notice of Chargeable Development (Form 5) before commencement; and upon receipt of this, the Council will issue a CIL Liability Notice including details of the chargeable amount and when this is payable. If you have not received a CIL Liability Notice by the time you intend to commence development it is imperative that you contact S106andCILAdministration@southend.gov.uk to avoid financial penalties for potential failure to comply with the CIL Regulations 2010 (as amended). If the chargeable development has already commenced, no exemption or relief can be sought in relation to the charge and a CIL Demand Notice will be issued requiring immediate payment. Further details on CIL matters can be found on the Planning Portal (www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy) or the Council's website (www.southend.gov.uk/cil).

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

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

If the Council's Regulatory Services become aware of any works that are highly likely to cause a nuisance they can serve a notice under section 60 of the Control of Pollution Act 1974 to prevent this. A breach of this will represent a criminal offence.

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

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

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

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

23 **24/00629/FULH - 6 The Gables, Eastwood (Belfairs Ward)**
Proposal: Erect single storey rear extension with roof lantern (amended proposal) (retrospective)
Applicant: Mr Ryan Hamilton
Agent: Mr Danny Knott of DK Buildings designs

Resolved:-

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

01 The proposed development, by reason of its design, size, height, rearward extent and proximity to the shared boundary with No. 5 The Gables results in an unacceptable loss of daylight and sunlight to the neighbouring kitchen served by the glazed door in the flank of No5 The Gables to the detriment of the amenities of neighbouring occupiers. This is unacceptable and contrary to the National Planning Policy Framework (2023); Policies KP2 and CP4 of the Southend-on-Sea Core Strategy; Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015); and the advice contained within the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009).

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 via the pre-application service available at https://www.southend.gov.uk/info/200155/make_a_planning_application_and_planning_advice/365/planning_advice_and_guidance/2

2. That ENFORCEMENT ACTION be AUTHORISED to require those issued with a copy of the Enforcement Notice to:

- a) Remove the unauthorised development;
- b) Restore the building to its condition before the breach took place; and
- c) Remove from the site all materials resulting from compliance with a) and b).

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 of three (3) calendar months and the pursuance of proceedings whether by prosecution or injunction to secure compliance with the requirements of the Enforcement Notice.

24 **23/02046/DOV - Cantel Medical Ltd, Campfield Road Shoeburyness (Shoeburyness Ward)**
Proposal: Modification of planning obligation (Section 106 agreement) dated 01.09.2023 pursuant to application 23/00030/FULM to vary the wording of the S106 to allow the tenure of all 21 affordable homes to be Intermediate tenure
Applicant: Mr Rob Piggott of Taylor Wimpey UK Limited
Agent: N/A

Resolved:-

(a) That the Council enters into a Planning Obligation by Deed of Variation under Section 106A of the Town and Country Planning Act 1990 (as amended) to allow the following modifications to the Deed of Agreement dated 1st September 2023 pursuant to planning permission 23/00030/FULM to allow:

i.) The affordable housing contribution to be amended from 16 x affordable rented units (4 x 1 bed apartments, 8 x 2 bed apartments and 4 x 3 bed houses) and 5 shared ownership units (2 x 2 bed houses and 3 x 3 bed houses) to 21 affordable housing units of intermediate tenure comprising 4 x 1 bed apartments, 8 x 2 bed apartments, 2 x 2 bed houses and 7 x 3 bed houses.

ii.) To allow for the option for the affordable housing for the site to be replaced by a policy compliant financial contribution based on the Council's standard formula as set out in the Interim Affordable Housing Policy (2016) if no agreement with an intermediate tenure provider can be reached within 6 months (in lieu of the 16 original affordable rented units) and 12 months (in lieu of the 5 shared original ownership units) of the date of the Deed of Variation.

(b) That the Executive Director (Environment and Place), the Director of Planning and Economy or the Service Manager – Development Control be DELEGATED to AGREE A MODIFICATION OF THE PLANNING OBLIGATION dated 1st September 2023 pursuant to planning permission reference 23/00030/FULM. The relevant officer will have delegated powers to agree further modifications to the wording, providing that they do not comprise a material departure from the principles outlined within the report.

(c) In the event that the Deed of Variation referred to in part (a) above has not been completed before 27th July 2024, or an extension of this time as may be agreed by the Executive Director for Environment and Place, the Director of Planning and Economy or the Service Manager – Development Control, authority is delegated to refuse the application on the grounds that the development would not secure the necessary affordable housing contribution, in accordance with the requirements of the original permission and as the development would otherwise be contrary to National and Local Planning Policy.

25 20/00339/UNAU_B - 71 West Road, Shoeburyness (West Shoebury Ward)

Breach of Planning Control:

(a.) Material change of use from shop (Use Class E) to dwellinghouse (Use Class C3).

(b.) Replacement of shopfront.

(c.) Erection of rear dormer

Resolved:-

That ENFORCEMENT ACTION be AUTHORISED to require those issued with a copy of the Enforcement Notice to:

- a) Cease the use of the ground floor part of the building as a self-contained dwelling (Use Class C3); and
- b) Remove from the building all residential fixtures and fittings which facilitate the use including but not limited to:
 - i.) Shower/bath tab and/or any other item which can be used for washing (showering or bathing); and
 - ii.) Oven and/or hob and/or any other item which can be used for cooking; and
 - iii.) Fridge and/or freezer or other items which allows the storage of food; and
 - iv.) Clothes washing and/or drying equipment; and
 - v.) Beds and/or sofa/beds and/or other items which can be used for sleeping; and
- c) Restore the front elevation of the ground floor part of the building to its condition before the breach took place; and
- d) Remove from the site all materials resulting from the compliance with the above requirements.

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 of three (3) calendar months and the pursuance of proceedings whether by prosecution or injunction to secure compliance with the requirements of the Enforcement Notice.

The development has disrupted the continuity of the Primary Shopping Frontage and reduced activity in a key shopping area. No evidence has been provided to show that there is no reasonable prospect of the re-use of the premises as shops or services within Use Class E. It is therefore found that the development, including the material change of use of the site and the removal of the traditional shop frontage, is significantly and demonstrably harmful to the character, function and thus the sustainability of the Primary Shopping Frontage in a key shopping area. The development is unacceptable and contrary to the National Planning Policy Framework (2023), Policies KP1, KP2, CP1, CP2 and CP4 of the Core Strategy (2007) and Policies DM1, DM3 and DM13 of the Development Management Document (2015).

It has not been demonstrated that the residential unit would not result in significant shortfall(s) against the minimum standards for the overall size of the home and the bedroom sizes, and in an unacceptable outlook and receipt of light at the bedroom which would be to the substantial detriment of living conditions of current and future occupiers at the site. The identified adverse impacts of the development would significantly and demonstrably outweigh the benefits of the development taking into consideration the presumption in favour of sustainable development. This is unacceptable and contrary to the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM8 [as amended with the Technical Housing Standards Policy Transition Statement (2015)] of the Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009) and the Technical Housing Standards – Nationally Described Space Standards (2015).

The development offers no suitable mitigation of the in-combination effect of the net increase of one dwelling on habitats and species in accordance with the Conservation of Habitats and Species Regulations (2017), as identified in the

adopted Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy Supplementary Planning Document (2020). This is unacceptable and contrary to the National Planning Policy Framework (2023), Policies KP1, KP2 and CP4 of the Core Strategy (2007), Policy DM6 of the Development Management Document (2015) and the guidance contained within the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy Supplementary Planning Document (2020), which seek to protect the designated habitats and species with specific reference to the coastal environment.

**26 21/00146/UNAU_B - 1A Marine Parade, Southend-on-Sea (Milton Ward)
Breach of Planning Control: Installation of projecting fascia box**

Resolved:-

That ENFORCEMENT ACTION be AUTHORISED to require those issued with a copy of the Enforcement Notice to:

- a) Remove from the site the unauthorised fascia box frontage in its entirety;
- b) Restore the store frontage to its condition before the breach took place; and
- c) Remove from the site all materials resulting from compliance with a) and b).

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 of two (2) calendar months and the pursuance of proceedings whether by prosecution or injunction to secure compliance with the requirements of the Enforcement Notice.

The installation of the fascia box and the removal/obscuring of the corbel detailing have resulted in material harm to the character and appearance of the site, the streetscene and the area more widely. The development also causes less than substantial, albeit significant, harm to the Clifftown Conservation Area, and the setting of adjacent listed and locally listed buildings and no public benefits have been identified to outweigh the identified harm. The development is therefore contrary to the National Planning Policy Framework (2023), Core Strategy Policies KP2 and CP4, Policies DM1, DM3 and DM5 of the Development Management Document (2015), Policies CS1, PA6, DS2 and DS3 of the Southend Central Area Action Plan (2018) and the guidance contained in the National Design Guide (2021), the Southend-on-Sea Design and Townscape Guide (2009) and the Clifftown Conservation Area Appraisal (2022).

Chair: _____