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SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Development Control Committee

Date: Wednesday, 14th December, 2016

Place: Committee Room 1 - Civic Suite

Present: Councillor F Waterworth (Chair)
Councillors D Garston (Vice-Chair), B Arscott, M Assenheim,
B Ayling, M Borton, S Buckley*, M Butler, T Callaghan, N Folkard,
J Garston, R Hadley, A Jones, C Mulroney, D Norman MBE,
P Van Looy and C Walker
*Substitute in accordance with Council Procedure Rule 31.

In Attendance: Councillor M Terry
J K Williams, D Hermitage, C Galforg, J Rowley, M Warren,
K Walters, I Harrison and T Row

Start/End Time: 2.00 - 5.45 pm

524 Apologies for Absence

Apologies for absence were received from Councillor Evans (Substitute: Councillor Buckley).

525 Declarations of Interest

The following interests were declared at the meeting:

- (a) Councillor Ayling – Agenda Item No. 7 – 16/01256/FUL - 23 Blenheim Crescent, Leigh-on-Sea, SS9 3DT – Non-pecuniary interest: Knows the applicant;
- (b) Councillor Arscott – Agenda Item No. 17 – 16/01661/FULH - 54 Glenbervie Drive, Leigh-on-Sea – Disqualifying non-pecuniary interest: Resident of Glenbervie Drive (withdrew);
- (c) Councillor Assenheim – Agenda Item No. 7 – 16/01256/FUL - 23 Blenheim Crescent, Leigh-on-Sea, SS9 3DT – Non-pecuniary interest: Knows the applicant;
- (d) Councillor Buckley – Agenda Item No. 12 – 16/02060/TPO - Land at Junction of Prince Avenue A127 and Rochford Road, Westcliff on Sea – Non-pecuniary interest: Ward Councillor;
- (e) Councillor D Garston – Agenda Item No. 7 – 16/01256/FUL - 23 Blenheim Crescent, Leigh-on-Sea, SS9 3DT – Non-pecuniary interest: Applicant is known to him;
- (f) Councillor Mulroney – Agenda Item No. 7 – 16/01256/FUL - 23 Blenheim Crescent, Leigh-on-Sea, SS9 3DT – Non-pecuniary interest: Member of Leigh Town Council (non-participant in planning);

- (g) Councillor Mulroney – Agenda Item No. 10 – 16/01572/FUL - The Sarah Moore Public House, 57-59 Elm Road, Leigh-on-Sea – Non-pecuniary interest: Member of Leigh Town Council (non-participant in planning);
- (h) Councillor Mulroney – Agenda Item No. 15 – 16/01693/FUL - 104 Salisbury Road, Leigh-on-Sea – Non-pecuniary interest: Member of Leigh Town Council (non-participant in planning);
- (i) Councillor Mulroney – Agenda Item No. 17 – 16/01661/FULH - 54 Glenbervie Drive, Leigh-on-Sea – Non-pecuniary interest: Member of Leigh Town Council (non-participant in planning);
- (j) Councillor Terry – Agenda Item No. 4 – 16/01580/FUL - Roslin Hotel, Thorpe Esplanade, Thorpe Bay, Southend-on-Sea, SS1 3BG – Non-pecuniary interest: Knows the applicant through the Southend Business & Tourism Partnership;
- (k) Councillor Terry – Agenda Item No. 5 – 16/01757/FUL - 10 Clieveden Road, Thorpe Bay, Southend-on-Sea, SS1 3BL – Non-pecuniary interest: Knows the applicant through the Southend Business & Tourism Partnership;
- (l) Councillor Van Looy – Agenda Item No. 7 – 16/01256/FUL - 23 Blenheim Crescent, Leigh-on-Sea, SS9 3DT – Non-pecuniary interest: Applicant is known to him;
- (m) Councillor Walker – Agenda Item No. 4 – 16/01580/FUL - Roslin Hotel, Thorpe Esplanade, Thorpe Bay, Southend-on-Sea, SS1 3BG – Non-pecuniary interest: Applicants supported charity during his Mayoralty;
- (n) Councillor Walker – Agenda Item No. 5 – 16/01757/FUL - 10 Clieveden Road, Thorpe Bay, Southend-on-Sea, SS1 3BL – Non-pecuniary interest: Applicants supported charity during his Mayoralty;
- (o) Councillor Walker – Agenda Item No. 10 – 16/01572/FUL - The Sarah Moore Public House, 57-59 Elm Road, Leigh-on-Sea – Non-pecuniary interest: Applicant is known to him and has spoken with him regarding the application (Councillor Walker remained in the room but took no part in the debate or voting thereon);

Note: All Councillors declared a non-pecuniary interest in respect of Agenda Item No. 18 -16/01772/FULH - 20 Chadwick Road, Westcliff-on-Sea on the basis that a fellow Councillor resided in the street.

526 Supplementary Report

The Committee received a supplementary report by the Deputy Chief Executive (Place) that provided additional information on items referred to elsewhere on the Agenda.

527 16/01580/FUL - Roslin Hotel, Thorpe Esplanade, Thorpe Bay, Southend-on-Sea, SS1 3BG (Thorpe Ward)
Proposal: Erect ground floor extensions to the front elevation, extend and alter existing front porch incorporating revolving door and alterations to front entrance steps
Applicant: Roslin Beach Hotel
Agent: APS Design Associates

Mrs Kindley, a local resident, spoke as an objector the application. Mrs Dallimore responded on behalf of the Applicants.

Planning Permission GRANTED subject to the following conditions:

01 The development hereby permitted shall begin not 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 permitted shall be carried out in accordance with the following approved plans: 01b; 08; 09; 10; 07.

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

03 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance, including balustrade. This applies unless differences are shown on the drawings hereby approved or are required by conditions to this permission.

Reason: In the interests of visual amenity and drainage to ensure that the appearance of the building makes a positive contribution to the character and appearance of the area. This is set out in National Planning Policy Framework, DPD1 (Core Strategy) 2007 policy KP2 and CP4, DPD2 (Development Management) policy DM1 and SPD1 (Design and Townscape Guide).

04 The development hereby approved shall not be occupied until detailed cycle for 20 cycles storage including siting have been submitted to and approved by the local planning authority, as installed and remain in situ thereafter.

Reason: To ensure that satisfactory off cycle off-street car parking is provided in the interests of residential amenity and highways efficiency and safety, in accordance with the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy KP2, DPD2 (Development Management Document) policy DM15 and SPD1 (Design and Townscape Guide).

05 Sixty two (62) parking spaces shall be retained on site as shown on drawing 01b. These parking spaces shall be permanently retained for the parking of staff and visitors to the Roslin Hotel.

Reason: To ensure that adequate car parking is retained to serve the development in accordance with Policies DM15 of the Council's Development Management DPD and CP3 of the Core Strategy DPD1.

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

Informative

You are advised that as the proposed extension(s) to your property 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 CIL.

- 528 16/01757/FUL - 10 Clieveden Road, Thorpe Bay, Southend-on-Sea, SS1 3BL (Thorpe Ward)**
Proposal: Change of use of residential dwelling (Class C3) into 7 hotel rooms ancillary to existing Roslin Hotel (Class C1)
Applicant: Mrs J Dallimore
Agent: APS Design Associates Ltd.

Mr Chamberlain, a local resident, spoke as an objector to the application. Mrs Dallimore, the Applicant, responded.

Planning permission GRANTED subject to the following conditions:

01 The development hereby permitted shall begin not 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 permitted shall be carried out in accordance with the following approved plans: 01b; 02b; 11; 10.

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

03 The premises shall be used to provide sleeping accommodation for hotel guests and staff ancillary to the Roslin Hotel and for no other purpose.

Reason: To safeguard the character and amenities of the area and to protect the amenities of adjoining residential properties in accordance with the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy KP2, DPD2 (Development Management Document) policy DM1 and SPD1 (Design and Townscape Guide).

04 The development hereby approved shall not be occupied until detailed cycle for 21 cycles storage including siting have been submitted to and approved by the local planning authority, as installed and remain in situ thereafter.

Reason: To ensure that satisfactory off cycle off-street car parking is provided in the interests of residential amenity and highways efficiency and safety, in accordance with the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy KP2, DPD2 (Development Management Document) policy DM15 and SPD1 (Design and Townscape Guide).

05 External lighting shall be directed, sited and screened so as not to cause detrimental intrusion of light into residential property. Prior to installation of external lighting an assessment using the Institution of Lighting Engineers Guidance Note for the Reduction of Obtrusive Light shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenities of the occupiers and adjacent residential occupiers in accordance with DPD1 (Core Strategy) policies KP2 and CP4, Policies DM1 and DM8 of the Development Management DPD2 and SPD1 (Design and Townscape Guide).

06 Details of any plant equipment to be installed shall be submitted to and agreed in writing by the local planning authority including an acoustic report to ensure protection of people in neighbouring properties and general environmental quality from the intrusion of noise and vibration by ensuring that the plant/machinery hereby permitted is not operated at hours when external background noise levels are quietest.

Reason: To protect the amenities of future hotel guests and adjacent residential occupiers in accordance with DPD1 (Core Strategy) policies KP2 and CP4, policy DM1 of the Development Management DPD2 and SPD1 (Design and Townscape Guide).

07 Construction hours restricted to 8am – 6pm Monday to Friday, 8am – 1pm Saturday and not at all on Sundays or Bank Holidays.

Reason: To protect the amenities of future hotel guests and adjacent residential occupiers in accordance with DPD1 (Core Strategy) policies KP2 and CP4, policy DM1 of the Development Management DPD2 and SPD1 (Design and Townscape Guide).

08 All deliveries and collections shall take place at the site between 0900 hours and 1800 hours Monday to Saturday and between 0900 hours and 1700 hours on Sundays and bank holidays. No deliveries and collections shall take place from the front of No.10 Clieveden Road.

Reason: To protect the amenities of adjacent residential occupiers in accordance with DPD1 (Core Strategy) policies KP2 and CP4, policy DM1 of the Development Management DPD2 and SPD1 (Design and Townscape Guide).

09 Notwithstanding the details shown on the approved plans, prior to first occupation of the hotel rooms hereby approved 67 parking spaces shall be provided in accordance with drawing 01b, including 3 spaces to the front of no. 10 Clieveden Road. The parking spaces shall be permanently retained thereafter for the parking of staff and visitors of the Roslin Hotel.

Reason: To ensure that adequate car parking is provided and retained to serve the development in accordance with Policies DM15 of the Council's Development Management DPD and CP3 of the Core Strategy DPD1.

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.

**529 16/00889/FUL - Unit 6 New Garrison Road, Shoeburyness, SS3 9BF
(Shoeburyness Ward)**

Proposal: Change of use from offices (Class B1) to six dwellinghouses (Class C3), alter front and rear elevations with balconies to rear, layout refuse, cycle storage and associated parking and amenity space to rear

Applicant: The Garrison LLP

Agent: Pomery Planning Consultants Ltd

01 The development hereby permitted shall be begun not later than 3 years beginning with the date of this permission.

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

02 The development shall be carried out in accordance with the approved plans: 01 Revision B; 05 Revision B; 06 Revision B; 07 Revision B; 08 Revision B; 09 Revision B.

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

03 The development hereby approved shall be carried out in accordance with the Flood Risk Assessment prepared by Evans River and Costal, referenced 1567/RE/02-16/01-Revision C and dated May 2016.

Reason: To ensure the site is protected to the standard that the development is designed and modelled to within the submitted Flood Risk Assessment NPPF and policy KP2 of Core Strategy.

04 The development hereby permitted shall operate at all time in accordance with the 'Flood Response Plan' dated July 2016 reference 1567/RE/02-16/02 carried out by Evans Rivers and Coastal.

Reason: To ensure that the Flood Warning and Evacuation Plan meets with the requirements of the Environment Agency's Flood Warning Service, and is safe in the event of a flood in accordance with Policy KP2 of the Core Strategy DPD2

05 The development hereby permitted shall operate at all times in accordance with the 'Flood Evacuation and Warning Plan' received 22.09.2016 reference CC/1687.

Reason: To ensure that the Flood Warning and Evacuation Plan meets with the requirements of the Environment Agency's Flood Warning Service and is safe in the event of a flood in accordance with Policy KP2 of the Core Strategy DPD2.

06 No development shall take place until samples of the materials to be used on all the external elevations including windows, window frame, doors, bricks, balcony detailing including screens and canopies, walls and fences, and on any external access way, driveway have been submitted to and approved by the local planning authority. The development shall only be carried out in accordance with the approved details.

Reason: To safeguard character and appearance of surrounding area in accordance with Policy DM1 of the Development Management Document DPD2 and KP2 and CP4 of the Core Strategy.

07 No dwelling shall be first occupied until parking spaces to serve that dwelling have been laid out, together with properly constructed vehicular access to the adjoining highway. The parking spaces shall be permanently retained thereafter for the parking of occupiers of and visitors to the development.

Reason: To ensure that adequate car parking is provided and retained to serve the development in accordance with Policies DM15 of the Council's Development Management DPD and CP3 of the Core Strategy DPD1.

08 Final glazing, acoustic insulation, plant equipment and ventilation details for the dwellings hereby approved shall be submitted to and approved by the local planning authority prior to installation and first occupation of the dwellings hereby approved. Glazing and ventilation should be selected with relevant acoustic properties as outlined in the sharps gayler acoustic consultations noise assessment dated 12th October 2016 and email dated 21st October 2016 for new dwellings in this location. Appropriate mitigation must be given to ensure that construction of the development and cumulative noise levels are in accordance with BS4142:2014 to meet relevant internal noise criteria in accordance with BS8233:2014. The development shall be carried out in accordance with the approved details and retained thereafter.

Reason: To protect the amenities of the occupiers from undue noise and disturbance in order to protect their amenities in accordance with DPD1 (Core Strategy) policies KP2 and CP4, Policies DM1 and DM8 of the Development Management DPD2 and SPD1 (Design and Townscape Guide).

09 With reference to BS4142, the noise rating level arising from any plant and/or extraction/ventilation equipment should be at least 5dB(A) below the prevailing background at 3.5 metres from the ground floor façades and 1m from all other facades of the nearest noise sensitive property with no tonal or impulsive character.

Reason: To protect the amenities of the occupiers from undue noise and disturbance in order to protect their amenities in accordance with DPD1 (Core Strategy) policies KP2 and CP4, Policies DM1 and DM8 of the Development Management DPD2 and SPD1 (Design and Townscape Guide).

10 Details of the mitigation boundary treatments in relation to noise levels shall be installed to the west and east boundary to the south shall be submitted to and approved by the local planning authority prior to occupation of the dwellinghouses and remain thereafter.

Reason: To protect the amenities of the occupiers from undue noise and disturbance in order to protect their amenities in accordance with DPD1 (Core Strategy) policies KP2 and CP4, Policies DM1 and DM8 of the Development Management DPD2 and SPD1 (Design and Townscape Guide).

11 No development shall take place until full details of both hard and soft landscape works, have been submitted to and approved in writing by the local planning authority and 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, unless otherwise agreed in writing by the local planning authority.

These details shall include, for example:-

- i. proposed finished levels or contours;
- ii. means of enclosure, including any gates to the car parks;
- iii. car parking layouts;
- iv. other vehicle and pedestrian access and circulation areas;
- v. hard surfacing materials;
- vi. minor artefacts and structures (e.g. street furniture, loggia, bollards, play equipment, refuse or other storage units, signs, lighting, etc.)

This shall include details of details of the number, size and location of the trees, shrubs and plants to be planted together with a planting specification, details of the management of the site, e.g. the uncompacting of the site prior to planting, the staking of trees and removal of the stakes once the trees are established, details of measures to enhance biodiversity within the site and tree protection measures to be employed during demolition and construction.

With reference to ii above, the boundary walls to the south of the dwellings hereby approved shall be no higher than 1m from adjacent ground levels.

Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policy DM1 of the Development Management DPD and Policy CP4 of the Core Strategy DPD1.

12 No development shall commence until a detailed Arboricultural Method Statement, Tree Protection Plan with the following information fencing type, piling, ground protection measures, access facilitation pruning specification, project phasing and an auditable monitoring schedule.

Reason: To make sure that the trees on the site are adequately protected during building works in the interests of visual amenity and in accordance with DPD1 (Core Strategy) policy KP2 and CP4, and SPD1 (Design and Townscape Guide).

13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order Amended 2016, or any order revoking and re-enacting that Order with or without modification, no development shall be carried

out within Schedule 2, Part 1, Class A, B, C, D, E, F, G, H and Part 2 Class A to those Orders.

Reason: To safeguard the character and amenities of the area, in accordance with Policy DM1 of the Development Management Document.

14 The development hereby approved shall be carried out in accordance with drawing to ensure the dwellinghouses comply with building regulation M4 (2)- 'accessible and adaptable dwellings' and remains in perpetuity.

Reason: To ensure the residential units hereby approved provides high quality and flexible internal layouts to meet the changing needs of residents in accordance with National Planning Policy Framework, DPD1 (Core Strategy) policy KP2, DPD2 (Development Management Document) policy DM2 and SPD1 (Design and Townscape Guide).

15 No development shall take place until a site investigation of the nature and extent of contamination (including ordnance risk) has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before development begins. If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

Reason: To ensure that any contamination on the site is identified and treated so that it does not harm anyone who uses the site in the future, and to ensure that the development does not cause pollution to DPD2 (Development Management document) policy DM14.

16 Construction and demolition shall only take place between 0730 and 1800 Monday to Friday 0800 and 1300 Saturday and not at all on Sundays or Bank Holidays.

Reason: In the interests of the character and amenity of the area in accordance with NPPF; DPD1 (Core Strategy) 2007 policy KP2 and CP4; DPD2 (Development Management Document) policy DM1.

17 During construction works, the burning of waste material is prohibited given the sites location adjacent to other commercial and residential properties.

Reason: In the interests of the character and amenity of the area and nearby occupiers in accordance with NPPF; DPD1 (Core Strategy) 2007 policy KP2 and CP4; DPD2 (Development Management Document) policy DM1.

Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy Regulations 2010 (as amended). Enclosed with this decision notice is a Community Infrastructure Levy (CIL) Liability Notice for the attention of the applicant and any person who has an interest in the land. This contains details including the chargeable amount, when this is payable and when and how exemption or relief on the charge can be sought.

You are advised that a CIL Commencement Notice (CIL Form 6) must be received by the Council at least one day before commencement of development. Receipt of this notice will be acknowledged by the Council. Please ensure that you have received both a CIL Liability notice and acknowledgement of your CIL Commencement Notice before development is commenced. Most claims for CIL relief or exemption must be sought from and approved by the Council prior to commencement of the development. Charges and surcharges may apply, and exemption or relief could be withdrawn if you fail to meet statutory requirements relating to CIL. Further details on CIL matters can be found on the Council's website at www.southend.gov.uk/cil.

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 and is also willing to provide pre-application advice in respect of any future application for a revised development, should the applicant wish to exercise this option in accordance with the Council's pre-application advice service.

- 530 16/01256/FUL - 23 Blenheim Crescent, Leigh-on-Sea, SS9 3DT (Blenheim Park Ward)**
Proposal: Demolish existing dwelling and erect three attached two storey chalet bungalows, lay out parking at front and form vehicular access onto Blenheim Crescent
Applicant: Mr M Miller
Agent: SKArchitects

Ms Barber, a local resident, spoke as an objector to the application. Mr Kearney, the applicant's agent, responded.

Planning permission REFUSED for the following reason:

01 The proposed development, by reason of its bulk, height, scale and proximity to the neighbouring dwelling, would result in a cramped form of development to the detriment of the character and appearance of the area and the amenities of neighbouring residents. This is contrary to the NPPF, policies CP4 of the Southend Core Strategy 2007, DM1 and DM3 of the Development Management DPD and guidance contained within the Design & Townscape Guide.

Informative

Please note that this application would be liable for a payment under the Community Infrastructure Levy Regulations 2010 (as amended) if planning permission had been granted. Therefore if an appeal is lodged and subsequently allowed, the CIL liability will be applied. Any revised application would also be CIL liable.

- 531 16/01503/FULM - 411-415 Sutton Road, Southend-on-Sea (Victoria Ward)**
Proposal: Demolish existing buildings, erect 3 storey block comprising of 44 flats, 252sq.m retail commercial floor space at ground floor, communal amenity space, landscaping, parking and associated works (Amended Proposal)
Applicant: Dove Jeffrey Homes Ltd
Agent: Phase 2 Planning & Development Limited

Mr Weedon, a local resident, spoke as an objector to the application. Mr Calder, the Applicant's Agent, responded.

(a) DELEGATED to the Deputy Chief Executive (Place), Head of Planning and Transport or Group Manager of Development Control & Building Control to GRANT PLANNING PERMISSION subject to completion of a PLANNING AGREEMENT UNDER SECTION 106 of the Town and Country Planning Act 1990 (as amended) and all appropriate legislation to seek the following:

- A minimum of 9 units of affordable rented housing units (20% of overall provision) comprising 6.x1 bed and 3x2bed units.
- Traffic Regulation Order contribution of £4,000
- Public art provision/financial contribution (value and details to be agreed prior to first occupation)
- Provision of Travel Packs for residents.
- Retail Travel Plan.

(b) The Deputy Chief Executive (Place), Head of Planning and Transport or the Group Manager (Planning & Building Control) be authorised to determine the application upon completion of the above obligation, so long as planning permission when granted and the obligation when executed, accords with the details set out in the report submitted and the conditions listed below:

01 The development hereby permitted shall be begun not later than 3 years beginning with the date of this permission.

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

02 The development shall be carried out in accordance with the approved plans: 001, 200 P4, 201 P3; 202 P3; 203 P3; 204 P3; 205 P3; 206 P3; 207 P3; 208 P3

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

03 No construction works above the floor slab level shall take place until samples of the materials to be used in the construction of the external elevations

of the building hereby permitted, including balconies, balustrades, screening, fenestration, front porches and hoods have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To safeguard character and appearance of surrounding area in accordance with Policies KP2 and CP4 of the BLP and Policy DM1 of the Development Management DPD 2015

04 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include: proposed finished levels or contours; means of enclosure (including any gates to the car parks); car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (eg. furniture, loggia, bollards, play equipment, refuse and other storage units, signs, lighting etc.)

Details for the soft landscape works shall include the number, size and location of the trees, shrubs and plants to be planted together with a planting specification, the management of the site (e.g. the uncompacting of the site prior to planting) and the initial tree planting and tree staking details.

Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policy CP4 of the Core Strategy DPD1 with CP4 of the Core Strategy DPD1 and Policy DM1 of the Development Management DPD 2015.

05 The development shall not be occupied until space has been laid out within the site in accordance with drawing No. 200 P4 for cars to be parked and for the loading and unloading of vehicles and for vehicles to turn so that they may enter and leave the site in forward gear. The parking spaces shall be permanently retained thereafter for the parking of occupiers, staff and visitors to the development.

Reason: To ensure that adequate car parking is provided and retained to serve the development in accordance with Policies CP3 of the Core Strategy DPD1 and Policy DM15 of the Development Management DPD 2015.

06 The development shall not be occupied until a car park management plan for the development has been submitted to and agreed in writing by the Local Planning Authority. The agreed management plan shall be carried out as approved.

Reason: To ensure that the car parking is satisfactorily managed in the interests of traffic management and highway safety in accordance with Policies KP2 and CP3 of the Core Strategy DPD1 and Policy DM15 of the Development Management DPD 2015.

07 The development shall not be occupied until a waste management plan and service plan has been submitted to and agreed in writing by the Local Planning Authority. The waste management and servicing of the development shall thereafter be carried out in accordance with the approved details.

Reason: to ensure that the development is satisfactorily serviced and that satisfactory waste management is undertaken in the interests of highway safety and visual amenity and to protect the character of the surrounding area, in accordance with Policies KP2 and CP3 of the Core Strategy DPD1 and Policy DM15 of the Development Management DPD 2015.

08 The development shall not be occupied until details of the secure, covered cycle parking spaces to serve the residential development and cycle parking spaces to serve the retail/commercial unit have been submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented prior to first occupation and shall be retained thereafter.

Reason: To ensure that adequate cycle parking is provided and retained to serve the development in accordance with Policies CP3 of the Core Strategy DPD1 and Policy DM15 of the Development Management DPD 2015.

09 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement 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 and dirt during construction
- vi) a scheme for recycling/disposing of waste resulting from demolition and construction works that does not allow for the burning of waste on site.

Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policy CP4 of the Core Strategy DPD1 with CP4 of the Core Strategy DPD1 and Policy DM1 of the Development Management DPD 2015.

10 Before the retail use hereby permitted begins, a scheme for the installation of equipment to control the emission of fumes and smell from the premises shall be submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be implemented. All equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the manufacturer's instructions.

Reason: In order to protect the amenities of occupiers of the development surrounding occupiers and to protect the character and visual amenities of the area in accordance with policies Policies KP2 and CP4 of the Core Strategy DPD1 and Policies DM1 and DM3 of the Development Management DPD 2015.

11 With reference to BS4142, the noise rating level arising from all plant and extraction/ventilation equipment should be at least 5dB(A) below the prevailing background at 3.5 metres from ground floor façades and 1 metre from all other façades of the nearest noise sensitive property with no tonal or impulsive character.

Reason: In order to protect the amenities of occupiers of the development surrounding occupiers and to protect the character and visual amenities of the area in accordance with policies Policies KP2 and CP4 of the Core Strategy DPD1 and Policies DM1 and DM3 of the Development Management DPD 2015.

12 The retail use hereby permitted shall not be open to customers outside the following times: 07:00 to 23:00 hours.

Reason: In order to protect the amenities of occupiers of the development surrounding occupiers and to protect the character and amenities of the area in accordance with policies Policies KP2 and CP4 of the Core Strategy DPD1 and Policies DM1 and DM3 of the Development Management DPD 2015.

13 No deliveries or refuse collection shall be taken at or despatched from the retail unit outside the hours of 07:00-19:00hours Mondays to Fridays and 08:00-13:00hours on Saturdays nor at any time on Sundays, Bank or Public Holidays.

Reason: In order to protect the amenities of occupiers of the development surrounding occupiers and to protect the character and amenities of the area in accordance with policies Policies KP2 and CP4 of the Core Strategy DPD1 and Policies DM1 and DM3 of the Development Management DPD 2015.

14 Other than the demolition, grubbing up of foundations and site clearance, no development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any construction begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before development begins.

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

Reason: To ensure that any contamination on the site is identified and treated so that it does not harm anyone who uses the site in the future, and to ensure that the development does not cause pollution to Controlled Waters in accordance with DPD1 (Core Strategy) 2007 policy KP2 and Policies DM1 and DM14 of the Development Management DPD 2015.

15 No development shall take place until details of the implementation, maintenance and management of a scheme for surface water drainage works have been submitted to and approved by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- i) An investigation of the feasibility of infiltration SUDS as the preferred approach to establish if the principles of any infiltration based surface water drainage strategy are achievable across the site, based on ground conditions. Infiltration or soakaway tests should be provided which fully adhere to BRE365 guidance to demonstrate this. Infiltration features should be included where infiltration rates allow;
- ii) Drainage plans and drawings showing the proposed locations and dimensions of all aspects of the proposed surface water management scheme. The submitted plans should demonstrate the proposed drainage layout will perform as intended based on the topography of the site and the location of the proposed surface water management features;
- iii) a timetable for its implementation; and
- vii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site for the lifetime of the development and to prevent environmental and amenity problems arising from flooding in accordance with Policy KP2 and CP4 of the Core Strategy 2007 and area in accordance with policies KP2 and CP4 of the Core Strategy DPD1 and Policy DM2 of the Development Management DPD 2015.

16 Details of any external lighting shall be submitted to and approved in writing by the local planning authority before the retail use hereby permitted begins and residential apartments are occupied. Development shall be carried out in accordance with the approved details. No additional external lighting shall be installed on the building without the consent of the Local Planning Authority.

Reason: In the interest of the visual amenities and character of the area, and to protect the amenities of surrounding occupiers in accordance with policies Policies KP2 and CP4 of the Core Strategy DPD1 and with CP4 of the Core Strategy DPD1 and Policies DM1 of the Development Management DPD 2015.

17 No construction works above the level of the floor slab shall take place until a scheme for protecting the proposed dwellings from noise from road traffic has been submitted to and approved in writing by the Local Planning Authority. The details shall include the insulation scheme including predicted internal L_{max} and L_{Aeq} levels for the noise sources identified in the noise assessment. Glazing and ventilation shall be selected with relevant acoustic properties as outlined in the Noise Assessment dated 18 December 2014. The agreed noise prevention measures will be installed prior to first occupation of the dwellings and retained at all times thereafter.

Reason: In order to protect the amenities of future residents in accordance with policies KP2 and CP4 of the Core Strategy DPD1 and Policies DM1 and DM3 of the Development Management DPD 2015.

18 Demolition or construction works shall not take place outside 07:30hours to 18:00hours Mondays to Fridays and 08:00hours to 13:00hours on Saturdays nor at any time on Sundays or Bank Holidays.

Reason: In order to protect the amenities of occupiers of the development surrounding occupiers and to protect the character the area in accordance with policies Policies KP2 and CP4 of the Core Strategy DPD1 and Policies DM1 and DM3 of the Development Management DPD 2015.

19 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved by the local planning authority prior to the occupation of the development. The landscape management plan shall be carried out as approved.

Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policy CP4 of the Core Strategy DPD1 and Policy DM1 of the Development Management DPD 2015.

20 No construction works above the level of the floor slab shall take place until details of the proposed Photovoltaic cells set out in the submitted Energy and Sustainability Statement by Fusion 13 have been submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be implemented and brought into use on first occupation of the development.

Reason: To ensure the development maximises the use of renewable and recycled energy, water and other resources, in accordance with Policy KP2 of the Core Strategy DPD1 and Policy DM2 of the Development Management DPD 2015.

21 Prior to the installation of any shopfront, the details of the design, materials, glazing, doors, shutters, signage and lighting shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained thereafter.

Reason: In order to protect the character and visual amenities of the area in accordance with policies KP2 and CP4 of the Core Strategy DPD1 and Policy DM1 of the Development Management DPD 2015.

22 Notwithstanding the provisions of the Town and Country Planning (Control of Advertisements) Regulations 2007, or any order revoking and re-enacting that Order with or without modification, no advertisement shall be displayed on the building without the prior written consent of the Local Planning Authority.

Reason: In the interest of the visual amenities of the area in accordance with policies KP2 and CP4 of the Core Strategy DPD1 and Policy DM1 and DM13 of the Development Management DPD 2015.

23 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking, re-enacting or modifying that Order), no structures such as canopies, fences, loggias, trellises or satellite or radio antennae shall be installed within the development or on the buildings unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to protect the character and visual amenities of the development and surrounding area in accordance with policies KP2 and CP4 of the Core Strategy DPD1 and Policy DM1 of the Development Management DPD 2015.

24 The commercial floorspace hereby approved shall be used for A1 retail only and for no other purpose including any within Classes A, C3 or D1 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: In order to protect the amenities of occupiers of the development surrounding occupiers and to protect the character and amenities of the area in accordance with Policies KP2 and CP4 of the Core Strategy DPD1 and Policies DM1 and DM3 of the Development Management DPD 2015.

25 No demolition shall take place until a Method statement (including details for protection of existing trees) and no works above the level of the floor slab shall take place until details of the Method Statements in relation to, Tree Protection and Tree Works have been submitted to approved by the Local Planning Authority and the development shall be carried in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason In the interests of amenity, to protect existing trees and to ensure a satisfactory standard of landscaping pursuant to Policy CP4 of the Core Strategy DPD1 Policy DM1 of the Development Management DPD 2015

26 No construction works above the level of the floor slab shall take place until details of the new accesses, removal of the existing redundant crossovers and street furniture, loading bays, on street car parking spaces and public realm improvements (new street furniture and paving to the front of the site) as shown on plan ref 200 P4 have been submitted to Southend Borough Council (as local planning authority and highway authority) and the Council has approved in writing a full scheme of works and the relevant highways approvals are in place. The development shall be carried out in accordance with the approved details and retained thereafter.

Reason: In the interests of sustainability, accessibility, highways management, efficiency and safety in accordance DPD1 (Core Strategy) 2007 policy KP2, KP3 and CP3, Policy DM1 and DM15 of the Development Management DPD 2015.

Informatives

01 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 also to the relevant sections of the Control of Pollution Act 1974. The provisions apply to the construction phase and not solely to the operation of the completed development. Contact 01702 215005 for more information.

02 For further guidance on the control of odour and noise from ventilation systems you are advised to have regard to – Guidance on the Control of Odour

and Noise from Commercial Kitchen Exhaust Systems published by DEFRA. This can be downloaded free from www.DEFRA.Gov.UK

03 The applicant is reminded that this permission does not bestow compliance with the Licensing Act 2003. Applicants should contact the Council's Licensing Team for more advice on 01702 215005.

04 Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

05 An application to discharge trade effluent must be made to Anglian Water and must have been obtained before any discharge of trade effluent can be made to the public sewer. Anglian Water recommends that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of such facilities could result in pollution of the local watercourse and may constitute an offence. Anglian Water also recommends the installation of a properly maintained fat traps on all catering establishments. Failure to do so may result in this and other properties suffering blocked drains, sewage flooding and consequential environmental and amenity impact and may also constitute an offence under section 111 of the Water Industry Act 1991.

06 There is clear evidence that the installation of Automatic Water Suppression Systems (AWSS) can be effective in the rapid suppression of fires. Essex County Fire and Rescue Service (ECFRS) therefore uses every occasion to urge building owners and developers to consider the installation of AWSS. ECFRS are ideally placed to promote a better understanding of how fire protection measures can reduce the risk of life, business continuity and limit the impact of fire on the environment and local economy. Even where not required under Building Regulation's guidance, ECFRS would strongly recommend a risk base approach to the inclusion of AWSS, which can substantially reduce the risk to life and of property loss. We would also encourage developers to use them to allow design freedom, where it can be demonstrated that there is an equivalent level of safety and that the functional requirements of the regulations are met.

07 The applicant is reminded that additional water supplies for fire fighting may be necessary for this development. The applicant is urged to contact the Water Technical Officer at Service Headquarters tel 01376 576342

08 Please note that the proposed development subject of this application is liable for a charge under the Community Infrastructure Levy Regulations 2010 (as amended). Enclosed with this decision notice is a CIL Liability Notice for the applicant's attention and any other person who has an interest in the land. This contains details of the chargeable amount and how to claim exemption or relief if appropriate. There are further details on this process on the Council's website at www.southend.gov.uk/cil.

09 In relation to Condition 26; you are advised to contact Highways Engineer – Martin Warren; (Tel: 01702 215003) to discuss the requisite Highways Licence/Agreements under the Highways Act 1980. You are advised that a Highways Licence/Agreement needs to be in place before any works are carried out to the public highway and any works to public transport infrastructure (e.g. bus stops) will need to be carried out by a Council approved contractor.

(c) In the event that the planning obligation referred to in part (a) above has not been completed by 22nd December 2016 the Head of planning and Transport or Group Manager (Planning & Building Control) be authorised to refuse planning permission for the application on the grounds that the development will not :- i) provide for improvements to the public highway and the public realm within the vicinity of the site; ii) provide an effective means of enforcing/delivering a Travel Plan; iii) provide for a satisfactory provision of public art and iv) provide for a satisfactory method of servicing the development vi) provide for affordable housing. As such, the proposal would not make a satisfactory contribution towards the quality of the built environment within the vicinity of the site, would traffic congestion and be to the detriment of highway safety and is likely to place increased pressure on public services and infrastructure to the detriment of the general amenities of the area, contrary to Policies KP2, KP3, CP3, CP4 and CP6 of the Core Strategy, Policies DM1, DM3, DM7, and DM15 of the Development Management DPD 2015.

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.

- 532 16/01765/FULM - Cecil Jones Academy, Eastern Avenue, Southend-on-Sea (St Luke's Ward)**
Proposal: Site 10 temporary portacabins for use as classrooms ancillary to the main school building (Retrospective)
Applicant: Cecil Jones Academy
Agent: Portakabin Limited

Planning Permission GRANTED subject to the following condition:

01 The buildings subject of the permission shall be removed within 78 weeks of the date of this permission or on completion of the repair works to the fire damaged classrooms (whichever is sooner) and the affected playing field area reinstated to playing field use.

Reason: The application has only been made for permission for a temporary period and would be unacceptable on a permanent basis due to the loss of the playing field which is only acceptable in the particular circumstances of the application on a short term basis and should be reinstated upon completion of the main school building works.

Informatives

01 You are advised that in this instance the chargeable amount for the Community Infrastructure Levy (CIL) has been calculated as zero due to the specific nature of the use.

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.

- 533 16/01572/FUL - The Sarah Moore Public House, 57-59 Elm Road, Leigh-on-Sea (Leigh Ward)**
Proposal: Erect two storey roof extension comprising of six self-contained flats with balconies, relocate extraction flue, erect refuse and cycle stores and alter elevations (Amended Proposal).
Applicant: Mr M. Thornton (Stronghold Estates)
Agent: BGA Architects

DEFERRED

(Councillors D Garston and Walker took no part in the voting on this item.)

- 534 16/01831/BC3 - Bournes Green Infant School, Burlescoombe Road, Thorpe Bay, Southend-on-Sea (Southchurch Ward)**
Proposal: Erect conservatory to rear of existing after school club building.
Applicant: Bournes Green Infant School
Agent: Mr Nick Kenney

Planning Permission GRANTED subject to the following conditions:

01. The development hereby permitted shall begin not 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 permitted shall be carried out in accordance with the following approved plans: BG/NAK/01 and Site Location plan.

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

03. Unless otherwise agreed in writing with the local planning authority, the development hereby permitted shall be constructed entirely of the materials that are shown on the plans hereby approved.

Reason: In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of the area. This is as set out in the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy KP2 and CP4, DPD2 (Development Management) policy DM1, and SPD1 (Design and Townscape Guide).

04. Amplified music shall not be played at any time in the development hereby permitted.

Reason: In the interests of the protection of the amenity of neighbouring residents. This is as set out in the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policies KP2 and CP4 and DPD2 (Development Management Document) policy DM1.

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.

Informative

You are advised that as the proposed extension(s) to your property 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 CIL.

- 535 16/02060/TPO - Land at Junction of Prince Avenue A127 and Rochford Road, Westcliff on Sea (St Laurence Ward)**
Proposal: Fell 38 poplar trees (Application for works to trees covered by a tree preservation order)
Applicant: Southend-on-Sea Borough Council

Mr Goodridge, a local resident, spoke as an objector to the application. Mr Brown responded on behalf of the Applicants.

DELEGATED to the Deputy Chief Executive (Place), Head of Planning and Transport or the Group Manager Development Control and Building Control to GRANT CONSENT for 16/02060/TPO following the expiration of the public consultation period subject to the following conditions:

01 The works covered by this consent must be begun not later than the expiration of two years beginning with the date of this consent.

Reason: To enable the circumstances to be reviewed at the expiration of the period if the consent has not been implemented, in accordance with the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) Policy KP2 and CP4, Development Management Policy DM1 and SPD1 (Design and Townscape Guide).

02 The replacement tree planting scheme shall be that shown on 'Plan for Tree Planting – Bell Walk, Prince Avenue' which shows twenty replacement trees (10 tulip trees (*Liriodendron tulipifera*) and 10 Acer trees (*Acer freemannii*) of 10-12cm 45L container size) to be planted in this area (8 on Rochford Road and 12 on Prince Avenue) within the 2016/2017 planting season unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of visual amenity in accordance with the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) policy KP2 and CP4, Development Management Policy DM1 and SPD1 (Design and Townscape Guide).

03 The works shall be carried out in accordance with BS 3998 (2010) by a suitably qualified person.

Reason: In the interests of visual amenity in accordance with the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) policy KP2 and CP4, Development Management Policy DM1 and SPD1 (Design and Townscape Guide).

04 Within 6 months of the removal of first tree hereby given consent, details of a boundary hedge to the southern and eastern boundaries with the highway shall be submitted to and approved in writing by the Local Planning Authority. The hedge shall thereafter be planted within the next planting season or other time to be first agreed in writing by the Local Planning Authority.

Reason: In the interests of general amenities in accordance with the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) policy KP2 and CP4, Development Management Policy DM1 and SPD1 (Design and Townscape Guide).

Informative

01 The applicant is advised that the traffic management issues related to the proposed works will need to be agreed with the Highways Section prior to commencement.

02 It is strongly recommended that air quality of the area be monitored given that the site is located within an Air Quality Management Area (AQMA).

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.

- 536 16/01752/FUL - Telecommunications Mast, Junction of Thorpe Esplanade and Thorpe Hall Avenue, Southend-on-Sea (Thorpe Ward)**
Proposal: Remove existing tower and install 9m replacement tower with multi band antenna, associated cabinet and upgrade works (amended proposal)
Applicant: EE LTD & Hutchinson 3G UK LTD
Agent: Mr D. Hosker, WHP

Planning Permission GRANTED subject to the following conditions:

01. The development hereby permitted shall begin no later than 3 (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 permitted shall be carried out in accordance with the approved plans: SOS022-01 Issue I, SOS022-02 Issue I, SOS022-03 Issue I, SOS022-04 Issue I, SOS022-05 Issue I.

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

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.

- 537 16/01469/FUL - Cambridge House, 121 Ness Road, Shoeburyness (West Shoebury Ward)**

Proposal: Change of use from offices (Class B1) to six dwellinghouses (Class C3), alter front and rear elevations with balconies to rear, layout refuse, cycle storage and associated parking and amenity space to rear
Applicant: The Garrison LLP
Agent: Pomery Planning Consultants Ltd

WITHDRAWN

538 16/01693/FUL - 104 Salisbury Road, Leigh-on-Sea (West Leigh Ward)

Proposal: Demolish existing dwellinghouses at 104 - 106 Salisbury Road, erect three dwellinghouses with garages to rear and alter existing vehicular crossovers onto Salisbury Road (Amended Proposal)

Applicant: Mr D. MacDonald

Agent: Mr G. Coxall (Third Dimension Arch. Design Ltd)

Mr Colyer, a local resident, spoke as an objector to the application. Mr Coxall, the Applicant's Agent responded.

DEFERRED (PMSV)

539 16/01661/FULH - 54 Glenbervie Drive, Leigh-on-Sea (Blenheim Park Ward)

Proposal: Erect single storey side extension, hipped to gable roof extension, dormer and porch to front, extend rear dormer, form layout parking and vehicular access on to Glenbervie Drive

Applicant: Mr M. Parsons

Agent: Mr D. Perry (Stone Me! Design)

Planning Permission REFUSED for the following reason:

01 The proposed side extension, hip to gable roof extension, rear and front dormer windows would, by reason of their design, size, bulk and siting represent discordant, incongruous and overly dominant features which are detrimental to the character and appearance of the host property and the area more widely. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework; 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 advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The detailed analysis is set out in a report prepared by officers. In the circumstances the proposal is not considered to be sustainable development. The Local Planning Authority is willing to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development, should the applicant wish to exercise this option in accordance with the Council's pre-application advice service.

Informative

Please note that this application would be liable for a payment under the Community Infrastructure Levy Regulations 2010 (as amended) if planning permission had been granted. Therefore if an appeal is lodged and subsequently

allowed, the CIL liability will be applied. Any revised application might also be CIL liable.

- 540 16/01760/FULH - 78 Hadleigh Road, Leigh-on-Sea (West Leigh Ward)**
Proposal: Raise roof height to form habitable accommodation in roof, dormer to rear and alterations to front, side and rear elevations (Amended Proposal)
Applicant: Mr & Mrs Hall
Agent: Knight Gratrix Architects

Mr Richardson, a local resident, spoke as an objector to the application. Mr Hall, the Applicant, responded.

DEFERRED (PMSV)

- 541 16/01772/FULH - 20 Chadwick Road, Westcliff-on-Sea (Chalkwell Ward)**
Proposal: Erect part single/part two storey rear extension with Juliette balcony to first floor, alter elevations and relocate existing outdoor swimming pool (amended proposal)
Applicant: Mr & Mrs Cachia
Agent: Mr J. Collinson, New World Designers Ltd

Planning permission REFUSED for the following reason:

01. The proposed development would cause an unacceptable sense of enclosure and loss of natural light at the rear of no. 18 Chadwick Road, contrary to the National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy and Policy DM1 of the Development Management Document.

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 and is also willing to provide pre-application advice in respect of any future application for a revised development, should the applicant wish to exercise this option in accordance with the Council's pre-application advice service.

- 542 16/00121/UNAU_B - 30 Dawlish Drive, Leigh-on-Sea (Leigh Ward)**
Breach of Control: Without planning permission, the installation of a raised platform and external staircase to the rear.

The Committee considered a report by the Deputy Chief Executive (Place) which reported on an alleged breach of planning control.

Resolved: That ENFORCEMENT ACTION be AUTHORISED to secure the removal of the external raised platform and staircase on the grounds that the unauthorised development is detrimental to the amenities and character of the area by reason of unsightliness and its potential to enable overlooking resulting in the loss of privacy of the occupiers of adjacent residential properties and that it is

detrimental to the residential amenities of the ground floor flat by reason of its oppressive impact resulting in a loss of outlook by overshadowing the bedroom window and has the potential to afford any users views into the room contrary to the NPPF, Policies CP4 and KP2 of the Core Strategy DPD1, Policies DM1 and DM3 of the Development Management Document DPD2 and the Design & Townscape Guide.

The authorised enforcement action 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.

When serving an Enforcement Notice the local planning authority must ensure a reasonable time for compliance. In this case the necessary remedial works would be easily achievable so a compliance period of 28 days is considered reasonable.

543 EN/16/00193/UNAU-B - Herschell House, 87 Leigh Hill, Leigh on Sea, Essex. SS9 1AR (Leigh Ward)

Breach of Control: The carrying out of various internal and external works to a listed building, operational development and engineering operations which constitute development, without the necessary planning permission and listed building consents being obtained. The removal of trees in a conservation area without serving an appropriate Section 211 notice.

The Chairman agreed that this item be considered at this meeting as an urgent additional item on the grounds that the unauthorised works have caused serious harm to heritage assets. It is considered important that prompt action is taken against these significant breaches of listed building and planning controls.

The Committee considered a report by the Deputy Chief Executive (Place) which reported on an alleged breach of planning control.

Resolved:

1. That ENFORCEMENT ACTION be AUTHORISED in respect of the breaches of planning and listed building controls identified as harmful in sections a) to g) (inclusive) of paragraph 4.9 of this report to secure their removal, making good, remediation or construction in full compliance with the terms of the planning permissions and listed building consents granted at the site in 2016 (as set out in Appendix 1 of this report) as appropriate. That ENFORCEMENT ACTION BE AUTHORISED to secure the planting of new trees of an appropriate size and species and in appropriate locations to replace the trees felled at the site without the appropriate notice being served (as identified in paragraph 4.9 h) of this report). It is considered reasonable, expedient, proportionate and in the public interest to pursue enforcement action for the reasons and in the ways set out in this report.

The authorised enforcement action to include (if and as necessary) the service of Listed Building Enforcement Notices under the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), Planning Enforcement Notices under the Town and Country Planning Act 1990 (as amended) and Notices requiring the planting of trees to replace those removed without the service of an

appropriate notice (under Section 211 of the Town and Country Planning Act (1990) as amended) and the pursuance of proceedings whether by prosecution or injunction to secure compliance with the requirements of these Notices.

When serving a Planning or Listed Building Enforcement Notice or a Notice requiring replacement trees to be planted the Local Planning authority must ensure a reasonable time for compliance. In this case the necessary remedial works would be extensive and so a compliance period of 3 months is considered reasonable.

2. That officers be AUTHORISED to INVESTIGATE AND, WHERE THIS IS FOUND TO BE APPROPRIATE, PURSUE PROSECUTIONS for the carrying out of work, or causing works to be undertaken, to the listed building at the site without the necessary (where this work has materially affected its character as a building of special historic or architectural interest) listed building consent and the cutting down and wilful damaging of trees in a Conservation Area without the serving of the necessary notice on the Local Planning Authority.

Chairman: _____

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