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SOUTHEND-ON-SEA CITY COUNCIL

Meeting of Development Control Committee

Date: Wednesday, 16th October, 2024

Place: Committee Room 1 - Civic Suite

Present: Councillor N Ward (Chair)
Councillors M Borton (Vice-Chair), C Campbell*, K Buck, A Dear,
S Habermel, A Jones, R Longstaff, C Mulroney, J Norman,
M O'Connor, D Poulton and C Webster
(*Substitute in accordance with Council Procedure Rule 30.)

In Attendance: Councillor R Woodley
K Waters, P Keyes, S Mouratidis, O Hart, M Warren, A Brown and
T Row

Start/End Time: 5.00 pm - 6.45 pm

61 Apologies for Absence

Apologies for absence were received from Councillors M Berry (no substitute), F Evans (no substitute), N Folkard (Substitute: Councillor C Campbell), D Garston (no substitute) and D Richardson (no substitute).

62 Declarations of Interest

The following interests were declared at the meeting:

(i) Councillor Borton – Minute No. 66 - Application Ref. No. 23/01645/BC4M (Alexander House, 21 Victoria Avenue, Southend-on-Sea) – met with the developer approximately 18 months ago in her role as Ward Councillor;

(ii) Councillor Campbell – Minute No. 66 - Application Ref. No. 23/01645/BC4M (Alexander House, 21 Victoria Avenue, Southend-on-Sea) – Has made comments to the press about this application (withdrew);

(iii) Councillor Ward – Minute No. 65 - Application Ref. No. 24/01320/FULH (47 Olivia Drive, Leigh-on-Sea) – Agent is known to him; and

(iv) All Councillors present at the meeting – Minute No. 65 - Application Ref. No. 24/01320/FULH (47 Olivia Drive, Leigh-on-Sea, Essex SS9 3EF) – Applicant is a member of staff and is known to them.

63 Minutes of the Meeting held on Wednesday, 18th September, 2024

Resolved:-

That the Minutes of the Meeting held Wednesday, 18th September 2024 be confirmed as a correct record and signed.

64 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.

65 24/01320/FULH - 47 Olivia Drive, Leigh-on-Sea (Blenheim Park Ward)

Proposal: Erect single storey rear extension

Applicant: Mr Nick Brown

Agent: Mr Marc Bloxham

Resolved:-

That 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: 1030-01 (Rev A), 1030-02 (Rev A), 1030-03 (Rev A), 1030-04 (Rev A).

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

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

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

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

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

Informatives

1 You are advised that as the development equates to less than 100sqm of new floorspace the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such

no charge is payable. See www.southend.gov.uk/cil for further details about the Levy.

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

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.

66 23/01645/BC4M - Alexander House, 21 Victoria Avenue, Southend-on-Sea (Victoria Ward)

Proposal: Demolish existing car park to rear, erect 11-15 storey extensions to front and rear of existing building to create new wings, erect two additional storeys to the top of the existing building and change use of office building (Use Class E) to residential (Use Class C3) to provide 557 self-contained flats, with balconies or terraces and communal amenity space across rooftop gardens, provide 875sqm of commercial floorspace (Use Classes E) at ground floor level, 299 parking spaces within a basement, ground and first floor car park accessed from Baxter Avenue with associated cycle storage, close existing vehicular access on to Victoria Avenue and reinstate footway, form loading bays, alterations to highway, public realm alterations and associated landscaping

Applicant: Mr Oliver Wheeler of Savills [on behalf of Comer Homes Ltd.]

Agent: Mr Oliver Wheeler of Savills

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:

01. Education - Secondary education contribution of £317,897.67 towards improvements to Southchurch Academy or other nearby secondary school as required.

02 Affordable Housing – 56no units (33no x 1-bed, 19no x 2-bed, 4no x 3-beds) in shared ownership plus a Late-Stage Viability Review Mechanism with a cap of £8,692,315.36 for a financial contribution in lieu of on-site affordable housing provision.

03. Ecology Mitigation - RAMS contribution of £163.86 per unit – 557 x £163.86 = £91,270.02.

04 Highways:

- Residential and Commercial Travel Plans and Provision of Travel Information Packs to all residents which will include at least:
 - 4 x travel cards for use on local buses valid for 2 weeks;
 - 4 x season tickets for use on c2c or Greater Anglia train lines valid for 1 week;
 - Free car club membership valid for 1 year;
 - 10 car club driving hours for those eligible;
- Travel Plan monitoring fee of £8000 per year for 5 years. (£4000 each for both the Residential and Commercial Travel Plans);
- £4,000 contribution to provide taxi rank enhancements across the city;
- £2,000 contribution for taxi rank conversion works;
- £45,000 contribution to improve / refurbish existing bus stop infrastructure including real time information infrastructure at Victoria Gateway;
- Agreement to provide 1 Car Club vehicle at the site prior to first occupation of the 20th residential unit, 2 Car Club vehicles prior to first occupation of the 250th unit and 3 Car Club vehicles prior to first occupation of the 500th unit.

05. S106 Monitoring Fee - Maximum £10,000.00.

(b) That the Executive Director (Environment and Place), Director of Planning and Economy or Service Manager - Development Management and Enforcement 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 provided any additional representations received up to the end of 31.10.2024 do not raise any new material considerations which have not been addressed within the report. Should further representations be received up to that date which raise new considerations not already addressed within this report the application is to be brought back to Development Control Committee for determination:

General conditions

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

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

02 The development hereby permitted shall be carried out in accordance with the following approved plans:

General proposed plans: AXH001-FAR-XX-XX-DR-A-90097 Rev A (Location); AXH001-FAR-XX-XX-DR-A-90098 Rev A (demolition plan); AXH001-FAR-XX-XX-DR-A-03104 Rev A (proposed site plan)

Proposed floor plans: AXH001-FAR-ZZ-B1-DR-A-05099 Rev A; AXH001-FAR-ZZ-00-DR-A-05100 Rev A; AXH001-FAR-ZZ-01-DR-A-05101 Rev A; AXH001-FAR-ZZ-02-DR-A-05102 Rev A; AXH001-FAR-ZZ-03_11-DR-A-05103 Rev B; AXH001-FAR-ZZ-12-DR-A-05112 Rev A; AXH001-FAR-ZZ-13_15-DR-A-05113 Rev A; AXH001-FAR-ZZ-16-DR-A-05116 Rev A; AXH001-FAR-ZZ-17-DR-A-05117 Rev A; AXH001-FAR-ZZ-R1-DR-A-05118

Proposed sections and elevations: AXH001-FAR-XX-XX-DR-A-05201; AXH001-FAR-XX-XX-DR-A-05202; AXH001-FAR-XX-XX-DR-A-05203 Rev A; AXH001-FAR-XX-XX-DR-A-05204; AXH001-FAR-XX-XX-DR-A-05300; AXH001-FAR-XX-XX-DR-A-05301 Rev A; AXH001-FAR-XX-XX-DR-A-05302; AXH001-FAR-XX-XX-DR-A-05303 Rev A; AXH001-FAR-XX-XX-DR-A-05310 Rev A

Proposed details: AXH001-FAR-XX-XX-DR-A-09100; AXH001-FAR-XX-XX-DR-A-09101; AXH001-FAR-XX-XX-DR-A-09102; AXH001-FAR-XX-XX-DR-A-09103; AXH001-FAR-XX-XX-DR-A-09104; AXH001-FAR-XX-XX-DR-A-09105; AXH001-FAR-XX-XX-DR-A-09106; AXH001-FAR-XX-XX-DR-A-09107; AXH001-FAR-XX-XX-DR-A-09108; AXH001-FAR-XX-XX-DR-A-09109

Other Plans: 2318-ExA-ZZ-GF-DR-L-00100 Rev P04 (Ground Floor General Arrangement Plan); 2318-ExA-ZZ-ZZ-DR-L-00101 Rev P02 (Roof Terraces General Arrangement Plan); SK02 Rev C (Swept Path Analysis); 2149-KC-XX-YTREE-TCP01RevB (Tree Constraints Plan); 2149-KC-XX-YTREE-TPP01RevA (Tree Protection Plan);

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

Design related conditions

03 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, 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 development at the site including finish and colour have been submitted to and approved in writing by the Local Planning Authority. The details requested include but are not limited to: face brick, roof detail, windows, doors, fascia and soffits, the colonnade/expressed column detail at ground level, wind screens needed to mitigate microclimate impacts, commercial shopfronts and approach to signage and parapet detail, residential entrance, reveals and window framing. The works must then be carried out in full accordance with the approved details before the development hereby approved is 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, DM3, DM4 and DM5, Policy DS3 of the Southend Central Area Action Plan (2018) 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, the maximum height of the development hereby approved shall not exceed 87.17m (AOD).

Reason: To avoid a significantly harmful impact on air traffic, in accordance with the National Planning Policy Framework (2023).

05 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) the following operations shall not be undertaken without the receipt of prior specific express planning permission in writing from the Local Planning Authority on the building hereby approved. The operations are the installation of any structures or apparatus for purposes relating to

telecommunications or renewable energy sources (that project beyond the highest point of the roof) or for any other purpose on any part the roofs of the buildings hereby approved, including any structures or development otherwise permitted under Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any equivalent Order amending, revoking or re-enacting that Order.

Reason: To ensure that the development does not impact adversely on the townscape and character of the area and to avoid a significantly harmful impact on air traffic, in accordance with the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3, DM4 and DM5 of the Development Management Document (2015), Policies DS2, DS3 and PA8 of the Southend Central Area Action Plan (2015) and advice contained within the Southend-on-Sea Design and Townscape Guide (2009) and the National Design Guide (2021).

06 Prior to the first occupation of the development hereby approved, details about designing out crime measures, inclusive of (but not limited to) design and layout, landscape and lighting proposals, management and maintenance, security management plans and access control proposals shall be submitted to and approved in writing by the Local Planning Authority in consultation with Essex Police. The development shall be completed in accordance with the details approved and maintained as such thereafter.

Reason: To ensure crime risks have been mitigated against and meet the specific security needs of the development and surrounding public realm and to protect the residential amenity of current and future occupiers, in accordance with the Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

Conditions controlling the commercial use

07 The commercial units within the development hereby approved shall retain an unobstructed active frontage with no window graphics/vinyls to be installed.

Reason: To ensure that the development does not impact adversely on the townscape and character of the area and to offer an active frontage in line with the National Planning Policy Framework (2023), Policy DS5 of the Southend Central Area Action Plan (2015), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

08 No dust or fume extraction or filtration equipment or air conditioning, ventilation, or refrigeration equipment shall be installed on the development hereby approved unless and until details of its design, siting, discharge points, predicted acoustic performance and details of any necessary noise, vibration 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 in line with the approved details thereafter for the lifetime of the development.

With reference to British Standards BS7445:2003 and BS4142:2014+A-2019 or any similar up to date standard, noise from any plant and equipment used in association with the development hereby approved shall be at least 10 dB(A) below the background noise levels as measured at 1m from the facades of the nearest noise sensitive premises and expressed as a LA90,15minutes.

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).

09 The commercial floorspace within the development hereby approved shall be used for purposes falling within Use Class E of the Town and Country Planning (Use Classes) Order 1987 as amended (or any statutory modification or re-enactment or replacement thereof (as the case may be) for the time being in force).

Reason: For clarity as the permitted use in accordance with Policy CP1 the Core Strategy (2007) and Policies DM11 and DM13 of the Development Management Document (2015).

10 Deliveries and collections to and from the commercial units within the development hereby approved shall only be undertaken between:

- Monday to Fridays between 7am and 7pm
- Saturdays between 8am and 1pm
- Not at any time on Sundays and Bank Holidays

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, Policy DS3 of the Southend Central Area Action Plan (2015) and the advice in the Southend-on-Sea Design and Townscape Guide (2009).

11 Any outdoor seating areas associated with the non-residential uses within the development hereby approved shall not be open for customers or staff outside the following hours:

- 8am to 7pm on any day.

Reason: To protect residential amenity and general environmental quality in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2 and CP4, and Policies DM1 and DM3 of the Development Management Document (2015).

Waste Management

12 Prior to the first occupation of the development hereby approved, the residential and commercial bin storage areas shown on the approved plans 'AXH001-FAR-ZZ-00-DR-A-05100 Rev A' and 'AXH001-FAR-ZZ-01-DR-A-05101 Rev A' shall be provided and made available for use by the respective occupiers of the development. These areas shall be retained for the lifetime of the

development and waste management shall be undertaken thereafter in full accordance with the Operational Waste and Recycling Management Strategy V3 by KaNect Ltd. [August 2023] thereafter or alternative details which shall have previously been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that satisfactory bin storage is provided and waste management is undertaken in accordance with the National Planning Policy Framework (2023) and the guidance in the Waste Storage, Collection and Management Guide for New Developments (2019).

Control of construction

13 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 or Bank and Public Holidays.

Reason: In the interest of the residential amenity of nearby occupiers and highway safety in accordance with the National Planning Policy Framework (2023), Policy DS3 of the Southend Central Area Action Plan (2015), Policies KP2, CP3 and CP4 of the Core Strategy (2007) and Policies DM1, DM3 and DM15 of the Development Management Document (2015).

14 No development shall take place 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, CP3 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM15 of the Development Management Document (2015) and Policy DS3 of the Southend Central Area Action Plan (2015).

Sustainability conditions

15 Prior to first occupation of the development hereby approved, details of the sustainability measures to be implemented at the site and how at least 10% of the

energy needs of the development hereby approved would be provided from onsite renewable sources, shall be submitted to, 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 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).

16 The dwellings within 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 they are occupied.

Reason: To minimise the environmental impact of the development 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).

Contamination

17 In the event that contamination is found at any time when carrying out the approved development, 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 by 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 by 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: In the interest of the residential amenity of future occupants of the development 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).

External lighting

18 Prior to first use or occupation of the development hereby approved, an external lighting strategy for the development shall be submitted to, approved in writing by the Local Planning Authority and implemented at the site in full

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

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)

Accessibility for future occupiers

19 Before the development hereby approved is occupied or brought into use, the development hereby approved shall be carried out in a manner to ensure that 56no of the flats comply with the Building Regulation M4 (3) 'wheelchair user dwellings' standard and the remaining flats comply with Building Regulation 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 and DM8 as amended by the Technical Housing Standards Policy Transition Statement (2015) and the guidance contained within the Southend-on-Sea Design and Townscape Guide (2009).

20 Notwithstanding the submitted drainage details, including the Flood Risk Assessment and Drainage Strategy ref. WIE19962-100-R-1-2-1 by Waterman Infrastructure [September 2023], no drainage infrastructure associated with the development hereby approved shall be installed until and unless full drainage details have been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. Specifically, the details shall:

- a) Show the internal drainage, along with drainage features on all floors of the development;
- b) Show a plan with how the drainage features are going to be set up;
- c) Show how the blue/green roofs connect into the drainage system;
- d) Show the results from the calculations on the 1:1 and 1:30 storm event;
- e) Provide the results from the water quality calculations and show use of the Simple Index Approach;
- f) Show how flood risk would be managed during construction.

The development shall only be implemented in accordance with the strategy and details approved under this condition and no hard surfaced areas shall be constructed until the works have been carried out in accordance with the strategy and the approved details.

The approved drainage works shall be provided on site prior to first occupation of the development and shall be maintained in good working condition for the lifetime of the development in line with the approved details and strategy.

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

Drainage

21 Prior to the construction of the approved development above damp-proof course, a scheme for on-site foul water drainage works, including connection point and discharge rate, shall be submitted to and approved in writing by the Local Planning Authority. Prior to any occupation of the development hereby approved, the foul water drainage works must have been carried out in complete accordance with the approved scheme.

Reason: To prevent environmental and amenity problems arising from flooding in accordance with National Planning Policy Framework (2023) and Core Strategy (2007) Policies KP1 and KP2.

Air quality

22 The development hereby approved shall only be carried out in accordance with the dust and air quality mitigation measures contained in the Air Quality Assessment by Air Quality Assessments Ltd. Ref. J0774/1/F2 [30th November 2023] and shall be retained as such thereafter.

Reason: To protect the living conditions of neighbours and future occupiers in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM8 as amended by the Technical Housing Standards Policy Transition Statement (2015) and the guidance contained within the Southend-on-Sea Design and Townscape Guide (2009).

Landscaping and ecology related conditions

23 The development hereby approved shall only be constructed in accordance with the proposed landscaping details contained within the 'Landscape Strategy' by Exterior Architecture [August 2023] inclusive of the 'Pocket Park' to the front of the site and the 4 communal roof top gardens or, any other alternative landscaping details which have previously been submitted to and approved in writing by the Local Planning Authority under the terms of this condition before the development is first occupied.

The hard landscaping details must be completed in full accordance with the approved details prior to first occupation of the development hereby approved. The soft landscaping details must be completed in full accordance with the approved details within the first planting season (October to March inclusive) following first occupation of the development hereby approved.

Within a period of five years from the completion of the development hereby approved, or from the date of the planting of any tree or any tree planted in its replacement, if any tree existing or planted as part of the approved landscaping scheme is removed, uprooted, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree of the same species and size as that of the original tree shall be planted in the same place or in accordance with alternative tree replacement details approved under the scope of this planning condition.

Reason: In the interests of visual amenity, biodiversity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policies KP2 and CP4 of the Core Strategy, Policies DM1 and DM3 of the Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

24 No development shall take place at the site unless and until the tree protection measures and recommendations as detailed in the Arboricultural Method Statement Rev A and as outlined in the Tree Protection Plan Ref.2149-KC-XX-YTREE-TPP01 Rev A by Keen Consultants Ltd. [August 2023] have been implemented in full by competent persons and these measures shall be retained until the development is substantially complete.

Reason: This pre-commencement 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).

25 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscaped areas, including measures and operational arrangements to ensure that use of the development's pocket park by the general public is safe and convenient for all members of the public shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby approved. The landscaping of the site shall be managed in accordance with the approved plan in perpetuity.

Reason: To safeguard the character and appearance of the surrounding area and the amenities of the occupants of the development in accordance with Policies DM1, DM3 and DM8 of the Development Management Document (2015) and Policies KP2 and CP4 of the Core Strategy (2007).

26 The development hereby approved, including the construction works along with the measures to protect biodiversity at the site during construction, shall be undertaken only in accordance with the recommendations of the Ecological Appraisal ref 552327JB31MAR23FV01_EA by Greengage [August 2023], or an alternative Ecological Appraisal which has been submitted to and approved in writing by the Local Planning Authority pursuant to this condition.

Reason: To ensure the development would have an acceptable impact on ecology in accordance with the National Planning Policy Framework (2023).

27 Prior to first occupation of any part of the development hereby approved, an Ecological Management Plan shall be submitted to and approved in writing by the

Local Planning Authority. The development shall be managed in accordance with the approved details thereafter for its lifetime.

Reason: To ensure the development would have an acceptable impact no ecology in accordance with the National Planning Policy Framework (2023).

Obscure glazing and privacy screening

28 Prior to first occupation of the development hereby approved, the north facing windows within the 'Street East' wing (adjacent to Victoria Central) hereby approved shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy) and fixed shut (except for any top hung fan light which shall be a minimum of 1.7 metres above internal finished floor level of the room or area served by that window) and 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 protect the privacy and environment of people in neighbouring residential properties, in accordance with the Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

29 A privacy screen strategy for the terraces and balconies within the development hereby approved, which would contain among other things the design detail, material, location and dimension of all privacy screens to be installed at the development shall be submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details prior to first occupation of the development hereby approved. The privacy screens approved and installed shall be retained as such for the lifetime of the development.

Reason: In the interest of the residential amenity of future neighbouring occupiers in accordance with the National Planning Policy Framework (2023) and Policies DM1, DM3 and DM8 of the Development Management Document 2015 as amended.

Transport related conditions

30 Occupation of the development hereby approved by this permission shall not begin until the reinstatement of the existing vehicle crossovers serving the site has been completed.

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 DM14 of the Development Management Document (2015).

31 Prior to the first occupation of the development hereby approved, the 278 resident car parking spaces and 21 visitor parking spaces shown on the approved plans AXH001-FAR-ZZ-B1-DR-A-05099 Rev A, AXH001-FAR-ZZ-00-DR-A-05100 Rev A and AXH001-FAR-ZZ-01-DR-A-05101 Rev A shall be provided and made

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

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

32 Prior to the first occupation of the development hereby approved, 3 parking bays shall be provided and made available for the operation of a car club at the site. The parking spaces shall each be fitted with an active electric vehicle charging point. The car parking spaces shall be reserved solely for the parking of vehicles operated as part of the car club at the site for as long as a car club operates at the site. If a car club ceases to operate from the site, the 3 parking bays shall be made available for use by the occupiers of development hereby approved and shall remain as such thereafter.

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).

33 The development hereby approved shall not be first occupied unless the measures identified in the Car Parking and Delivery and Servicing Plan by YES Engineering Group Ltd. [September 2023] have been implemented in full. The development shall be managed in perpetuity in strict accordance with the approved car parking management plan or in accordance which would need to be submitted for approval under the terms of this condition.

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).

34 The first use or occupation of any part of the development hereby approved shall not begin unless and until an agreement under Section 278 of the Highways Act 1980 has been entered with the Local Highways Authority to secure:

- a.) The safe (including with the completion of a Safety Audit Review as required) access to site for bicycles and the connection of any bicycle infrastructure (a cycling lane or shared surface path) to the wider cycling network of the city;
- b.) The long-term management of the proposed landscaping within the public 'Pocket Park' to the front of the building hereby approved and
- c.) The creation of the servicing bays along both Victoria Avenue and Baxter Avenue.

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 DM14 of the Development Management Document (2015).

35 Prior to first occupation and first use of the development hereby approved, a Travel Plan including a comprehensive survey of users, targets to reduce car journeys to and from the site, identifying sustainable transport modes including cycling and modes of public transport and measures to reduce car usage shall be submitted to and agreed in writing by the Local Planning Authority. The approved Travel Plan shall be fully implemented prior to first use of the development hereby approved and be maintained thereafter in perpetuity. For the first three years at the end of each calendar year a document setting out the monitoring of the effectiveness of the Travel Plan and setting out any proposed changes to the Plan to overcome any identified issues and timescales for doing so must be submitted to and approved in writing by the Local Planning Authority. The agreed adjustments shall be implemented in accordance with the agreed conclusions and recommendations.

Reason: In the interests of sustainability, accessibility, highways efficiency and safety, residential amenity and general environmental quality in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2, CP3 and CP4, Development Management Document (2015) Policy DM15, and advice in the Southend-on-Sea Design and Townscape Guide (2009).

36 The development hereby approved shall not be occupied unless and until full details, including, but not limited to, the accesses from the highway and pedestrian and cycle routes to the accesses to the residential building, as shown in principle in drawing 9.1 Access and Use - Site-wide Strategy, of the 'Pocket Park', shown on the approved plans as the landscaped area to the front of the application site, have been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The development shall not be occupied until the 'Pocket Park', including all accesses and public realm infrastructure is constructed, completed and made available in accordance with the approved details. The 'Pocket Park' and associated infrastructure at the front part of the site shall be retained for access by the general public thereafter at all times and for the lifetime of the development.

Reason: In the interest of future occupiers' living conditions, cyclists' and pedestrians' safety and the character and appearance of the area, in accordance with the National Planning Policy Framework (2023).

37 No development above ground level shall commence until details of the cycle parking and access to it has been submitted to and approved in writing by the Local Planning Authority. The cycle parking provision shall accord with the Council's cycle parking standards, shall be secure and provide 5% of spaces for oversized cycles. Residential parking shall be accessible by residents only, provide automatic opening doors, CCTV coverage and cycle repair stations. The use of the cycle parking shall be monitored through the travel plan. The development shall not be occupied until the cycle parking has been constructed, completed and made available for use in accordance with the approved details and shall thereafter be kept free of obstruction and permanently available for the parking of cycles only.

Reason: In the interest of cyclists' safety and in accordance with the National Planning Policy (2023) and Policy DM15 of the Development Management Document.

Fire safety

38 The development hereby approved shall be carried out and maintained solely in accordance with Fire Safety Statement by Fire Risk Solutions ref 8594 R3 [20/02/2024] or any other Fire Safety Statement which has previously been submitted to and approved in writing by the Local Planning Authority pursuant to this condition.

Reason: In the interest of future occupiers' living conditions in accordance with the National Planning Policy Framework (2023).

Noise

39 The development hereby approved shall be carried out and maintained thereafter solely in accordance with the recommendations of the Environmental Noise Survey and Noise Impact Assessment Report Ref.QA2319/ENS 2 by Quantum Acoustics (12th September 2023 or alternative noise protection details which have previously been submitted to and approved in writing by the Local Planning Authority pursuant to this condition.

The design and structure of the development hereby approved shall be of such a standard that it will protect residents within it from existing external noise so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

Reason: In the interest of future occupiers' living conditions in accordance with the National Planning Policy Framework (2023).

Amenity space and play strategy

40 Notwithstanding the information submitted with this application and otherwise approved, the development shall not be occupied unless and until a play strategy which identifies the location and type of accessible and inclusive play equipment to be provided throughout the development has been submitted to and approved in writing by the Local Planning Authority pursuant to this condition. The play equipment shall be provided in accordance with the approved strategy prior to first occupation of the development hereby approved and shall be retained as such and maintained in good working order thereafter.

Reason: In the interest of future occupiers' living conditions, in accordance with the National Planning Policy Framework (2023).

41 Prior to first occupation of the development hereby approved, the four (4) roof terraces on and the communal residents' lounges in the building hereby approved, shall be made available for use and shall be permanently retained for use by the occupiers of the development and their visitors for the lifetime of the development.

Reason: In the interest of the residential amenity of future occupiers in accordance with the National Planning Policy Framework (2023) and Policy DM8 of the Development Management Document 2015 as amended.

c) In the event that the planning obligations referred to in part (a) above have not been completed before the 1st November 2024 or an extension of this time as may be agreed by the Director of Planning and Economy or Service Manager - Development Management and Enforcement, authority to be delegated to the Director of Planning and Economy or Service Manager - Development Management and Enforcement to refuse planning permission for the application on grounds that the development would not secure the necessary contributions outlined above 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 would 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 would 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 would 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 would 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 building would represent a landmark building in the city and consequently, the external materials identified must be of a sufficiently high quality.

4. 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 in relation to education, a financial RAMS contribution, highways related contributions, 10% affordable housing on site, a late-stage affordable housing viability review and monitoring of the agreement

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 would 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. Advertisement signage associated with the development must be submitted for under separate Advertisement legislation.

Anglian Water

9. Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent would be- required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

10. Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals would affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers would not be permitted (without agreement) from Anglian Water.

11. Building near to a public sewer - No building would be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.

12. The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

Construction outside of normal hours

13. 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 would 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 would need an acoustically qualified person who would 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.

14. If Regulatory Services become aware of any works that are highly likely to cause a nuisance, the Council can serve a notice under Section 60 of the Control of Pollution Act 1974 to prevent this. A breach of this would represent a criminal offence.

15. 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.

Change of Use Class E

16. Should the use hereby permitted change fully, or part, to Class E paragraphs:

- (b) sale of food and drink for consumption (mostly) on the premises

or

- (d) indoor sport, recreation or fitness, not involving motorised vehicles or firearms, principally to visiting members of the public, there is a risk of harm to human receptors within existing residential and commercial premises. This is particularly due to the likely required operation outside of normal working hours and over seven days. These risks include:

- Noise from shopfitting and alterations to the premises

- Noise and vibration from the dropping of free or machine weights and medicine balls

- Noise from amplified music played in the premises

- Noise from extract ventilation systems and air conditioning condenser units

- Noise from customer voices internally and leaving and entering the premises

- Odour from extract ventilations systems

- Artificial light from signage

17 Whilst planning permission is not required for a change of use to or within Class E Southend-On-Sea City Council has a duty to investigate and enforce statutory nuisances under section 80 of the Environmental Protection Act 1990 if the council has established that a nuisance exists or is likely to occur. Therefore, where an activity that falls under these paragraphs is proposed it is strongly recommended that an impact assessment of the proposed use is conducted by competent persons. Where likely impacts are established mitigation measures must be evaluated and installed to prevent a statutory nuisance from occurring using the best practicable means to do so.

18 The applicant should have regard to the common parts of the proposed development and the fire safety in accordance with the Building Regulations 2000 (as amended) and The Regulatory Reform (Fire Safety) Order 2005 which is regulated by Essex Fire and Rescue Service.

19 Southend-On-Sea City Council may serve a Notice Imposing Requirements under section 60 of the Control of Pollution Act 1974 on the person deemed in control of this development which. The Notice would specify certain ways in which demolition and /or construction would be carried out. This power exists to apply to any projects of demolition, construction and engineering works where the council deems it appropriate to do so.

20 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 The applicant is also reminded that this permission is separate to the need to comply with Food Safety and Health & Safety at Work laws. These would include the Food Safety Act 1990 (as amended), the Food Hygiene (England) Regulations 2013, Regulation (EC) 853/2004 and the Health and Safety at Work Etc. Act 1974. Applicants should contact the Council's Regulatory Services Officer for Food and Health and Safety for more advice on 01702 215005 or at Regulatory Services, Southend-on-Sea City Council, Civic Centre, Victoria Avenue, Southend SS2 6ER.

22 The developer is encouraged to seek accreditation of the development hereby approved under the Secure by Design scheme, engaging with Essex Police.

23 Please see attached link in relation to CSAS accreditation for consideration of staff members/security/concierge - The community safety accreditation scheme (CSAS) | Essex Police.

24/01147/PA61 - 69 Parkanaur Avenue, Thorpe Bay (Thorpe Ward)
Proposal: Erect one additional storey to existing Dwellinghouse (Prior Approval for upwards extension)
Applicant: Mr and Mrs Thornton
Agent: Mr Jeremy Butterworth of J Butterworth Planning

Resolved:-

That PRIOR APPROVAL is REQUIRED AND PRIOR APPROVAL is GRANTED subject to the following Condition:

01 The development hereby permitted shall be carried out only in accordance with the following approved plans: MA208-P-001 Revision A & MA208-P-002 Revision A.

Reason: To ensure the development is carried out in accordance with the consent sought, has an acceptable design and impact on neighbour amenity and complies with Policy DM1 of the Development Management Document (2015) and the provisions of Class AA Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Informatives

01. 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).

02. You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission, the 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. The applicant's attention is drawn to the condition under sub paragraph 2(a) of section AA.2 of Class AA Part 1 of Schedule 2 of the Town and Country Planning

(General Permitted Development) (England) Order 2015 (as amended) that the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.

04. The applicant's attention is drawn to the condition under sub paragraph 2(b) of section AA.2 of Class AA Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The development must not include a window in any wall or roof slope forming a side elevation of the dwellinghouse.

05. The applicant's attention is drawn to the condition under sub paragraph 2(c) of section AA.2 of Class AA Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The roof pitch of the principal part of the dwellinghouse following the development must be the same as the roof pitch of the existing dwellinghouse.

06. The applicant's attention is drawn to the condition under sub paragraph 2(d) of section AA.2 of Class AA Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (d) following the development, the dwellinghouse must be used as a dwellinghouse within the meaning of Class C3 of the Schedule to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the primary use as a dwellinghouse.

07. The applicant's attention is drawn to the condition under sub paragraph 3(b) of section AA.2 of Class AA Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Before beginning the development, the developer must provide the local planning authority with a report for the management of the construction of the development, which sets out the proposed development hours of operation and how any adverse impact of noise, dust, vibration and traffic on adjoining owners or occupiers will be mitigated.

08. The applicant's attention is drawn to the condition under sub paragraph 3(c) of section AA.2 of Class AA Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The development must be completed within a period of 3 years starting with the date prior approval is granted.

09. The applicant's attention is drawn to the condition under sub paragraph 3(d) of section AA.2 of Class AA Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The developer must notify the local planning authority of the completion of the development as soon as reasonably practicable after completion.

**68 23/00172/UNAU_B - 90 Alexandra Road, Southend-on-Sea (Milton Ward)
Breach of Planning Control: Erection of external staircase and associated platform to the rear**

Resolved:-

That ENFORCEMENT ACTION be AUTHORISED to include (if/as necessary) the service of an Enforcement Notice under Section 172 of the Act and the pursuance

of proceedings whether by prosecution or injunction to secure compliance with the requirements of the Enforcement Notice to require those issued with a copy of the Enforcement Notice to:

- a) Remove the unauthorised staircase and associated platform to the rear; and
- b) Remove from site all materials and debris resulting from compliance with requirement (a) above.

With time for compliance of three (3) calendar months.

For the following reason:

The unauthorised development gives rise to undue overlooking and loss of privacy to the adjoining and nearby neighbouring occupiers causing significant harm to residential amenity of occupiers at Nos 88 and 92 Alexandra Road, Nos 10, 11 and 12 and 13 Runwell Terrace and No 30 Cambridge Road. The unauthorised development is therefore unacceptable and contrary to the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Core Strategy (2007), Development Management Document (2015) Policies DM1 and DM3 and the guidance contained within the Southend-on-Sea Design and Townscape Guide (2009).

Chair: _____

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