

SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Development Control Committee

Date: Wednesday, 2nd March, 2016

Place: Committee Room 4a - Civic Suite

Present: Councillor A Crystall (Chair)
Councillors B Ayling, M Borton, M Butler, Byford, Callaghan, Evans,
N Folkard, J Garston*, Hadley, Jones*, Kenyon*, D McGlone,
K Robinson, M Stafford*, Van Looy and Walker
*Substitute in accordance with Council Procedure Rule 31.

In Attendance: Councillors Arscott, Betson, Habermel, Moyies and Mulroney
J K Williams, P Geraghty, D Hermitage, C Galforg, J Rowley, T Row
and M Warren

Start/End Time: 2.00 - 4.55 pm

685 Apologies for Absence

Apologies for absence were received from Councillors M Assenheim (Substitute: Councillor Kenyon), D Garston (Substitute: Councillor J. Garston), J McMahon (Substitute: Councillor Jones) and N Ward (Substitute: Councillor Stafford).

686 Declarations of Interest

The following interests were declared at the meeting:

- (i) Councillor Ayling – 15/01898/FULM – Non-pecuniary interest: Have met with the school and residents;
- (ii) Councillor J Garston – 15/01842/FULM – Disqualifying non-pecuniary interest: Lives opposite the application site (withdrew);
- (iii) Councillor Jones – 15/01898/FULM – Disqualifying non-pecuniary interest: Executive Councillor;
- (iv) Councillor Jones – 15/00116/DOV, 15/018777/FUL and 15/0207FUL – Non-pecuniary interest: Lives in the adjacent;
- (v) Councillor Van Looy – 15/01842/FULM – Non-pecuniary interest: Previously owned the restaurant next to the application site;
- (vi) Councillor Van Looy – 15/01898/FULM – Non-pecuniary interest: Ward Councillor;
- (v) Councillor Van Looy – 15/02053/OUTM, 15/01997/FUL and 15/02071/FUL– Non-pecuniary interest: Knows residents of the Garrison site; and
- (vi) Councillor Van Looy – 15/01990/FUL – Non-pecuniary interest: Customer of the shop.

687 Minutes of the Meeting held on Wednesday 9th December 2015

Resolved:

That the Minutes of the Meeting held on Wednesday 9th December 2015 be received, confirmed as a correct record and signed.

688 Minutes of the Meeting held on Wednesday 13th January 2016

Resolved:

That the Minutes of the Meeting held on Wednesday 13th January 20156 be received, confirmed as a correct record and signed.

689 Minutes of the Meeting held on Wednesday 3rd February 2016

Resolved:

That the Minutes of the Meeting held on Wednesday 3rd February 2016 be received, confirmed as a correct record and signed.

690 Reports on Planning Applications - Pre-meeting Site Visits

The Committee received reports of the Corporate Director for Place which reported on applications which had been deposited with the Council.

The decision of the Committee in relation to each application is set out below:

(a) Chalkwell Ward

15/02130/FUL

Erect two storey dwellinghouse on land at rear (Amended Proposal)

25 Britannia Road, Westcliff-on-Sea, Essex

Mrs Linda Harrison

Mercer Planning Consultants Ltd

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

Planning permission REFUSED for the following reasons:

01 The proposed dwelling, by reason of its siting would be out of keeping with the existing layout and grain of development in the area resulting in infill development appearing conspicuous and visually harmful to the surrounding area. This is contrary to the National Planning Policy Framework policies KP2 and CP4 of the Core Strategy, Policies DM1 and DM3 of Development Management Document DPD2 and policies and the Design and Townscape Guide.

02 The proposal would result in a loss of parking provision to serve existing occupiers of 25 Britannia Road will result in additional on street parking in an area of parking stress to the detriment highway safety and the local highway network contrary to guidance contained within the NPPF, Policy DM15 of the emerging Development Management DPD2, Policy CP3 of the DPD1 (Core Strategy), policy DM15 of the Development Management Document and the Design and Townscape Guide (SPD1).

03 The proposed development would result in an unacceptable loss of amenity space to no. 25 Britannia Road resulting in a poor environment for occupants thereof contrary to

the National Planning Policy Framework, policies KP2 and CP4 of the Core Strategy, policy DM1 of the Development Management Document and advice contained within the Design and Townscape Guide SPD1.

04 The proposed amenity space to serve the new dwelling would be unacceptably overlooked by the occupiers of 26 Britannia Road resulting a loss of privacy for future occupants contrary to the National Planning Policy Framework, policies KP2 and CP4 of the Core Strategy, policy DM1 of the Development Management Document and advice contained within the Design and Townscape Guide SPD1.

05 The proposal by reason of lack of information which fails to demonstrate accessibility and adaptability of the dwellinghouse in accordance with Building Regulation M4 (2) will result in poor living environment for future occupiers. This is contrary to the NPPF, policies KP2 and CP4 of the Core Strategy, policies DM1, DM3 and DM8 of the Development Management DPD2 and National Technical Housing Standards DCLG 2015.

06 The proposed vehicular crossovers by reason of extent of hardstanding surface and proximity to both the street trees would be detrimental to the health of both of these trees and potentially result in their loss. This would be detrimental to the visual amenities of the streetscene and contrary to the National Planning Policy Framework, Policy KP2 and CP4 of the Core Strategy, Policies DM1 and DM15 of the Development Management Document and the Design and Townscape Guide (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.

691 Reports on Planning Applications - Main Plans List

The Committee received reports of the Corporate Director for Place which reported on applications which had been deposited with the Council.

The decision of the Committee in relation to each application is set out below:

(a) Shoeburyness Ward

15/02053/OUTM

Erect 172 dwellinghouses,14,130sqm of Offices (Class B1(a) and Health Centre (Class D1) (outline application)(Amended Proposal)

Land Between Barge Pier Road and Ness Road, Shoeburyness, Southend-on-Sea, Essex

Garrison Developments LLP

Pomery Planning Consultants Ltd

Ms V Byczynski, a local resident, spoke as an objector to the application. Mr Pomery, the applicant's agent, responded.

(a) DELEGATED to the Corporate Director for Place, Head of Planning & Transport or Group Manager for Planning & Building Control, to GRANT OUTLINE PLANNING PERMISSION subject to the removal of the Natural England objection and completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended).

- Affordable Housing 30%- 52 houses 31 x 2 bed units; 19 x 3 bed units; 2 x 4 bed units;
- "Flood sea defence contribution" means a financial contribution the sum of which is to be agreed between the Owner and the Council once a scheme has been agreed for the flood sea defence.
- Prior to the commencement of the residential units a marketing strategy for the commercial element of the site;
- Area of Open Space as shown on plan 6100/1101 Rev G to be permanently retained for public access and flood alleviation; Open Space maintenance strategy to be submitted and agreed on submission of the landscaping details as a reserved matters planning application and no development shall commence on the site until this strategy has been agreed
- As a minimum, the Open Space must include a parkour facility, outdoor fitness equipment and raised walkways, all of which must remain publicly accessible at times of flood;
- Maintenance sum for a 10 year period (to include funding for a park ranger and interpretation signs) to be agreed prior to commencement;
- Open Space to be transferred to SBC after it has been maintained by the land owner for a two year period from the date of practical completion; maintenance sum payable on transfer.

Drainage

- A minimum 5m wide strip must remain accessible to the Council at all times adjacent to the C-X ditch (which runs along the full length of the western side of the site) for maintenance purposes
- Maintenance strategy for Barge Pier drainage ditch to be submitted and agreed on submission of the landscaping details as a reserved matters planning application and no development shall commence on the site until this strategy has been agreed.

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

01a. Application for approval of the reserved matters including appearance, access, scale, landscaping, layout and appearance shall be made to the local planning authority not later than 5 years beginning with the date of this permission.

01b. The development hereby permitted shall be begun not later than whichever is the later of the following dates:

- i) the expiration of 5 years beginning with the date of this permission;
- ii) the expiration of 2 years beginning with the approval of the last reserved matter to be approved.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990.

02 The development hereby permitted shall be carried out in accordance with the approved plans 6100/1101 G; 6100/1002A.

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

03 Finished ground floor levels for the residential elements of the development shall be provided at a minimum level of 3.25m AOD.

Reason: To ensure ground floor levels are provided above the flood level with the NPPF and policy KP2 of Core Strategy.

04 Finished ground floor levels for the commercial development shall be provided at a minimum level of 3.1m AOD. Any void space beneath the commercial units must remain open to allow for the storage of flood water should the defences fail and no temporary storage of any materials, whether temporary otherwise, shall be permitted within this void space.

Reason: To ensure ground floor levels are provided above the flood level and the void space is maintained for floodplain storage over the lifetime of development in accordance with the NPPF and policy KP2 of Core Strategy.

05 Prior to the commencement of the construction of any residential and commercial units, flood defence improvements at Shoebury Common offering at least 1 in 200 year protection, to the west of the site, shall be agreed by the local planning authority and fully implemented, together with any onsite flood mitigation works. If the flood defence improvement scheme does not go ahead then the FRA will need to be revised to reflect the change in the standard of protection of the defences.

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

06 A compensatory flood storage area of not less than 1.86ha shall be provided on site in accordance with the approved plans prior to the raising of land levels elsewhere on the site.

Reason: To provide compensation for land raising across the site, in order to ensure no additional off site flooding result from the development in accordance with the NPPF and policy KP2 of the Core Strategy.

07 No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 year critical storm (including appropriate allowances for climate change) will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed and shall include confirmation of the following:

- Details of how and by whom individual elements of the scheme shall be maintained and managed after completion shall be submitted prior to first occupation of the development.
- It must be ensured that any replacement of permeable paving which may be required in the future is carried out with the same infiltration properties and storage capacity as designed.

Reason: To prevent the increased risk of flooding, both on and off site and to ensure that the SUDs hierarchy has been adequately addressed and to ensure the long term maintenance of the scheme NPPF and policy KP2 of Core Strategy.

08 The development hereby permitted shall operate at all time in accordance with the 'Flood Response Plan' dated December 2015 reference H521-007A.

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

09 No development shall take place until a Construction Environmental Management Plan has been submitted to and approved by the local planning authority. The Plan shall include the following details:

(a) Programme of works; (b) Code of practice; (c) 24 hour emergency contact number; (d) Hours of building works and measures taken to ensure satisfactory access and movement within the site taking into consideration any existing occupiers; (e) Lorry routing and traffic management (including control of delivery of materials); (f) Control of noise; (g) Control of dust; (h) Site waste management; (i) Details of the local sourcing of material; (j) Measures to prevent pollution of ground and surface water; (k) Measures to protect areas of vegetation and wildlife within the vicinity of the development during construction works; (l) Compliance with legal consents relating to nature conservation specifically protected species; (m) Details of how the Construction Environmental Management Plan will be monitored on site

Reason: To minimise the environmental impact and disturbance to existing residents, vegetation and wildlife during construction of the development in accordance with NPPF, DPD1 (Core Strategy) 2007 policy KP2 and CP4 and DPD2 (Development Management Document) 2015 policy DM1.

10 Development shall not commence on any part of the site until the mitigation measures and recommendations as set out in the Phase 1 Habitat Assessment 19th December 2014, Habitats Regulations Assessment Report April 2015 P14/68-1B and SSSI Impact Assessment reference: DFCP 3398 dated 29th May 2015, have been carried out and completed in accordance with a Conservation Management Plan to be submitted to, and approved by, the local planning authority. The following surveys (details of which are to be submitted and approved by the local planning authority) prior to commencement of work on site including: Reptile Survey; Invertebrate survey; Bird survey; Great Crested Newt Survey.

Reason: To reduce the effect the development has on the biodiversity of the environment in accordance with the National Planning Policy Framework and DPD1 (Core Strategy) 2007 policy KP2 and CP4.

11 No development or archaeological work shall take place until details including samples of the materials to be used on the external elevations; boundary treatments and hard surfaces have been submitted to and approved by the Local Planning Authority. The development shall only be carried out in accordance with the approved details unless otherwise agreed in writing with 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, DPD2 (Development Management) emerging policy DM1, DPD2 (Development Management Document) 2015 policy DM1 and SPD1 (Design and Townscape Guide).

12 All planting in the approved landscaping scheme for each phase of the development shall be carried out within 12 calendar months of the completion of that phase of 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 DM1 of the Southend on Sea Borough Local Plan.

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

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

14 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 been submitted by the applicant and approved 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 DPD2 (Development Management Document) 2015 policy DM5.

15 No part of the commercial and residential development shall be occupied until a Travel Plan has been submitted to and approved by the local planning authority, incorporating the principles set out in the Core Strategy Policy CP3, such details to include a timetable for the implementation of the plan.

Reason: To promote the principles of sustainable transport, in accordance with Policy CP3 of the Core Strategy and DPD2 (Development Management Document) 2015 policy DM15. and the Design and Townscape Guide.

16 No external lighting shall be erected until details of its siting, design; luminance, screening and dimensions 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 the character and amenities of the area and in particular to protect the amenities of nearby residential properties and the employment provision

within the borough, in accordance with Policy CP1 of the Core Strategy and DPD2 (Development Management Document) 2015 policy DM1.

17 The commercial units, hereby permitted, shall only be used for the purposes falling with Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the character and amenities of the area and in particular to protect the amenities of nearby residential properties and the employment provision within the borough, in accordance with Policy CP1 of the Core Strategy, DPD2 (Development Management Document) 2015 policy DM10 and DM11.

18 Details of the proposed hours and days of opening in conjunction with B1 and D1 Class uses shall be submitted to and approved in writing prior to occupation of each unit respectively. Thereafter the B1 and D1 uses shall be operated only in accordance with the approved hours of opening.

Reason: To safeguard the character and amenities of the area and in particular to protect the amenities of nearby residential properties in accordance with DPD2 (Development Management Document) 2015 policy DM1.

19 No dust or fume extraction or filtration equipment, or air conditioning, ventilation or refrigeration equipment shall be installed until full details of its design, siting, discharging points and predicted acoustic performance have been submitted to and approved by the local planning authority. The equipment as installed shall be retained in good working order at all times thereafter. The development shall only be implemented in accordance with the approved details.

Reason: To safeguard the character and amenities of the area and in particular to protect the amenities of nearby residential properties and the employment provision within the borough, in accordance with DPD2 (Development Management Document) 2015 policy DM1.

20 No dwelling shall be first occupied until two parking spaces to serve that dwelling have been laid out, together with properly constructed vehicular access to the adjoining highway, all in accordance with details which shall have been submitted to and approved by the local planning authority, such provision to be permanently reserved for the parking of vehicles of occupiers and callers to the property and not used for any other purpose whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order).

Reason: To make provision for parking off the highway, in the interests of highway and pedestrian safety and to safeguard the character and amenities of the area in accordance with Policy CP3 of the Core Strategy DPD1, DPD2 (Development Management) policy DM15 and the Design and Townscape Guide.

21 Before the development hereby permitted is begun a scheme for generating not less than 10% of the predicted energy requirement of the development from decentralised renewable and/or low carbon sources shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the development is first occupied and shall remain operational for the lifetime of the development 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).

22 Prior to first occupation of the development a Waste Management Plan for the development shall be submitted to and approved in writing by the Local Planning Authority in relation to the residential and commercial premises. The plan shall detail how the development will provide for the collection of general refuse and re-usable and recyclable waste and what strategies will be in place to reduce the amount of general refuse over time. 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.

23 The development hereby approved shall include not less than 14,130sqm of office B1 (a) floorspace, 870sqm for a health centre (D1) and no more than 172 dwellinghouses.

Reason: In order to define the scope of this permission in the context of the character and amenity of the area, in accordance with policies KP2 and CP4 of the Core Strategy 2007, DPD2 (Development Management Document) 2015 policy DM1, DM7, DM10, DM11. and to ensure the development meets the requirements of the development plan.

(c) In the event that the planning obligation referred to in part (a) above has not been completed by the 17th March 2016 such that planning permission would have been granted, then the Corporate Director Place or Head of Planning & Transport or Group Manager 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 are authorised to determine the application and agree appropriate reasons for refusal under delegated authority.

Informative

- 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 contributions to highways, affordable housing, sea defence, open space and monitoring fee.
- Please note that the proposed development subject of this application is liable for a charge under the Community Infrastructure Levy Regulations 2010 (as amended). The amount of levy due will be calculated at the time the reserved matters application is submitted. Further information about CIL can be found on the Council's website at www.southend.gov.uk/cil
- You need to speak to our Highway and Traffic Management Service about any work which will affect public roads.
- This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults.
- You will have to pay all administration, design, supervision and other costs of the work. The Council as local highway authority will carry out any work which affects the highway. For more advice, please phone 01702 215003. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the Borough Council (as highway authority).
- The owner of the properties should register with the Agency's Flood Warning Service prior to occupancy of the development.

- The applicant is advised to limit commercial building heights to not more than 12.1m high, measured from the finished ground levels set out in the application, in the interests of the character of the area and residential amenity.
- Notwithstanding the indicative landscaping drawing 6100/1105 you are advised in any reserved matters submission the inclusion of allotments will not be acceptable.
- No development shall be within 15 metres from the boundary of a sewage pumping station if that development is sensitive to noise or other disturbance unless agreed in writing by the local planning authority.

(b) Milton Ward

15/01842/FULM

Demolish existing building, and erect 5 storey building comprising 23 self-contained flats with ground floor restaurant and basement parking, layout amenity area, refuse and cycle storage and landscaping, form new vehicular access onto Western Esplanade (Amended Proposal)

The Esplanade Public House, Western Esplanade, Southend on Sea

Mr CG Pettersson, Redab Commercial Ltd

Stagg Architects Limited

(a) DELEGATED to the Corporate Director for Place, Head of Planning and Transport or Group Manager of Planning 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:

- Highways works contribution of £14,000 – including funding a TRO to facilitate the introduction of the loading bay, a re-provision of parking spaces and dropped kerbs;
- Travel Plan including provision of Travel Packs for residents;
- Public art contribution/provision to the value of £40,000;
- Replacement tree planting contribution of £5,500;
- Review mechanism requiring the viability to be reassessed if the scheme is not completed within 57 months of the completed S106 agreement to establish if a policy compliant position is viable in respect of affordable housing provision.

(b) The Corporate Director for Place, Head of Planning and Transport or the Group Manager (Development Control & 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 Unless otherwise agreed in writing with the local planning authority, the development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plan numbers: 51415-P-01, 51415-P-02, 51415-P-03B, 51415-P-04, 51415-P-10; 51415-P-20 F, 51415-P-21 J, 51415-P- 22 F, 51415-P-23F, 51415-P-24 F, 51415-P- 25E, 51415-P- 26C, 51415-P-30, 51415-P-41F, 51415-42, 51415-P-43; 51415-P-44; 51415-P-45; 151415-P- 46; 01 51415-P- 50, 51415-P-51, 51415-P-60D, 51415-P- 61C, 51415-P- 62C, 51415-P- 63C

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, fenestration, wintergarden (including glazing product and frames), balconies, canopies, lobby including roof edge and glazing frame and, on any screen/boundary walls and fences, and on any access way, path or parking area 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 and the adjacent Conservation Area in accordance with KP2 and CP4 of the Core Strategy, Policies DM1 and DM5 of the Development Management DPD1 and SPD1 Design and Townscape Guide

04 No development shall take place until product details of fenestration, privacy screens including fixings, glu lam beam structure, glazing and frames, lobby doors, roof edge and glazing frame, terrace screen/boundary treatment, platform lift to terrace and fire escape 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 and the adjacent Conservation Area in accordance with KP2 and CP4 of the Core Strategy, Policies DM1 and DM5 of the Development Management DPD1 and SPD1 Design and Townscape Guide.

05 No development shall take place until details of the proposed car park shutter and the restaurant shopfront, and terrace at a scale of no less than 1:50 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 and the adjacent Conservation Area in accordance with KP2 and CP4 of the Core Strategy, Policies DM1 and DM5 of the Development Management DPD1 and SPD1 Design and Townscape Guide.

06 Notwithstanding the provisions of the Town and Country Planning (Control of Advertisements)(England) Regulations 2007 or subsequent amendments to that legislation no advertisements shall be displayed on the building hereby approved without the prior written consent of the Local Planning Authority

Reason: To safeguard character and appearance of surrounding area and in accordance with KP2 and CP4 of the Core Strategy, Policy DM1 of the Development Management DPD and SPD1 Design and Townscape Guide.

07. Prior to commencement of development of measures to ensure at least 10% of the energy needs of the development will come from onsite renewable options (and/or decentralised renewable or low carbon energy sources) shall be submitted to and approved by the Local Planning Authority and the approved details implemented and brought into use on first occupation of the development.

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

08. The development shall not be occupied until 26 car parking spaces have been provided as shown on plan P-20 rev F together with a properly constructed vehicular access to the adjoining highway, in accordance with the approved plans. The parking spaces shall be permanently retained thereafter for the parking of occupiers and visitors to the residential development.

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

09. Prior to first occupation of the proposed refuse and cycle stores shown on plans P-20 rev F and P-21 rev J shall be provided. These stores must be clearly marked and made available at all times to everyone using the development. Waste and cycles must be stored inside the appropriate stores and waste only put outside just before it is to be collected. The stores must not be used for any other purpose.

Reason: To protect the environment and provide suitable storage for cycles and waste and materials for recycling in accordance with DPD1 (Core Strategy) 2007 policies KP2, CP3 and CP4, Development Management DPD Policies DM1 and DM15.

10. Prior to first occupation of the development a Waste Management Plan for the development shall be submitted to and approved in writing by the Local Planning Authority. The plan shall detail how the development will provide for the collection of general refuse and re-usable and recyclable waste and what strategies will be in place to reduce the amount of general refuse over time. 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 ensure that the development is satisfactorily serviced and that satisfactory waste management is undertaken in the interests of highway safety and visual amenity and to protect the character of the surrounding area, in accordance with Policies KP2 and CP3 of the Core Strategy DPD1 and Development Management DPD policies DM1 and DM15

11. All deliveries and collections to be between: 07:00-19:00hrs Monday to Friday; and 08:00-13:00hrs Saturday; with no deliveries on Sundays or Bank Holidays.

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

12. The permitted hours for 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.

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

13. During demolition and construction there shall be no burning of waste on site.

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

14. Prior to commencement of development a noise assessment shall be undertaken by a competent person to show compliance with the following internal ambient noise levels:

Living room during the day = 35 dB LAeq,T
Dining room/area during the day = 40 dB LAeq,T
Bedroom during the day = 35 dB LAeq,T
Bedroom at night = 30 dB LAeq,T

Where the internal noise levels will exceed the above criteria, a scheme of acoustic protection should be compiled including all necessary mitigation measures. This scheme shall be submitted to and approved in writing by the Council prior to commencement. Any works that form part of the scheme approved by the Council shall be completed before the permitted dwellings are occupied. The noise prevention measures as installed shall be retained at all times thereafter.

Within gardens and amenity areas the daytime 07.00 to 23.00 hrs level of noise should not exceed 55 dB LAeq. This excludes front gardens. Consideration of the amenity area shall also form part of the noise assessment.

Reason: In order to protect the amenities of occupiers of the development in accordance with policies KP2 and CP4 of the Core Strategy DPD1 and Policy DM8 of the Development Management DPD.

15. Before the restaurant use hereby permitted begins, a scheme for the installation of equipment to control the emission of fumes and smell from the premises shall be submitted to, and approved in writing by, the local planning authority and the approved scheme shall be implemented. All equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the manufacturer's instructions, unless otherwise agreed in writing by the local planning authority.

Reason: To protect the environment of people in the approved flats, neighbouring properties and general environmental quality in accordance with policies KP2 and CP4 of the Core Strategy DPD1 and Policies DM1 and DM8 of the Development Management DPD.

16. 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: To protect the environment of people in the approved flats, neighbouring properties and general environmental quality in accordance with policies KP2 and CP4 of the Core Strategy DPD1 and Policies DM1 and DM8 of the Development Management DPD.

17. Prior to installation of any external lighting of the development details of the lighting shall be submitted to and approved by the Local Planning Authority together with an assessment using the Institution of Lighting Engineers Guidance Note for the Reduction of Obtrusive Light. The development shall be carried out and retained thereafter in accordance with the approved details. External lighting shall be directed, sited and screened so as not to cause detrimental intrusion of light into residential property.

Reason: To protect the character of the surrounding area including the adjacent Conservation Area, to protect the environment of people in the approved flats, neighbouring properties and general environmental quality. To ensure that the development, as submitted, will not impact upon the features of special interest for which the Benfleet and Southend Marshes SSSI is notified in accordance with Policies KP2 and CP4 of the Core Strategy DPD1 and Policies DM1, DM6 and DM8 of the Development Management DPD.

18. No particularly noisy demolition equipment (e.g. concrete breakers) or construction techniques (e.g. percussive piling) shall be used during the period from 2 hours before high tide until 2 hours after high tide, on any days when either the air temperature is below 5 degrees Centigrade or the ground remains frozen.

Reason: To ensure that the development, as submitted, will not impact upon the features of special interest for which the Benfleet and Southend Marshes SSSI is notified, in accordance with Policies KP2 and CP4 of the Core Strategy DPD1 and Policies DM1, DM6 and DM8 of the Development Management DPD.

19. Notwithstanding the provisions of the Town and Country Planning Act (General Permitted Development) Order 2015, or any order revoking and re-enacting that Order with or without modification, no development shall be carried out within Part 16 to those Orders unless previously agreed in writing by the LPA.

Reason: In the interests of visual amenity and to protect the character of the adjacent Conservation Area in accordance with policy CP4 of the Core Strategy DPD1, Development Management DPD policies DM1 and DM5 and SPD1 (Design and Townscape Guide).

20. Prior to first occupation of the development the flood risk mitigation measures and surface water drainage strategy set out within the Flood Risk Assessment by JMP Consultants Limited dated 27th January 2015, submitted with the application shall be implemented and the permanently retained thereafter.

Reason: In order to mitigate any risk to the development from flooding in accordance with the provisions of Policies KP1 and KP2 of the Core Strategy DPD1.

21. Prior to demolition of the existing building a method statement, prepared by a chartered civil engineer, to demonstrate how the surrounding land will be stabilised during and following demolition shall be submitted to and approved by the LPA, demolition shall only be carried out in accordance with the approved method statement.

Reason: To ensure the demolition does not adversely affect stability of the surrounding land in accordance with Policy KP2 of the Core Strategy DPD1 and DM14 of the Development Management DPD.

22. Prior to commencement of development (excluding demolition of the existing building) a full site investigation and structural survey, including slip circle analysis and details of mitigation measures prepared by a chartered civil engineer shall be submitted to and approved by the LPA. The development shall be carried out in accordance with the approved details and the approved mitigation measures shall be implemented and retained thereafter.

Reason: To ensure the demolition does not adversely affect stability of the surrounding land in accordance with Policy KP2 of the Core Strategy DPD1 and DM14 of the Development Management DPD.

23. The A3 use hereby approved shall not be open for customers outside the following hours: - 08.00 - 23.00 Monday to Sunday.

Reason: To protect the environment of people in the approved flats, neighbouring properties and general environmental quality in accordance policies KP2 and CP4 of the Core Strategy DPD1 and Policies DM1 and DM8 of the Development Management DPD.

24. The car park shall be managed in accordance with the Car park management plan set out at Page 4.7 of the submitted Design and Access Statement unless otherwise agreed in writing with the Local Planning authority.

Reason: To ensure effective management of the car park to serve the development in the interest of highway safety and the free flow of traffic in accordance with Policies CP3 of the Core Strategy DPD and DM15 of the Development Management DPD.

25. The mitigation/avoidance measures set out in section 5 of the Extended Phase 1 habitat survey prepared by Peak Ecology Ecological Consultants and submitted with the application shall be implemented and adhered to prior to and during the course of development unless otherwise agreed in writing by the Local Planning Authority.

Reason: To minimise the risk of harm to nesting birds and mammals and protected species in accordance with DPD1 (Core Strategy) policies KP2 and CP4.

26. The recommendations set out within section 4 of the Badger Survey report prepared by Peak Ecology Ecological Consultants and submitted with the application shall be implemented and adhered to prior to and during the course of development unless otherwise agreed in writing by the Local Planning Authority.

Reason: To minimise the risk of harm to protected species in accordance with DPD1 (Core Strategy) policies KP2 and CP4.

27. The Ecological Enhancement measures set out in section 5 of the Extended Phase 1 habitat survey prepared by Peak Ecology Ecological Consultants and submitted with the application shall be implemented prior to occupation of the development in accordance with details which shall have previously been submitted to and approved by the Local Planning Authority and shall be permanently maintained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect and enhance biodiversity within the site in accordance with DPD1 (Core Strategy) policies KP2 and CP4.

28. Prior to commencement of development a survey of the Parks Store (building B2) shall be carried out to investigate the presence of bats. The survey shall be carried out in accordance with para 5.1 of the of the Extended Phase 1 habitat survey prepared by Peak Ecology Ecological Consultants and submitted with the application.

Reason: To protect biodiversity within the site in accordance with DPD1 (Core Strategy) policies KP2 and CP4.

29. 1) No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees as shown on drawing No 1003-002 rev A (the tree protection plan) submitted by JP Watts Design Limited and dated October 2015, 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.

2) All tree work shall be carried out in accordance with British Standard BS3998 - Recommendations for Tree Work.

3) No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner other than in accordance with the approved plans and particulars, without the prior written approval of the local planning authority.

4) If any retained tree is cut down, uprooted or destroyed or dies another tree shall be planted at the same place and that tree shall be of such size and species and planted, in accordance with a planting methodology and which shall have previously agreed in writing with the Local Authority Planning and at such time as may be specified in writing by the local planning authority.

5) No fires shall be lit within 10m metres of the nearest point of the canopy of any retained tree or on the cliff area.

6) No equipment, machinery or structure shall be attached to or supported by a retained tree.

7) No mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area.

8) No alterations or variations to the approved works or tree protection schemes shall be made without prior written consent of 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 biodiversity in accordance with DPD1 (Core Strategy) policy KP2 and CP4, and SPD1 (Design and Townscape Guide)

30. During the course of development mitigation measures shall be put in place to control dust emissions on site and to minimise effects on adjacent residential premises in accordance with a scheme which shall be submitted to and approved by the Local Planning Authority prior to commencement of development.

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

31. (a) No development shall take place until a written scheme of investigation for a programme of archaeological work has been submitted to and approved in writing by the local planning authority. This must include details of the suitably qualified person or organisation that will carry out the archaeological work.

(b) The archaeological work and development must then be carried out in accordance with the approved scheme. A written report of the investigation and findings must be produced, showing that the archaeological work and development has been carried out in accordance with the approved scheme. Copies of the written report of the investigation and findings must be sent to Southend Borough Council, Essex County Council and English Heritage.

(c) No part of the new building can be used until the local planning authority has provided written confirmation that the archaeological fieldwork and development has been carried out in accordance with the approved scheme.

Reason: To avoid damage to archaeological remains on site as set out in Planning DPD1 (Core Strategy) policy KP2 and CP4, Development Management DPD Policy DM5 and SPD1 (Design and Townscape Guide).

31. The ground floor commercial unit shall be used for A3 use only and for no other purpose (including any other purpose in Class A or Class C) of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or any statutory modification or re-enactment or replacement thereof (as the case may be) for the time being in force).

Reason: In the interests of residential amenity and to ensure the development continues to provide a leisure and tourism facility to enhance the function of the Seafront Area in accordance with DPD1 (Core Strategy) 2007 policy KP1, KP2 and CP4, and Development Management DPD policy DM1

Informatives:

01. The applicant is reminded that this permission does not bestow compliance with other regulatory frameworks. In particular your attention is drawn to the statutory nuisance provisions within the Environmental Protection Act 1990 (as amended) and also to the relevant sections of the Control of Pollution Act 1974. The provisions apply to

the construction phase and not solely to the operation of the completed development. Contact 01702 215005 for more information.

02. Noise assessments shall be undertaken by a competent person normally a member of the Institute of Acoustics (IOA). The relevant British Standards and guidance including BS4142, BS8233 and WHO guidelines but not limited to shall be used to compile the assessment.

03. 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

04. The applicant is reminded that this permission does not bestow compliance with the Food Safety and Hygiene (England) Regulations 2013 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.

05. For further guidance on the control of odour and noise from ventilation systems you are advised to have regard to – Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems published by DEFRA. This can be downloaded free from www.DEFRA.Gov.UK

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

07. Notwithstanding comment within the submitted Phase 1 habitat survey detailed inspection of parks building is required prior to commencement development as this building is potential habitat for bats (which are a protected species) and it is likely that the building development will impact on this building.

08. Tree 18 as shown as retained on drawing No 1003-002 rev A (the tree protection plan) submitted by JP Watts Design Limited and dated October 2015, will need full root protection in the form of appropriate protective fencing etc. before development begins. This fencing should not be breached during development except by prior agreement with the Local Authority section. Any significant damage or compromise of its long term health would be required to be compensated for by the developer in an amount based on its CAVAT valuation.

09. Crown reduction of Tree 18 as shown as retained on drawing No 1003-002 rev A (the tree protection plan) submitted by JP Watts Design Limited and dated October 2015, is NOT agreed and does NOT form part of this consent.

10. An application to discharge trade effluent must be made to Anglian Water and must have been obtained before any discharge of trade effluent can be made to the public sewer.

Anglian Water recommends that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of such facilities could result in pollution of the local watercourse and may constitute an offence.

Anglian Water also recommends the installation of a properly maintained fat traps on all catering establishments. Failure to do so may result in this and other properties suffering blocked drains, sewage flooding and consequential environmental and amenity impact and may also constitute an offence under section 111 of the Water Industry Act 1991.

11 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 .

12. 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 a highway work contribution, Travel Plan and Travel Packs, public art contribution/provision, tree replacement contribution and a viability review mechanism linked to an agreed development completion date.

(c) In the event that the planning obligation referred to in part (a) above has not been completed by 30th March the Head of planning and Transport or Group Manager (Development Control & Building Control) be authorised to refuse planning permission for the application on the grounds that the development fails to:- i) provide alterations to the highway to provide for a satisfactory method of servicing the development and replacement parking. ii) provide an effective means of delivering a Travel Plan and Travel packs and iii) provide for a satisfactory provision of public art.

As such would result in service vehicles blocking the highway and the loss of on street car parking and is likely to result in increased parking demand and place increased pressure on public services and infrastructure to the detriment of the general amenities of the area, contrary to Policies KP2, KP3, CP3, CP4, CP6 and CP8 of the Core Strategy, Policies DM1 and DM15 of the Development Management DPD and the Design and Townscape Guide (2009).

(c) St. Lukes Ward

15/01898/FULM

Layout one synthetic 5 a-side pitch with associated fencing, lighting and storage container

Temple Sutton Primary School, Eastern Avenue, Southend-on-Sea, Essex, SS2 4BA

Mr T. Barrett (Temple Sutton Primary School)

Mr W. Bugg (Surfacing Standards)

Mr G Miles, a local resident, spoke as an objector to the application. Mr Barrett, the applicant, responded.

Planning permission GRANTED subject to the following conditions:

01 The development hereby permitted shall begin not later than three years from the date of this decision.

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

02 The development hereby permitted shall be carried out in accordance with the following approved plans: SS1898 T1, SS1898 02 Rev 01, SS1898 03, SS1898 04, SS1898 05 and SS1898 06

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

03. The sports pitch and floodlights hereby approved shall only be used between the following times:

Monday to Friday (During School Teaching Terms) – 0800 to 2000

Monday to Friday (Outside School Teaching Terms) – 1000 to 1600
Saturday – 1000 to 1600.

The use of the sports pitch and floodlights Outside of School Teaching Terms shall be limited to the three 'half term' weeks and a maximum of four weeks in the 'summer holiday'.

The sports pitch and floodlights shall not be used during any other weeks that are not allowed for by the above conditions.

Reason: In the interests of protecting residential amenity as required by the National Planning Policy Framework, DPD1 (Core Strategy) 2007 policy KP2, DPD2 (Development Management) policy DM1 and SPD1 (Design and Townscape Guide).

04 Users of the sports facility hereby approved outside of school hours shall only access the facility from the Eastern Avenue entrance to the application site, except for in the case of access by emergency services.

Reason: In the interests of protecting residential amenity as required by the National Planning Policy Framework, DPD1 (Core Strategy) 2007 policy KP2, DPD2 (Development Management) policy DM1 and SPD1 (Design and Townscape Guide).

05 All lighting hereby approved shall be installed in accordance with the details set out within the Lighting Specification (prepared by Surfacing Standards LTD, dated 16/11/2015) and shall be maintained to those standards unless otherwise agreed in writing by the Local Planning Authority. The lighting shall only be used at times that accord with the hours of use of the development hereby approved that are set out at condition 3.

Reason: In the interests of protecting residential amenity as required by the National Planning Policy Framework, DPD1 (Core Strategy) 2007 policy KP2, DPD2 (Development Management) policy DM1 and SPD1 (Design and Townscape Guide).

06 Use of the development shall not commence until certification that the Artificial Grass Pitch hereby permitted has met FIFA Quality Concept for Football Turf - One Star accreditation or equivalent International Artificial Turf Standard (IATS), including confirmation that the facility has been registered on the Football Association's Register of Football Turf Pitches, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development is fit for purpose and sustainable, provides sporting benefits and to accord with Core Strategy Policy CP7.

07 The use of the development 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 apply to the artificial sports pitch hereby approved and include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review, 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 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.

Prior to the provision of the approved storage container at the site, details of its size and appearance shall be submitted to and approved in writing by the Local Planning Authority.

In the interests of protecting visual amenity as required by the National Planning Policy Framework, DPD1 (Core Strategy) 2007 policy KP2, DPD2 (Development Management) 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.

**(d) Blenheim Park Ward
15/01545/FULM**

**Demolish existing building erect three storey building comprising of commercial space at ground floor, 17 self-contained flats with balconies, associated amenity space, refuse and cycle storage, layout parking and landscaping
1043 London Road, Leigh-on-Sea, SS9 3JY
Mr L. McNamara, Horton Homes Ltd
Mr J. Baron, David Plant Architecture Ltd**

(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:

- £262,837.82 affordable housing contribution in lieu of on-site provision, payable prior to occupation of the 7th residential unit

(b) The Head of Planning or Head of Planning and Transportation or the Group Manager (Development Control & 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 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: 466.001.00, 466.200.02, 466.201.02, 466.202.01, 466.203.02, 466.204.02, 466.205.01, 1736-1, 1736-2, PR063/01, PR063/02, Unnumbered Design and Access Statement, LA/1462/02R/ML Environmental Noise Assessment, SJC/617197/JRC SUDs Surface Water Drainage Strategy, 1508-31/WRCMP/01 Waste and Recycling Collection Management Plan, C15079 Planning Statement, Unnumbered Transport Statement dated September 2015.

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 development, 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. The landscaping shall be implemented in accordance with planting plan ref. PR063/01, 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. All planting in the landscaping scheme referred to in condition 04 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.

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 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.

07. Prior to the first occupation of the development, all of the proposed car parking spaces including a suitable vehicular access shall be provided and permanently retained in accordance with the approved plans. The car parking spaces shall be permanently retained for occupants and visitors of the flats at 1043 London Road and for no other purpose unless otherwise agreed in writing by the Local Planning Authority.

Reason: To provide satisfactory off-street parking for the development, in accordance with Policy DM15 of the Development Management Document.

08. Prior to the first occupation of the development, the proposed cycle and bin stores shall be provided in accordance with the approved plan no. 466.200.02. The cycle and bin stores shall be retained for the lifetime of the development.

Reason: To provide satisfactory cycle and refuse storage for future occupiers in accordance with Policies KP2 and CP4 of the Core Strategy, Policies DM14 and DM15 of the Development Management Document and the Design and Townscape Guide, 2009.

09. Details of an acoustic fence, including design, height and siting, to be installed around the perimeter of the car park adjacent to existing residential properties shall be submitted to an approved in writing with the Local Planning Authority). The proposed fence shall be installed prior to the first occupation of the development and permanently retained in accordance with the approved details.

Reason: To protect the privacy and environment of people in neighbouring residential properties, in accordance with Policy CP4 of the Core Strategy and Policy DM1 of the Development Management Document.

10. The proposed windows in the northern elevation of Flats 6 and 13 serving the second bedrooms shall only be glazed with obscure glass (the glass to be obscure glazed to at least Level 4 on the Pilkington Levels of privacy, or such equivalents as may be agreed in writing with the Local Planning Authority). These windows shall be fixed shut and unopenable apart from any top hung lights which shall be a minimum of 1.7m above the internal floor area. In the case of multiple glazed units, at least one layer of glass in the relevant units shall be glazed in obscure glass.

Reason: To prevent overlooking of and loss of privacy to neighbouring occupiers at the east of the site at 1031 and 1031A London Road, in accordance with Policy CP4 of the Core Strategy and Policy DM1 of the Development Management Document.

11. Prior to the first occupation of development, details of privacy screens and siting shall be submitted to and approved in writing by the Local Planning Authority. Any glazed privacy screens shall 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). The development shall be carried out prior to first occupation of the flats hereby approved and permanently retained in accordance with the approved details.

Reason: To protect the privacy and environment of people in neighbouring residential properties, in accordance with Policy CP4 of the Core Strategy and Policy DM1 of the Development Management Document.

12. Any external lighting within the development shall be directed, sited and screened so as not to cause detrimental intrusion of light into the proposed and existing residential properties.

Reason: To protect the amenities of existing and surrounding occupiers in accordance with Core Strategy Policies KP2 and CP4 and Policies DM1 and DM7 of the Development Management Document.

13. Demolition or construction works shall not take place outside 07:30 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays and at no time on Sundays or Bank Holidays, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect residential amenity and general environmental quality in accordance with Core Strategy Policies KP2 and CP4 and Policy DM2 of the Development Management Document.

14. No burning of construction or demolition waste is to take place on the site.

Reason: To protect the amenities of neighbouring properties and general environmental quality in accordance with Core Strategy Policies KP2 and CP4 and Policy DM1 of the Development Management Document.

15. No development hereby permitted shall commence until final details of the surface water attenuation for the site, based on SUDS principles, have been submitted to and

approved by the Local Planning Authority. The works agreed shall be carried out in accordance with the approved details unless otherwise first agreed in writing by the Local Planning Authority. The agreed details shall be permanently retained.

Reason: To ensure satisfactory drainage of the site in accordance with Policies KP2 and CP4 of the Core Strategy.

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. 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.

03. The applicant is advised that any external extraction/ventilation equipment would require separate planning permission.

04. The applicant is advised that the Council's refuse contractor will require a key fob in order to access the refuse store.

(c) In the event that the planning obligation referred to in part (a) above has not been completed by the 9th March 2016 such that planning permission would have been granted, then the Corporate Director Place or Head of Planning & Transport 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 are authorised to determine the application and agree appropriate reasons for refusal under delegated authority.

(e) Kursaal Ward

16/00116/DOV

Deed of Variation

Modification of planning obligation (Section 106 agreement) dated 15/07/2015 pursuant to application 15/00521/FULM to vary the requirement to provide affordable housing.

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 the Group Manager for Planning and Building Control to GRANT A MODIFICATION OF THE PLANNING OBLIGATION dated 15th July 2015 pursuant to planning application

15/00521/FULM to provide a commuted sum payment for affordable housing of £318,010.91 in lieu of on-site provision.

(f) Milton Ward

16/00177/DOV

Deed of Variation

Modification of planning obligation (Section 106 agreement) dated 29th July 2013 pursuant to application 13/00484/FULM to vary the requirement to provide affordable housing.

Frankie And Bennys, 18 - 20 Southchurch Road, Southend-on-Sea, Essex SS1 2ND

Harding Investments Ltd

Mrs Pam Przyjemski (Hobbs Parker)

DELEGATED to the Corporate Director for Place, Head of Planning and Transport or the Group Manager for Planning and Building Control to GRANT A MODIFICATION OF THE PLANNING OBLIGATION dated 29th July 2013 pursuant to planning application 13/00484/FULM to provide a commuted sum payment for affordable housing of £120,563.85 in lieu of on-site provision.

(g) Shoeburyness Ward

15/01997/FUL

Erect four two storey dwellinghouses with associated parking and amenity space

Land adjacent to 10 - 11 New Garrison Road, Shoeburyness

Southend-on-sea, Essex, SS3 9BF

The Garrison LLP

APS Design Associates Ltd.

Planning permission REFUSED for the following reasons:

01 The proposal would result in the loss of land for employment use, the loss of which has not been sufficiently justified. The loss of this land would impair economic led regeneration contrary to the National Planning Policy Framework, Policy CP1 of the Southend on Sea Core Strategy DPD1, Policy DM11 of the Development Management Document DPD2, which seek to promote building a strong, competitive economy.

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.

(h) Shoeburyness Ward

15/02071/FUL

Convert existing building in to dwelling house, erect single storey side extension, layout parking to front and form vehicular crossover on to Parade Walk

The Rifle Shed, Rampart Street, Shoeburyness, Southend-on-Sea, Essex, SS3 9GE

Mr P. Bahri

APS Design Associates Ltd.

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

Planning permission REFUSED for the following reasons:

01 The proposed development, by reason of its limited internal space, would result in a cramped development to the detriment of the living conditions of future occupiers and contrary to the National Housing Technical Standards, Policy DM8 of the Southend DM DPD and the NPPF.

02 The proposed development, by virtue of the design and appearance of the extension and associated works, would result in an incongruous feature of the area to the detriment of the character and the appearance of the Shoebury Garrison Conservation Area and contrary to policies KP2 and CP4 of DPD1 (Core Strategy) policies DM1 and DM5 of DPD2 (Development Management) and the Council's Design and Townscape Guidance (SPD1)

(i) Milton Ward

15/02106/FUL

Demolish existing building, erect four storey building with commercial unit at ground floor and six self-contained flats to upper floors and 3 storey building to rear comprising of three self-contained flats and lay out cycle stores, bin stores and landscaping (amended proposal)

48 Alexandra Street, Southend-on-Sea, SS1 1BJ

Glendale Developments Limited

Mr S. Kearney, SKArchitects

01. The development hereby permitted shall be begun not later than three 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: 106-10-11-P01, P02, P03, P04A, P05A, P06A, P07A, P08A, P09, P10, P011.

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

03. The ground floor of the main building shall only be used for purposes which fall within classes A1 (retail), A2 (financial and professional services) or B1 (a) (offices) and must not be used for any other purpose within the Town and Country Planning (Use Classes) Order 1987, as amended April 2005 (or any statutory modification or re-enactment or replacement thereof (as the case may be) for the time being in force).

Reason: To ensure that the development is completed and used as agreed, in the interest of residential amenities and the character and appearance of the area and to ensure that it meets Core Strategy Policies KP2 and CP4 and Policy DM1 of the Development Management Document.

04. No development shall take place until samples of the external materials to be used on the external elevations of the buildings, on any screen/boundary walls, privacy screens, fences and gates, and on any hardsurfacing have been submitted to and approved by the Local Planning Authority.

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

05. The proposed upgrade works to the alleyway shall be carried out and permanently retained in accordance with drawing number 106-10-11-PO1 unless otherwise agreed in writing by the Local Planning Authority. The works shall be completed in full prior the first occupation of the building.

Reason: In the interests of visual amenity and in the interest of the amenities of future occupiers in accordance with Policy CP4 of the Core Strategy and Policy DM1 of the Development Management Document.

06. The scheme of landscaping shall be carried out and permanently retained in accordance with drawing number 106-10-11-P011, unless otherwise agreed in writing by the Local Planning Authority.

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

07. All planting in the 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 DM1 of the Development Management Document and Policy CP4 of the Core Strategy.

08. Notwithstanding the conditions above, details of future landscape management for the site shall be submitted to and agreed in writing by the Local Planning Authority prior to the first occupation of the residential units.

Reason: To ensure that the landscaping is satisfactorily maintained for future occupiers in the interest of amenity, pursuant to Policy DM1 of the Development Management Document and Policy CP4 of the Core Strategy.

09. The garden and all balconies/terraces shall be completed in full in accordance with the approved plans prior to first occupation of the development, unless otherwise first agreed in writing by the Local Planning Authority. The development shall be carried out and permanently retained in accordance with the agreed details.

Reason: To provide a suitable level and standard of amenity space for future occupiers, in accordance with Policy DM1 of the Development Management Document and Policy CP4 of the Core Strategy (DPD1).

10. Prior to the first occupation of the development hereby approved, full details of energy efficiency and other sustainability measures, including the provision of at least 10% of the development's energy needs being provided from on-site renewable sources, including siting of the renewable(s) and their appearance shall be submitted to

and agreed in writing by the Local Planning Authority. The development shall be carried out and permanently retained in accordance with the agreed details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To contribute towards sustainable development, in accordance with Policy KP2 of the Core Strategy and Policy DM2 of the Development Management Document.

11. No development shall take place until detailed drawings of the proposed shopfront 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, Policy DM1 of the Development Management Document and the Design and Townscape Guide.

12. Details of any vinyls/graphics to be applied onto the shopfront windows shall be first agreed in writing by the Local Planning Authority prior to their installation. The scheme shall be carried out and permanently retained in accordance with the agreed details.

Reason: To prevent an inactive and 'dead' frontage which would be to the detriment of the streetscene, in accordance with Policies KP2 and CP4 of the Core Strategy, Policy DM1 of the Development Management Document and the Design and Townscape Guide.

13. Construction and demolition hours are restricted to 7.30am-6pm Monday to Friday, 8am - 1pm Saturday and not at all on Sundays or Bank Holidays.

Reason: In the interests of residential amenity in accordance with Policy DM1 of the Development Management Document.

14. During construction and demolition, given the site's location close to other properties, no burning of waste material shall take place on the site.

Reason: In the interests of residential amenity in accordance with Policy DM1 of the Development Management Document.

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

(j) Milton Ward
15/01293/FUL

Change of use of ground floor (Class A4) to retail (Class A1), first and second floor (Class A4) to five self-contained flats (Class C3), demolish part of roof to form amenity space
Element, 13 - 17 Alexandra Street, Southend-on-Sea, Essex
SS1 1BX
Mr Robin Levy
The Planning And Design Bureau Ltd

Planning permission REFUSED for the following reasons:

01 Insufficient evidence has been submitted to demonstrate that the commercial uses at the site could be carried out without resulting in undue noise and disturbance to the amenities of future occupiers of the proposed flats proposed. The proposal would therefore be contrary to the NPPF, Core Strategy Policy KP2 and policy DM1 of the Development Management Document DPD2.

02 Insufficient information has been submitted to demonstrate a refuse store can be accommodated within the site for this mixed use development not resulting in harm to the character and appearance of the surrounding area contrary to NPPF, Policies KP2 and CP4 of the DPD1 (Core Strategy), Policy DM1 of the Development Management DPD2, and the Design and Townscape Guide (SPD1).

Informatives

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 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.

(k) Kursaal Ward
15/01877/FUL

Change of use from existing Care Home (Class C2) to form 4 self-contained flats (Class C3), external alterations and layout parking to rear
Willowdale Lodge, 21 Cromer Road, Southend-on-Sea, Essex, SS1 2DU
Dr H Siddique
SKArchitects

Planning permission 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 Existing and Proposed Site and Block Plans Revision 02; Proposed

Elevations Revision 02; Proposed Plan- Ground Revision 03; Proposed Plan-First Floor Revision 02.

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

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

Reason: In the interests of visual amenity and 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 National Planning Policy Framework, DPD1 (Core Strategy) 2007 policy KP2 and CP4, DPD2 (Development Management Document) Policy DM1 and SPD1 (Design and Townscape Guide).

04 Car parking spaces shall be provided in accordance with plan no. Proposed plan-ground Revision 03 prior to occupation of the flats hereby approved and shall thereafter be permanently retained for the parking of private motor vehicles solely for the benefit of the occupants of the dwellings to which they relate and for no other purpose unless otherwise agreed in writing by the local planning authority. Permeable paving shall be used for the hardstanding area to the front unless otherwise agreed by the Local Planning Authority.

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

05 Prior to occupation of flats hereby approved details of the refuse storage and cycle storage shall be submitted and agreed in writing by the local planning authority and shall be installed and be permanently retained for the occupants of the flats.

Reason: To protect the environment of people in neighbouring properties and general environmental quality in accordance with the National Planning Policy Framework, DPD1 (Core Strategy) 2007 policy KP2 and CP4, and DPD2 (Development Management Document) policies DM8 and DM15.

Informative

You are advised that as the proposal does not create any new floorspace therefore the Community Infrastructure Levy Regulations 2010 (as amended) is not applicable 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 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.

**(I) Southchurch Ward
15/01990/FUL**

Demolish existing retail unit and erect two storey building comprising of retail unit (Class A1) to ground floor with office to first floor and one self-contained flat to first floor (Class C3), layout refuse store and amenity area to rear and parking spaces to front and side (Amended Proposal)

75 Newington Avenue, Southend-on-Sea, Essex, SS2 4RD

Mr Manish Patel

Glen Eldridge 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.

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 GE1533P01 Revision A; GE1533P03 Revision B; GE1533P04 Revision B.

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 samples of the facing materials to be used, including elevations, brickwork, glazing, doors, shopfront, 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, DPD2 (Development Management Document) policy DM1, and SPD1 (Design and Townscape Guide).

04 Prior to the first occupation of the development hereby permitted 7 car parking spaces (1 space for residential flat and 6 spaces for the commercial premises) shall be provided in accordance with drawing GE1533/P03 Revision B and shall thereafter be permanently retained for the parking of private motor vehicles solely for the benefit of the occupants of the new flat and retail unit and for no other purpose unless otherwise agreed in writing by the local planning authority.

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

05 Details of bollards to protect entrance for pedestrians to be submitted and agreed in writing by the local planning authority. The bollards shall be retain in perpetuity.

Reason: To highway safety, in accordance with the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy KP2, DPD2 (Development Management Document) policy DM15 and SPD1 (Design and Townscape Guide).

06 No flat roofed areas of the proposed development, with the exception of the roof terrace specified on plan GE1533/P03 Revision B, are to be used for sitting out or any

type of amenity space unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the privacy and environment of people in neighbouring residential properties, DPD1 (Core Strategy) 2007 policy CP4, DPD2 (Development Management Document) policy DM1, and SPD1 (Design and Townscape Guide).

07 Prior to the commencement of the development hereby approved details of a glazed screen to the roof terrace shall be submitted and agreed in writing by the Local Planning Authority. The screen shall be installed as approved prior to first occupation of the flat and permanently retained thereafter.

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 and to protect the amenities of nearby residential occupiers. This is as set out in the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy KP2 and CP4, DPD2 (Development Management Document) policy DM1, and SPD1 (Design and Townscape Guide).

08 Prior to the commencement of development a renewable energy assessment shall be submitted to and agreed in writing with the Council to demonstrate how at least 10% of the energy needs of the development will come from onsite renewable options (and/or decentralised renewable or low carbon energy sources. The scheme as approved shall be implemented and brought into use on first occupation of the development unless otherwise agreed in writing with 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, DPD2 (Development Management) policy DM2 and SPD1 (Design and Townscape Guide).

09 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.

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 The development hereby approved shall be carried out in accordance with drawing GE1533/P03 Revision B to ensure the flats complies 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, DPD1 (Core Strategy) policy KP2, DPD2 (Development Management Document) policy DM2 and SPD1 (Design and Townscape Guide).

11 The windows to the east elevation serving the manager's office and west elevation at first floor 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, DPD1 (Core Strategy) 2007 policy CP4, DPD2 (Development Management Document) policy DM1 and SPD1 (Design and Townscape Guide).

12 The windows to the east elevation serving the managers office at first floor 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, DPD1 (Core Strategy) 2007 policy CP4, DPD2 (Development Management Document) policy DM1 and SPD1 (Design and Townscape Guide).

Informatives

1. 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 .

2. You are advised that the development hereby approved is likely to require approval under Building Regulations. Our Building Control Service can be contacted on 01702 215004 or alternatively visit our website http://www.southend.gov.uk/info/200011/building_control for further information.

3. Please be advised formal planning permission will be required if the applicant wishes to install roller shutters to the property.

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.

**(m) 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

DEFERRED

(n) 15/02070/FUL

Kursaal

Erect second floor extension with external staircase to rear, install dormers to front and form two self-contained flats

40 Kilworth Avenue, Southend-on-Sea, SS1 2DT

Mr S. Thorby

Mr A. Maskell

Planning permission REFUSED for the following reasons:

01. The proposed development by reason of its poor design, substandard accommodation, lack of amenity space, detrimental impact on neighbouring occupiers and lack of off-street parking represents overdevelopment of the site and therefore, contrary to the National Planning Policy Framework, Core Strategy Policies KP2, CP3 CP4 and CP8 and Development Management Document Policies DM1 and DM3.

02. The proposed development by reason of the poor design, excessive size and scale of the extensions and dormer windows would appear overly dominant, out of keeping and detract from the character and appearance of the existing building and wider streetscene. This is contrary to the National Planning Policy Framework, Core Strategy Policies KP2 and CP4, Core Strategy Policies KP2 and CP4, Development Management Document Policies DM1 and DM3, and the Design and Townscape Guide (SPD1).

03. The proposed development by reason of the proposed extension and external staircase would be overbearing upon and result in noise, disturbance, overlooking and loss of privacy to the detriment of the amenities of neighbouring occupiers either side of the site. This is contrary to the National Planning Policy Framework, Core Strategy Policies KP2 and CP4 and Development Management Document Policy DM1.

04. The proposed development will fail to provide any off-street parking for the proposed flats which will exacerbate existing on-street parking stress, and be detrimental to the free flow of traffic contrary to National Planning Policy Framework, Core Strategy Policies KP2, CP3 and CP4 and Development Management Document Policy DM15.

05. The applicant has failed to demonstrate that the proposed development can meet The Building Regulations 2015 Volume 1: Dwellings, M4(2): Accessible and Adaptable Dwellings and would therefore, fail to provide housing accommodation suitable for the changing needs of Southend's residents. This is contrary to the National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy and Policy DM8 of the Development Management Document.

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

Informatives

01. This application is CIL liable. If the application had been recommended for approval, a CIL charge would have been payable. If an appeal is lodged and allowed the development will be CIL liable. Any revised application would also be CIL liable.

(o) Chalkwell Ward

15/02118/FULH

Erect first floor side extension, alter elevations, convert part of existing garage into habitable accommodation and extend vehicular crossover onto Fernleigh Road

63 Fernleigh Drive, Leigh-on-Sea, Essex, SS9 1LG

Mr and Mrs Lee Morris

Hedgehog Development

Planning permission REFUSED for the following reason:

01 The proposed first floor side extension by reason of its proximity to the northern boundary would be an un-neighbourly and overbearing development resulting in an unreasonable sense of enclosure and loss of light to the detriment of the residential amenity of the property at No. 65 Fernleigh Drive. It would therefore be contrary to advice contained within the National Planning Policy Framework, Policy KP2 (Development Principles) and CP4 (The Environment and Urban Renaissance) of the Core Strategy, Development Management Document DPD2 policy DM1.

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.

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.

(p) Milton Ward

16/00119/TPO

Fell one ash tree (works to a tree covered by a tree preservation order)

19 Cambridge Road, Southend-on-Sea, Essex, SS1 1ET

Mr Stephen Barham

CONSENT FOR WORKS TO TREES GRANTED subject to the following condition:

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

Reason: To enable the circumstances to be reviewed at the expiration of the period if the consent has not been implemented, in accordance with the National Planning Policy

Framework (NPPF), DPD1 (Core Strategy) Policy KP2 and CP4, Development Management Policy DM1 and SPD1 (Design and Townscape Guide).

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.

692 Enforcement of Planning Control

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

**(a) Belfairs Ward
15/00211/UNAU_A**

**Without planning permission erection of single storey side/rear extension.
216 Eastwood Old Road, Leigh-on-Sea, Essex, SS9 4SQ**

Resolved: That ENFORCEMENT ACTION be authorised for the removal of the unauthorised extensions. This is because the development, by virtue of its scale, design and prominent positioning at the boundary of the site fails to reflect the character or appearance of the existing dwelling and causes material harm to the character and appearance of the existing dwelling and the surrounding area, contrary to the National Planning Policy Framework, policies KP2 and CP4 of DPD1 (Core Strategy) policy DM1 of DPD2 (Development Management) and the Design and Townscape Guidance (SPD1)

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. It is considered that a three months compliance period is reasonable in these circumstances.

693 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.

Chairman: _____