

SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Development Control Committee

Date: Wednesday, 1st August, 2018

Place: Committee Room 1 - Civic Suite

Present: Councillor D Garston (Chair)
Councillors B Arscott (Vice-Chair), M Borton, S Buckley, A Chalk,
A Dear, F Evans, D Garne, J Garston, S Habermel, R Hadley,
H McDonald, C Mulroney, D Norman MBE, P Van Looy, C Walker
and N Ward

In Attendance: Councillor K Buck
J K Williams, P Geraghty, K Waters, C Galforg, P Keyes, C White,
M Warren and T Row

Start/End Time: 2.00 pm - 4.40 pm

198 Apologies for Absence

There were no apologies for absence.

199 Declarations of Interest

The following interests were declared at the meeting:

(a) Councillor Arscott – 18/00867/FULH (53 Leigh Cliff Road, Leigh-on-Sea) – Non-pecuniary interest: Objector/ neighbour is known to him:

(b) Councillor Arscott – 18/01006/OUT (8 Burdett Road, Southend-on-Sea) – Disqualifying non-pecuniary interest: Applicant is a close friend (withdrew);

(c) Councillor Borton – 17/02266/FULM (The Esplanade, Western Esplanade, Southend-on-Sea) – Non-pecuniary interest: Governor at Milton Hall Primary School, which is mentioned in the report:

(d) Councillor Borton – 18/00899/FULM (Crowstone Preparatory School, Westcliff-on-Sea) – Non-pecuniary interest: Governor at Milton Hall Primary School, which is mentioned in the report:

(e) Councillor Buckley – 17/02266/FULM (The Esplanade, Western Esplanade, Southend-on-Sea) – Non-pecuniary interest: Has been lobbied by Milton Conservation Society and by Applicant's Planning Consultant;

(f) Councillor Buckley – 18/00925/FULH (29 Dolphins, Westcliff-on-Sea) – Non-pecuniary interest: Councillor for St Laurence Ward and has dealt with a case involving a number of the residents;

(g) Councillor Dear – 18/00952/FULM (Development Land at Priory Crescent, Southend-on-Sea) – Non-pecuniary interest: Volunteer driver for Havens Day Care Hospice Ltd.;

- (h) Councillor Evans – 18/01006/OUT (8 Burdett Road, Southend-on-Sea) – Non-pecuniary interest: Applicant is known to her;
- (i) Councillor D Garston – 17/02266/FULM (The Esplanade, Western Esplanade, Southend-on-Sea) – Non-pecuniary interest: Son lives in Clifftown Parade;
- (j) Councillor D Garston – 18/01006/OUT (8 Burdett Road, Southend-on-Sea) – Non-pecuniary interest: Applicant is known to him;
- (k) Councillor J Garston – 17/02266/FULM (The Esplanade, Western Esplanade, Southend-on-Sea) – Non-pecuniary interest: Lives in the area;
- (l) Councillor Mulroney – 18/00813/FUL (194 Leigh Road, Leigh-on-Sea) – Non-pecuniary interest: Member of Leigh Town Council (non-participant in planning);
- (m) Councillor Mulroney – 18/00867/FULH (53 Leigh Cliff Road, Leigh-on-Sea) – Non-pecuniary interest: Member of Leigh Town Council (non-participant in planning);
- (n) Councillor Mulroney – 18/01006/OUT (8 Burdett Road, Southend-on-Sea) – Disqualifying non-pecuniary interest: Applicant and architect are known to her;
- (o) Councillor Norman – 18/01006/OUT (8 Burdett Road, Southend-on-Sea) – Disqualifying non-pecuniary interest: Applicant is a friend and a colleague;
- (p) Councillor Van Looy – 17/02266/FULM (The Esplanade, Western Esplanade, Southend-on-Sea) – Non-pecuniary interest: The neighbours of the site are known to him;
- (q) Councillor Van Looy – 18/01006/OUT (8 Burdett Road, Southend-on-Sea) – Disqualifying non-pecuniary interest: Applicant is known to him;
- (r) Councillor Van Looy – 18/01225/FULH (123 Poynings Avenue, Southend-on-Sea) – Pecuniary interest: Owner of the property and applicant (withdrew); and
- (s) All Councillors present declared a non-pecuniary interest in Agenda Item No. 14 (18/01225/FULH 123 Poynings Avenue, Southend-on-Sea) on the grounds that the applicant was known to them as a fellow Councillor and a Member of the Committee.

200 Minutes of the Meeting held on Wednesday 6th June 2018

Resolved: That the Minutes of the meeting held on Wednesday, 6th June 2018 be received confirmed as a correct record and signed.

201 Minutes of the Meeting held on Wednesday 4th July 2018

Resolved: That the Minutes of the Meeting held on Wednesday, 4th July 2018 be received, confirmed as a correct record and signed.

202 **Supplementary Report**

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

The Committee noted that since the publication of the Development Control Committee Agenda, the revised 2018 National Planning Policy Framework (NPPF) had been published. As such, all conditions and reasons for refusal needed to be updated to refer to the 2018 NPPF, rather than the superseded 2012 NPPF. Where more specific changes were required they were detailed in the Supplementary Report

203 **17/02266/FULM - The Esplanade, Western Esplanade, Southend-on-Sea (Milton Ward)**

Proposal: Demolish existing buildings, erect five storey building comprising 49 self-contained flats with ground floor restaurants, basement parking, refuse and cycle storage and landscaping, plant and storage rooms, form new vehicular access onto the Western Esplanade (amended proposal)

Applicant: Clifftown Shore Developments Ltd

Agent: Strutt and Parker

Resolved: (a) That the Deputy Chief Executive (Place), Director of Planning and Transport or Group Manager of Planning & Building Control be DELEGATED to GRANT PLANNING PERMISSION subject to the following conditions and 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 secure the provision of:

- A financial contribution towards off-site affordable housing of £331, 673.46 (index linked), which is to be paid no later than occupation of the 20th dwelling.
- A financial contribution towards secondary education provision of £27,692.42 (index linked) specifically for expansion of Eastwood Academy, which is payable prior to commencement of the development.
- A financial contribution for the highway works of £14,000 (index linked) specifically to provide a loading bay and re-provision of dropped kerbs and parking spaces and tactile paving which is payable prior to the commencement of the development.
- Implementation of landscaping works and tree planting
- Implementation of Travel Plan (including provision of Welcome Packs and appointment of a Travel Plan Coordinator).

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

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

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

02 The development shall be carried out in accordance with the approved plans: 8531-01 P1, 8531-02 P1, 8531-03 P1, 8531-04 P1, 8531-05 P1, 8531-06 P1, 8531-07 P1, 8531-08 P2, 8531-09 P2, 8531-10 P2, 8531-11 P2, 8531-12 P2, 8531-13 P1, 8531-14 P2, 8531-15 P1, 8531-16 P2, 8531-17 P1, 8531-18 P1, 8531-19 P1

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

03 Notwithstanding the details shown on the plans submitted and otherwise hereby approved the development hereby permitted shall not commence, other than for groundworks and site preparation works, unless and until details and appropriately sized samples of the materials to be used for all the external surfaces of the proposed buildings at the site including facing materials, roof detail, windows (including sections, profiles and reveals), doors, balustrading, fascia, balconies, and balustrades have been submitted to and approved in writing by the local planning authority. The works must then be carried out in full accordance with the approved materials, details and specifications before the dwellings or non-residential units hereby approved are first occupied.

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 (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the Design and Townscape Guide (2009).

04 Notwithstanding the details shown on the plans hereby approved and the landscaping strategy Rev. B, no development shall take place, other than demolition ground and site preparation works, until there has been submitted to and approved by the Local Planning Authority a detailed scheme of hard and soft landscaping for the development. This shall include details of the number, size and location of the trees and shrubs to be planted together with a planting specification, details of measures to enhance biodiversity within the site; details of the treatment of all hard and soft surfaces (including any earthworks to be carried out) and all means of enclosing the site.

Reason: In the interests of visual amenity, biodiversity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policies KP2 and CP4 of the Core Strategy, Policies DM1 and DM3 of the Development Management Document (2015) and the Design and Townscape Guide (2009).

05 All planting in the approved landscaping scheme shall be carried out within the first available planting season following first occupation of any of the residential or commercial units within the development. Any 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. Hard landscaping and means of enclosure shall be implemented in full accordance with the approved scheme prior to occupation of any part of the development hereby approved.

Reason: In the interests of visual amenity and to ensure a satisfactory standard of landscaping, pursuant to Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

06 The development shall not be first occupied until 49 on site car parking spaces have been provided and made available for use in full accordance with drawings 8531-06 P1 and 8531-18 P1, together with properly constructed vehicular access to the adjoining highway, all in accordance with the approved plans. The parking spaces shall be permanently maintained thereafter solely for the parking of occupiers of and visitors to the development.

Reason: To ensure that adequate car parking is provided and retained to serve the development in accordance with Policy DM15 of the Council's Development Management Document (2015) and Policy CP3 of the Core Strategy (2007).

07 The development shall not be first occupied until the secure, covered cycle parking spaces to serve the development as shown on drawing 8531-07 P1 have been provided at the site and made available for use for occupiers of the development in full accordance with the approved plans. The approved facility shall be permanently maintained thereafter.

Reason: To ensure the provision of adequate cycle parking and refuse storage in accordance with Policy CP3 of the Core Strategy (2007) and Policies DM3, DM8 and DM15 of Development Management Document (2015).

08 No part of the mixed use development hereby approved shall be first occupied or brought into first use until a waste management plan has been submitted to and agreed in writing by the Local Planning Authority. The waste management and servicing of the development shall thereafter be carried out solely in accordance with the approved details which shall include details of refuse storage facilities and waste servicing arrangements.

Reason: To ensure that the development is satisfactorily serviced and that satisfactory waste management is undertaken in the interests of highway safety and visual amenity and to protect the character of the surrounding area, in accordance with Policies KP2 and CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015) and Design and Townscape Guide (2009).

09 No extraction and ventilation equipment for the proposed non-residential uses shall be installed until and unless full details of its location, design and technical specifications and a report detailing any mitigation measures proposed in respect of noise and odour impacts has been submitted to, and approved in writing by, the Local Planning Authority. The installation of extraction equipment shall be carried out in full accordance with the approved details and specifications and any noise and odour mitigation measures undertaken in association with the agreed details before the extraction and ventilation equipment is brought into use. With reference to British Standard BS4142 the noise rating level arising from all plant and extraction/ventilation equipment shall be at least 5dB(A) below the prevailing background at 3.5 metres from the ground floor facades and 1m from all other facades of the nearest noise sensitive property with no tonal or impulsive character.

Reason: To protect the amenities of the occupiers from undue noise and disturbance in order to protect their amenities in accordance with Core Strategy (2007) policies KP2 and CP4, Policies DM1, DM3 and DM8 of the Development Management Document (2015) and Design and Townscape Guide (2009).

10 The non-residential units hereby approved shall not be open for customers outside the following hours: - 0700 hours to 2300 hours on any day.

Reason: To protect residential amenity and general environmental quality in accordance with the National Planning Policy Framework, Core Strategy (2007) Policies KP2 and CP4, and Policies DM1 and DM3 of the Development Management Document (2015).

11 Before the development is occupied or brought into first use, the development hereby approved shall be carried out in a manner to ensure that 5 of the flats hereby approved comply with the building regulation M4 (3) 'wheelchair user dwellings' standard and the remaining 44 flats comply with building regulation part M4(2) 'accessible and adaptable dwellings' standard.

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, (2012), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM8 and Design and Townscape Guide (2009).

12 External lighting shall only be installed in the development hereby approved in accordance with details that have previously been submitted to and approved in writing by the local planning authority.

Reason: In the interest of the safety and amenities of the area, and to protect the amenities of surrounding occupiers in accordance with policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

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

Reason: In the interests of providing sustainable development and ensuring a high quality of design in accordance with Policy KP2 of the Core Strategy (2007) and the Design and Townscape Guide (2009).

14 Prior to occupation any part of the residential units 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 (lppd) (110 lppd when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting shall be submitted to and approved in writing by the local planning authority. The development shall be

implemented in accordance with the approved details before it is occupied and shall be retained as such in perpetuity.

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

15 Demolition or construction works associated with this permission shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:00hours to 13:00hours on Saturdays and at no time on Sundays or Bank Holidays.

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

16 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the development hereby permitted shall not be first occupied or brought into first use unless and until details of the shutter to the car park have been submitted to and approved in writing by the local planning authority. The works must be carried out and completed in full accordance with the details approved under this condition before the dwellings or non-residential units hereby approved are first occupied or brought into first use.

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 (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the Design and Townscape Guide (2009).

17 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking, re-enacting or modifying that Order), no structures including but not limited to plant, satellite, radio antennae, renewable energy or telecommunications equipment shall be installed on the external elevations of the building or roof of the development hereby approved unless permission has been obtained beforehand in writing from the local planning authority.

Reason: In order to protect the character and visual amenities of the development and surrounding area and airport safety in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

18 Any CCTV shall only be installed in the development hereby approved in accordance with details that have previously been submitted to and approved in writing by the local planning authority.

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 (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the Design and Townscape Guide (2009).

19 The development hereby approved shall be implemented in strict accordance with the findings, recommendations and conclusions of the approved Flood Risk Assessment undertaken by Systra reference STHLSD32-03 dated 18 December 2017 including the mitigation measures on pages 19 and 20 before the development is occupied.

Reason: To ensure the approved development does not increase flood risk elsewhere in accordance with National Planning Policy Framework (2018), Core Strategy (2007) Policies KP1, KP2 and KP3 and Development Management Document (2015) Policies DM6 and DM14

20 The development hereby approved shall be undertaken in strict accordance with the findings, recommendations and conclusions of the approved Construction Management Plan undertaken by Cura.

Reason: In the interests of visual amenity and the amenities of neighbouring occupiers pursuant to Policy CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

21 The development shall be undertaken in strict accordance with the findings, recommendations and conclusions of the approved Noise Assessment undertaken by Cass Allen reference RP01-17591 and notwithstanding the details shown on the plans submitted and otherwise hereby approved, and approved no development above ground level shall be undertaken unless and until full details of the acoustic properties of the development including all glazing and ventilation have been submitted to and approved in writing by the local planning authority. The development must be undertaken in accordance with the approved details prior to the first occupation of the development and thereafter retained as such in perpetuity.

Reason: To safeguard the residential amenity of the adjoining and nearby residents accordance with policy DM1 of the Development Management Document (2015) and Policies KP2 and CP4 of the Core Strategy (2007).

22 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the development hereby permitted shall not be first occupied or brought into first use unless and until a car park management plan has been submitted to and approved in writing by the local planning authority. The car park management plan must be implemented in full accordance with the details approved under this condition before the dwellings hereby approved are first occupied and maintained in perpetuity.

Reason: To ensure that adequate car parking arrangements are provided to serve the development in accordance with Policy DM15 of the Council's Development Management Document (2015) and Policy CP3 of the Core Strategy (2007).

23 Commercial refuse collection and delivery times shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:00hours to 13:00hours on Saturdays and at no time on Sundays or Bank Holidays.

Reason: In order to protect the amenities of surrounding occupiers and to protect the character the area in accordance with Policies KP2 and CP4 of the Core

Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

24 The development hereby approved shall be undertaken and completed in strict accordance with the findings, recommendations and conclusions of the approved Ecology Appraisal undertaken by Peak Ecology Limited reference BeyBo01 dated 13 December 2017 and the approved Badger Survey undertaken by Peak Ecology Limited reference BeyBo01 dated 13 December 2017.

Reason: To ensure the development results in no adverse harm to ecology or biodiversity in accordance with the National Planning Policy Framework (2018), Core Strategy (2007) Policies KP1, KP2 and CP4.

25 No particularly noisy demolition equipment (eg concrete breakers) or construction techniques (eg 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 the development results in no adverse harm to ecology or biodiversity and 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 the National Planning Policy Framework (2018), Core Strategy (2007) Policies KP1, KP2 and CP4.

26 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the development hereby permitted shall not commence other than for demolition unless and until a drainage strategy and SuDS design statement has been submitted to and approved in writing by the local planning authority. The drainage strategy and SuDS design statement must be implemented in full accordance with the details approved under this condition before the development hereby approved is first occupied or brought into first use.

Reason: To ensure the approved development does not increase flood risk elsewhere in accordance with National Planning Policy Framework (2018), Core Strategy (2007) Policies KP1, KP2 and KP3 and Development Management Document (2015) Policies DM6 and DM14

27 The ground floor outdoor terrace area shall not be open to members of the public between 22:00 and 08:00 on any day.

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

28 Other than the demolition and site clearance, no development shall take place until a site investigation of the nature and extent of any land contamination present has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority.

The results of the site investigation shall be made available to the local planning authority before any construction begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority before any construction begins. The site shall be remediated in accordance with the approved remediation measures before the development hereby approved is occupied and evidence to demonstrate that the remediation has taken place shall be submitted in writing to the Local Planning Authority before the development is occupied.

If, during the course of development, any contamination is found which has not been identified in the site investigation, development shall stop and 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 and these shall be fully implemented before the site is occupied.

Reason: To ensure that any contamination on the site is identified and treated so that it does not harm anyone who uses the site in the future, and to ensure that the development does not cause pollution to Controlled Waters in accordance with Core Strategy (2007) Policies KP2 and CP4 and Policies DM1 and DM14 of the Development Management Document (2015).

29 No development shall be undertaken until full details of tree protection measures to be provided to off-site trees that are to be retained as part of the development or will be affected by their proximity to the development have been submitted to and approved in writing by the local planning authority. The development shall be undertaken in accordance with the approved tree protection measures thereafter.

Reason: This pre-commencement condition is required in the interests of the character and appearance of the area and to ensure that the development complies with the National Planning Policy Framework, Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the Design and Townscape Guide (2009)

30 Prior to demolition of the existing buildings 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 in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved method statement.

Reason: This pre-commencement condition is required to ensure the demolition does not adversely affect stability of the surrounding land in accordance with Policy KP2 of the Core Strategy (2007) and DM14 of the Development Management Document (2015).

31 Prior to commencement of development 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 in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and the approved mitigation measures shall be implemented and retained thereafter.

Reason: This pre-commencement condition is required to ensure the demolition does not adversely affect stability of the surrounding land in accordance with Policy KP2 of the Core Strategy (2007) and DM14 of the Development Management Document (2015).

32 Notwithstanding the details shown in the plans submitted and otherwise hereby approved none of the building granted consent shall be occupied unless and until plans and other appropriate details are submitted to the Local Planning Authority and approved in writing which specify the size, design and materials and location of all privacy screens to be fixed to the proposed building. Before the building hereby approved is occupied the development shall be implemented in full accordance with the details and specifications approved under this condition and shall be permanently retained as such thereafter.

Reason: In the interests of the residential amenity of adjoining residents and the character and appearance of the area and to ensure that the development complies with the National Planning Policy Framework, Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the Design and Townscape Guide (2009).

33 Notwithstanding the details shown on the plans hereby approved no development shall take place above ground level until full details and specifications of the green roof have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in full accordance with the details and specifications approved under this condition and shall be permanently retained as such thereafter.

Reason: In the interests of the character and appearance of the area and to ensure that the development complies with the National Planning Policy Framework, Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the Design and Townscape Guide (2009)

34 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the development hereby permitted shall not be first occupied or brought into first use unless and until the car parking stacker system has been installed in accordance with details and specifications which have previously been submitted to and approved in writing by the local planning authority. The car park stacker system must be implemented in full accordance with the details approved under this condition and made fully available for use by residents of the building before any of the dwellings hereby approved are first occupied and shall thereafter be maintained in an operable condition and made fully available for use by residents of the building in perpetuity.

Reason: To ensure that adequate car parking arrangements are provided to serve the development in accordance with Policy DM15 of the Council's Development Management Document (2015) and Policy CP3 of the Core Strategy (2007).

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.

(c) In the event that the planning obligation referred to in part (a) above has not been completed by 8th August 2018 or an extension of this time as may be agreed, the Director of Planning and Transport or Group Manager Planning & Building Control be authorised to refuse planning permission for the application on the grounds that the development would not provide for affordable housing, highways, travel packs or education provision and that as such the proposal would be unacceptable and contrary to Policies KP2, KP3, CP6 and CP8 of the Core Strategy (2007).

Informatives

1 This application is CIL liable and there will be a CIL charge payable. In accordance with Section 70 of the Town and Country Planning Act 1990 (as amended by Section 143 of the Localism Act 2011) and Section 155 of the Housing and Planning Act 2016, CIL is being reported as a material 'local finance consideration' for the purpose of planning decisions. The application site is located within Zone 2 therefore a CIL rate of £36.12 per sqm is required for the residential development and £12.04 per sqm for the commercial uses. The proposed development equates to CIL a charge of approximately £132,454.03 (subject to confirmation).

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

3 Essex & Suffolk Water are the enforcement agents for The Water Supply (Water Fittings) Regulations 1999 within our area of supply, on behalf of the Department for the Environment, Food & Rural Affairs. We understand that a planning application has been made for the above premises which are to be notified under Regulation 5 of the Water Supply (Water Fittings) Regulations 1999.

4 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 21500

5 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.

6 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

7 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.

8 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

9 In relation to condition 04, it is recommended that the applicant liaises with the Council's Parks Team to determine an appropriate landscaping scheme.

204 18/00952/FULM - Development Land at Priory Crescent, Southend-on-Sea (St Laurence Ward)

Proposal: Erect 16 bedroom hospice (Class C2) with day care and treatment facilities, ancillary office space, layout parking, hard and soft landscaping, form vehicular access on to Priory Crescent

Applicant: Havens Christian Hospice Ltd.

Agent: Strutt & Parker

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

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

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

02 The development shall be carried out in accordance with the approved plans: 16271-LSI-A1-XX-DR-A-1180 Rev. B, 16271-LSI-A1-ZZ-DR-A-1351 Rev. B, 16271-LSI-A1-ZZ-DR-A-1370 Rev. A, 16271-LSI-A1-ZZ-DR-A-1350 Rev. B, 16271-LSI-A1-ZZ-DR-A-1352 Rev. B, 16271-LSI-A1-ZZ-DR-A-1370 Rev. A, 16271-LSI-A1-XX-DR-A-1170 Rev. A, 17110_D4_01 Rev.05, 16271-LSI-A1-RF-DR-A-1315 Rev. B, 16271-LSI-A1-GF-DR-A-1300 Rev. A, 16271-LSI-A1-01-DR-A-1301 Rev. A, 12743se-13, 16271-LS1-A1-XX-DR-A-1175 Rev. A 3413 M 301 Rev.P1, 3414 M030 Rev. P1, 3413 M031 Rev. P1, 3413 M032 Rev P1, 3413 M033 Rev. P1, 3413 M 300 rev. P1, 3413 M 302 Rev P.1, 3413 M 303 Rev. P1 and 16271-LSI-A1-DR-A-1307 Rev. A

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

03 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works above ground level shall take place until samples of the materials to be used in the construction of the external elevations of the building hereby permitted have been submitted to and approved in writing

by the local planning authority. The development shall be carried out only in accordance with the approved details.

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

04 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works above ground level shall take place until full details of both hard and soft landscape works proposed for the site, have been submitted to and approved in writing by the local planning authority. These details shall include: proposed finished levels or contours, means of enclosure, hard surfacing materials; minor artefacts and structures (e.g. furniture, bollards, refuse or other storage units, signs, lighting etc.). Details for the soft landscape works shall include the number, size and location of the trees, shrubs and plants to be planted together with a planting specification, the management of the site (e.g. the uncompacting of the site prior to planting) and the initial tree planting and tree staking details. The approved hard landscaping works shall be carried out prior to first occupation of the development hereby approved and the first phase of soft landscaping works to the front and eastern parts of the site (as outlined in the Design and Access Statement submitted by LSI dated May 2018) shall be carried out within the first planting season following first occupation of the development with the full programme of landscaping works for phases 2 and 3 to be submitted to and approved in writing by the local planning authority prior to the first use of the development hereby approved. The landscaping shall be completed in accordance with the approved details.

Reason: To safeguard the character and appearance of the surrounding area and the amenities of the occupants of the proposed development in accordance with Policies DM1, DM3 and DM8 of the Development Management Document (2015) and Policies KP2 and CP4 of the Core Strategy (2007).

05 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved by the local planning authority prior to the occupation of the development. The landscaping of the site shall be managed in accordance with the approved plan in perpetuity.

Reason: To safeguard the character and appearance of the surrounding area and the amenities of the occupants of the proposed development in accordance with Policies DM1, DM3 and DM8 of the Development Management Document (2015) and Policies KP2 and CP4 of the Core Strategy (2007).

06 The development shall not be occupied until space has been laid out within the site in accordance with drawing No. 16271-LSI-A1-XX-DR-A-1180 Rev. B for 103 cars to be parked (including 12 accessible spaces). The parking spaces shall be permanently retained thereafter solely for the parking of occupiers and visitors to the development.

Reason: To ensure the adequate provision of parking at the site in accordance with policy DM15 of the Development Management Document (2015).

Notwithstanding the details shown on the plans submitted and otherwise hereby approved no development above ground level shall be undertaken until full details of the secure, covered cycle parking for no less than 25 cycles has been submitted to and approved in writing by the local planning authority. The approved cycle parking facility shall be provided in full and made available for use for the development prior to the first use of the development hereby approved and be retained as such in perpetuity.

Reason: To ensure that satisfactory secure off-street bicycle parking is provided in accordance with Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM1, DM3 and DM15 and the guidance contained in the Design and Townscape Guide (2009).

08 Notwithstanding the details shown on the plans submitted and otherwise hereby approved the development shall not be occupied until full details of any public art to be provided has been submitted to and approved in writing by the local planning authority. The approved public art shall be provided in full prior to the first use of the development hereby approved and retained as such in perpetuity.

Reason: To safeguard the character and appearance of the surrounding area in accordance with Policies DM1, DM3 and DM8 of the Development Management Document (2015) and Policies KP2 and CP4 of the Core Strategy (2007).

09 The development hereby approved shall be undertaken and thereafter operated in perpetuity in strict accordance with the approved waste management plan reference HSRM-003 Revision 04-2011.

Reason: To ensure that satisfactory waste management is undertaken in the interests of highway safety and visual amenity and to protect the character of the surrounding area, in accordance with Policies KP2 and CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015).

10 The refuse and waste storage facilities as identified on the approved plans reference 16271-LSI0A1-XX-DR-A-1180 Rev. B shall be provided on the site prior to the first use of the development hereby approved and thereafter be permanently retained in perpetuity.

Reason: To ensure satisfactory waste management is undertaken in the interests of highway safety and visual amenity and to protect the character of the surrounding area, in accordance with Policies KP2 and CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015).

11 The development hereby approved shall be undertaken and thereafter operated in perpetuity in strict accordance with the approved parking management policy document reference HSRM-TBC Revision 04-2018.

Reason: To ensure the adequate provision of parking at the site in accordance with policy DM15 of the Development Management Document (2015).

12 The development hereby approved shall be undertaken and completed in strict accordance with the mitigation measures in the approved Flood Risk

Assessment and Drainage Strategy undertaken by Ardent Consulting Engineers reference P854-02 dated May 2018 before it is occupied.

Reason: To ensure the approved development does not increase flood risk elsewhere in accordance with National Planning Policy Framework (2012), Core Strategy (2007) Policies KP1, KP2 and KP3 and Development Management Document (2015) Policies DM6 and DM14

13 The development hereby approved shall be undertaken and completed in strict accordance with the findings, recommendations and conclusions of the approved Phase II Contamination Report undertaken by A F Howland Associates reference MSH/17.417/Phase II dated 12 December 2017. A geo-marker membrane shall be provided beneath the clean topsoil provided and a final remediation certificate shall be submitted to and approved in writing by the local planning authority prior to the first use of the development hereby approved.

Reason: To ensure that the development is safe for its lifetime in accordance with National Planning Policy Framework (2018), Core Strategy (2007) Policies KP1, KP2 and KP3 and Development Management Document (2015) Policy DM14.

14 The development hereby approved shall be undertaken and completed in strict accordance with the findings, recommendations and conclusions of the approved Arboricultural impact Assessment undertaken by Innovation Group Environmental Services reference PA-14157 dated 22 December 2017.

Reason: To safeguard the character and appearance of the surrounding area in accordance with Policies DM1, DM3 and DM8 of the Development Management Document (2015) and Policies KP2 and CP4 of the Core Strategy (2007).

15 The development shall not be first occupied or brought into first use until a photovoltaic array has been provided on the site which has been demonstrated to provide at least 10% of the energy needs to the development from a renewable source. The solar panels shall be permanently retained in good working order thereafter.

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

16 The development hereby approved shall be undertaken and completed in strict accordance with the findings, recommendations and conclusion of the approved Extended Phase 1 Habitat Survey reference E-14158 dated December 2017 undertaken by Innovation Group Environmental Services with the exception of the details submitted regarding the bird and bat boxes which are unacceptable as proposed in this report. In this respect, notwithstanding the bat and box details included in this report, no development above ground level shall be undertaken until full details of the bird and bat boxes to be installed at the site have been submitted to and approved in writing by the local planning authority. The approved bird and bat boxes shall be provided in full prior to the first use of the development hereby approved and retained as such in perpetuity.

Reason: To ensure the development provides biodiversity and ecology benefits in accordance with the National Planning Policy Framework (2018), Core Strategy (2007) Policies KP1, KP2 and CP4.

17 Details of the external lighting to be installed on the building or within the site shall be submitted to and approved in writing by the local planning authority before the development is first occupied or brought into first use. The development shall be carried out and completed in accordance with the approved details before the development is occupied or brought into first use.

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

18 Demolition or construction works associated with this permission shall not take place outside 08:00 hours to 18:00hours Mondays to Fridays and 08:00hours to 13:00hours on Saturdays and at no time Sundays or Bank Holidays.

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

19 Prior to first occupation and first use of the development hereby approved, a Travel Plan including a comprehensive survey of users, targets to reduce car journeys to and from the site, identifying sustainable transport modes including cycling and modes of public transport and measures to reduce car usage shall be submitted to and agreed in writing by the local planning authority. The approved Travel Plan shall be fully implemented prior to first use of the development hereby approved and be maintained thereafter in perpetuity. For the first three years at the end of each calendar year a document setting out the monitoring of the effectiveness of the Travel Plan and setting out any proposed changes to the Plan to overcome any identified issues and timescales for doing so must be submitted to and approved in writing by the local planning authority. The agreed adjustments shall be implemented in accordance with the agreed conclusions and recommendations.

Reason: In the interests of sustainability, accessibility, highways efficiency and safety, residential amenity and general environmental quality in accordance with the National Planning Policy Framework (2018), Core Strategy (2007) Policies KP2, CP3 and CP4, Development Management Document (2015) Policy DM15, and Design and Townscape Guide (2009).

20 No development shall take place, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be fully adhered to throughout the construction period. The Statement shall provide, amongst other things, for:

- i) the parking of vehicles of site operatives and visitors
- ii) loading and unloading of plant and materials
- iii) storage of plant and materials used in constructing the development

- iv) the erection and maintenance of security hoarding
- v) measures to control the emission of dust and dirt during construction
- vi) A scheme for recycling/disposing of waste resulting from construction works that does not allow for the burning of waste on site.

Reason: This pre-commencement condition is needed in the interests of visual amenity and the amenities of neighbouring occupiers pursuant to Policy CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

21 Notwithstanding the details shown on the plans submitted and otherwise hereby approved the rating level of noise for all plant installed in association with this consent determined by the procedures in British Standard: 4142:2014, shall be at least 5dB(A) below the background noise with no tonal elements. The LA90 shall be determined according to the guidance in British Standard:4142 measured at 3.5m from ground floor facades and 1m from all facades above ground floor level to the nearest residential premises.

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

22 The approved ambulance bay on the southern elevation shall be permanently screened from first occupation of the development in accordance with the approved plans references 16271-LSI-A1-XX-DR-A-1180 Rev. B, 16271-LSI-A1-ZZ-DR-A-1351 Rev. b and 16271-LSI-A1-ZZ-DR-A-1350 Rev. B

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

23 The development hereby approved shall not be brought into first use unless and until details of how all vehicles using the development will be permanently prevented from turning right out of and/or into the site have been submitted to and approved in writing by the local planning authority. The development hereby approved shall not be first used until those approved no right turn arrangements have been implemented in full accordance with the details approved under this condition.

Reason: This condition is required in the interests of highway safety in accordance with the National Planning Policy Framework (2018) and Policy DM15 of the Development Management Document (2015)

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

Informatives

1 The proposal is CIL Liable, however, in this instance the chargeable amount has been calculated as a zero rate as the application relates to a registered charity and makes no profit.

2 If a crane or piling rig is required to construct the proposed development, this will need to be safeguarded separately and dependent on location may be restricted in height and may also require full coordination with the Airport Authority. Any crane application should be directed to sam.petrie@southendairport.com / 01702 538521.

3 Essex Fire Service has highlighted that it is necessary to provide a private fire hydrant within the curtilage of the proposed site. This should be considered at any early stage and will be a requirement for the Building Regulations.

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

205 18/00813/FUL - 194 Leigh Road, Leigh-on-Sea (Leigh Ward)

Proposal: Erect hip to gable roof extension to rear to form one self-contained flat, install dormer to front, external staircase to rear and form roof terrace

Applicant: Mr J Doassans

Agent: Stone Me Ltd

Resolved: That planning permission be REFUSED for the following reason:

1. The proposed development, by reason of the absence of off-street parking for the proposed dwelling unit, would cause additional on street parking in an area of parking stress to the detriment of residential amenity, highway safety and the free-flow of traffic. This is unacceptable and contrary to the National Planning Policy Framework (2018), Development Management Document (2015) Policy DM15 and Core Strategy (2007) Policy CP3.

206 18/00867/FULH - 53 Leigh Cliff Road, Leigh-on-Sea (Leigh Ward)

Proposal: Erect two storey south side extension, two storey front extension, single storey north side extension incorporating garage, single storey rear extension with roof terrace, install dormer to north side, dormer with balcony to south west and alter roof and elevations (amended proposal)

Applicant: Mrs and Mrs Jarvis

Agent: Do Architecture

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

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

01 The development hereby permitted shall begin not later than three years of 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 17.109-01, 17.109-02, 17.109-03, 17.109-04, 17.109-05, 17.109-07, 17.109-08B, 17.109-09B, 17.109-10B, 17.109-11B, 17.109-12B, 17.109-13B, 17.109-14B, 17.109-15B, 17.109-16B, 17.109-17B, Existing Sections dated Feb 2018

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

03 The materials to be used in the construction of the development shall be as shown on drawing number 17.109-13B and 17.109-14B.

Reason: To safeguard the visual amenities of the area, in accordance with policies This is as set out in Core Strategy (2007) policy KP2 and CP4, Development Management Document (2015) Policy DM1 and advice contained within the Southend Design and Townscape Guide (2009).

04 No development shall take place until details of the privacy screen to be placed on the southern side of the proposed first floor terrace have been submitted to and approved by the local planning authority. The development shall be carried out in accordance with the approved details before the first floor terrace is first used and shall be retained as such in perpetuity.

Reason: To protect the privacy and environment of people in neighbouring residential properties, in accordance with the National Planning Policy Framework (NPPF), Core Strategy (2007) policy CP4, Development Management DPD (2015) policy DM1, and advice contained within the Design and Townscape Guide (2009).

05 The north and south facing first and second floor windows and dormer windows in the side elevation and roof slopes of the proposed building 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 and unopenable, except for any top hung light which shall be a minimum of 1.7 metres above internal floor level before the occupation of the dwelling hereby approved and shall be retained as such in perpetuity. In the case of multiple or double glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4.

Reason: To protect the privacy and environment of people in neighbouring residential properties, in accordance with the National Planning Policy Framework (NPPF), Core Strategy (2007) policy CP4, Development

Management DPD (2015) policy DM1, and advice contained within the Design and Townscape Guide (2009).

06 Prior to occupation of the extensions hereby permitted not less than 2 off street car parking spaces shall be provided at the site in accordance with drawing reference 17.109-09B. The parking spaces shall be permanently retained thereafter only for the parking of occupiers of and visitors to the development.

Reason: To ensure that adequate car parking is provided and retained to serve the development in accordance with Core Strategy (2007) policy CP3 and Development Management Document (2015) policy DM15.

07 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to in full throughout the construction period. The Statement shall provide, amongst other things, for:

- i) the parking of vehicles of site operatives and visitors
- ii) loading and unloading of plant and materials
- iii) storage of any plant equipment and materials used in constructing the development
- iv) the erection and maintenance of any security hoarding
- v) measures to control the emission of dust and dirt during construction
- vi) A scheme for recycling/disposing of waste resulting from demolition and construction works that does not allow for the burning of waste on site.

Reason: In the interests of highway safety and in order to protect the amenities of occupiers of the development surrounding occupiers and the character the area in accordance with policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

08 Demolition or construction works associated with this permission shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays and at no time Sundays or Bank Holidays.

Reason: In order to protect the amenities of occupiers of the development surrounding occupiers and to protect the character the area in accordance with policies KP2 and CP4

Informative

01 Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy Regulations 2010 (as amended). A Community Infrastructure Levy (CIL) Liability Notice will be issued as soon as practicable following this decision notice. This contains details including the chargeable amount, when this is payable and when and how exemption or relief on the charge can be sought. You are advised that a CIL Commencement Notice (CIL Form 6) must be received by the Council at least one day before commencement of development. Receipt of this notice will be acknowledged by the Council. Please ensure that you have received both a CIL Liability Notice and acknowledgement of your CIL Commencement Notice before development is commenced. Most claims for CIL relief or exemption must be

sought from and approved by the Council prior to commencement of the development. Charges and surcharges may apply, and exemption or relief could be withdrawn if you fail to meet statutory requirements relating to CIL. Further details on CIL matters can be found on the Council's website at www.southend.gov.uk/cil.

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

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.

207 18/00899/FULM - Crowstone Preparatory School, Westcliff-on-Sea (Chalkwell Ward)

Proposal: Demolish existing buildings, including 6 Crosby Road, erect four storey building comprising 20 self-contained flats, layout parking, hard and soft landscaping and extend existing vehicular access on to Crosby Road (Amended Proposal)

Applicant: BESB Contracts Ltd

Agent: Phase 2 Planning

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

01 The proposal would, by reason of its size, scale, bulk, mass, siting and detailed design, constitute a cramped, contrived and incongruous development that would be harmful to the character and appearance of the site and the surrounding area. This is unacceptable and contrary to National Planning Policy Framework (2018), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the advice contained within the Design and Townscape Guide (2009).

02 The development proposed fails to provide an appropriate dwelling mix that would reflect the Borough's identified housing needs, resulting in the scheme failing to deliver a sufficiently wide choice of homes. This is unacceptable and contrary to the National Planning Policy Framework (2018), Policy KP2 of the Core Strategy (2007) and Policy DM7 of the Development Management Document (2015).

03 A number of the proposed flats would provide unacceptable levels of amenities for their future occupiers by virtue of the poor levels of light and outlook provided to habitable rooms. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework (2018), Policies KP2 and

CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM8 of the Development Management Document (2015) and the advice contained within the Design and Townscape Guide (2009).

04 The application does not include a formal undertaking to secure a contribution to affordable housing provision to meet the demand for such housing in the area. The submission also lacks a formal undertaking to secure a contribution to the delivery of education facilities to meet the need for such infrastructure generated by the development. In the absence of these undertakings the application is unacceptable and contrary to the National Planning Policy Framework (2018), Policies KP2, KP3, CP6 and CP8 of the Core Strategy (2007) and policy DM7 of the Development Management Policies Document (2015).

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

Informatives

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

- 208 18/01006/OUT - 8 Burdett Road, Southend-on-Sea (Kursaal Ward)**
Proposal: Demolish existing storage building (Class B1(c)), erect nine dwellings, form additional parking and alter vehicular access on to Burdett Road (outline) (amended proposal)
Applicant: Gilson
Agent: T C Matthew Chartered Architect

Resolved: That OUTLINE planning permission be REFUSED for the following reasons:

01 The development, by virtue of the absence of a safe refuge above predicted flood levels for the ground floor self-contained flats proposed would fail to provide a safe development which complies with Part B of the Exceptions Test as outlined in the National Planning Policy Framework (2018). This is unacceptable and contrary to the National Planning Policy Framework (2018), Policies KP1 and KP2 of the Core Strategy (2007), Policy DM6 of the Development Management Document (2015) and Policy DS4 of the Southend Central Area Action Plan (2018).

02 The proposal, by reason of its excessive size, scale, bulk and mass, its poor layout and lack of opportunities for soft landscaping within and in front of the development would result in an incongruous, cramped and overly prominent

development within the streetscene to the detriment of the character and appearance of the site and wider area. The proposal is considered to represent an overdevelopment of the site. It is therefore unacceptable and contrary to the National Planning Policy Framework (2018), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the advice contained within the adopted Design and Townscape Guide (2009).

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The detailed analysis is set out in a report prepared by officers. In the circumstances the proposal is not considered to be sustainable development. The Local Planning Authority is willing to discuss the best course of action.

**209 18/00820/FUL - 37-38 Shoebury Avenue, Southend-on-Sea
(Shoeburyness Ward)**

Proposal: Change of use from storage and distribution (Class B8) to a gymnasium (Class D2) and Cheerleading and Gymnastics Training Centre (Class D2)

Applicant: Miss R Blatch

Agent: Mr N Kenney

Resolved: (a) That planning permission be REFUSED for the following reason:

01 The applicant has failed to demonstrate that there is no long term or reasonable prospect of the site being used for B class uses, and that the proposed use cannot reasonably be located elsewhere within the area that it serves. On this basis it is concluded that the continued use of the premises as proposed would undermine the employment growth area and the long term availability of employment-generating development in the Borough. There are found to be no material planning considerations of sufficient weight to outweigh the harm caused by this conflict with development plan policy. This is unacceptable and contrary to the National Planning Policy Framework (2018), Policies KP1, KP2 and CP1 of the Core Strategy (2007) and Policies DM3 and DM11 of the Development Management Document (2015).

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

Informatives

1 You are advised that as the proposed development at your property 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.

(b) That That ENFORCEMENT ACTION be AUTHORISED to secure the cessation of the use of the unauthorised of both premises.

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

When serving an Enforcement or Breach of Condition Notice the local planning authority must ensure a reasonable time for compliance. In this case a compliance period of 9 months is considered reasonable for the relocation of the business.

Taking enforcement action in this case may amount to an interference with the owners' and/or occupiers' Human Rights. However, it is necessary for the local planning authority to balance the rights of the owners and/or occupiers against its legitimate aims to regulate and control land within its area. In this particular case it is considered reasonable, expedient, and proportionate and in the public interest to pursue enforcement action on the grounds set out in the formal recommendation.

210 18/00925/FULH - 29 Dolphins, Westcliff-on-Sea (St Laurence Ward)

Proposal: Erect single storey side extension

Applicant: Mr and Mrs Campbell

Agent: Knight Gratrix Architects

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

01 The development shall be undertaken solely in accordance with the approved plans 1261-010-B.

Reason: In the interests of visual amenities, pursuant to the National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy 2007 and Policies DM1 and DM3 of the Development Management Document 2015.

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

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

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 the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy KP2 and CP4, Development Management DPD Policy DM1, and SPD1 (Design and Townscape Guide).

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 You are advised that as the development equates to less than 100sqm of new floorspace the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See www.southend.gov.uk/cil for further details about CIL.

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

- 211 18/01225/FULH - 123 Poynings Avenue, Southend-on-Sea (Southchurch Ward)**
Proposal: Demolish garage and conservatory to rear, erect single storey side and front extension and single storey rear extension with roof lantern
Applicant: Councillor Van Looy
Agent: DSB Property Designs Ltd

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

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

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

02 The development hereby permitted shall be carried out in accordance with the following approved plans: 2018/06/03/123PA 2/8 Rev A, 3/8 Rev A, 4/8 Rev A

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

03 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished

appearance. 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 the National Planning Policy Framework (NPPF), Core Strategy (2007) policy KP2 and CP4, Development Management Document (2015) policy DM1, and The Design and Townscape Guide (2009).

04 The roof of the building/extension hereby approved shall not be used as a balcony, roof garden or similar amenity area or for any other purpose unless otherwise agreed in writing by the local planning authority. The roof can however be used for the purposes of maintenance or to escape in an emergency.

Reason: In the interests of the residential amenity of the adjoining residents and to ensure that the development complies with the National Planning Policy Framework (2018), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) policies DM1 and DM3 and The Design and Townscape Guide (2009).

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

1. You are advised that as the proposed extension(s) to your property equates to less than 100sqm of new floorspace the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See www.southend.gov.uk/cil for further details about CIL.

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

Chairman: _____