

Public Document Pack

Southend-on-Sea Borough Council

Department for Corporate Services

John Williams - Head of Legal & Democratic Services

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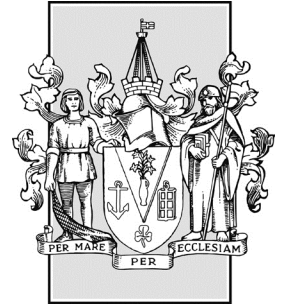
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Dear Councillor

THE COUNCIL - THURSDAY, 21ST APRIL, 2016

Please find enclosed, for consideration at the next meeting of The Council taking place on Thursday, 21st April, 2016, the following report(s) that was unavailable when the agenda was printed.

Agenda No Item

Minutes of the Development Control Committee held on Wednesday 13th April 2016 - minutes attached

Yours faithfully

Robert Harris
Legal & Democratic Services

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SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Development Control Committee

Date: Wednesday, 13th April, 2016
Place: Committee Room 1 - Civic Suite

21a

Present: Councillor A Crystall (Chair)
Councillors M Assenheim (Vice-Chair), Arscott*, B Ayling,
M Borton, Byford, Callaghan, Evans, N Folkard, D Garston,
Hadley, D McGlone, McMahon, K Robinson, Van Looy and
Walker
*Substitute in accordance with Council Procedure Rule 31.

In Attendance: Councillors J Garston and Mulroney
J K Williams, P Geraghty, D Hermitage, J Rowley, I Harrison and
M Warren and T Row

Start/End Time: 2.00 - 5.00 pm

789 Apologies for Absence

Apologies for absence were received from Councillors M Butler (Substitute: Cllr Arscott) and N Ward.

790 Declarations of Interest

The following interests were declared at the meeting:

- (a) Councillor Evans – 16/00154/FUL – Non-pecuniary interest: A Governor of the school is a personal friend;
- (b) Councillor Hadley – 15/02092/FUL – Disqualifying non-pecuniary interest: Director of the company who sold the land to the developer (withdrew);
- (c) Councillor Van Looy – 16/00073/FUL – Non-pecuniary interest: Family live in the road;
- (d) Councillor Van Looy – 15/02084/FUL – Non-pecuniary interest: Has used the restaurant;
- (e) Councillor Van Looy – 16/00204/FULM – Disqualifying non-pecuniary interest: Knows the developer (withdrew); and
- (f) Councillor Walker – 16/00343/AMDT – Non-pecuniary interest: Applicant is known to him through a mutual friend.

791 Apology

Prior to the commencement of the consideration items of business on the Agenda on Councillor Walker made the following statement:

I refer to the comments which I made during the course of a meeting of the Development Control Committee on 3rd February 2016 relating to a Daylight and Sunlight Study prepared by Right of Light Consulting Limited. It has been drawn to my attention that my comments may have been interpreted as intending to question the professional competence or reliability of the study.

I would like to make clear that this was not my intention. I have no reason to doubt the competence or reliability of the relevant document and if, contrary to my intention, this was the impression given then I unreservedly withdraw my comments and apologise to Right of Light Consulting Limited for any offence or embarrassment caused.

My intention was simply to highlight the frustration which I feel on occasions when faced with conflicting expert evidence, or expert evidence which contradicts the advice we have received from our professional officers. This can make it very difficult for those like me without technical expertise to be sure that we are making decisions based on the correct technical information. I appreciate that I should not have voiced these general concerns in the context of a specific study which did not create this conflict.

Councillor Walker added that he had sent a copy of this apology to the local press and had requested that a copy of it be published.

792 Report on Planning Applications - Pre-Meeting Site Visits

(a) Leigh Ward

16/00073/FUL

Demolish existing garage and erect 4 dwellinghouses with balconies to rear, layout amenity space, parking and form new vehicular access onto Laurel Close

9 Hadleigh Road, Leigh-on-Sea, Essex, SS9 2DY

Mr Frank Ebdon

SK Architects

Planning Permission REFUSED for the following reasons:

01 The proposed development by reason of the size, siting, layout, height and detailed design of the proposed dwellings would appear incongruous and out of keeping within the streetscene and Leigh Conservation Area to the detriment of the character and appearance of the area contrary to the National Planning Policy Framework; Policies KP2 and CP4 of the Core Strategy; Policies DM1, DM3 and DM5 of the Development Management Document DPD2 and advice contained within the adopted Design and Townscape Guide (SPD1).

02 The proposed development by reason of its height, position and fenestration detail in relation to neighbouring properties in New Road and Hadleigh Road would result in an overbearing form of development, unreasonable sense of enclosure and loss of privacy through unmitigated overlooking to the detriment of the amenities of occupiers properties in New Road and Hadleigh Road contrary to the National Planning Policy Framework, policies KP2 and CP4 of the Core Strategy, policy DM1 of Development Management Document DPD2, and the Design and Townscape Guide.

03 The proposed development, by reason of insufficient provision of parking for the existing dwelling no. 9 Hadleigh Road and the proposed dwellings would result in additional on street parking in an area of parking stress to the detriment highway safety and the free flow of traffic in the local highway network contrary to guidance contained within the National Planning Policy Framework and Development Management Document (DPD2) Policy DM15.

04 Insufficient information has been submitted to demonstrate accessibility and adaptability of the units. This is contrary to the policy DM8 of the Development Management DPD2 and National Technical Housing Standards 2015 DCLG 2015.

05 The proposed development by reason of lack of good quality, useable amenity space for potential future occupiers would result in a poor living environment for future occupiers and be contrary to the provisions of the National Planning Policy Framework, Policy KP2 and CP4 of the Core Strategy, policy DM8 of the Development Management Document DPD2 and advice contained within the adopted Design and Townscape Guide (SPD1).

06 The proposed development fails to provide adequate information regarding the use of renewable energy resources which given the scale and siting of the proposal could have a significant impact on design and the appearance, surrounding area including Leigh Conservation Area. This is contrary to the National Planning Policy Framework, Policies CP4 and KP2 of the Core Strategy Policies DM1, DM2 and DM5 of DPD2, and the Design and Townscape Guide, 2009 (SPD1).

Informative

01 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.

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.

(b) Chalkwell Ward

15/02084/FUL

Form raised terrace to side to be used as seating area with associated landscaping

Toulouse Restaurant, Western Esplanade, Westcliff-on-Sea, Essex, SS1 1EE
Mr Colin Thorne
Knight Gratrix Architects

Mrs Chapman, a local resident, spoke as an objector to the application. The applicant, Mr Thorne, responded.

Planning Permission REFUSED for the following reason:

01 The proposed raised terrace and associated storage by reason of its siting, bulk and appearance would result in loss of landscaped open space and be visually detrimental to the character and appearance of the streetscene and The Leas Conservation Area contrary to the National Planning Policy Framework, policies KP2 and CP4 of the Core Strategy, policies DM1, DM5 and DM6 of the Development Management Document and Design and Townscape Guide SPD1.

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

It is considered that additional paraphernalia, including umbrellas or heaters, to serve the proposed seating area or additional facilities or equipment, including toilets or extract ducts, as a result of the additional pressure to the existing restaurant would result in an detrimental impact on the conservation area and they would not considered acceptable.

(c) Chalkwell Ward
16/00328/FUL

Convert ground floor 3 bed flat into two flats, additional parking to rear and replacement gates to rear, convert existing flat roofed areas in to roof terraces (6th - 9th floor), alter hard and soft landscaping, alter elevations and erect free standing sign.

The Shore, 22 - 23 The Leas, Westcliff-on-Sea, Essex
The Shore Limited
Daniel Watney LLP

DEFERRED

793 Report on Planning Applications - Main Plans List

**(a) Kursaal Ward
16/00076/FULM**

Application to remove condition 15 (code for sustainable housing) of planning permission 15/00521/FULM dated 15/07/2015 to erect five storey building with 22 flats.

Land at Essex House, Southchurch Avenue, Southend-on-Sea, Essex SS1 2LB

Weston Homes Plc

DELEGATED to the Corporate Director for 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 financial contribution towards affordable housing provision in-lieu of on-site affordable housing.
- A financial contribution of £33,852.80 towards primary and secondary education.
- A £3,000 contribution towards the upgrade of a nearby bus stop.

The 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 shall be carried out in accordance with the approved plans: WH166/15/P/35.01, WH166/15/P/35.02, WH166/15/P/50.01, WH166/15/P/05.01, WH166/15/P/10.01, WH166/15/P/10.02, WH166/15/P/25.01, WH166/15/P/30.01, WH166/15/P/30.02 and WH166/15/P/30.03.

Reason: To ensure that the development is carried out in accordance with the provisions of the Development Plan. (R01D)

02 The materials to be used on all external elevations of the development hereby approved shall be in accordance with the details approved under the terms of application 15/01241/AD unless otherwise agreed in writing by the Local Planning Authority.

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

03 The development shall not be occupied until 39 car parking and 22 cycle parking spaces have been provided on hardstandings within the curtilage of the site, together with properly constructed vehicular accesses to the adjoining highway, all in accordance with the approved plans. 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 Policy DM15 of the Council's Development Management DPD and CP3 of the Core Strategy DPD1.

04 The development shall be undertaken in accordance with the Waste Management Plan approved under the terms of application 15/01241/AD unless otherwise agreed in writing by the Local Planning Authority.

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.

05 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 the ground floor façades and 1m from all other facades 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 Policy DM1 of the Council's Development Management DPD and Policies KP2 and CP4 of the Core Strategy DPD1.

06 The proposed development shall only be undertaken in accordance with the contaminated land assessment and mitigation measures approved under the terms of application 15/01301/AD unless otherwise agreed in writing by the Local Planning Authority.

The remediation scheme shall be implemented in accordance with the approved timetable of works. Within 3 months of the completion of measures identified in the approved remediation scheme, a validation report (that demonstrates the effectiveness of the remediation carried out) must be submitted to the Local Planning Authority.

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 7 days to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site. An assessment must be undertaken of the contamination, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning. The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the Local Planning Authority.

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.

07 Lighting shall only be installed at the site in accordance with the Lighting Scheme approved under the terms of application 15/01241/AD unless otherwise agreed in writing by the Local Planning Authority. No additional external lighting shall be installed on the building without the prior approval of the LPA.

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

08 The permitted hours for noise beyond the site boundary due to construction and demolition site works including loading and unloading are Monday to Friday 7.30 a.m. to 6.00 p.m. and Saturday 8.00 a.m. to 1.00 p.m. and not at all on Sundays or Bank Holidays. Noise from construction site activity shall not occur beyond the site boundary at any other time.

Reason: In order to protect the amenities of surrounding residents in accordance with policies KP2 and CP4 of the Core Strategy DPD1

09 During any Construction and Demolition there shall be no burning of waste material on the site.

Reason: In order to protect the amenities of surrounding residents in accordance with policies KP2 and CP4 of the Core Strategy DPD1

10 The development shall be undertaken in accordance with the hard and soft landscaping details approved under the terms of application 15/01241/AD unless otherwise agreed in writing by the Local Planning Authority. 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.

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 Council's Development Management DPD and Policy CP4 of the Core Strategy DPD1

11 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 implemented 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 DM1 of the Council's Development Management DPD and Policy CP4 of the Core Strategy DPD1

12 A scheme detailing how at least 10% of the total energy needs of the dwellinghouses will be supplied using on site renewable sources must be submitted to and agreed in writing by the Local Planning Authority and

implemented in full prior to the first occupation of the dwellinghouses. This provision shall be made for the lifetime of the development.

Reason: In the interests of providing sustainable development in accordance with Policy KP2 of the Core Strategy (DPD1).

13 The undercroft area shall be built in accordance with the details approved under the terms of application 15/01241/AD unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to protect the character and visual amenities of the area and the environment for residents in accordance with Policy DM1 of the Council's Development Management DPD and Policies KP2 and CP4 of the Core Strategy DPD1.

14 The proposed development shall only be undertaken in accordance with the surface water drainage scheme approved under the terms of application 15/01241/AD unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of providing sustainable development and encouraging sustainable drainage at the site in accordance with the NPPF and Policy KP2 of the Core Strategy (DPD1).

Informative:

This application is CIL liable. However, as this application has been made pursuant to Section 73 of the Town and Country Planning Act 1990, Community Infrastructure Levy (CIL) Regulation 128A applies. In this instance there will be no CIL charge on this permission as there is no net increase in floorspace between the original permission and the S73 permission.

(b) Southchurch Ward

16/00154/FULM

Erect sports hall, layout hardstanding and landscaping (class D1 non-residential institutions)

Thorpe Hall School, Wakering Road, SS1 3RD

Mr A. Hampton

Mr S. Kearney, SKArchitects

Planning Permission DELEGATED to the Corporate Director for Place, Head of Planning and Transport or Group Manager for Planning & Building control to GRANTED subject to agreeing amended finishing materials and the following conditions:

01 The development hereby permitted shall begin no later than 3 (three) years from the date of this decision. (C01A)

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990. (R01A)

02 The development hereby permitted shall be carried out in accordance with the approved plans: 265.P03 Rev A, 265.P04 Rev A, 265.P05 Rev A, 265.P06 Rev A, 265.P07 Rev A, 265.P08 Rev A, 265.P09 Rev A, 265.P10 Rev C, SKA/THS/01, Arboricultural Report and Impact Assessment dated 08.04.16.

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

03 No development shall take place until samples of the materials to be used on the external elevations of the building 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 the area in accordance with Policies KP2 and CP4 of the Core Strategy, Policies DM1 and DM3 of the Development Management Document and the Design and Townscape Guide, 2009 (SPD1).

04 The proposed landscaping shall be implemented in accordance with planting plan ref. 265.P09 Rev A, unless otherwise agreed in writing by the Local Planning Authority. Such agreed details shall be permanently retained.

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, Policy DM1 of the Development Management Document and the Design and Townscape Guide, 2009.

05 Details of replacement trees to be planted along the eastern boundary shall be submitted to and agreed in writing by the Local Planning Authority prior to first occupation of the building.

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

06 All planting in the landscaping scheme referred to in conditions 04 and 05 above shall be carried out within the first available planting season following the completion of the development. Any trees or shrubs dying, removed, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed with the Local Planning Authority.

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

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

Reason: In the interests of providing sustainable development in accordance with Policy KP2 of the Core Strategy, the Design and Townscape Guide (SPD1) and Development Management Document Policy DM2.

08 The use of sports hall, fitness suite and changing facilities hereby approved shall not commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority. The agreement shall cover hours of use, types of bookings accepted, restrictions on community use, pricing policy, and anything else which the Local Planning Authority in consultation with Sport England considers necessary in order to secure the effective community use of the facilities. The development shall not be used at any other time other than in strict compliance with the approved agreement.

Reason: To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to accord with Core Strategy Policy CP7.

09 Prior to the commencement of development, the protective fencing shall be in place in accordance with the drawing number SKA/THS/01 and be permanently retained for the duration of the building works associated with the proposed development.

Reason: To ensure adequate protection of nearby preserved trees in the interest of visual amenities in accordance with the National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy, Policy DM1 of the Development Management Document and the Design and Townscape Guide (SPD1).

10 The details of any extraction and ventilation equipment including its design, appearance and siting shall be submitted to and approved in writing prior to first installation.

Reason: In the interest of the visual amenities of the proposed building and character and appearance of the locality, in accordance with Policies KP2 and CP4 of the Core Strategy, Policy DM1 of the Development Management Document and the Design and Townscape Guide (SPD1).

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

01. 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

(c) Westborough Ward

16/00204/FULM

Demolish existing building and erect four storey building comprising of 16 flats with ground floor retail unit (Class A1) and parking, layout cycle store, bin store and form vehicle access onto Fleetwood Avenue (Amended Proposal).

Les & Gary, 659 - 665 London Road, Westcliff-on-Sea, Essex, SS0 9PD

Mr J. Simon

APS Designs Ltd

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

(a) DELEGATED to the Corporate Director for 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:

- 3 units of affordable housing.

(b) The 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: 01, 02, 03, 04, 05, 06A, 07, 08 and 09.

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

03 No development shall take place until samples of the materials to be used on all the external elevations, including balconies, fenestration, undercroft area, and on any screen/boundary walls and fences, and on any external access way, driveway, forecourt or parking area and steps have been submitted to and approved by the local planning authority.

In addition, plans at 1:50 scale or less shall be provided to show the detail of the proposed third floor roof and the Fleetwood Avenue entrance to the building and its associated canopy.

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 DPD and KP2 and CP4 of the Core Strategy.

04 The development shall not be occupied until 17 car parking and 16 cycle parking spaces have been provided in accordance with the approved plans. 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.

05 No development shall take place until full details of both hard and soft landscape works, including those of all roof terraces, 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. hard surfacing materials;
- iv. 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.

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

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

Reason: In the interests of providing sustainable development in accordance with Policy KP2 of the Core Strategy (DPD1).

07 Prior to the commencement of development at the site, a scheme of surface water run-off attenuation measures to be included within the development shall be submitted to and approved in writing by the Local Planning Authority. Subsequently, the proposed development shall only be undertaken in

accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of providing sustainable development and encouraging sustainable drainage at the site in accordance with the NPPF and Policy KP2 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.

Informatives

01 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.

02 Please note that the applicant is encouraged to provide signage within the application site, near to the vehicular access, to highlight that Fleetwood Avenue is a one way street and therefore it is only possible to turn left when leaving the site.

(d) Leigh Ward

16/00028/AMDT and 16/00096/DOV

(A) Application to vary condition 02 Approved Plans (Minor Material Amendment) of planning permission 13/00396/OUTM dated 25/06/2013 - to Redevelop former Bell Hotel and form five flats and erect 3 blocks comprising two, part 3/ part 4, and one 3 storey block totalling 15 flats, with balconies, amenity terrace, basement parking, and refuse storage and convert into five flats with single storey rear extension, lay out access road, cycle and motorcycle storage, amenity area, retaining walls and landscaping (Outline)

(B) Modification of planning obligation (Section 106 agreement) dated 25/06/2013 pursuant to application 13/00396/OUTM (as varied by Deed of Variation dated 17 July 2014 and 20 February 2015) to allow an extension to the development's "Completion Date".

The Bell Hotel, 20 Leigh Hill, Leigh-on-Sea, Essex, SS9 2DN

R Levy

The Planning and Design Bureau

(a) DELEGATED AUTHORITY TO THE Corporate Director for Place, Head of Planning & Transport or Group Manager of Planning & Building Control to GRANT PLANNING PERMISSION, subject to the completion of a legal

agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:-

- Planning obligation dated 25/06/2013 pursuant to application 13/00396/OUTM (as varied by Deed of Variation dated 17 July 2014 and 20 February 2015) to be linked to Application A;
- Modification of planning obligation dated 25/06/2013 pursuant to application 13/00396/OUTM (as varied by Deed of Variation dated 17 July 2014 and 20 February 2015) to:
 - (i) allow an extension to the development's "Completion Date" to 18 months from the date of permission being granted pursuant to Application A;
 - (ii) allow for a financial contribution to be payable in lieu of on-site provision of affordable housing following a Viability Assessment and agreement or determination of the sum due; and
 - (iii) require that if all the Dwellings are not completed and ready for occupation by the Completion Date then a further Viability Assessment is to be provided to the Council to establish any education or affordable housing contribution deemed viable. Until such time that the further Viability Assessment has been submitted and that any contribution(s) have been agreed and paid, no further occupations of Dwellings are permitted on the Site. In any event, any contributions payable shall be paid within 28 days of the agreement or determination of the financial contribution(s) payable.

(b) The Corporate Director of Place, Head of Planning & Transport or the Group Manager of Planning & Building Controls be authorised to determine the application upon completion of the above obligation provided the planning permission when granted and the obligation when executed, accord with the details set out in this report and the conditions listed below:

01 The development hereby permitted shall begin not later than 2 years from the date of approval of the last of the reserved matters application (14/00486/RESM 13.06.2014).

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 (as amended) and because the application is for outline planning permission only and the particulars submitted are insufficient for consideration of the details mentioned.

02 The development hereby permitted shall be carried out in accordance with the approved plans 13/25/01; 13/25/03 Revision D; 13/25/02 Revision C; 13/25/12 Revision D; 13/25/11 Revision F; 05031040; 13/25/14 Revision B; 13/25/13 Revision B; 13/25/10 Revision C; 13/25/05 Revision C; 13/25/06 Revision D; 13/25/07 Revision D; 13/25/08 Revision E; 13/25/09 Revision E; 13/25/17.

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

03 Prior to the commencement of the replacement Bell Hotel building hereby approved details and samples of the materials to be used in the construction of the Bell Hotel including brickwork, roof tiles, stone window and balcony doors, front door, balconies, gutters dormers, plinth, roof terrace, roof lights, roof

lanterns to the external elevations shall have been submitted to and approved in writing by the local planning authority. The works must then be carried out in accordance with the approved materials unless otherwise agreed in writing by the local planning authority.

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, DPD1 (Core Strategy) 2007 policy KP2 and CP4, policies DM1, DM3 and DM5 of the Development Management Document DPD2, and SPD1 (Design and Townscape Guide).

04 The details of the new windows, doors, balconies, eaves, verges and cills shall be carried out in accordance with drawing 13/25/27 and approved details submitted on the 06.06.2014 under application 14/01705/AD unless otherwise agreed in writing by the local planning authority.

Reason: To safeguard the historic building in accordance with the National Planning Policy Framework, policy DM5 of the Development Management Document DPD2 and advice contained within the Design and Townscape Guide SPD1.

05 Prior to occupation of the dwellings 21 car parking space(s) shall be provided in accordance with plan 13/25/05c hereby approved and shall thereafter be permanently retained for the parking of private motor vehicles solely for the benefit of the occupants of the premises of which it forms part and their visitors and for no other purpose unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that satisfactory off-street car parking and turning provision is provided for occupants of the new dwelling(s) and in the interests of residential amenity and highway efficiency and safety, in accordance with Policy CP3 of the Core Strategy, DPD1 (Core Strategy) 2007 policy KP2, policy DM15 of the Development Management Document DPD2, and SPD1 (Design and Townscape Guide).

06 Prior to occupation of the dwellings cycle parking shall be provided in accordance with drawing 13/25/05c and details of the Thames Bridge Cycle Stand submitted on the 06.06.2014 under application 14/01705/AD, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that satisfactory secure off-street bicycle parking is provided in the interests of sustainability, amenity and highways efficiency and safety, in accordance with DPD1 (Core Strategy) 2007 policy KP2, policy DM15 of the Development Management Document, and SPD1 (Design and Townscape Guide).

07 The soft and hard landscaping details shall be carried out in accordance with drawings 14-26-01 and 14-26-02 agreed under application 14/00486/RESM unless otherwise agreed in writing with the local planning authority.

Reason: To ensure that the development is satisfactory in terms of its appearance and that it makes a positive contribution to the local environment

and biodiversity in accordance with DPD1 (Core Strategy) policy KP2 and CP4, policy DM1 of the Development Management Document DPD2, and SPD1 (Design and Townscape Guide).

08 All planting in the approved landscaping scheme shall be carried out within the first available planting season of the completion of the development. Any trees or shrubs dying, removed, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed with the Local Planning Authority.

Reason: In the interests of visual amenity and to ensure a satisfactory standard of landscaping, pursuant to Policy CP4 of the Core Strategy DPD1 and Policy DM1 of the Development Management Document DPD2.

09 If any trees are removed or found to be dying, severely damaged or diseased within 5 years of planting them, they must be replaced with trees of a similar size and species.

Reason: To ensure that the development is satisfactory in terms of its appearance and that it makes a positive contribution to the local environment and biodiversity in accordance with DPD1 (Core Strategy) policy KP2 and CP4, Policy DM1 of the Development Management Document DPD2, and SPD1 (Design and Townscape Guide).

10 The development hereby approved shall be carried out in accordance with the written scheme of investigation for archaeological monitoring and recording at the Bell Hotel carried out by Essex County Council Field Archaeology Unit February 2013 under application 14/00256/AD unless otherwise agreed in writing by the local planning authority.

Reason: To allow for the excavation and recording of any information of archaeological importance, pursuant to Policy DM5 of the Development Management Document DPD2.

11 The development hereby approved shall be carried out in accordance with the drainage drawing 950-20-001 Revision A and associated details agreed on the 17.09.2014 under application 14/01705/AD, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure surface water is adequately managed in the interests of flood prevention and pollution control, in accordance with DPD1 (Core Strategy) 2007 policy KP2.

12 The development hereby permitted shall be carried out in accordance with the Phase II Geo-Environmental Site Investigation reference 50416 issued December 2013 carried out by REC Resource and Environmental Consultants Ltd agreed under application 14/00109/AD, unless otherwise agreed in writing by the local planning authority.

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 National Planning Policy Framework, DPD1 (Core Strategy) 2007 policy KP2.

13 The development hereby permitted shall be carried out in accordance with details of renewable energy on drawing 13/25/16 and details relating to photovoltaic panels submitted on the 11.09.2014 under application 14/00109/AD prior to the occupation of the development hereby approved, unless otherwise agreed in writing by the local planning authority.

Reason: To minimise the environmental impact of the development through efficient use of resources and better use of sustainable and renewable resources in accordance with the National Planning Policy Framework, DPD1 (Core Strategy) policy KP2 and CP4, and SPD1 (Design and Townscape Guide).

14 Notwithstanding the development hereby approved, prior to first occupation of the development the waste management plan submitted on the 20.08.2014 shall be implemented as agreed under application 14/01705/AD. Waste management at the site shall be carried out in accordance with the approved strategy unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the environment and ensure adequate and appropriate storage, recycling and collection of waste resulting from the development in accordance with the National Planning Policy Framework, DPD1 (Core Strategy) 2007 policy KP2 and CP4.

15 Notwithstanding the development hereby approved, the details of existing and proposed levels on the land and in relation to adjoining land shall be carried out in accordance with Drawings 0509/19, 14-26-02; 11/25/03 Revision A; 14-26-01 Revision C, as agreed under application 14/01705/AD, unless otherwise agreed in writing by the local planning authority. The development shall be constructed at the level indicated on the approved drawings.

Reason: To ensure that the development is carried out in accordance with the policies outlined in the Reason for Approval.

(c) In the event that the planning obligation referred to in part (a) above has not been completed by 20.05.2016 such that planning permission would have been granted, then the Corporate Director of Place, Head of Planning & Transport or Group Manager of Development Control & Building Control be authorised to consider whether permission should be refused on the grounds that it has not proved possible to complete a S106 agreement within an appropriate timescale, and that the proposals are unacceptable in the absence of the obligation that would have been secured; if so, the Corporate Director of Place, Head of Planning & Transport or Group Manager of Development Control & Building Control are authorised to determine the application and agree appropriate reasons for refusal under delegated authority.

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

01 As this application has been made pursuant to Section 73 of the Town and Country Planning Act 1990, Community Infrastructure Levy (CIL) Regulation 128A applies. You are advised that in this instance there will be no CIL charge on this permission as there is no net increase in floorspace between the original permission and the S73 permission.

02 This permission is governed by a legal agreement between the applicant and the Borough Council under Section 106 of the Town and Country Planning Act 1990. The agreement relates to affordable housing and education contributions, including a viability review mechanism.

(e) Eastwood Park Ward

16/00343/AMDT

Application to vary conditions 02 (approved plans) and 05 (hard and soft landscaping) to allow the laying of additional hardstanding at the rear of the site (Minor material amendment to planning permission 14/01515/FUL dated 12/12/2014)

590 Rayleigh Road, Eastwood, Leigh-on-Sea, Essex, SS9 5HU

Mr G. Marlow

Baines and Partners

Planning Permission GRANTED subject to the following conditions:

01 The development hereby permitted shall be carried out in accordance with the following approved plans: 0-001, 0-003 (Revision C), 1-001, 1-002 and 3-001.

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

02 The car parking area hereby approved shall be permanently retained for the parking of vehicles of people occupying the approved flats at 590 Rayleigh Road, the flats that have been created at the property formerly known as 588 Rayleigh Road or their visitors unless otherwise agreed in writing by the local planning authority.

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

03 All planting in the landscaping scheme hereby approved shall be carried out within the first planting season following the granting of this planning permission. Any trees or shrubs dying, removed, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with

trees or shrubs of such size and species as may be agreed with the local planning authority.

Reason: To ensure that the development is satisfactory in terms of its appearance and that it makes a positive contribution to the local environment and biodiversity in accordance with the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) policy KP2 and CP4, DPD2 (Development Management) Policy DM1 and SPD1 (Design and Townscape Guide).

04 The first floor flank windows on the West elevation shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing with the local planning authority) and fixed shut, except for any top hung fan light which shall be a minimum of 1.7 metres above internal floor level unless otherwise agreed in writing by the local planning authority. In the case of multiple or double glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4.

Reason: To protect the privacy and environment of people in neighbouring residential properties, in accordance with the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy CP4, Borough Local Plan 1994 policy H5, and SPD1 (Design and Townscape Guide).

05 Within 1 month of the date of this permission details of an acoustic fence to be provided on the west boundary of the car parking area for its full length, shall be submitted and approved by the Local Planning Authority. The fence as agreed shall then be erected within 2 months of its approval and thereafter retained.

Reason: To protect the residential amenities of neighbouring properties in accordance with policies KP2 and CP4 of the Core Strategy 2007.

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.

(f) West Leigh Ward

15/00292/FUL

Demolish existing dwellinghouses at 104 - 106 Salisbury Road, erect three dwellinghouses and form additional vehicular access onto Salisbury Road (Amended proposal)

104 Salisbury Road, Leigh-on-Sea, Essex, SS9 2JN

Derek Macdonald

Third Dimension Architects and Design Limited.

Planning Permission REFUSED for the following reasons:

01 The proposed dwellings, by way of their poor detailed design would be out of keeping appearing out of context and visually harmful to the detriment of the surrounding area. This is contrary to the National Planning Policy Framework policies KP2 and CP4 of the Core Strategy DPD1, Policies DM1 and DM3 of Development Management Document DPD2 and policies and the Design and 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.

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.

(g) Milton Ward

15/01644/FUL

Change of use from residential care home (Class C2) to hotel (Class C1), erect single storey front extension, form additional floor with roof terrace and alter elevations

Raymond House, 7 - 9 Clifton Terrace, Southend-On-Sea, Essex, SS1 1DT

Mr Jawed Rashid

Appleby Architects

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. (C01A)

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990. (R01A)

02 The development hereby permitted shall be carried out in accordance with the following approved plans: 15158/002/P5; 15158/008/P3; 15158/009/P3; 15158/010/P3; 15158/011/P3; 15158/012/P3; 15158/013/P3; 15158/014/P3 & 15158/017/P1 (C01D)

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

03 No development shall take place until external finishing materials including product details to be used have been submitted to and approved in writing by the local planning authority. The works must then be carried out in accordance with the approved materials unless otherwise agreed in writing by the local planning authority.

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, Development Management DPD Policy DM1, and SPD1 (Design and Townscape Guide).

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

Reason: In the interests of providing sustainable development in accordance with Policies KP2 and CP4 of the Core Strategy (DPD1).

05 Prior to the occupation of the development refuse and cycle storage facilities shall be provided and thereafter retained in perpetuity in accordance with plans No's 15158 002 P5.

Reason: To safeguard the amenities of the future occupants of the proposed flats and adjoining properties in accordance with the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy CP4, Development Management DPD policy DM1, and SPD1 (Design and Townscape Guide).

06 A tree protection plan shall be submitted to and approved in writing by the local planning authority, including details related to the demolition and reconstruction of the front boundary wall.

Reason: To ensure the preserved tree at the site is adequately protected during building works in the interests of visual amenity and in accordance with DPD1 (Core Strategy) policy KP2 and CP4, Development Management DPD policy DM1, and SPD1 (Design and Townscape Guide).

07 Prior to the installation of any plant/ air conditioning condensers, full details of the equipment including a noise report shall be submitted to and approved in writing by the Local Planning Authority. The equipment shall only be installed in accordance with the approved details.

Reason: To safeguard the amenities of the adjoining properties in accordance with the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy CP4, Development Management DPD policy DM1, and SPD1 (Design and Townscape Guide).

08 Prior to the commencement of the development details of soft and hard landscape works shall be submitted to and approved by the local planning

authority. The approved landscaping scheme shall be implemented within the first planting season following first use of the hotel.

Reason: To ensure that the development is satisfactory in terms of its appearance and that it makes a positive contribution to the amenity of future occupants in accordance with DPD1 (Core Strategy) policy KP2 and CP4, Development Management DPD policy DM1 and SPD1 (Design and Townscape Guide).

09 Prior to the first use of the building as a hotel, the parking shown on the Proposed Site Plan hereby approved (shown on drawing 15158 0002 P5) shall be provided, marked out and made available for use in conjunction with the operation of the hotel. The parking spaces shall subsequently be retained in perpetuity and only be used in conjunction with the operation of the hotel use.

Reason: To ensure that a suitable level of parking is provided at the application site in accordance with DPD1 (Core Strategy) policy KP2, Development Management DPD policy DM15 and SPD1 (Design and Townscape Guide).

10 Prior to the first use of the building as a hotel a travel plan, including sustainable transport targets and details of the monitoring of the travel plan, shall be submitted and approved in writing by the Local Planning Authority.

Reason: To encourage sustainable forms of transport to the hotel in accordance with DPD1 (Core Strategy) policy KP2, Development Management DPD policies DM1 and DM15.

11 The proposed sliding opening doors at the proposed bar area shall remain closed and outside seating area shall not be used between the hours of 21.00 - 09.30.

Reason: To safeguard the amenities of nearby residential properties, in particular to protect the occupiers from noise and disturbance, in accordance with the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy CP4 and Development Management DPD Policy DM1.

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.

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.

Please note that the signage shown on the plans hereby approved would require separate advertising consent under the terms of the Town and Country Planning (Control of Advertisements) Regulations 2007 prior to their installation.

(h) Shoeburyness Ward

15/02092/FUL

Erect two dwellinghouses on land adjacent to Bowbank Close with associated amenity, parking and landscaping (Amended Proposal)

Land To Rear Of 2 To 6, Watkins Way, Shoeburyness, Southend-on-Sea, Essex

Ace Compacts

Nick Kenney, The Draughtsman

Mrs Bann, a local resident, spoke as an objector to the application. Mr Chambers, the owner of the property, 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. (C01A)

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990. (R01A)

02 The development hereby permitted shall be carried out in accordance with the following approved plans: BC/NAK/001/438 Rev B; BC/NAK/002/438 Rev B (C01D)

Reason: To ensure that the development is carried out in accordance with the provisions of the Development Plan. (R01D)

03 No development shall take place until samples/details of materials to be used on the external elevations including details of any boundary walls, fences, gates and windows 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: 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, Development Management DPD policy DM1, and SPD1 (Design and Townscape Guide).

04 Prior to occupation waste and cycle storage shall be provided in accordance with the approved details and retained in perpetuity thereafter.

Reason: To ensure that satisfactory secure off-street bicycle parking is provided and to protect the environment and provide suitable storage for waste and materials for recycling in accordance with DPD1 (Core Strategy) 2007 policies KP2 and CP4, Development Management DPD policy DM1, and SPD1 (Design and Townscape Guide).

05 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2008, 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 and F to those Orders.

Reason: To enable the Local Planning Authority to regulate and control development in the interest of the amenity of neighbouring properties and to safeguard the character of the area in accordance the National Planning Policy Framework, DPD1 (Core Strategy) Policies KP2 and CP4, DPD2 (Development Management Document) Policy DM1 and SPD1 (Design and Townscape Guide).

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

Reason: In the interests of providing sustainable development in accordance with Policy KP2 of the Core Strategy, the Design and Townscape Guide (SPD1) and Development Management Document Policy DM2.

07 The dwellings hereby approved shall not be occupied until details soft and hard landscape works have been submitted to and approved by the local planning authority. The approved landscaping scheme shall be implemented within the first planting season following first occupation of the dwelling.

Reason: To ensure that the development is satisfactory in terms of its appearance and that it makes a positive contribution to the amenity of future occupants in accordance with DPD1 (Core Strategy) policy KP2 and CP4, Development Management DPD policy DM1 and SPD1 (Design and Townscape Guide).

08 Permeable paving shall be used for the hardstanding area unless otherwise agreed by the local planning authority. The proposed parking spaces on land adjacent to Watkins Way shall be provided in accordance with the plans No's BC/NAK/001/438 Rev B; BC/NAK/002/438 Rev B prior to occupation of the dwellings hereby approved and shall thereafter be permanently retained solely for the benefit of the occupiers of the dwellings and for no other purposes unless otherwise agreed in writing by the local planning authority.

Reason: To ensure satisfactory parking is provided and retained to meet needs of occupants that the development is completed and used as agreed, and to ensure that it meets DPD1 (Core Strategy) 2007 policy CP4, Development Management DPD policy DM15 and SPD1.

09 Details of the water efficient design measures set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting, shall be

submitted to and agreed in writing by the Local Planning Authority and implemented in full prior to the first occupation of the development. This provision shall be made for the lifetime of the development.

Reason: To minimise the environmental impact of the development through efficient use of water in accordance with the National Planning Policy Framework, DPD1 (Core Strategy) policy KP2, DPD2 (Development Management Document) policy DM2 and SPD1 (Design and Townscape Guide).

10 Demolition or construction works shall not take place outside 8:00 hours to 18:00 hours Mondays to Fridays and 8:00 hours to 13:00 hours on Saturdays and at no time on Sundays or Bank Holidays.

Reason: To protect residential amenity and general environmental quality in accordance with the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy KP2 and CP4, and Development Management DPD policies DM1.

11 No burning of waste material shall take place during construction of the proposed dwellings.

Reason: To protect residential amenity and general environmental quality in accordance with the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy KP2 and CP4, and Development Management DPD policies DM1.

12 Site Characterisation

No development shall take place until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

2. Submission of Remediation Scheme

No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme must ensure that the site

will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

3. Implementation of Approved Remediation Scheme

The remediation scheme shall be implemented in accordance with the approved timetable of works. Within 1 month of the completion of measures identified in the approved remediation scheme, a validation report (that demonstrates the effectiveness of the remediation carried out) must be submitted to the Local Planning Authority.

4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 7 days to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site.

An assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of condition 2.

The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the Local Planning Authority in accordance with condition 3.

5. Long Term Monitoring and Maintenance

No development shall take place until a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 5 years, and the provision of reports on the same must both be submitted to and approved in writing by the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation scheme is complete, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be submitted to the Local Planning Authority.

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 the National Planning Policy Framework (NPPF) and DPD1 (Core Strategy) 2007 policy KP2.

13 The proposed four parking spaces shall be provided in accordance with the plans No's BC/NAK/001/438 Rev B; BC/NAK/002/438 Rev B prior to occupation of the dwellings hereby approved and shall thereafter be permanently retained solely for the benefit of the occupiers of the dwellings and for no other purposes unless otherwise agreed in writing by the local planning authority.

Reason: To ensure satisfactory parking is provided and retained to meet needs of occupants that the development is completed and used as agreed, and to ensure that it meets DPD1 (Core Strategy) 2007 policy CP4, Development Management DPD policy DM15 and SPD1.

14 A tree protection plan showing on-site trees to be retained and protected during the course of development shall be submitted to and approved in writing by the local planning authority. The works shall thereafter only be carried in accordance with the agreed details.

Reason: To ensure the preserved tree at the site is adequately protected during building works in the interests of visual amenity and in accordance with DPD1 (Core Strategy) policy KP2 and CP4, Development Management DPD policy DM1, and SPD1 (Design and Townscape Guide).

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

01 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

02 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.

(i) Milton Ward

16/00174/FUL

Change of use from two self-contained flats (Class C3) to HMO (Class Sui-Generis)

70 Heygate Avenue, Southend-on-Sea, Essex, SS1 2AR

Property And Commercial ENT.PLC

Architectural Services

Planning Permission REFUSED for the following reasons:

01 The proposal would result in an additional HMO, further adding to a concentration of HMOs in the vicinity, which would be detrimental to the overall

character of the area and residential amenities. This would be contrary to policy KP2 and CP4 of the Core Strategy 2007 and policy DM1 of the Development Management DPD 2015.

(j) Milton Ward

16/00221/FUL

Erect dwelling on land adjacent 1 Clifton Mews (amended proposal)

1 Clifton Mews, Southend-on-Sea, SS1 1FL

Pryor Project Management

SKArchitects

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: P01 Rev C, P02, P03 Rev D.

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

03. No development shall take place until samples of the materials to be used on the external elevations of the dwelling, on any screen/boundary walls, fences and gates, balustrades and on any driveway, access road, forecourt or parking area have been submitted to and approved by the local planning authority. Details of the proposed boundary treatments shall be provided. The development shall only be carried out in accordance with the approved details.

Reason: To safeguard character and appearance of the area and amenities of neighbouring occupiers in accordance with Policies KP2 and CP4 of the Core Strategy, Policies DM1 and DM3 of the Development Management Document and the Design and Townscape Guide, 2009 (SPD1).

04. No development shall take place until drawings showing details of the proposed windows, doors, cills, eaves and verges in section and elevation at scales of between 1:1 and 1:20 as appropriate 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 the area in accordance with Policies KP2 and CP4 of the Core Strategy, Policies DM1 and DM3 of the Development Management Document and the Design and Townscape Guide, 2009 (SPD1).

05. Notwithstanding the approved plans, all rainwater goods shall be black and made of cast metal.

Reason: To safeguard character and appearance of the area in accordance with Policies KP2 and CP4 of the Core Strategy, Policies DM1 and DM3 of the Development Management Document and the Design and Townscape Guide, 2009 (SPD1).

06. Notwithstanding the approved plans, no electricity, gas or water meter boxes, soil ventilation pipes, air extraction pipes, boiler flues, ventilation gills or ducting shall be fixed to the exterior of the building, unless otherwise agreed in writing by the local planning authority.

Reason: To safeguard character and appearance of the area in accordance with Policies KP2 and CP4 of the Core Strategy, Policies DM1 and DM3 of the Development Management Document and the Design and Townscape Guide, 2009 (SPD1).

07. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping. This shall include details of all the existing trees and hedgerows on the site and details of any to be retained, together with measures for their protection in the course of development; details of the number, size and location of the trees and shrubs 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 details of the treatment of all hard and soft surfaces (including any earthworks to be carried out). The landscaping shall be implemented in accordance with the agreed details, unless otherwise first agreed in writing by the Local Planning Authority.

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, Policy DM1 of the Development Management Document and the Design and Townscape Guide, 2009.

08. All planting in the approved landscaping scheme shall be carried out within the first available planting season following first occupation of the development. Any trees or shrubs dying, removed, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed with the Local Planning Authority.

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

09. No development shall take place until details of the proposed planter containers, including the method of installation and planting, 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 the area in accordance with Policies KP2 and CP4 of the Core Strategy, Policies DM1 and DM3 of the Development Management Document and the Design and Townscape Guide, 2009 (SPD1).

10. The erection of fencing for the protection of all trees on the site shall be undertaken in accordance with BS5837:2012 Trees in Relation to Design, Demolition and Construction before any equipment, machinery or materials are

brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written approval of the local planning authority.

Reason: To safeguard character and appearance of the area in accordance with Policies KP2 and CP4 of the Core Strategy, Policies DM1 and DM3 of the Development Management Document and the Design and Townscape Guide, 2009 (SPD1).

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) there shall be no enlargement, improvement or other alteration of the dwellings hereby permitted which would be within the terms of Schedule 2, Part 1, Class A, B, C or D of that Order.

Reason: To safeguard the character and appearance of the dwellinghouse and local area in accordance with Policies KP2 and CP4 of the Core Strategy, Policies DM1 and DM3 of the Development Management Document and the Design and Townscape Guide, 2009 (SPD1).

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

01. 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

(k) West Leigh Ward

16/00305/FUL

Demolish existing bungalow, erect two semi-detached dwellings and install hardstanding with vehicular access onto Salisbury Road.

97 Salisbury Road, Leigh-on-Sea, Essex, SS9 2JN

Mr M. Bailey (N Bailey Properties)

BGA Architects

Planning Permission REFUSED for the following reasons:

01 The proposed development, by virtue of the layout of the proposed dwellings, would have an awkward and contrived appearance that would cause harm to the character and appearance of the site and the surrounding area, contrary to the National Planning Policy Framework, policies KP2 and CP4 of DPD1 (Core Strategy) policies DM1 and DM3 of DPD2 (Development Management) and the Design and Townscape Guidance (SPD1)

02 The proposed development, by virtue of its scale and layout would have a harmful impact on the light and outlook of the neighbouring dwelling to the North of the site. The proposal is therefore contrary to the National Planning Policy Framework, DPD1 (Core Strategy) policy KP2, DPD2 (Development Management) policy DM1 and SPD1 (Design and Townscape Guidance).

03 The proposed development, by virtue of the proposed layout of the permanent vehicular crossovers to the new dwellings would result in a loss of on-street parking in the area which already suffers from a significant level of parking stress. This would be contrary to policy CP3 of the Core Strategy and DM15 of the Development Management DPD.

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.

(I) Chalkwell

16/00122/FULH

Erect roof extensions with raised roof heights, dormer to rear and balcony, install screening to rear first floor balcony, mono-pitched roof to single storey rear extension and alter elevations

20 Second Avenue, Westcliff-on-Sea, Essex SS0 8HY

Mr. & Mrs. R. Condon

Metson Architects

Planning Permission REFUSED for the following reasons:

01 The proposed development by reason of the increase in height and bulk of the roof would result in an overly dominant and disproportionate dwellinghouse

to the detriment of the character of the existing dwelling and streetscene contrary to the National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy, Policy DM1 of the Development Management Document and the Design and Townscape Guide, 2009 (SPD1).

02 The proposed balcony within the roof space would be materially harmful to the living conditions of neighbouring dwellings by virtue of a loss of privacy through unmitigated overlooking contrary to the National Planning Policy Framework 2012 and Development Management DPD Policy DM1.

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.

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.

794 Enforcement of Planning Control

The Committee received a report of the Corporate Director for Place which reported on alleged breach of planning control.

**(a) Victoria Ward
14/00054/UCOU-C**

Without planning permission, the change of use of the land from storage within Class B8 of the Town and Country (Use Classes) Order 1987 (as amended) to dwellinghouse (Class C3).

196E Hamlet Court Road, Westcliff-on-Sea, Essex, SS0 7DE

Resolved: That ENFORCEMENT ACTION be authorised to secure the cessation of the use of the building located upon the land as a dwellinghouse on the grounds that the use is detrimental to the amenities and character of the area and to the amenities of any future occupiers by reason of its siting in close proximity to commercial uses, lack of access and amenity space, insufficient off-street parking, lack of refuse storage provision, poor internal layout, lack of information to demonstrate accessibility and adaptability of the dwellinghouse in accordance with Building Regulation M4 (2), lack of fenestration, poor relationship with the neighbouring buildings and the associated noise and activity from neighbouring occupiers would result in an unacceptable form of residential accommodation contrary to the NPPF, policies CP1, CP4 and KP2 of

the Core Strategy DPD Policies DM1, DM3, DM8 DM11 and DM15 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 it would be necessary for the occupiers to find alternative accommodation so a compliance period of 3 months is considered reasonable.

**(b) West Leigh Ward
15/00242/UNAU-B**

Without planning permission, the erection of an outbuilding which exceeds 2.5m in height and is located within 2.0m of a boundary of the curtilage of the dwellinghouse.

15 Aberdeen Gardens, Leigh-on-Sea, Essex, SS9 3RH

Resolved: That the matter be deferred for a site visit.

**(c) Eastwood Park Ward
15/00251/UCOU-B**

Without planning permission, the change of use of the land from residential (Class C3) to part residential, part workshop, part office (B1) which renders the overall use of the land sui generis.

22 Parkway Close, Leigh-on-Sea, Essex, SS9 5RL

Resolved: That no further action be taken in respect of this matter.

795 Supplementary Report

The Committee received a supplementary report by the Corporate Director for Place that provided additional information on items referred to elsewhere on the Agenda.

796 Vote of Thanks

The Committee thanked the Chairman for the able way in which he had conducted the meetings over the last Municipal Year. The Committee also paid tribute to the Chairman for his long service as a Councillor and wished him well for the future, as he would be stepping down at the end of the Municipal Year.

The Chairman thanked the Committee and officers for their support and hard work over the year.

Chairman: _____

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