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SOUTHEND-ON-SEA CITY COUNCIL

Meeting of Development Control Committee

Date: Wednesday, 13th November, 2024

Place: Committee Room 1 - Civic Suite

Present: Councillor N Ward (Chair)
Councillors M Borton (Vice-Chair), M Berry, A Dear, F Evans,
N Folkard, D Garston, S Habermel, A Jones, R Longstaff,
C Mulrone, J Norman, M O'Connor, D Poulton, D Richardson and
C Webster

In Attendance: Councillors S Badger, M Dent, M Terry and R Woodley
K Waters, P Keyes, C Galforg, S Mouratidis, C White, M Warren,
A Brown and T Row

Start/End Time: 5.00 pm - 6.40 pm

69 Apologies for Absence

There were no apologies for absence.

70 Declarations of Interest

The following interests were declared at the meeting:

(i) Councillor Berry – Minute No. 76 (24/01392/FUL – 18 Belle Vue Avenue, Southend on Sea) – Has received an email from the Applicant and has discussed the process with them on the phone. Has also visited the site but has not predetermined the application;

(ii) Councillor Habermel – Minute No. 74 (24/01199/FUL - 96 The Ridgeway, Westcliff on Sea) – Has been involved regarding this application – Withdrew;

(iii) Councillor Ward – Minute No. 74 (24/01199/FUL - 96 The Ridgeway, Westcliff on Sea) – Applicant is know to his wife.

71 Minutes of the Meeting held on Wednesday, 16th October, 2024

Resolved:-

That the Minutes of the meeting held on Wednesday, 16th October 2024 be confirmed as a correct record and signed.

72 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.

24/01185/FUL - 9 Hainault Avenue, Westcliff-on-Sea (Westborough Ward)

Proposal: Demolition of existing storage shed and erect dwelling house

Applicant: Mr Rob McBain of Neobards Limited

Agent: Mr Rob Neobard of Neobards Limited

Resolved:-

That PLANNING PERMISSION be GRANTED subject to the following conditions:

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

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

02 The development hereby approved shall only be undertaken in accordance with the following approved plans: 0100; 0101 Rev B.

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

03 Notwithstanding the information submitted with the application, no development above ground floor slab level shall take place unless and until full details of the detailed fenestration design and all materials to be used on all the external elevations of the development hereby approved including for the external walls, roofing, fascia and soffits, doors and windows, have been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The development shall only be carried out and completed in full accordance with the approved details.

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

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

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

05 No development above ground level shall take place unless and until full details of both hard and soft landscape works to be carried out at in the front and rear parts of the site have been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The approved hard landscaping works shall be carried out prior to first occupation of the development and the soft landscaping works within the first planting season following first occupation of the development. The details submitted shall include, but not be limited to:

- i.) means of enclosure of and subdividing the site, including enclosure of the front garden and including details of any gates or boundary treatments.
- ii.) hard surfacing materials.
- iii.) details of the number, size and location of the trees, shrubs and plants to be retained and planted together with a planting specification.
- iv.) details of measures to enhance biodiversity within the site.
- v.) details of any permeable paving or other sustainable drainage measures to be implemented.
- vi.) existing and proposed finished site levels or contours.

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

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

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

Reason: In the interests of providing sustainable development in accordance with Policy KP2 of the Core Strategy (2007), Development Management Document (2015) Policy KP2 and the advice within the Southend-on-Sea Design and Townscape Guide (2009).

07 Prior to occupation of the development hereby approved water efficient design measures as set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting shall be installed in the development hereby approved and be retained in perpetuity thereafter.

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

08 The flat 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 having been granted. 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).

09 The development hereby approved shall be carried out in a manner to ensure that the dwelling complies with Building Regulation Part M4(2) 'accessible and adaptable dwellings' before it is brought into use and first occupied.

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

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

The development shall be carried out fully in accordance with the approved details before it is first occupied.

Reason: In order to ensure a satisfactory standard of sustainable drainage and to prevent environmental and amenity problems arising from flooding in accordance with the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Core Strategy (2007) and Policy DM2 of the Development Management Document (2015).

11 Prior to the first occupation of the development hereby approved, full details (including scaled elevations) shall be submitted to and approved in writing by the Local Planning Authority under the terms of this condition identifying the provision of secure and enclosed refuse and recycling and cycle storage for the approved development at the site. The approved refuse and recycling and cycle storage shall be provided in full and made available for use by the occupants of the approved dwelling prior to the first occupation of the dwelling hereby approved and shall be retained as such thereafter 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), the Southend-on-Sea Design and Townscape Guide (2009), and the Waste Storage, Collection and Management Guide for New Developments (2019).

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

- i.) the parking of vehicles of site operatives and visitors.
- ii.) loading and unloading of plant and materials.
- iii.) storage of plant and materials used in constructing the development,
- iv.) the erection and maintenance of security hoarding.
- v.) measures to control the emission of dust, dirt, mud being carried onto the road and noise during construction.
- vi.) a scheme for recycling/disposing of waste resulting from construction works that does not allow for the burning of waste on site.
- vii.) a dust management plan to include mitigation and boundary particulate monitoring during demolition and construction.
- 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 and for highway safety in accordance with the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

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

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

14 In the event that contamination is found at any time when carrying out the development it shall be reported in writing immediately to the Local Planning Authority and the carrying out of the development shall stop immediately under the terms of this condition. An investigation and risk assessment shall be undertaken, and where remediation is necessary, a remediation scheme must be submitted and approved in writing by the Local Planning Authority under the terms of this condition.

Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by Local Planning Authority under the terms of this condition.

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: For the avoidance of land contamination and human health in accordance with the National Planning Policy Framework (2023), Core Strategy

(2007) Policies KP1 and KP2 and Policy DM14 of the Development Management Document (2015).

15 Notwithstanding the provisions of Class A of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any statutory amendment, modification or re-enactment or replacement thereof (as the case may be) for the time being in force), no extensions shall be erected at the dwelling hereby approved at any time without express planning permission being granted.

Reason: To allow consideration of impacts on neighbouring occupiers, in the interests of neighbour amenities, further to the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

POSITIVE AND PROACTIVE STATEMENT:

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

INFORMATIVES:

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

2. You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council will seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when

implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the city.

3. The applicant is advised they will be expected to arrange removal of the H-bar and will need to apply to the Council's Highways Team regarding its removal so that vehicles will be able to park generally on street outside the proposed dwelling.

4. Future occupiers will not be eligible for a town centre or residential parking permit.

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

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

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

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

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

7. A UXO Preliminary Risk Assessment of the potential for unexploded ordnance at the site should be undertaken by competent person and any recommendations for further action reported to Southend-On-Sea City Council.

8. Biodiversity Net Gain - The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Southend-on-Sea City Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission (“the earlier Biodiversity Gain Plan”) there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

Where development is to proceed in phases Biodiversity Gain Plans are required before development may be begun (the overall plan) and required before each phase of development may be begun (phase plans).

09 The applicant is advised that it is expected that new trees will be included in the soft landscaping scheme required to be submitted and agreed under Condition 05.

24/01199/FUL - 96 The Ridgeway, Westcliff-on-Sea (Chalkwell Ward)

Proposal: Change of use of ground floor to rear and first floor from restaurant (Class E(b)) to 3 no self-contained flats with balcony to front (Class C3) and form ground floor commercial unit (Class E) to front, erect single storey front extension to form bin and cycle store, remove part of front boundary wall for access and alter elevations

Applicant: Mr M. Hassan

Agent: Mr Colin Stone of Stone Me Ltd

Resolved:-

That PLANNING PERMISSION be GRANTED subject to the following conditions:

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

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

02 The development shall only be undertaken in accordance with the following approved plans: Location plan; 01; 02; 03; 04; 05; 06F; 07B; 08A; 09A; 10C; 11C 12C.

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

03 Prior to the first occupation or first use of the development hereby approved, the external elevations of the development hereby permitted shall be constructed solely with materials as detailed in the submitted application form and approved plans or alternative materials, details of which have previously been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition.

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

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

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

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

Reason: In the interests of providing sustainable development in accordance with Policy KP2 of the Core Strategy (2007), Development Management Document (2015) Policy DM2 and the advice in the Southend-on-Sea Design and Townscape Guide (2009).

06 Prior to occupation of the development hereby approved water efficiency design measures set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting shall be installed in the development hereby approved and be retained in perpetuity thereafter.

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

07 Prior to first occupation or first use of the development hereby approved a Waste Management Plan detailing the full details of secure and covered refuse and recycling storage (including scaled elevations) and arrangements for waste collection generated for the ground floor commercial unit hereby approved and, separately, for the residential units hereby approved shall be submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The approved secure and covered refuse and recycling storage areas shall be implemented and made available for use prior to first occupation of the development hereby approved. The refuse and recycling storage areas shall thereafter be retained and managed in accordance with the approved Waste Management Plan for the lifetime of the development.

Reason: To ensure that satisfactory waste storage and management is provided to protect residential amenity and general environmental quality in accordance with the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM5 of the Development Management Document (2015), and the guidance contained within the Waste Storage, Collection and Management Guide for New Developments (2019) and the Southend-on-Sea Design and Townscape Guide (2009).

08 Prior to the first occupation of the residential units hereby approved, the four (4) secure and covered cycle parking spaces shall be provided and made available for use for the occupiers of the residential units as detailed on plan no. 06F or alternative secure and covered cycle parking spaces shall be provided and made available for use for the occupiers of the development prior to its first occupation in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority under the terms of this condition.

Reason: To ensure that satisfactory cycle storage is provided in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policy CP3 and Development Management Document (2015) Policy DM15.

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

- i.) means of enclosing the site including details of any gates or boundary treatments;
- ii.) hard surfacing materials;
- iii.) details of the number, size and location of the trees, shrubs and plants to be retained and planted together with a planting specification and;
- iv.) details of measures to enhance biodiversity within the site.
- v.) details of any permeable paving or other sustainable drainage measures to be implemented.

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

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

10. No development shall take place, other than demolition and site preparation works, unless and until a Noise Impact Assessment to include full details of vibration mitigation and noise mitigation measures, to ensure that all habitable rooms in the development hereby approved achieve the requirements of British Standard BS 8233:2014 (or any equivalent standard) has been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The mitigation measures shall be fully implemented as approved prior to the first occupation of any part of the development hereby approved and shall be maintained and retained as such thereafter for the lifetime of the development.

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

11. Prior to first occupation of the residential units hereby approved, 1.8 metre-high obscure glazed screens (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy) shall be provided between the external amenity spaces of the first floor dwellings hereby approved. Details of the screens shall be submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The screens must then be installed in full accordance with the approved details before the dwellings hereby approved are first occupied. The screens shall thereafter be retained in that form for the lifetime of the development.

Reason: To protect the privacy and environment of people in the development, 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).

12 The residential units hereby approved shall not be first occupied unless and until internal storage space for the three proposed units has been provided and made available for use in accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority pursuant to this condition.

Reason: To ensure the development hereby approved provide high quality internal layouts to meet the needs of future residents in accordance with the National Planning Policy Framework (2021), Policy DM8 of the Development Management Document (2015) and the advice contained within the National Housing Standards (2015) and the Technical Housing Standards Policy Transition Statement (2015).

13 The ground floor commercial unit hereby approved shall only be used for purposes falling within Use Class E as defined under the Town and Country Planning (Use Classes) Order 1987 (as amended) on the date this application was submitted. The development shall not be used for any other purpose, including any purpose otherwise permitted under the Town and Country Planning (Use Classes) Order 1987 (as amended) nor any change of use permitted under the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or in any provision equivalent to those Orders in any statutory instrument revoking and re-enacting these Orders, with or without modification.

Reason: To define the scope of this permission in the interests of residential amenities and environmental quality, further to the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

14 The ground floor commercial unit hereby approved shall not operate outside the following hours: 7am to 11pm Monday to Sunday and it shall not operate at any other times.

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

15 No deliveries or collections shall take place at the site outside the hours of 8am to 8pm Monday to Saturday. No deliveries or collections of any kind shall take place outside of these hours.

Reason: In the interests of resident amenities further to the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015)

16 No dust or fume extraction or filtration equipment or air conditioning, ventilation, or refrigeration equipment shall be installed on the building subject of

this planning permission unless and until details of its design, siting, discharge points, predicted acoustic performance and details of any necessary noise and odour mitigation measures to be used have been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. The equipment shall be installed only in accordance with the approved details and shall be maintained in good working order thereafter for the lifetime of the development.

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

17 Notwithstanding the details shown on the documents submitted and otherwise hereby approved, with reference to British Standard BS7445:2003, the noise rating level arising from activities associated with the ground floor commercial unit hereby approved (including amplified and unamplified music and human voices) shall be at least 10dB(A) below the background noise level as measured at 1m from the facades of the nearest noise sensitive premises and with reference to British Standard 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: In the interest of the residential amenity of nearby occupiers and existing and future residential occupiers of this building in accordance with the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

18 No music or amplified sound shall be played on the external commercial terrace hereby approved at any time.

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

19 The external commercial terrace hereby approved hereby approved shall not be open for customers outside the following hours: 8am to 9pm Monday to Sunday.

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

20 Before any external lighting is installed in association with the development hereby approved, details of its location, design and specification shall have been

submitted to and approved in writing by the Local Planning Authority pursuant to this condition. The lighting shall be installed and operated solely in accordance with the approved details.

Reason: In the interests of the amenities of the area and nearby residents and existing and future residential occupiers of this building, in accordance with Policies DM1 and DM3 of the Development Management Document (2015) and Policies KP2 and CP4 of the Core Strategy (2007).

21 The development hereby approved shall retain an unobstructed active commercial frontage at ground floor with no window graphics/vinyls to be installed.

Reason: To ensure the development has an acceptable design and maintains the vitality and viability of the Secondary Shopping Frontage in accordance with Policies DM1 and DM13 of the Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

22 No development shall take place, other than the removal of the existing extraction duct and air conditioning units, unless and until a 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 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 maintaining the safe and free passage of people using the public footpaths adjacent to the site.
- 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 construction.
- viii) details of the duration and location of any noisy activities.

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

23 Prior to first use or occupation of the development hereby approved, the existing air conditioning and air extraction apparatus shall be removed as shown on approved drawing 2216 12C.

Reason: To ensure the development has an acceptable design and in the interests of the amenities of the future residential occupiers of this building, in accordance with Policies DM1 and DM3 of the Development Management Document (2015) and Policies KP2 and CP4 of the Core Strategy (2007).

POSITIVE AND PROACTIVE STATEMENT:

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

INFORMATIVES:

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

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

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

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

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

4. The applicant should check the room layout of existing dwellings that will be above or below the proposed and ensure that the stacking arrangement complements this. If this is not the same as those proposed in the application additional sound insulation may be required in the ceiling in order to protect against noise from the normal use of the dwellings in the block due to conflicting activities e.g. sleep and living spaces. The applicant should be aware of this as should complaints arise when it is occupied because of this Southend-On-Sea City Council cannot require action under other primary legislation it has i.e. for statutory nuisance.

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

6. Future occupiers will not be eligible for a town centre or residential parking permit.

75 24/01202/FUL - 97-99 and 101 Shaftesbury Avenue (Thorpe Ward)
Proposal: Erect single storey extension to front and relocate bin and cycle stores (part-retrospective)
Applicant: Mr Anjesh Patel
Agent: Design Graphics Associates

Resolved:-

That PLANNING PERMISSION be GRANTED 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 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.

24/01392/FUL - 18 Belle Vue Avenue, Southend on Sea (Kursaal Ward)
Proposal: Erect detached outbuilding to rear (retrospective)
Applicant: Ms Emma Stoakes
Agent: Mr Michael Dedman

Resolved:-

1. That PLANNING PERMISSION be REFUSED for the following reasons;

01 The development significantly harms the character and appearance of the site and the wider rear garden scene due to its position and its excessive size and scale, coupled with its external appearance which create a feature which is dominant, incongruous and overscaled in this typical open setting. The development is therefore unacceptable and contrary to the National Planning Policy Framework (2023); Policy CP4 of the Southend-on-Sea Core Strategy (2007); Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015); and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

02 Due to its position and its excessive size and scale, coupled with its external appearance, the development is dominant, incongruous and over scaled so creating an unacceptable sense of enclosure significantly harmful to the amenities of the occupiers of Nos 16 and 20 Belle Vue Avenue. This is unacceptable and the development is contrary to the National Planning Policy Framework (2023); Policy CP4 of the Southend-on-Sea Core Strategy (2007); Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015); and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

POSITIVE AND PROACTIVE STATEMENT

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The detailed analysis is set out in a report prepared by officers. In the circumstances the proposal is not considered to be sustainable development. The Local Planning Authority is willing to discuss the best course of action via the pre-application service available at https://www.southend.gov.uk/info/200155/make_a_planning_application_and_planning_advice/365/planning_advice_and_guidance/2

2. That ENFORCEMENT ACTION be AUTHORISED to 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 outbuilding; AND
- b) Remove from site all materials resulting from compliance with a) above.

With time for compliance of Three (3) calendar months, for the reasons stated in paragraph 9.1 of the submitted report.

The serving of the Enforcement Notice so authorised be held until the outcome of any appeal or the time period for submitting an appeal has lapsed.

77 22/00218/UNAU_B - 1-3 Broadway West, Leigh on Sea

Breach of Planning Control:

A. Installation of aluminium shopfronts;

B. Installation of aluminium fascias; and

C. Installation of awnings.

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 shopfronts, fascias and awnings; AND
- b) Remove from site all materials resulting from compliance with a) above.

With time for compliance of six (6) calendar months.

For the following reason(s):

01 The unauthorised modern shopfronts, including the hatch window, and the existing modern aluminium fascia and modern flat awning cause material harm to the character and appearance of the application site, the streetscene and the Leigh Conservation Area more widely. Whilst this harm is less than substantial, it is nevertheless significant in degree and not outweighed by any public benefits of the proposal. This development is therefore unacceptable and contrary to the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM5 of the Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009) and Leigh Conservation Area Appraisal (2021).

Chair: _____

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