

SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Development Control Committee

Date: Wednesday, 4th October, 2017

Place: Committee Room 1 - Civic Suite

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

In Attendance: J K Williams, P Geraghty, K Waters, C Galforg, J Rowley, M Warren
and T Row

Start/End Time: 2.00 p.m. - 2.35 p.m.

339 Apologies for Absence

Apologies for absence were received from Councillors J Garston (Substitute: Councillor Butler), Norman MBE (no substitute) and Ward (no substitute).

340 Declarations of Interest

The following interests were declared at the meeting:

(a) Councillor Arscott – Agenda Item No. 4 (17/01361/TPO - Haydon House, 10 Underwood Square, Leigh on Sea) – Non-pecuniary interest: Applicant and objectors are known to him;

(b) Councillor Folkard – Agenda Item No. 6 (17/00219/FUL - 135 Ness Road, Shoeburyness) – Non pecuniary interest: Applicants are known to him;

(c) Councillor Mulroney – Agenda Item Nos. 4 (17/01361/TPO - Haydon House, 10 Underwood Square, Leigh on Sea) and 5 (16/01756/FULM - Car Wash, 120 Broadway, Leigh on Sea) – Non-pecuniary interest: Member of Leigh Town Council and Leigh Society (non-participant in planning);

(d) Councillor Mulroney – Agenda Item 7 (17/01121/FUL - Oak House, 77 Wimborne Road, Southend on Sea) – Non pecuniary interest: Applicants are known to her; and

(e) Councillor Walker – Agenda Item No. 4 (17/01361/TPO - Haydon House, 10 Underwood Square, Leigh on Sea) – Non-pecuniary interest: Friends live in Underwood Square and Lime Avenue.

341 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.

342 17/01361/TPO - Haydon House, 10 Underwood Square, Leigh on Sea (West Leigh Ward)
Proposal: Crown lift, prune and removal of deadwood to various oak trees (works covered by a tree preservation order)
Applicant: Mr Newton
Agent: DF Clark Bionomique Limited

Mr Burry, a local resident, spoke as an objector to the application.

Resolved: That consent for the work be GRANTED subject to following conditions:

01 The works covered by this permission shall begin no later than two years from 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 the interests of Policy DM1 of the Development Management Document (2015).

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

Reason: In the interests of visual amenity and to protect the tree, pursuant to Policy DM1 of the Development Management Document (2015).

03 The pruning works to the Oak tree T-14 must only include reduction of 2 main limbs over garden at approximately 7m and 7.5m from ground level by approximately 3m to suitable growing points and crown lift to 6m.

Reason: In the interests of visual amenity and to protect the tree, pursuant to policies KP2 and CP4 of the Core Strategy (2007), policies DM1 and DM3 of the Development Management Document (2015).

04 The pruning works to the Oak tree T-15 must only include reduce crown on east side by 3m, crown lift to 6m. The reduction of the west side by 3m is not permitted by this consent.

Reason: In the interests of visual amenity and to protect the tree, pursuant to policies KP2 and CP4 of the Core Strategy (2007), policies DM1 and DM3 of the Development Management Document (2015).

05 The pruning works to Oak tree T16 must only include reduction of the lowest limb over the garden by approximately 3m and reduce the 2 lowest limbs in line with each other.

Reason: In the interests of visual amenity and to protect the tree, pursuant to policies KP2 and CP4 of the Core Strategy (2007), policies DM1 and DM3 of the Development Management Document (2015).

06 The pruning works to Oak tree T17 must only include the reduction of the crown by 2m over the garden to a height of 8m-9m, balancing into the upper crown and removing epicormic growth.

Reason: In the interests of visual amenity and to protect the tree, pursuant to policies KP2 and CP4 of the Core Strategy, policies DM1 and DM3 of the Development Management Document.

07 The pruning works to Oak tree T18 must only include a crown lift by removing lowest sub lateral over the garden on the south and south east side, shaping the back crown over the garden by 1.5m -2 m up to a height of approx. 7m-8m. The reduction of the sides by 3m is not permitted by this consent.

Reason: In the interests of visual amenity and to protect the tree, pursuant to policies KP2 and CP4 of the Core Strategy (2007), policies DM1 and DM3 of the Development Management Document (2015).

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.

343 16/01756/FULM - Car Wash, 120 Broadway, Leigh on Sea (Leigh Ward)
Proposal: Demolish existing buildings and erect 20 self-contained flats with balconies and terraces, 445sq.m of commercial floorspace, basement parking, public realm enhancements, associated works and install new vehicular access onto Victor Drive to 114-120 Broadway
Applicant: Mr L. Panormo, Plaistow Broadway Filling Stations
Agent: Mr M. Calder, Phase 2 Planning and Development

Resolved: That planning permission is REFUSED for the following reasons:

01 The submission does not include a formal undertaking to secure an appropriate contribution to affordable housing provision to meet the demand for such housing in the area despite it having been found financially viable for the development proposed to make such a contribution. The application is therefore unacceptable and contrary to the National Planning Policy Framework; Strategic Objective SO7, and policies KP3 and CP8 of the Core Strategy (2007); and the advice contained within Supplementary Planning Document 2 Planning Obligations (2015).

02 The submission does not include a formal undertaking to secure an appropriate financial contribution to the provision of education facilities in the borough, to mitigate the demand for such facilities generated by the development proposed. The application is therefore unacceptable and contrary to the National Planning Policy Framework; Strategic Objective SO13, and Policies KP2, KP3 and CP6 of the Core Strategy (2007), and the advice contained within Supplementary Planning Document 2 Planning Obligations (2015).

Informative

1. 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 discussing those with the Applicant. Unfortunately, it has not been possible to resolve those matters within the timescale allocated for the determination of this planning application and therefore, the proposal is not considered to be sustainable development. However, the Local Planning Authority has clearly set out, within its report, the steps necessary to remedy the harm identified within the reasons for refusal - which may lead to the submission of a more acceptable proposal in the future. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.

344 17/00219/FUL - 135 Ness Road, Shoeburyness (West Shoebury Ward)
Proposal: Erect six detached two storey dwelling houses and two detached garages, retain the existing dwelling, erect boundary wall, form vehicular access on to Ness Road
Applicant: Mr and Mrs Gillies

Resolved: That planning permission is GRANTED subject to the following conditions:

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: 9369/LP/01; 9369/DR/01; 9369/E/01; 9369/ES/01; 9369/GA/01; 9369/LP/01; 9369/P/01 Revision F; 9369/PL02 Revision B; 9369/PL/03 Revision B; 9369/PL/04 Revision B; 9369/PL/05 Revision B; 9369/PL/06 Revision B; 9369/PL07 Revision B, 9368/SL/01 Revision A.

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 carried out by AGB Environmental (5th June 2017 reference: P2653.2.1) and drawing 9368/SL/01 Revision A.

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

04 Once occupied the development hereby permitted shall operate at all time in accordance with the reference Flood Evacuation and Warning Plan carried out by Stone Frigate dated April 2017 submitted with this application.

Reason: To ensure that the Flood Warning and Evacuation Plan meets with the requirements of the Environment Agency's Flood Warning Service.

05 Unless otherwise agreed in writing with the local planning authority, the development hereby permitted shall be constructed entirely of the materials details of which are shown on the plans and Developers Specification dated 14.09.2017 (reference 9369) hereby approved.

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

06 The development shall not be occupied until garages and car parking spaces have been provided at the site in accordance with drawing 9369/P/01 Revision F, 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 CP3 of the Core Strategy (2007) and policy DM15 of the Council's Development Management Document (2015).

07 Prior to occupation of the proposed development the lower half of the first floor and second windows in the flank elevations of the plots 2 and 7 hereby approved shall 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). 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. The windows shall be retained as such in perpetuity thereafter.

Reason: To avoid overlooking and the resultant loss of privacy of the adjoining residential properties, in accordance with the National Planning Policy Framework, Core Strategy 2007 policies KP2 and CP4, and Development Management Document 2015 policies DM1 and DM3 and advice contained within the Design and Townscape Guide.

08 No development shall take place until full details of both hard and soft landscape works to be carried out at the site have been submitted to and approved 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. The details submitted shall include, but not limited to:-

- i proposed finished site levels or contours;
- ii. means of enclosure, of the site including any gates or boundary fencing;
- 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.);
- vii. details of the number, size and location of the trees, shrubs and plants to be retained and planted together with a planting specification
- viii. details of measures to enhance biodiversity within the site;

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 the amenities of occupiers and to ensure a satisfactory standard of landscaping and tree protections measures are implemented pursuant to Policy DM1 of the Development Management Document and Policy CP4 of the Core Strategy.

09 No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the Arboricultural method statement) in accordance with Clause 7 of British Standard BS5837 - Trees in Relation to Construction - Recommendations has been agreed in writing by the local planning authority. These measures shall be carried out as described and approved during the implementation of the development.

Reason: In the interests of visual amenity and to ensure a satisfactory standard of landscaping, pursuant to Core Strategy (2007) policies KP2 and CP4, Development Management Document (2015) policies DM1, DM3 and the advice contained in the Design and Townscape Guide.

10 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 and policy DM2 of the Development Management Document.

11 Prior to occupation of the development hereby approved 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 approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details before it is occupied and be retained as such in perpetuity.

Reason: To minimise the environmental impact of the development through efficient use of water in accordance with the National Planning Policy Framework,

Core Strategy policy KP2, Development Management Document policy DM2 and Design and Townscape Guide.

12 The development hereby approved shall be carried out in a manner to ensure all houses comply with Building Regulation M4 (2) 'accessible and adaptable dwellings'.

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, Core Strategy (2007) policy KP2, Development Management Document (2015) policy DM2 and Design and Townscape Guide.

13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any order revoking and re-enacting that Order with or without modification, no development shall be carried out at the development hereby approved within Schedule 2, Part 1, Classes 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, Core Strategy Policies KP2 and CP4, Development Management Document policies DM1 and DM3 and Design and Townscape Guide.

14 Prior to installation of any external lighting, details of the proposed lighting, including design, siting, luminance, hours of illumination and 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. Lighting shall be installed at the site only in accordance with the approved scheme.

Reason: To protect the amenities of neighbouring properties and the general environmental quality in accordance with, National Planning Policy Framework, Core Strategy 2007 policy KP2 and CP4, and Development Management Document 2015 policy DM1.

15 No development shall take place until details of the measures to be taken to protect badgers breeding birds and reptiles in connection with the development hereby approved have been submitted to and approved in writing by the local planning authority (in consultation with Natural England). The development shall only be carried out in full accordance with the approved details.

Reason: To ensure the development has an acceptable impact on the biodiversity of the environment in accordance with the National Planning Policy Framework and Core Strategy (2007) policies KP2 and CP4, policies DM1 and DM3 of the Development Management Document (2015).

16 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 (2007) and Policy DM15 of the Development Management Document (2015).

17 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 before development commences. 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 in full before the development is occupied.

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 Development Management Document policy DM14.

18 No development or preliminary groundwork of any kind shall take place until the applicant has secured the implementation of a programme of Archaeological work in accordance with a written scheme of investigation which has previously been submitted by the applicant and approved in writing by the Local Planning Authority. The developer shall afford access at all reasonable times to any archaeologist nominated by the local planning authority and shall allow them to observe the excavations and record items of interest and finds.

Reason: To allow for the excavation and recording of any information of archaeological importance, pursuant to Development Management Document (2015) policy DM5.

19 Construction and demolition works (including the unloading and loading of associated materials) associated with this permission shall only take place between the hours of 07:30 and 18:00 Monday to Friday 08:00 and 13:00 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 Policies DM1 and DM3 of the Development Management Document.

Informatives

1. 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.

2. 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 construction noise provisions within the Control of Pollution Act 1974. Applicants should contact the Council's Environmental Health Officer for more advice on 01702 215810 or at Regulatory Services, P.O. Box 5558, Southend-on-Sea Borough Council, Civic Centre, Victoria Avenue, Southend-on-Sea, SS2 6ZQ.

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.

345 17/01121/FUL - Oak House, 77 Wimborne Road, Southend on Sea (Kursaal Ward)

Proposal: Erect single storey detached classroom to rear (Class D1), with canopy to the front and rear, decking with balustrade to the front

Applicant: Oakhouse Montessori

Agent: Knight Gratrix Architects

Resolved: That planning permission is 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: 010 Revision D, 011 Revision B.

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

03 The development hereby permitted shall be used for purposes in connection with the existing nursery including any other use permitted under the General Permitted Development Order (2015) (as amended) or Use Class Order (2015 (as amended) and no other use within Class D1.

Reason: To safeguard the amenities of adjoining residents, 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.

04 The nursery shall not be open for use outside the hours of 07:00 to 19:00 hours Monday to Friday and shall not be open for use on Saturdays, Sundays or Bank Holidays.

Reason: To protect the residential amenity of surrounding occupiers and to protect the character the area in accordance with the National Planning Policy Framework, policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

05 No development shall take place until samples of the materials to be used on all the external elevations, including walls, roof, decking, balustrade, windows and doors 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 the National Planning Policy Framework Policies KP2 and CP4 of the Core Strategy 2007 and policies DM1 and DM3 of the Development Management 2015 and the advice contained within the Design and Townscape Guide 2009.

06 Prior to first use of the development hereby approved a Travel Plan shall be submitted to and agreed in writing by the local planning authority, and The Travel Plan shall be implemented in full accordance with the approved details from the first occupation of the development. At the end of the first and third years' operation of the development hereby approved, reports monitoring the effectiveness of the Travel Plan and setting out any proposed changes to the Plan to overcome any identified problems must be submitted to and approved in writing by the local planning authority. The Travel Plan must thereafter be implemented in accordance with the approved details unless otherwise agreed in writing with the local planning authority.

Reason: In the interests of sustainability, accessibility, highways efficiency and safety, residential amenity and general environmental quality in accordance with Core Strategy (2007) policies KP2, CP3 and CP4, policy DM15 of Development Management Document (2015), and the Design and Townscape Guide (2009).

07 The development hereby approved shall be carried out in strict accordance with the mitigation measures and recommendations of the Arboricultural Method Statement dated 16th August 2017 carried out by Moore Partners Limited and

the submitted Tree Protection Plan unless otherwise agreed in writing by the local planning authority.

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 Core Strategy (2007) policies KP2 and CP4, and Design and Townscape Guide (2009).

08 No development shall take place until full details of both hard and soft landscape works to be carried out at the site have been submitted to and approved 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. The details submitted shall include, but not limited to:-

- i. proposed finished site levels or contours;
- ii. means of enclosure, of the site including any gates or boundary fencing;
- iii. changes to 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.);
- vii. details of the number, size and location of the trees, shrubs and plants to be retained and planted together with a planting specification
- viii. details of measures to enhance biodiversity within the site;

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 the amenities of occupiers and to ensure a satisfactory standard of landscaping and tree protections measures are implemented pursuant to Policy DM1 of the Development Management Document and Policy CP4 of the Core Strategy.

09 Details of an acoustic fence, to be erected along the northern and western boundary of the site, shall be submitted to and agreed in writing by the Local Planning Authority prior to commencement of development and the fence shall be installed in accordance with the approved details shall be implemented in full prior to the first occupation of the development and be retained as such in perpetuity thereafter.

Reason: To safeguard the amenities of adjoining residents, 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.

10 The development shall not be occupied until details of 9 secure, covered cycle storage spaces have been submitted to and agreed in writing by the local planning authority. The approved scheme shall be implemented prior to first occupation of the development and shall be permanently retained thereafter.

Reason: To ensure that adequate cycle parking is provided and retained to serve the development in accordance with policy CP3 of the Core Strategy, policy DM15 of the Development Management Document.

11. All servicing of the development must take place between 07:00 hours-19:00 hours Monday to Friday and there shall be servicing or no deliveries on Saturdays, Sundays or Bank Holidays.

Reason: To protect the residential amenity of surrounding occupiers and to protect the character the area in accordance with the National Planning Policy Framework, policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

12. Construction hours of the development hereby permitted shall be restricted to 08:00 hours – 18:00 hours Monday to Friday, 08:00 hours – 13:00 hours Saturday and not at all on Sundays or Bank Holidays.

Reason: To protect the residential amenity of surrounding occupiers and to protect the character the area in accordance with the National Planning Policy Framework, policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

Informative

1. 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.

2. In relation to condition 6 the details of a travel plan should include:

(i). General provisions- A Travel Plan is a long-term management strategy for the site that seeks to deliver sustainable transport objectives through action and is articulated in a document that is regularly reviewed.

(ii). The Travel Plan will set the general objective to:

- a) reduce journeys to the site by single occupancy car and all car traffic;
- b) not adversely affect parking in the local area; and
- c) seek to secure appropriate staggered pick up and drop off arrangements.

The Travel Plan must be consistent with the objectives of the National Planning Policy Framework, the Local Transport Plan and the Local Development Framework (departures from this will generally be unacceptable); clearly set out the benefits of a Travel Plan including carbon reduction and the health benefits from more active travel; and demonstrate how the travel needs for all users of the new development will be met.

3. The applicant is reminded that this permission does not bestow compliance with the Food Safety and Hygiene (England) Regulations 2014 or any other provision so enacted, such as those located within the Food Safety Act 1990. Applicants should contact the Council's Environmental Health Officer for more advice on 01702 215005 or at Regulatory Services Department, Southend-on-Sea Borough Council, Civic Centre, Victoria Avenue, Southend SS2 6ZG

4. 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.

5. The developer should also consider control measures detailed in Best Practice Guidance "The control of dust and emissions from construction and demolition". http://www.london.gov.uk/thelondonplan/guides/bpg/bpg_04.jsp

346 17/01071/FUL - Kiosk 10 West, Chalkwell, Leigh on Sea (Chalkwell Ward)
Proposal: Part demolish existing building, extend front elevation, alter elevations, change of use to a café (Class A3) and internal layout to form new kiosk with bin store to side
Applicant: Mr and Mrs Grant
Agent: Stone Me Limited

Resolved: That planning permission is GRANTED subject to the following conditions:

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 hereby permitted shall be carried out in accordance with the approved plans 1700-03; 1700-01; 1700-04A; 1700-02A; 1700-06; 1700-07, 1700-08B; 1700-09A

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

03 Notwithstanding the details shown on the plans submitted, 1700-08B; 1700-09A submitted otherwise hereby, approved the development hereby permitted shall not commence other than for groundworks and site preparation works unless and until details and appropriately sized samples of the materials to be used for all the external surfaces of the proposal, roller shutters and display board have been submitted to and approved in writing by the Local Planning Authority.

The development hereby permitted shall be implemented in full accordance with the details and samples approved under this condition before it is occupied.

Reason: To safeguard character and appearance of surrounding area in accordance with the National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy 2007 and policies DM1 and DM3 of the Development Management Document 2015 and the advice contained within the Design and Townscape Guide 2009.

04 The development hereby permitted shall be carried out in accordance with the mitigation measures set out in the Flood Risk Assessment carried out by Richard Jackson Engineering Consultants dated August 2017 reference 48330.

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

05 The development hereby permitted shall be carried out in accordance with the supporting information received on the 9th August 2017 detailing how the front server of the kiosk will be removed for on-going maintenance of the flood defence as set out on drawings 1700-06 and 1700-07. Notwithstanding the above: The kiosk operator shall be responsible for removing the counter, the fibreglass arch and the floor section, when the Council requires reasonable access for maintenance of the wall. Nonetheless they should have a simple and quick removal method for these structures in case the Council's contractor requires access, in which event neither the contractor nor the Council shall be liable for storing them or for any damage to them.

Reason: To ensure the site is protected to the standard that the development is designed and modelled to within the submitted Flood Risk Assessment and access to the sea wall pursuant to the National Planning Policy Framework and policy KP2 of Core Strategy.

06 No construction works associated with this permission involving heavy plant or machinery are to be carried out during periods of freezing weather (i.e. when the ground or air temperature is at or below 0°C, or the ground is snow covered).

Reason: in order to minimise the risk of disturbance to over-wintering wildfowl and waders using the nearby foreshore during periods when they are already subject to additional stress due to the weather conditions.

07 No materials or waste are to be deposited within the Benfleet and Southend Marshes Site of Special Scientific Interest, Special Protection Area and Ramsar site, outside the boundary of the area to which the planning application refers.

Reason: To ensure the nature conservation interests of the area are protected considering the sites location in relation to Benfleet and Southend Marshes Site Scientific Special Interest, RAMSAR, Special Protection Areas pursuant to Policy KP2 of the Southend on Sea Core Strategy 2007.

08 No security or other exterior lighting shall be installed or used at the site, unless such lights are so arranged as to prevent any light spill onto the Benfleet and Southend Marshes SSSI, and to minimise direct glare when viewed from the foreshore. Prior to installation of any external lighting full details of the lighting and an assessment of the proposed lighting 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. The lighting shall be installed only in accordance with the approved scheme and shall be maintained as such in perpetuity.

Reason: to minimise the risk of disturbance to wintering birds whilst feeding on the SSSI, or of disorientation of birds whilst in flight and to ensure the nature

conservation interests of the area are protected considering the sites location in relation to Benfleet and Southend Marshes Site Scientific Special Interest, RAMSAR, Special Protection Areas pursuant to Policy KP2 of the Southend on Sea Core Strategy 2007.

09 Notwithstanding the details shown on the plans submitted otherwise hereby approved the development hereby permitted shall not commence other than for groundworks and site preparation works unless and until details of the display board and any other advertisements have been submitted to and approved in writing by the Local Planning Authority. The display board and any other advertisements shall not be internally or external illuminated. The development hereby permitted shall be implemented in full accordance with the details approved under this condition before it is occupied.

Reason: to minimise the risk of disturbance to wintering birds whilst feeding on the SSSI, or of disorientation of birds whilst in flight and to ensure the nature conservation interests of the area are protected considering the sites location in relation to Benfleet and Southend Marshes Site Scientific Special Interest, RAMSAR, Special Protection Areas pursuant to Policy KP2 of the Southend on Sea Core Strategy 2007.

10 The refuse storage as shown on drawing 1700-02A shall be provided at the site prior to it being brought into use and shall be permanently retained for the storage of waste and the development shall be operated and waste stored in accordance with the approved details in perpetuity. No waste shall be stored external to the building at any time except for purposes of waste collection.

Reason: To protect the environment and provide suitable storage for waste and materials for recycling in accordance with Core Strategy 2007 policies KP2 and CP4 and policies DM1 and DM3 of the Development Management Document.

11 The building hereby approved shall not be open for use outside the hours of 08:00 – 20:00 hours Monday to Sunday including Bank Holidays.

Reason: In the interests of visual amenity and to protect the residential amenity of surrounding occupiers and to protect the character the area in accordance with the National Planning Policy Framework, policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

12 All deliveries and collections to the kiosk shall take place between: 08:00-20:00hrs Monday to Saturday and no deliveries on Sundays or Bank Holidays.

Reason: In order to protect the residential amenity of surrounding occupiers and to protect the character the area in accordance with the National Planning Policy Framework, policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

13 Notwithstanding the details shown on the plans submitted and otherwise approved, prior to the installation of the extract ventilation system in the scheme details of noise attenuation measures in relation to the extract and ventilation equipment of the premises shall be submitted to and agreed in writing with the local planning authority. The attenuation measures shall then be installed in full

accordance with the approved details before the development is brought into use and permanently maintained thereafter.

Reason: To protect residential amenity and general environmental quality in accordance with National Planning Policy Framework, Core Strategy 2007 policy KP2 and CP4, and Development Management Document policies DM1 and DM3.

14 With reference to BS4142, the noise rating level arising from all plant and extraction/ventilation equipment shall 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 residential amenity and general environmental quality in accordance with National Planning Policy Framework, Core Strategy 2007 policy KP2 and CP4, and Development Management Document policies DM1 and DM3.

15 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 occupation of the development hereby approved. 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 (2007), Development Management Document (2015) Policy DM2 and the advice contained within the Design and Townscape Guide (2009).

16 Notwithstanding the provisions of the Advertisement Regulations (2007) as amended or any subsequent amendment, revocation or alteration of these Regulations no advertisements of any sort shall be displayed at the site other than in accordance with details that have previously been submitted to and approved in writing by the local planning authority.

Reason: To safeguard character, protect wildlife and appearance of surrounding area in accordance with the National Planning Policy Framework Policies KP2 and CP4 of the Core Strategy 2007 and policies DM1 and DM3 of the Development Management Document 2015 and the advice contained within the Design and Townscape Guide 2009.

17 No live or recorded music which is audible outside the site boundary shall be played at the premises at any time.

Reason: In order to protect wildlife the amenities of occupiers of the development surrounding occupiers and to protect the character the area in accordance with the National Planning Policy Framework, policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

18 Construction hours shall be restricted to between 7.30am – 6pm Monday to Friday, 8am – 1pm on Saturdays and not at all on Sundays or Bank Holidays.

Reason: To protect residential amenity and general environmental quality in accordance with National Planning Policy Framework, Core Strategy 2007 policies KP2 and CP4, and Development Management Document 2015 policies DM1, DM3 and the advice contained within the Design and Townscape Guide.

Informative

1. You are advised that as the proposed new building 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.

2. In relation to condition 5, the removal for maintenance may need to be for periods greater than one day, so securing the kiosk should be possible after removal. In time, the Council may need to raise the level of the sea wall, and this must be possible with adaptations to the counter, the arch and the floor, which will all be the responsibility of the operator.

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.

- 347 17/00664/FULM - 831 - 837 London Road, Westcliff on Sea (Blenheim Park Ward)**
Proposal: Demolition of vacant car showroom and workshops, erect four storey building with retail (Class A1) at ground floor level, 31 retirement apartments above with balconies, install terrace at third floor to front elevation, layout parking and install vehicular access on to London Road (Amended Proposal)
Applicant: Mr J. Brook, Laidon Holdings Limited
Agent: Mr C. Green, Town Planning Services

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

Resolved: That consideration of the application be DEFERRED.

- 348 17/00125/UCOU_B - Rear Of 1 Burnaby Road, Southend on Sea (Kursaal Ward)**
Variously known as 3 Burdett Road, 58 Burdett Road, and rear of 1 Burnaby Road or Land to rear of 'Smithys' Public House, Eastern Esplanade, Southend.
Breaches of Control: Without planning permission, conversion of a storage building ancillary to a public house to create three self-contained residential units (Class C3 use) together with material changes to the external appearance of the premises

Resolved: That ENFORCEMENT ACTION be AUTHORISED to secure:

- (a) the cessation of the residential use;
- (b) the removal of the domestic doors and windows from the front elevation and removal of internal fixtures and fittings serving the residential use to include kitchen units, showers, domestic appliances and domestic furniture;
- (c) the cessation of the use of the part of the yard area used for associated residential parking; and
- (d) the removal of all rubble, materials and equipment associated with complying with the notice.

The unauthorised development is considered detrimental to the character and visual amenity of the area by reason of its contrived and cramped domestic design. The properties lies within flood zones 2 and 3 and there is no evidence that the risk of flooding has or can be satisfactorily mitigated. The proposal also provides inadequate amenity for future occupiers. The unauthorised development conflicts with Policies CP4, KP1 and KP2 of the Southend-on-Sea Core Strategy, Policies DM1, DM3, DM6 and DM8 and DM15 of the Southend-on-Sea Development Management Document and the advice contained within the Council's Design and Townscape Guide.

The authorised enforcement action to include (if/as necessary) the service of an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 and the pursuance of proceedings whether by prosecution or injunction to secure compliance with the requirements of said Notice.

When serving an Enforcement Notice the local planning authority must ensure a reasonable time for compliance. In this case, up to 3 separate families may need to find alternative accommodation. A compliance period of 3 months is deemed reasonable for this to be completed. In respect of the physical conversion of the property 3 months is also considered a reasonable time to return the property to its former condition (with the exception of the retained new roof which is not proposed for enforcement). In the event that the invalid planning application is satisfactorily validated following receipt of the necessary information this would be considered and determined on its merits having regard to all of the planning considerations raised.

Chairman: _____