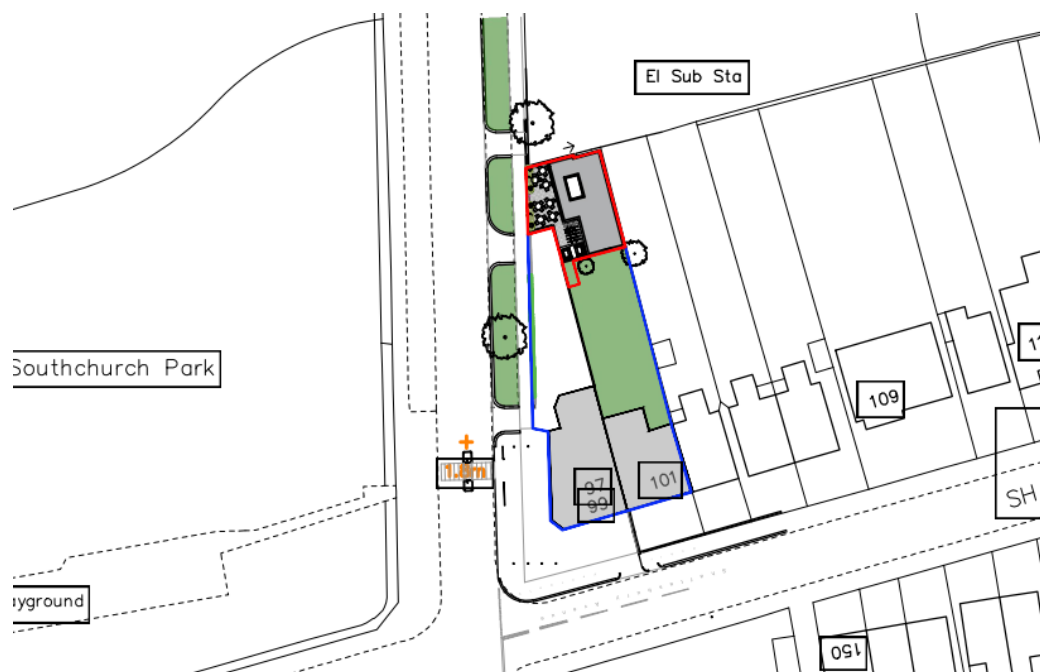


<b>Reference:</b>	24/01202/FUL	
<b>Application Type:</b>	Full Application	
<b>Ward:</b>	Thorpe	
<b>Proposal:</b>	Erect single storey extension to front and relocate bin and cycle stores (part-retrospective)	
<b>Address:</b>	97-99 and 101 Shaftesbury Avenue, Southend-on-Sea	
<b>Applicant:</b>	Mr Anjesh Patel	
<b>Agent:</b>	Design Graphics Associates of Design Graphics Associates	
<b>Consultation Expiry:</b>	28th October 2024	
<b>Expiry Date:</b>	15th November 2024	
<b>Case Officer:</b>	James Benn	
<b>Plan Nos:</b>	<b>DGA-SA-PL-ARC-LP-102; DGA-SA-PL-ARC-SP-100; DGA-SA-PL-ARC-SP-200; DGA-SA-PL-ARC-SP-300; DGA-SA-PL-ARC-LP-101 Rev C.</b>	
<b>Additional information:</b>	<b>Environmental Noise Survey Report ref. QA23044/ENS Rev 0 dated 4 April 2023 by Quantum Acoustics; Sequential Test ref. 6843-RHD-ZZ-XX-RP-Z-2100 dated 7 November 2022 by Ambiantal Environmental Assessment; Environment Agency Flood Risk Assessment - Householder and other minor extensions in Flood Zones 2 and 3; 3D models - DGA-SA-PL-ARC-PERS-501; DGA-SA-PL-ARC-PERS-502</b>	
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION subject to conditions</b>	



## **1 Site and Surroundings**

- 1.1 The application site contains a single storey building on the eastern side of Lifstan Way, in the rear part of a car parking area to the corner shop established at Nos 97-99 Shaftesbury Avenue and part of the rear of a domestic garden at No 101 Shaftesbury Avenue. Planning permission was granted under reference 22/01367/FUL to erect a tea/coffee shop (Use Class E) building in this location with external seating to the front. An unauthorised single storey extension, which is subject to this application, has been erected to the front to enclose the seating area.
- 1.2 The surrounding area is mainly residential in character. To the west of the site is Southchurch Park and to the north of the site is an open green space, both of which are designated as Protected Green Space within the Policies Map of the Development Management Document.
- 1.3 There is a street tree on Lifstan Way next to the site which is not protected by a Tree Preservation Order.
- 1.4 The site is within Flood Zone 3. The site is not within a conservation area or subject to any other site-specific planning policy designations.

## **2 The Proposal**

- 2.1 Planning permission is sought, part-retrospectively, to erect a single storey extension to the front of the building approved by the 2022 permission to enclose the approved external seating area. The bin and cycle stores which were approved in the 2022 permission (ref. 22/01367/FUL) would also be relocated.
- 2.2 The front extension has a mono-pitched roof, is irregular shaped and is up to some 6.8m deep, 13.3m wide, 2.5m high to the eaves and a maximum of some 3.1m high. The front extension has a gross internal floor area of some 42.1sqm and the submitted plans detail it would seat 36 customers. Windows are proposed in the front and southern side elevations.
- 2.3 A two-tier cycle rack for six cycle parking spaces would be provided to the front/side of the extension. A wooden bin store enclosure some 1.3m deep, 3.1m wide and 1.9m would be provided to the southern side elevation of the extension within an envelope of the boundary fence.
- 2.4 The proposed external materials are decorative timber cladding, powder coated aluminium windows and a rubber roof.
- 2.5 The submitted plans show flower beds to the front and water butts to the southern side of the development for drainage.
- 2.6 The application is part-retrospective in nature as construction of the extension has commenced, but it is not fully completed. The cycle and bin stores are yet to be provided.
- 2.7 The application has been submitted in response to an enforcement investigation. No changes are proposed to the host building itself as approved in the 2022 permission. This application relates to the single storey front extension and the bin and cycle stores only. A door also appears to have been installed in the southern side elevation of the building which is not in accordance with the approved plans in the 2022 permission which show a high-level window instead. The agent has confirmed by email that it does not form part of this planning application. The installation of the side door without

permission remains subject to a separate enforcement investigation, does not form part of this planning application and it has therefore been given no consideration in its assessment.

### 3 Relevant Planning History

3.1 The most relevant planning history for the determination of this application is shown on Table 1 below:

**Table 1: Relevant Planning History of the Application Site**

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
24/00569/AMDT	Application to vary condition 07 (opening times) - Opening hours amended from 8am until 6pm to 7am until 9pm (Material Amendment of planning permission 24/00373/AMDT dated 25/04/2024)	Refused.
24/00373/AMDT	Application to remove condition 10 (BREEAM certificate) (of planning permission 22/01367/FUL dated 18/01/2023)	Permission granted.
23/00829/AD	Application for approval of details pursuant to condition 03 (materials) of planning permission 22/01367/FUL dated 18/01/2023	Details approved.
23/00822/AD	Application for approval of details pursuant to condition 04 (details of hard and soft landscaping) of planning permission 22/01367/FUL dated 18.01.2023	Details approved.
23/00634/AD	Application for approval of details pursuant to conditions 10 (BREEAM rating) and 11 (10% renewables) of planning permission 22/01367/FUL dated 18.01.23	Split decision. Condition 10 refused, Condition 11 approved.
23/00586/AD	Application for approval of details pursuant to condition 08 (noise mitigation plan) of planning application 22/01367/FUL dated 18.01.2023	Details approved.
23/00499/AD	Application for approval of details pursuant to condition 04 (details of hard and soft landscaping) of planning permission 22/01367/FUL dated 18.01.2023	Refused.
23/00498/AD	Application for approval of details pursuant to condition 03 (details of materials) of planning permission 22/01367/FUL dated 18.01.2023	Refused.
22/01367/FUL (the 2022 permission)	Erect single storey building and part change of use of domestic garden at 101 Shaftesbury Avenue for use as tea/coffee shop (Class E (Previously Class A3)) and ancillary refuse and cycle storage, and external seating area with boundary treatments (Amended	Permission granted.

	Proposal)	
20/00378/FUL (the 2020 application)	Erect single storey building and part change of use of domestic garden at 101 Shaftesbury Avenue for use as tea/coffee shop (Class A3) and ancillary refuse and cycle storage, and external seating area with boundary treatments	Refused. Appeal dismissed (ref. APP/D1590/W/20/3259028)

Enforcement:

- 3.2 24/00162/UNAU\_B: Development not constructed in accordance with the approved plans. Under investigation.

## 4 Representation Summary

### Public Consultation

- 4.1 Six (6) neighbouring properties were notified of the application by letter and two (2) separate site notices within the vicinity of the site were displayed, one (1) on the 8 August 2024 and one (1) on the 23 August 2024. Five (5) letters of representation have been received from two (2) addresses. Summary of representations:

- Residential amenity concerns including noise and disturbance and loss of privacy to habitable rooms.
- Neighbours are content if the development is a permanent structure as it would resolve concerns over noise and litter.
- If it is a permanent structure, it suggests there will be some soundproofing/insulation which will limit noise impact.
- Neighbours would object if the structure was not permanent.
- The application form description 'enclosed seating area' which suggests temporary/moveable.
- If this is the case, four additional tables will create more noise for neighbours than the current plans and neighbours would seek for the application to be rejected, considering the existing impact is significant enough.
- The application form mentions an acoustic report, however the only report made available is from April 2023. Its mention suggests that it has been updated with the new plans, otherwise inclusion of this seems irrelevant and should be disregarded as a basis for any decision.
- There is currently a door in the side of the building where both the old and new plans cite a high level window. A door in this location adds further disruption and a lack of privacy to neighbouring properties. Neighbours would like to ensure the doors will be replace as per the plans.
- Neighbours would like the new bin store location confirmed so that they are only accessible from the road as any access to the bins from the side of the building or within the residential garden adds further noise and reduces privacy to neighbours.
- Questioning whether a more recent acoustic report has been submitted than the one available on the website.
- Objection to the side door. Concerns over loss of privacy, looking into habitable rooms and the door being used for external breaks/smoking breaks.

**[Officer comment:** The unauthorised side door installed does not form part of this application and is subject to a separate enforcement investigation. This application relates to the single storey front extension and the bin and cycle stores only. No changes are proposed to the host building itself as approved in the 2022 permission. All relevant planning considerations have been assessed within the appraisal section of the report. These concerns are noted and they have been taken into account in the assessment of

the application but were not found to justify refusing planning permission in the circumstances of this case.]

### **Councillor Badger**

#### 4.2 Summary of representation:

- The ward Councillors are not comfortable with two applications now that are retrospective/part retrospective as the applicant is not following the due process.
- A prerequisite for the neighbours was that the building was closed on three sides and only open to the front onto Lifstan Way. This may have cut down on the noise seeping into the neighbouring properties
- A door from the kitchen opening into the back garden will give staff a view into the rear windows of the house plus there will be kitchen noise, staff voices, food smells and cigarette smoke if staff smoke.
- Due to the construction of the Bistro the residents have already lost their uninterrupted view of the park, the impact of this door will only add to the detriment of their already spoilt enjoyment of their homes.
- Councillor Badger has been made aware the new plans no longer to commit to planting new trees which is another impact on the neighbour privacy and view.
- Would it be possible for someone from building control to visit the construction to ensure that everything is as should be.

**[Officer comment:** Only this part-retrospective application has been received and is being considered. The unauthorised side door installed does not form part of this application and is subject to a separate enforcement investigation. This application relates to the single storey front extension and the bin and cycle stores only. No changes are proposed to the host building itself as approved in the 2022 permission. All relevant planning considerations have been assessed within the appraisal section of the report. These concerns are noted, and they have been taken into account in the assessment of the application but were not found to justify refusing planning permission in the circumstances of this case.]

### **Essex County Fire and Rescue**

#### 4.3 No objection.

### **Highways**

#### 4.4 No objection.

### **Environmental Health**

#### 4.5 No objections. It is recommended that the conditions attached to permission 22/01367/FUL, particularly conditions 7 (opening hours), 8 (management plan), and 12 (noise) are re-iterated on this application should it be granted.

**[Officer Comment:** Conditions are suggested at the last section of this report which are considered to pass the relevant tests of planning law, policy and guidance in the circumstances of this case. The referenced conditions of the 2022 permission remain applicable.]

### **Lead Local Flood Authority Officer**

#### 4.6 No objection, pleased to see inclusion of SuDS features.

### **Environment Agency**

#### 4.7 No objection. The development is covered by national flood risk standing advice.

## **5 Procedural matters**

- 5.1 This application is presented to the Development Control Committee because it has been called in by Cllr Badger.

## **6 Planning Policy and Legislation Summary**

- 6.1 The National Planning Policy Framework (NPPF) (2023)
- 6.2 Planning Practice Guidance (PPG) (2024)
- 6.3 National Design Guide (NDG) (2021)
- 6.4 Core Strategy (2007): Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP1 (Employment Development), CP2 (Town Centre and Retail Development), CP3 (Transport and Accessibility), CP4 (Environment & Urban Renaissance)
- 6.5 Development Management Document (2015): Policies DM1 (Design Quality) DM2 (Low Carbon Development and Efficient Use of Resources) DM3 (Efficient and Effective Use of Land) DM6 (The Seafront) and DM15 (Sustainable Transport Management)
- 6.6 Southend-on-Sea Design and Townscape Guide (2009)
- 6.7 Waste Storage, Collection and Management Guide for New Developments (2019)
- 6.8 Community Infrastructure Levy (CIL) Charging Schedule (2015)
- 6.9 Town and Country Planning Act 1990 (as amended): Section 90A, Schedule 7A (Biodiversity Net Gain)

## **7 Planning Considerations**

- 7.1 The main considerations in relation to this application are the principle of the development and flood risk, the design and impact on the character and appearance of the area, the residential amenity impacts, traffic and parking implications, biodiversity and CIL liability.

## **8 Appraisal**

### **Principle of Development**

- 8.1 Paragraph 85 of the NPPF states that: "Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development."
- 8.2 Policy DM10 states "Development that contributes to the promotion of sustainable economic growth by increasing the capacity and quality of employment land, floorspace, and jobs will be encouraged."
- 8.3 The principle of extending an existing commercial building is considered acceptable and policy compliant, subject to the development appropriately addressing the relevant detailed planning considerations.
- 8.4 In terms of flood risk, the site is located within an area with a high probability of flood risk (Flood Zone 3). The development constitutes minor development and is a 'less

vulnerable' use. The PPG states "minor developments are unlikely to raise significant flood risk issues".

- 8.5 The Environment Agency's national flood risk standing advice states that minor development, such as a small non-domestic extension with a footprint of less than 250sqm, is exempt from the sequential and exceptions tests and requires a Flood Risk Assessment (FRA) which is appropriate to the scale, nature and location of the development and proportionate to the degree of flood risk.
- 8.6 Policy KP1 of the Core Strategy states that where a site is at risk of flooding 'all development proposals shall be accompanied by a detailed Flood Risk Assessment appropriate to the scale and nature of the development and the risk. Development will only be permitted where that assessment clearly demonstrates that it is appropriate in terms of its type, siting and the mitigation measures proposed, using appropriate and sustainable flood risk management options...'
- 8.7 The Environment Agency standing advice for minor extensions requires all floor levels to either be no lower than the existing floor levels and flood proofing be incorporated or requires floor levels to be 300mm above the estimated flood levels.
- 8.8 The applicant has submitted an FRA which details that the floor levels within the development are set no lower than existing levels and flood proofing of the development is incorporated where appropriate. This can be secured by condition. The details submitted with respect to floor levels are considered acceptable in terms of flood risk. The Lead Local Flood Authority and Environment Agency have not objected to the development. Subject to a condition requiring compliance with the FRA, no objection is raised on this basis and the development's flood risk impacts are acceptable.

### **Design and Impact on the Character of the Area**

- 8.9 Local and national planning policies and guidance seek to ensure that new development is well designed. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 8.10 Local development plan policies seek to ensure that new development is designed so that it adds to the overall quality of the area and respects the character of the site, its local context and surroundings, provides appropriate detailing that contributes to and enhances the distinctiveness of place; and contribute positively to the space between buildings and their relationship to the public realm. Policy DM1 and the Council's Design and Townscape Guide provide further details on how this can be achieved.
- 8.11 No changes are proposed to the host building itself as approved in the 2022 permission. The side door that has been installed without permission does not form part of this application and is subject to a separate planning enforcement investigation. This application relates to the single storey front extension and the bin and cycle stores only.
- 8.12 In terms of the extension's siting, its front elevation is similar to the former boundary wall and structure at the site. It projects only slightly further forward than the side elevation of the existing building at No's 97-99 Shaftesbury Avenue which fronts Lifstan Way. Therefore, the extension's siting does not appear significantly out of keeping nor unusual with the grain of the locality in terms of its siting and is acceptable in this regard.
- 8.13 In the appeal decision for the refused 2020 application (ref. 20/00378/FUL), the Inspector found that the appeal building did not cause any significant harm in character

and design terms. The Inspector stated “The building would be single storey with a flat roof and a reasonably low profile. The proposed modern style front elevation would be seen in the context of the commercial appearance of the existing shop premises and would cause no significant harm to the character and appearance of the streetscene.”

- 8.14 The extension would be modern in style, finished in decorative timber cladding with a reasonably low-profile and it is seen in the context of the commercial appearance of the host building and shop. In this respect the considerations for the extension are similar to those taken into account by the 2020 appeal inspector who found that the host building would not harm the streetscene or local character. Although the extension is finished in different materials to the host building, it is of a scale and style that integrates adequately with the overall modern style of the host building so appears reasonably subservient to it. No objection is raised to the two-tier cycle rack in character and design terms. Whilst the wooden bin store would be of functional appearance in public views, it would be reasonably discreet within the envelope of the wooden boundary fencing and full details including product details and its material can be secured by condition to ensure it would not cause any significant harm in character and design terms. Attaching due weight to the appeal decision for the refused 2020 application and the 2022 permission, the development would not significantly harm the character and appearance of the site, streetscene or the surrounding area. The development is acceptable and policy compliant in terms of its impact on the character and appearance of the site, streetscene and the surrounding area.

### **Amenity Impacts**

- 8.15 Local and national planning policies and guidance seek to secure high quality development which protects amenity. Policy DM1 of the Development Management Document specifically identifies that development should protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight. Further advice on how to achieve this is set out in the Council’s Design and Townscape Guide.
- 8.16 No changes are proposed to the host building itself as approved in the 2022 permission. The side door that has been installed without permission does not form part of this application and is subject to a separate planning enforcement investigation. This application relates to the single storey front extension and the bin and cycle stores only.
- 8.17 The extension is separated from the rear elevations of No 101 and 103 Shaftesbury Avenue by a minimum of some 21m. In conjunction with the host building, the overall physical form and proximity of the development has an impact on the rear garden setting and, to an extent, neighbours’ rear outlooks. However, the development’s position at the far end of the gardens and separation distance acceptably mitigates any associated amenity impacts and it does not result in any significantly harmful amenity impacts in terms of loss of light/outlook, undue sense of visual enclosure, dominance and overbearing impacts.
- 8.18 The ground floor fenestration openings in the front and side elevations would look out into Lifestan Way which is already open to public views such that they would not result in any undue overlooking and loss of privacy to neighbours.
- 8.19 The noise and disturbance amenity impacts in terms of the host building and its use were assessed in detail and found to be acceptable in the 2022 permission. Controlled through condition 07 of the main 2022 permission (22/01367/FUL) the opening hours of the development are restricted to 8am - 6pm Mondays to Sundays including Bank and



Public holidays. A noise mitigation plan was approved under the approval of details application with reference 23/00586/AD. The approved plans in the 2022 permission detailed 26 internal and 27 outdoor seating spaces for customers (53 in total). The extension encloses the outdoor seating area as approved in the 2022 application and increases the total number of seating spaces for potential customers by 9 from 53 to 62. Whilst the extension has the potential to result in additional customers and comings/goings to the site, these numbers are likely to be limited due to the modest scale of the extension and the external seating area would now be internal. The development is therefore not found to result in any significantly harmful noise and disturbance impacts over and above the approved situation in the 2022 permission.

- 8.20 The proposed bin and cycle stores would be sufficiently removed from neighbouring occupiers such that they would not result in any significant harm to their amenity in any relevant regards.
- 8.21 The design, size, siting and scale of the development are such that it would not result in any significant harm to the amenities of the site, neighbouring occupiers or wider area in any relevant regards. The development is therefore acceptable and policy compliant in terms of its amenity impacts.

### **Traffic and Transportation Issues**

- 8.22 Paragraph 115 of the NPPF states that: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or, the residual cumulative impacts on the road network would be severe."
- 8.23 Policy CP3 of the Core Strategy and Policy DM15 of the Development Management Document aim to improve road safety, quality of life and equality of access for all. Policy DM15 of the Development Management Document states that development will be allowed where there is, or it can be demonstrated that there will be physical and environmental capacity to accommodate the type and amount of traffic generated in a safe and sustainable manner. Maximum parking standards are set out in relation to the proposed uses. For restaurants and cafes (former A3 uses – now Class E(b)), the parking standards are a maximum of 1 space per 5sqm. The proposal would increase the gross internal floor area by some 42.1sqm which in itself would create a notional maximum policy requirement of 9 car parking spaces.
- 8.24 The site has no existing off-street parking (as approved in the 2022 permission) and none is proposed as part of this application. The submitted plan shows six cycle parking spaces to the front in a two-tier rack and the applicant is required to provide six cycle parking spaces pursuant to the 2022 permission. The site is some 100m from the public car park to the north. Parking is available closer to the site on nearby residential streets. There is a pedestrian crossing adjacent the site. Lifstan Way is subject to waiting restrictions for a considerable distance in both directions away from the site. Regard is also had to the likelihood that a material element of the café's custom will derive from linked trips associated with users of Southchurch Park, opposite.
- 8.25 Refuse storage is shown within the site. It would be situated within an envelope of the boundary fence and would be readily accessible from the highway which is acceptable in principle. Full details including product details and materials can be secured by condition.
- 8.26 The Council's Highways Officer has raised no objections to the development. It is considered that the absence of on-street parking on Lifstan Way and the proximity to a public car park would render associated parking congestion unlikely. The site is in

walking distance to the car park to the north. The development would not be detrimental to the local highway network.

- 8.27 The development is not found to result in any significant parking or highways impacts. It is therefore acceptable and policy compliant in these regards.

### **Other Matters**

- 8.28 The development is not liable for a payment under the Community Infrastructure Levy Regulations 2010 (as amended).
- 8.29 The development benefits from the Biodiversity Net Gain de minimis exemption as it does not impact a priority habitat and impacts less than 25sqm of onsite habitat and 5m of linear habitats.

### **Equality and Diversity Issues**

- 8.30 The Equality Act 2010 (as amended) imposes important duties on public authorities in the exercise of their functions and specifically introduced a Public Sector Equality Duty. Under this duty, public organisations are required to have due regard for the need to eliminate unlawful discrimination, harassment and victimisation, and must advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not. Officers have in considering this application and preparing this report had careful regard to the requirements of the Equalities Act 2010 (as amended). They have concluded that the decision recommended will not conflict with the Council's statutory duties under this legislation.

### **Conclusion**

- 8.31 For the reasons outlined above the proposal is found to be acceptable and compliant with the relevant planning policies and guidance. Officers consider that the principle of extending a commercial building is acceptable, the visual impact and the impact on the residential amenity of nearby occupiers of the proposal are also considered to be acceptable. The proposal is considered to offer acceptable waste provisions and management and officers consider it would have an acceptable impact on highways and parking. As there are no other material planning considerations which would justify reaching a different conclusion it is recommended that planning permission is granted subject to conditions.

## **9 Recommendation**

- 9.1 **GRANT PLANNING PERMISSION subject to the following conditions:**

- 01 The development shall only be undertaken in accordance with the following approved plans: DGA-SA-PL-ARC-LP-102; DGA-SA-PL-ARC-SP-100; DGA-SA-PL-ARC-SP-200; DGA-SA-PL-ARC-SP-300; DGA-SA-PL-ARC-LP-101 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).**

- 02 Prior to first use of the development hereby approved flood proofing, resilience and resistance techniques, in accordance with 'Improving the flood performance of new buildings' CLG (2007) and the submitted**

document 'Environment Agency Flood Risk Assessment - Householder and other minor extensions in Flood Zones 2 and 3' shall be incorporated in the construction of the development and the floor levels within the development hereby approved shall be no lower than the existing levels of the host building. The above measures shall be undertaken and completed prior to the first use of the development and shall be retained as such for its lifetime thereafter.

Reason: For the avoidance of increased flood risk in the immediate vicinity and the safety of the occupiers of the development in accordance with the National Planning Policy Framework (2023), and Policies KP1 and KP2 of the Core Strategy (2007).

- 03 Notwithstanding the details shown on the documents submitted and otherwise hereby approved, prior to first use of the development hereby approved, full details of covered and secure refuse and recycling facilities, including their external finishes shall have been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The refuse and recycling facilities shall be provided and made available for use at the site in accordance with the approved details prior first use of the development and shall thereafter be retained for the lifetime of the development.

Reason: In the interest of visual amenity in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2, CP3 and CP4, Development Management Document (2015) Policies DM1, DM3, DM8 and DM15, and the advice contained within the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009).

#### **POSITIVE AND PROACTIVE STATEMENT:**

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

#### **INFORMATIVES:**

- 1 You are advised that as the development equates to less than 100sqm of new floorspace the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See [www.southend.gov.uk/cil](http://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 The applicant is advised that the development in its extended form would still need to comply with all conditions of the planning permission referenced 22/01367/FUL.**