

# **SOUTHEND-ON-SEA BOROUGH COUNCIL**

## **Meeting of Development Control Committee**

**Date: Wednesday, 12th September, 2018**

**Place: Committee Room 1 - Civic Suite**

**Present:** Councillor D Garston (Chair)  
Councillors B Arscott (Vice-Chair), B Ayling\*, M Borton, S Buckley, K Buck\*, A Chalk, F Evans, J Garston, S Habermel, R Hadley, A Jones\*, H McDonald, C Walker, N Ward and P Wexham\*  
(\*Substitute in accordance with Council Procedure Rule 31.)

**In Attendance:** Councillor G Phillips  
J K Williams, P Geraghty, K Waters, C Galforg, C White, A Rogers, M Warren and T Row

**Start/End Time:** 2.00 pm - 4.10 pm

### **227 Apologies for Absence**

Apologies for absence were received from Councillors Dear (substitute: Councillor Buck), Garne (no substitute), Mulroney (substitute: Councillor Wexham), Norman MBE (substitute: Councillor Jones) and Van Looy (substitute: Councillor Ayling).

### **228 Declarations of Interest**

The following interests were declared at the meeting:

(a) Councillor Arscott – Agenda Item No. 4 (18/01146/OUTM - Nazareth House, 111 London Road, Southend-on-Sea, Essex, SS1 1PP) – Non-pecuniary interest: Attends services in chapel, families and residents are known to him;

(b) Councillor Arscott – Agenda Item No. 12 (18/01234/FULH - 115 Tattersall Gardens, Leigh on Sea) – Disqualifying non-pecuniary interest: Acquainted with residents (withdrew);

(c) Councillor Walker – Agenda Item No. 11 (18/01001/FUL - 66 High Street, Leigh on Sea) – Non-pecuniary interest: Knows applicant's father and have assisted him clearing the yard;

(d) Councillor Wexham – Agenda Item No. 11 (18/01001/FUL - 66 High Street, Leigh on Sea) – Non-pecuniary interest: Knows applicant's father; and

(e) Mr P Geraghty – Agenda Item No. 6 (18/01291/AMDT - Car Park, Centurion Close, Shoeburyness) – Disqualifying non-pecuniary interest: Council appointee on the PSP Officer Board to advise on planning matters.

**229 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.

- 230 18/01146/OUTM - Nazareth House, 111 London Road, Southend-on-Sea, Essex, SS1 1PP (Victoria Ward)**  
**Proposal: Demolish existing buildings, retain existing chapel, erect seven storey, four storey building, 2no 3 storey buildings and six storey building forming 154 self-contained flats and a 77 bedroom care home and convent (outline application)**  
**Applicant: The Congregation of the Sisters of Nazareth**  
**Agent: Scurr Architects**

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

01. The proposal, by reason of its size, scale, mass, bulk and the overall failure of the masterplan to address the design constraints of the site results in a development which fails to demonstrate a sufficiently high standard of design to achieve a sustainable form of development. The proposal would result in an excessively prominent, cramped and incongruous development that would cause significant harm to the character and appearance of the site and the wider surrounding area. The application has not shown that the quantum of development sought can be achieved while having acceptable impacts on design and character grounds. This is unacceptable and contrary to National Planning Policy Framework (2018), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3, DM4 of the Development Management Document (2015), Policy PA8 of the Southend Central Area Action Plan (SCAAP) (2018) and the advice contained within the Design and Townscape Guide (2009).

02. A number of the proposed self-contained flats and care home rooms would be provided with unacceptable levels of amenities for their future occupiers by reason of a poor level of light, ventilation and outlook to habitable rooms and a lack of amenity space. The application has not shown that the quantum of development sought can be achieved while providing adequate amenities for future occupiers. 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).

03. The application does not include a formal undertaking to secure a contribution towards affordable housing provisions to meet the demand for such housing in the area and it has not been demonstrated that such a contribution would make the scheme unviable. 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 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.

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.

**231 18/00978/FULM - Car Park at 27 Victoria Avenue, Southend on Sea, Essex (Victoria Ward)**

**Proposal: Erect part 14/part 15 storey building comprising 228 flats with balconies to all elevations, roof terraces at second, tenth and eleventh floors to rear, form commercial units (Use Classes A1, A2, A3 and A4) at ground floor, layout 183 parking spaces at ground and first floor, install vehicular accesses on to Victoria Avenue, form loading bays, alterations to highway, public realm alterations and associated landscaping**

**Applicant: Weston Homes Plc and Mapeley Steps Ltd**

**Agent: N/A**

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

01 The proposal would have an unacceptable impact on the amenity and living conditions of the adjoining residents in terms of daylight and sunlight to habitable rooms in the south elevation of Baryta House. The application is therefore unacceptable and contrary to the National Planning Policy Framework (2018), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) policies DM1 and DM3 and Southend Central Area Action Plan (SCAAP) (2018) policy DS3 and the guidance contained within the Design and Townscape Guide (2009).

02 The application does not include a formal undertaking to secure a suitable contribution towards affordable housing provisions incorporating a satisfactory review mechanism to meet the demand for such housing in the area. Formal undertakings to secure contributions to the delivery of education facilities, to meet the need for such infrastructure generated by the development, and to provide highways works and transport mitigation measures needed to achieve an appropriately sustainable form of development are also absent. In the absence of these undertakings the application is unacceptable and contrary to the National Planning Policy Framework (2018), Policies KP2, KP3, CP4, CP6 and CP8 of the Core Strategy (2007), Policy DM7 of the Development Management Document (2015) and Policy PA8 of the Southend Central Area Action Plan (SCAAP) (2018).

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

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.

**232 18/01291/AMDT - Car Park, Centurion Close, Shoeburyness  
(Shoeburyness Ward)**

**Proposal: Application to vary condition 02 (Approved Plans) to replace plan number P\_702 with plan number 17-084/700 A, Condition 9 (Nursery Parking) and Condition 10 (New Mews Shared Surface) (Minor Material Amendment to Planning Permission 16/02207/BC4M dated 08.02.2017) (Retrospective)**

**Applicant: Public Sector Partnership (Southend) LLP**

**Agent: ISL**

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 the original permission (8th February 2017).

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:

729\_P\_700; 17-084/700-A; 729\_P\_703; 729\_P\_704; 729\_P\_705; 734\_P\_706; 734\_P\_707; 729\_P\_708; 729\_P\_710; 729\_P\_712; 729\_P\_713; 729\_P\_714; 729\_P\_718; 729\_P\_720; 729\_P\_721; 729\_P\_722; 729\_P\_723; 729\_P\_724; 729\_P\_725; 734\_P\_730; 734\_P\_731; 734\_P\_732; 734\_P\_73 P2; 734\_P\_734; 734\_P\_735; 734\_P\_737; 734\_P\_740; 734\_P\_741; 734\_P\_742; 734\_P\_743

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

03 The nursery building shall be constructed in accordance with the material details previously submitted to and approved in writing by the local planning authority under the approval of details application reference 18/01244/AD or

18/00158/AD or other details that have previously been submitted to the local planning authority and approved in writing before it is occupied.

Reason: To safeguard character and appearance of surrounding area in accordance with the National Planning Policy Framework (2018), Policies KP2 and CP4 of the Core Strategy (2007), Policy DM1 of the Development Management Document (2015) and the Design and Townscape Guide (2009).

04 No construction works for the dwellings above the ground floor slab level shall take place until samples and product details of the materials to be used in the construction of the external elevations of the buildings hereby permitted, including cladding, screening, balustrades, glazed brickwork and fenestration have been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with the approved details before it is occupied.

Reason: To safeguard character and appearance of surrounding area in accordance with the National Planning Policy Framework (2018), Policies KP2 and CP4 of the Core Strategy (2007), Policy DM1 of the Development Management Document (2015) and the Design and Townscape Guide (2009).

05 No construction works for the housing above the ground floor slab level shall take place until details of fenestration including reveals, brick patterning panels, and glazed brickwork within window frames, at a scale of at least 1:20 have been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with the approved details before it is occupied.

Reason: To safeguard character and appearance of surrounding area in accordance with the National Planning Policy Framework (2018), Policies KP2 and CP4 of the Core Strategy (2007), Policy DM1 of the Development Management Document (2015) and the Design and Townscape Guide (2009).

06 Prior to the display of any signage relating to the Nursery details shall first be submitted to and approved in writing by the Local Planning Authority and the signage shall be displayed only in accordance with the approved details.

Reason: To safeguard character and appearance of surrounding area in accordance with the National Planning Policy Framework (2018), Policies KP2 and CP4 of the Core Strategy (2007), Policy DM1 of the Development Management Document (2015) and the Design and Townscape Guide (2009).

07 The nursery development shall be completed in strict accordance with the hard and soft landscaping details previously submitted to and approved in writing by the local planning authority under the approval of details application reference 18/00158/AD or other details that have previously been submitted to the local planning authority and approved in writing. The approved hard landscaping shall be completed, prior to first use of the nursery development and the approved soft landscaping works shall be completed prior to the end of the first planting season following first use of the nursery development. Management of the landscaping shall be implemented in accordance with the agreed management plan.

Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to the National Planning Policy Framework (2018), Policy CP4 of the Core Strategy (2007), Policy DM1 of the Development Management Document (2015) and the Design and Townscape Guide (2009).

08 No construction works for the dwellings above the ground floor slab level shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include: proposed finished levels or contours; means of enclosure, boundary treatment, forecourt, shared space and pedestrian access and circulation areas; details of the method of preventing vehicular access between the site and The Renown; hard surfacing materials; minor artefacts and structures (eg. planters, furniture, benches, bollards, refuse or other storage units, 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, 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, and landscape management plan, site preparation and planting details, long term design objectives, management responsibilities and maintenance schedules for all landscape areas

The hard landscaping shall be completed, as approved prior to first occupation of the dwellings and the soft landscaping works shall be completed, as approved, prior to the end of the first planting season following first occupation of the dwellings and planting to all public areas retained thereafter. Management of the landscaping shall be implemented in accordance with the agreed management plan.

Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to the National Planning Policy Framework (2018), Policy CP4 of the Core Strategy (2007), Policy DM1 of the Development Management Document (2015) and the Design and Townscape Guide (2009).

09 The nursery shall not be occupied until 8 car parking spaces have been laid out within the site in accordance with drawing 17-084/700-A. The parking spaces shall be permanently retained thereafter for the parking of staff and visitors to the nursery development only.

Reason: To ensure that adequate car parking is provided and retained to serve the nursery development in accordance with the National Planning Policy Framework (2018), Policies CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015).

10 No dwelling hereby approved shall be occupied until 2 parking spaces per dwelling and the "New Mews" shared surface has been laid out within the site in accordance with drawing 17-084/700-A to serve the dwellings and to allow vehicles to access the site and for vehicles to turn so that they may enter and leave the site in forward gear. The parking spaces/shared space shall be

permanently retained thereafter and the parking shall be retained for occupiers and visitors to the housing development only.

Reason: To ensure that adequate car parking and access is provided and retained to serve the houses development in accordance with the National Planning Policy Framework (2018), Policy CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015).

11 Access to The Renown from the development shall be restricted to pedestrian and cycle access only.

Reason: In the interest of highway safety in accordance with the National Planning Policy Framework (2018), Policy CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015).

12 The nursery development shall not be first used until a parking management plan for the nursery development has been submitted to and agreed in writing by the Local Planning Authority. On first occupation of the Nursery development the agreed management plan shall be implemented as approved.

Reason: To ensure that the car parking is satisfactorily managed in the interests of traffic management and highway safety in accordance with the National Planning Policy Framework (2018), Policies KP2 and CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015).

13 The nursery development shall be completed in strict accordance with the refuse arrangements and details previously submitted to and approved in writing by the local planning authority under the approval of details application reference 18/00158/AD or other details that have previously been submitted to the local planning authority and approved in writing. The approved refuse store shall be installed and made available prior to the first occupation of the nursery development and shall be permanently retained as such thereafter. Waste storage and collection from the development shall be carried out in accordance with details set out in the submitted Design and Access Statement dated December 2016 or other details that have previously been approved in writing by the local planning authority.

Reason: In the interest of visual amenity and 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 the National Planning Policy Framework (2018), Policies KP2 and CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015).

14 No construction works for the housing development above the ground floor slab level shall take place until details of the refuse stores have been submitted to and approved by the Local Planning Authority. The refuse stores shall be installed in accordance with the approved details prior to first occupation of the housing development and permanently retained as such thereafter.

Reason: In the interest of visual amenity and to protect the character of the surrounding area, in accordance with the National Planning Policy Framework

(2018), Policies KP2 and CP3 of the Core Strategy Document (2007) and Policy DM15 of the Development Management Document (2015).

15 The Nursery development shall not be first used until details of secure, covered cycle parking spaces to serve the development have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and made available on first occupation and shall be permanently retained thereafter.

Reason: To ensure that adequate cycle parking is provided and retained to serve the development in accordance with the National Planning Policy Framework (2018), Policies CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015).

16 The development hereby approved shall be completed in strict accordance with the construction method statement previously submitted to and approved in writing by the local planning authority under the approval of details application reference 18/00158/AD or other details that have previously been agreed in writing by the local planning authority.

Reason: In the interests of visual amenity and the amenities of surrounding occupiers in accordance with the National Planning Policy Framework (2018) and Policies DM1 and DM3 of the Development Management Document (2015).

17 No mechanical plant or extraction/ventilation equipment to serve the Nursery shall be installed unless details of the proposed plant or extraction/ventilation equipment have previously been submitted to and approved in writing by the Local Planning Authority. The equipment shall be installed and retained thereafter in accordance with the approved plans and details. With reference to BS4142, the noise rating level arising from all plant and extraction/ventilation equipment should be at least 5dB(A) below the prevailing background at 3.5 metres from the ground floor facades and 1m from all other facades of the nearest noise sensitive property with no tonal or impulsive character. Appropriate mitigation should then be recommended as necessary.

Reason: In the interests of visual amenity and the amenities of surrounding occupiers in accordance with the National Planning Policy Framework (2018) and Policies Policy DM1 and DM3 of the Development Management Document (2015).

18 No meter boxes shall be installed on the front of the dwellings or side elevations of the dwellings that face a highway. No meter boxes shall be installed on the eastern or northern elevation of the nursery building unless their design and location has previously been submitted to and approved in writing by the Local Planning Authority prior to their installation and the meter boxes installed thereafter in accordance with the approved details.

Reason: In the interests of visual amenity and the amenities of surrounding occupiers in accordance with the National Planning Policy Framework (2018) and Policies Policy DM1 and DM3 of the Development Management Document (2015).

19 Prior to installation of any external lighting to the development, details of the lighting shall be submitted to and approved in writing by the Local Planning Authority and the lighting shall only be installed and retained in accordance with the approved details.

Reason: In the interest of the visual amenities and character of the area, and to protect the amenities of surrounding occupiers in accordance with 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 Design and Townscape Guide (2009).

20 The development shall be completed in strict accordance with the surface water drainage works previously submitted to and approved in writing by the local planning authority under the approval of details application reference 18/00158/AD or other details which have previously been submitted to the local planning authority and approved in writing.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site for the lifetime of the development and to prevent environmental and amenity problems arising from flooding in accordance with the National Planning Policy Framework (2018), Policies KP2 and CP4 of the Core Strategy (2007) and Policy DM2 of the Development Management Document (2015).

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

Reason: In order to protect the amenities of occupiers of the development surrounding occupiers and to protect the character the area in accordance with the National Planning Policy Framework (2018), Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

22 The nursery development shall be completed in strict accordance with the photovoltaic cell details previously submitted to and approved in writing by the local planning authority under the approval of details application reference 18/00158/AD or other details that have previously been agreed in writing by the local planning authority. The approved scheme shall be implemented and brought into use on first occupation of the Nursery development.

Reason: To ensure the development maximises the use of renewable and recycled energy, water and other resources, in accordance with the National Planning Policy Framework (2018), Policy KP2 of the Core Strategy (2007) and Policy DM2 of the Development Management Document (2015).

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

Reason: To ensure the development maximises the use of renewable and recycled energy, water and other resources, in accordance with the National Planning Policy Framework (2018), Policy KP2 of the Core Strategy (2007) and Policy DM2 of the Development Management Document (2015).

24 Notwithstanding the provisions of Schedule 2 Part 1 Classes A, B, C, D or F and Schedule 2 part 2 Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking, re-enacting or modifying that Order), no development extensions or alterations to the dwellings or walls or fences or other means of enclosure shall be erected at the dwellinghouses hereby approved without the receipt of express planning permission.

Reason: In order to protect the character and visual amenities of the development and the surrounding area and the amenities of occupiers in accordance with 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 Design and Townscape Guide (2009).

25 The development shall be completed in strict accordance with the highways work details previously submitted to and approved in writing by the local planning authority under the approval of details application reference 18/00158/AD or other details that have previously been submitted to the local planning authority and approved in writing before it is brought into first use.

Reason: In the interests of sustainability, accessibility, highways management, efficiency and safety in accordance with the National Planning Policy Framework (2018), Core Strategy (2007) policies KP2, KP3 and CP3 and Policies DM1 and DM15 of the Development Management Document (2015).

26 The Nursery building shall only be used for purposes within Class D1 of the Town and Country Planning (Use Classes) Order 1987 as amended (or any statutory modification or re-enactment or replacement thereof (as the case may be) for the time being in force).

Reason: In order to protect the amenities of occupiers of the development surrounding occupiers to protect the character the area in accordance and to ensure that parking provision to serve the development is sufficient, in accordance with the National Planning Policy Framework (2018), Policies KP2, CP3 and CP4 of the Core Strategy (2007) and Policies DM1, DM3 and DM15 of the Development Management Document (2015).

27 The rating level of noise for all activities associated with the Nursery/Community Hall (including amplified and unamplified music) should be at least 10dB(A) below the background noise (with no tonal elements) to ensure inaudibility in noise sensitive premises. If noise modelling software is used to calculate the likely levels or impact of the noise then any actual measurement taken such as LA90 must be taken in accordance with BS7445. The assessment should be carried out by a suitably qualified and experienced acoustic consultant who would normally be a member of the Institute of Acoustics.

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

the National Planning Policy Framework (2018), Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

28 The Nursery/Community Hall building shall not be open for use outside the hours of 07:00 - 23:00 hours Monday to Friday, 09.00 to 23:00 Saturdays and 09.00 to 17:00 Sundays and Bank Holidays.

Reason: In order to protect the surrounding occupiers and to protect the character the area in accordance with the National Planning Policy Framework (2018), Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

29 Prior to first occupation of the Nursery a Travel Plan must be submitted to and approved in writing by the local planning authority. The Travel Plan must include details of:

- (a) A comprehensive survey of all users of the nursery school;
- (b) Targets set in the Plan to reduce car journeys to the nursery school;
- (c) A timetable from implementation
- (d) Details of how the Travel Plan will be regularly monitored and amended, if necessary, if targets identified in the Plan are not being met over a period of 5 years from the date the new Nursery school building is occupied.

At the end of the first and third years of the life of the Travel Plan, reports monitoring the effectiveness of the Travel Plan and setting out any proposed changes to the Plan to overcome any identified problems must be submitted to and approved in writing by the local planning authority. The Travel Plan must be implemented in accordance with the approved details.

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), Policies CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015).

30 The external intrusive noise mitigation measures for the residences set out in the acoustic report submitted by Hepworth Acoustics dated December 2016 (including double glazing, external fabric specification and boundary treatment) shall be implemented to ensure that internal and external noise levels will meet the recommended acoustic criteria based on the guidelines set out in BS 8233: 2014.

Reason: In order to protect the amenities of future occupiers of the dwellings in accordance with the National Planning Policy Framework (2018) and Policies DM1 and DM3 of the Development Management Document (2015).

31 The external intrusive noise mitigation measures for the Nursery set out in the acoustic report submitted by Hepworth Acoustics dated December 2016 shall be implanted to ensure that indoor noise levels meet the recommended acoustic criteria based on the guidelines set out in BB93.

Reason: In order to protect the amenities of future occupiers of the Nursery in accordance with the National Planning Policy Framework (2018) and Policies DM1 and DM3 of the Development Management Document (2015).

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

Reason: In order to protect the amenities of surrounding residents in accordance with the National Planning Policy Framework (2018) and policies KP2 and CP4 of the Core Strategy (2007).

### 33 Contaminated Land

#### 1. Site Characterisation

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

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:

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

#### 2. Submission of Remediation Scheme

With the exception of demolition, grubbing up of foundations and site clearance no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

#### 3. Implementation of Approved Remediation Scheme

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

#### 4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 14 days to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site.

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

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

#### 5. Long Term Monitoring and Maintenance

No development shall take place until a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 5 years, and the provision of reports on the same must both be submitted to and approved in writing by the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation scheme is complete, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be submitted to the Local Planning Authority.

Reason: In order to protect the amenities of surrounding and future occupiers in accordance with the National Planning Policy Framework (2018), Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

34 Prior to installation final specifications and acoustic properties of any landscaping/ fencing to be provided to the playground area shall be submitted to and approved by, the Local Planning Authority, the landscaping/fencing shall be installed in accordance with the approved details and subsequently retained thereafter.

Reason: In order to protect the amenities of surrounding and future occupiers in accordance with the National Planning Policy Framework (2018), Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

35 Deliveries and collections to the Nursery/Community Hall shall take place between: 08:00-19:00hrs Monday to Friday; and 08:00-13:00hrs Saturday only with no deliveries on Sundays or Bank Holidays.

Reason: In order to protect the amenities of surrounding and future occupiers in accordance with the National Planning Policy Framework (2018), Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 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.

Informative

01 Community Infrastructure Levy (CIL): This application has been made pursuant to Section 73 of the Town and Country Planning Act 1990 and as such CIL Regulation 9(6) applies. You are advised that as the amount of CIL payable would not change from the previous permission ref. 16/02207/BC4M, the chargeable development is the development for which permission was granted by the previous permission as if that development was commenced.

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.

**233 18/00937/BC3M - Priory House, Prittlewell Chase, Westcliff-on-Sea (Prittlewell Ward)**

**Proposal: Demolish existing buildings and erect building to provide a 60 bed Care Home and Day Centre with associated parking, landscaping and install vehicular accesses onto Prittlewell Chase and Burr Hill Chase**

**Applicant: Southend on Sea Borough Council**

**Agent: Robinson Escott Planning**

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;

1477-PEL-00-GF-DR-A-0004-S2\_P2, 1477-PEL-00-GF-DR-A-0003-S2\_P2,  
1477-PEL-00-GF-DR-A-0005-S2\_P2, 1477\_PEL\_00\_XX\_DR\_A\_0020\_S2\_P1,  
1477\_PEL\_00\_XX\_DR\_A\_0015\_S2\_P1, 1477\_PEL\_00\_XX\_DR\_A\_0014\_S2\_P1,  
1477\_PEL\_00\_XX\_DR\_A\_0013\_S2\_P1, 1477\_PEL\_00\_XX\_DR\_A\_0011\_S2\_P1,  
1477\_PEL\_00\_ZZ\_DR\_A\_0002\_S2\_P1, 1477\_PEL\_00\_XX\_DR\_A\_0001\_S2\_P1,  
1477\_PEL\_00\_XX\_DR\_A\_0012\_S2\_P1, 1477\_PEL\_00\_GF\_DR\_A\_0006\_S2\_P1,  
1477\_PEL\_00\_02\_DR\_A\_0008\_S2\_P1, 1477\_PEL\_00\_01\_DR\_A\_0007\_S2\_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, 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. Development shall be carried out in full accordance with the approved details before it is occupied.

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

04 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition works shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include: the timings of the hard and soft landscaping works; proposed finished levels or contours; means of enclosure (including any gates to the car parks); car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, loggia, bollards, play equipment, refuse or other storage units, signs, lighting etc.) Details for the soft landscape works shall include the number, location and species of the trees to be removed, 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 and soft landscaping works shall be carried out in accordance with the approved timings.

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 (2007), policies DM1 and DM3 of the Development Management Document (2015) as well as the guidance contained within the Design and Townscape Guide (2009).

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 first occupation of any of the development. The landscaping of the site shall be managed in accordance with the approved management plan in perpetuity.

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 (2007) and Policy DM1 of the Development Management Document (2015)

06 Prior to the use or occupation of the development, parking spaces for cars, motorcycles and minibuses shall be provided at the site in full accordance with plan number 1477-PEL-00-GF-DR-A-0004-S2/P2. The approved parking facilities shall be retained thereafter in perpetuity only for the use of the occupiers, staff

and visitors to the site. Prior to the occupation or use of the development a timescale for the provision of the additional parking facilities shown in the final phase of the development as shown on plan number 1477-PEL-00-GF-DR-A-0005-S2/P2 shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved plan and timescale and shall be retained as such in perpetuity thereafter with the parking facilities used only for occupiers, staff and visitors to the site.

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

07 Cycle parking facilities shall be provided at the site in accordance with details, including the number of cycle parking spaces and the timescale for their provision under both the first and final phases, that have been agreed in writing by the Council prior to the use or occupation of the development.

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

08 No part of the development shall be occupied or brought into use until details of refuse and recycling facilities, a waste management plan and service plan have been submitted to and agreed in writing by the Local Planning Authority. The refuse and recycling facilities, waste management and servicing of the development shall thereafter be implemented and made available for use in accordance with the approved details before first occupation of any of the development and shall be permanently maintained thereafter.

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).

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

- i) the parking of vehicles of site operatives and visitors
- ii) loading and unloading of plant and materials
- iii) storage of plant and materials used in constructing the development
- iv) the erection and maintenance of security hoarding
- v) measures to control the emission of dust and dirt during construction
- vi) a scheme for recycling/disposing of waste resulting from demolition and construction works that does not allow for the burning of waste on site
- vii) measures to limit noise and disturbance.
- (viii) how the continued activities and phased transfer of operations from Priory House will be impacted and addressed during the construction period

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 and Policy DM1 of the Development Management Document 2015.

10 The development hereby granted shall be carried out and completed in accordance with the Drainage Strategy dated May 2018 including the implementation, maintenance and management of surface water drainage works and Sustainable Urban Drainage (SuDs) before any of the development is first occupied or brought into use and shall be maintained as such thereafter.

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

11 The development hereby granted shall be implemented in accordance with the Energy Statement dated May 2018 before it is brought into use or occupied to ensure that at least 10% of the total energy needs of the development will be supplied using on site renewable sources. The approved provision shall be made for the lifetime of the development.

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 (2012), Policy KP2 of the Core Strategy (2007) and the Design and Townscape Guide (2009).

12 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 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).

13 The care home hereby approved shall be used only for purposes falling under Use Class C2 and the daycentre hereby approved shall be used only for purposes falling under Use Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or any statutory instrument revoking and re-enacting that Order, with or without modification and shall not be used for any other purpose, including any change of use permitted under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any order revoking and re-enacting that Order with or without modification.

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the application as assessed in accordance with National Planning Policy Framework (2018); Core Strategy (2007) Policies KP1, KP2, KP3, CP1, CP4, CP6;

Development Management Document (2015) Policies DM1, DM3, DM9, DM10 and DM15, and the Design and Townscape Guide (2009)

14 Development shall be implemented in full accordance with the mitigation measures and recommendations as set out in the Archaeological Desk Based Assessment carried out by Allen Archaeology dated November 2017. If during the course of the development, any archaeological remains are found which have not been identified previously, the developer shall afford access at all reasonable times to any archaeologist nominated by the local planning authority.

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

15 The development hereby approved shall be undertaken and completed in strict accordance with the findings, recommendations and conclusions of the approved Preliminary Ecological Appraisal undertaken by Anglian Ecology.

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.

16 The development hereby approved shall be undertaken and completed in strict accordance with the findings, recommendations and conclusions of the approved Tree Survey by Wynne-Williams Associates dated February 2018.

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

17 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).

18 Prior to occupation of the development hereby approved the delivery service area shall be provided and made available for use in full accordance with the details shown on drawing number 1477-PEL-00-GF-DR-A-0004-S2/P2 and shall be permanently retained for the lifetime of the development.

Reason: To ensure that adequate servicing provision is made and retained to serve the development in accordance with Policies CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015).

19 Prior to the commencement of the development, details of tree protection measures to protect all preserved trees on the site and all trees to be retained within the development hereby approved shall be submitted to and approved in writing by the local planning authority. The approved tree protection measures shall be implemented in full prior to the commencement of the development and be retained throughout construction unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the trees to be retained as part of the development hereby approved are adequately protected during building works in the interests of visual amenity and in accordance with Core Strategy (2007) policies KP2 and CP4, Development Management Document (2015).

20 Notwithstanding the information included with this application, no development above ground level shall be undertaken unless and until full details of 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 occupation 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) and Core Strategy (2007) Policies KP1, KP2 and CP4.

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 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](http://www.southend.gov.uk/cil).

02 The applicant is reminded that this permission does not bestow compliance with other regulatory frameworks. In particular your attention is drawn to the statutory nuisance provisions within the Environmental Protection Act 1990 (as amended) and also to the relevant sections of the Control of Pollution Act 1974. The provisions apply to the construction phase and not solely to the operation of the completed development. Contact 01702 215005 for more information.

03 The proposed delivery entrance/exit from Prittlewell Chase will require alteration of the existing traffic regulation order to provide additional on street parking in the vicinity of the site at a cost of £4,000. Please contact the Highways Department for more information.

04 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.

05 You are advised that in this instance the chargeable amount for the Community Infrastructure Levy (CIL) has been calculated as zero due to the specific nature of the use. However, should the nature of the use change then you are advised to contact the planning department to discuss the requirement for planning permission and CIL liability.

**234 18/01246/FUL - 85 Western Road, Leigh-on-Sea (West Leigh Ward)**  
**Proposal: Erect two storey side and rear extension with access to rear parking, first and second floor rear extension to form three additional self-contained flats, install dormer to rear, refuse and cycle stores, canopy to front, alter elevations and extend vehicular access on to Western Road**  
**Applicant: Mr Jay Neale**  
**Agent: DAP Architecture**

Rev. D Wilks, a local resident spoke as an objector to the application.

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

01. The proposed side, rear and roof extensions would by reason of their size and design be incongruous, poorly integrated, unsympathetic and overly dominant additions to the detriment of the character and appearance of the host property, the street scene and the surroundings including the rear garden scene. This would be unacceptable and contrary to the National Planning Policy Framework, Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

02. The proposed replacement of the rear garden with car parking in association with the development would diminish an appropriate garden setting to the building, which would be unduly intrusive and materially harmful to the character and appearance of the site and its surroundings in particular having regard to its qualities as an area of houses with private rear gardens. This would be unacceptable and contrary to the National Planning Policy Framework, Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

03. The proposed side and rear extension, as a result of its height, design, size, rear extent and proximity to site boundaries, would be a dominant, visually overbearing feature to neighbouring occupiers causing an undue sense of enclosure and loss of daylight. This would be harmful to neighbour amenities, unacceptable and contrary to the National Planning Policy Framework, Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

04. The high density form of the development would introduce the potential for a degree of comings and goings and general activity which would be harmful to the amenities of adjoining occupiers in an area characterised by a lower density of accommodation with significantly less activity. In particular the proposal would require use of the front and rear gardens for car parking with consequent introduction of noise to the rear gardens, habitable accommodation and private amenity spaces of surrounding occupiers. The harm caused by this intense degree of activity in an extended semi-detached dwelling would be unacceptable and contrary to the National Planning Policy Framework, Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

05. The proposed development would provide an insufficient standard and size of outdoor amenity space, given the site context, the number of residential units and the provision of larger residential units which may be occupied by small families resulting in a poor standard of accommodation. This is unacceptable and contrary to the National Planning Policy Framework, Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM3 and DM8 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

06. The width of the proposed vehicular crossover would be excessive, and would reduce the extent of dedicated footway unacceptably, harming highway safety and compromising the safe and convenient passage of pedestrians, and the visual quality of the residential environment. This would be unacceptable and contrary to the National Planning Policy Framework, Policies KP2, CP3 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM15 of the Development Management Document (2015) and the guidance contained within the 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.

Informative

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

**235 16/00122/UNAU\_B - Land Rear of Ambleside Court, Ambleside Drive (Kursaal Ward)**  
**Breach of Control: Without planning permission, the construction of a block of 5 flats**

Resolved: That ENFORCEMENT ACTION be AUTHORISED to secure:

(a) the demolition of the unauthorised two storey block for which permission (with modifications to the building's layout and design) was refused under planning application 18/00636/FUL dated 31 May 2018 ; and

(b) the laying out of on-site car parking provision for the flats within Ambleside Court, Ambleside Drive in full accordance with the requirements of Condition 2 of planning permission 11/00337/FUL dated 12 May 2011; and

(c) the removal of all rubble, materials and equipment associated with complying with the notice(s).

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

When serving an Enforcement Notice the local planning authority must ensure a reasonable time for compliance. In this case it is considered that a compliance period of 6 months is reasonable.

**236 15/00160/UCOU\_B - 5 - 9 Grosvenor Road, Westcliff on Sea (Chalkwell Ward)**  
**Breach of Control: Without planning permission, the unauthorised Change of Use from a care home (Use Class C2) to 21 self-contained flats (Use Class C3)**

Resolved: That ENFORCEMENT ACTION be AUTHORISED to secure cessation of the unauthorised use of the building as 21 self-contained flats and the breach of conditions.

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

When serving an Enforcement Notice the local planning authority must ensure a reasonable time for compliance. In this case, a compliance period of 6 months is deemed reasonable.

**237 18/01001/FUL - 66 High Street, Leigh on Sea (Leigh Ward)**  
**Proposals: Alterations to east elevation and install bi-folding serving hatch with sliding shutter doors**  
**Applicant: Mr Ralph Tait**  
**Agent: Baines Surveying Services Ltd**

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

01 The development hereby permitted shall begin no 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; 01, 02.

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

03 Prior to the commencement of development, detailed design drawings of the new doors and windows/serving hatch at scales of 1:20, 1:10 or 1:1 as appropriate shall be submitted to and agreed in writing by the local planning authority. The development shall be carried out and in accordance with the approved details before it is brought into use.

Reason: To safeguard character and appearance of the historic building and the surrounding Leigh Old Town Conservation Area in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1, DM3, DM5 and DM6 of the Development Management Document (2015) and advise contained within the Southend Design and Townscape Guide (2009).

## Informatives

1. You are advised that as the proposed development equates to less than 100sqm of additional floorspace so 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](http://www.southend.gov.uk/cil) for further details about CIL.

2. The applicant is reminded that should any further development be implemented in association with the serving of refreshments on site or the serving of hot food off site i.e. external or internal dining areas; express planning permission for a change of use may be required.

3. The applicant is advised that compliance with this decision notice 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. Contact 01702 215005 for more information

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

5. 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.

6. Please note that any new fascia signs etc. may require separate Advertisement Consent. For further information please visit: [https://www.planningportal.co.uk/info/200130/common\\_projects/4/adverts\\_and\\_signs](https://www.planningportal.co.uk/info/200130/common_projects/4/adverts_and_signs)

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application 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.

**238 18/01234/FULH - 115 Tattersall Gardens, Leigh on Sea (West Leigh Ward)**  
**Proposal: Raise roof height and erect roof extension, erect two storey front extension, rear extension at first floor level, install balconies to rear at first and second floor, convert part of existing garage into habitable accommodation and alter elevations (Amended Proposal)**  
**Applicant: Mr J Moore**  
**Agent: Knight Gratrix Architects**

Ms L Cook spoke as an objector to the application. Mrs Moore, the applicant, responded.

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

01 The proposed increased height and design of the roof combined with the rear gable feature sought would, by reason of their height, size, scale and bulk not appear subservient or sympathetic in bulk and scale to the host dwelling.

As a result they would appear as incongruous, obtrusive and excessively dominant features that would be harmful to the character and appearance of the existing dwelling and the surrounding area. This would be unacceptable and contrary to the National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and guidance contained within the 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. The detailed analysis is set out in a report prepared by officers. In the circumstances the proposal is not considered to be sustainable development. The Local Planning Authority is willing to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development, should the applicant wish to exercise this option in accordance with the Council's pre-application advice service.

Informative

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](http://www.southend.gov.uk/cil) for further details about CIL.

**239 18/01181/FUL - The Peter Boat Inn, 27 High Street, Leigh on Sea (Leigh Ward)**  
**Proposal: Erect additional storage structure and Ice Shed at rear, first floor flat roof level (Part Retrospective)**  
**Applicant: East Anglia Pub Co.**  
**Agent: Stone Me Ltd**

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

01 The development hereby permitted shall be carried out in accordance with the following approved plans 1266-1001A, 1226-1002A, 1266-1003A

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

02 The proposed general storage extension hereby approved shall be finished in white render (walls) and natural slate (roof) to match that of the existing building before it is brought into use.

Reason: To safeguard character and appearance of the historic building surrounding Leigh Old Town Conservation Area in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1, DM3, DM5 and DM6 of the Development Management Document (2015) and advice contained within the Southend Design and Townscape Guide (2009).

03 No construction works to be undertaken within or immediately adjacent to the SSSI, SPA and Ramsar site during the overwintering period (September – end March).

Reason: To avoid significant impacts from construction and demolition that may cause significant disturbance to overwintering waterfowl and the habitats that support them and/or to additional intertidal interest features (habitats for invertebrates and plants) in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM6 of the Development Management Document (2015) and advice contained within the Southend Design and Townscape Guide (2009).

04 No materials or waste associated with the proposed development are to be deposited or stored within, or immediately adjacent to the boundaries of the SSSI, SPA and Ramsar site unless agreed in advance in writing as part of the construction management plan.

Reason: To avoid contamination, pollution or the smothering habitats of the SPA, SSSI and Ramsar site in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM6 of the Development Management Document (2015) and advice contained within the Southend Design and Townscape Guide (2009).

05 No security or other exterior lighting shall be illuminated outside hours of daylight, unless agreed in advance in writing as part of a suitable lighting plan, where lights are so arranged to prevent any light spillage onto the SSSI, SPA and Ramsar site and to minimise direct glare when viewed from the foreshore.

Reason: To minimise the risk of disturbance to or displacement of wintering birds utilising the SSSI, SPA and Ramsar site or cause disorientation to birds whilst in flight in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM6 of the Development Management Document (2015) and advice contained within the Southend Design and Townscape Guide (2009).

## Informative

01 You are advised that as the proposed extensions 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](http://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.

03 The applicant is advised that the plastic storage shed and the large air conditioning unit to the west side of the ice shed do not benefit from planning permission and should be removed. Failure to do this could result in enforcement action.

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 officer.

**240 17/01180/FULM - 636 Southchurch Road, Southend on Sea (Kursaal Ward)**

**Proposal: Demolish existing building, erect four storey building comprising part commercial unit to ground floor, 14 self-contained flats with balconies, roof terrace to front and side and layout parking**

**Applicant: Southchurch Holdings Ltd**

**Agent: DAP Architecture**

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 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 secondary education provision of £13,940.40, specifically for the secondary expansion of Shoeburyness High School.

(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: 621.001.00, 621.002.00, 621.003.00, 621.200.01, 621.201.03, 621.202.02, 621.203.02, 621.204.02, 621.205.02.

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 other than demolition above slab level shall take place until samples of the materials to be used in the construction of the external elevations of the building hereby permitted, including balconies, balustrades, screening and fenestration, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in full accordance with the approved details before it is occupied.

Reason: To safeguard character and appearance of surrounding area in accordance with Policies KP2 and CP4 of the BLP and policies DM1 and DM3 of the Development Management Document 2015

04 No construction works other than demolition works shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority.

These details shall include: proposed finished levels or contours; means of enclosure (including any gates to the car parks); car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, loggia, bollards, play equipment, 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, and the initial tree planting and tree staking details. The hard landscaping shall be implemented in full accordance with the approved details before any of the development is first occupied or brought into use. The soft landscaping shall be implemented in the first planting season following occupation of the development.

Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policy CP4 of the Core Strategy DPD1 with CP4 of the Core Strategy DPD1 and policies DM1 and DM3 of the Development Management DPD 2015.

05 No part of the development shall be occupied until space has been laid out within the site in accordance with drawing 621.200.00 for 14 cars to be parked and for vehicles to turn so that they may enter and leave the site in a forward gear. The parking spaces shall be permanently retained thereafter only for the parking of occupiers to the development and their visitors.

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

06 No part of the development shall be occupied until details of refuse and recycling facilities, a waste management plan and service plan have been submitted to and agreed in writing by the Local Planning Authority. The refuse and recycling facilities, waste management and servicing of the development shall thereafter be implemented in accordance with the approved details before first occupation of any of the development and shall be permanently maintained thereafter.

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

07 Secure, covered cycle parking spaces for 14 cycles to serve the residential development shall be provided in accordance with drawing no. 621.200.00 prior to first occupation of the development and shall be permanently retained for cycle parking thereafter.

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

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

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

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

09 The Sustainable Urban Drainage (SuDs) measures as set out on pages 16 and 17 the supporting SuDS Assessment carried out by Ardent dated June 2017 shall be implemented (and thereafter managed) before any of the development is first occupied and brought into use and be maintained as such thereafter.

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

10 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 first occupation of any part of the development hereby approved 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 and Development Management Document policy DM2.

11 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 of the Core Strategy DPD1 and Policies DM1 and DM3 of the Development Management DPD 2015.

12 Before the development is occupied or brought into use, the development hereby approved shall be carried out in a manner to ensure that flats 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 14 hereby approved comply with the Building Regulation M4(2) 'accessible and adaptable dwellings' standard and flat 13 hereby approved complies with the Building Regulation M4(3) 'wheelchair user 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, Core Strategy (2007) policy KP2, Development Management Document (2015) policies DM2 and DM8 and the Design and Townscape Guide.

13 Notwithstanding the details shown in the plans submitted and otherwise hereby approved the dwellings hereby granted consent shall not 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, materials and location of all privacy screens to be fixed to the proposed building. Before any of the building hereby approved is first occupied the privacy screens shall be installed in full accordance with the agreed details and specifications approved under this condition and shall be permanently retained as such thereafter.

Reason: To safeguard character and appearance of surrounding area and the amenities of residential occupiers in accordance with Policies KP2 and CP4 of

the Core Strategy 2007, Policy DM1 and DM3 of the Development Management Document 2015 and the Design and Townscape Guide 2009.

14 Notwithstanding the details shown in the plans submitted and otherwise hereby approved none of the buildings hereby 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 all windows in the proposed buildings that are to be permanently glazed with obscured glass and fixed shut or provided with only a fanlight opening and the manner and design in which these windows are to be implemented. Before the buildings hereby approved are 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: To safeguard the privacy and amenities of occupiers of residential properties and the future occupiers of the proposed residential dwellings, in accordance with the National Planning Policy Framework (NPPF), Core Strategy (2007) policy CP4, Development Management Document (2015) policy DM1 and The Design and Townscape Guide (2009).

15 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 to be included in the scheme shall be submitted to and approved in writing by the Local Planning Authority. The development shall subsequently be undertaken in accordance with the approved details before it is occupied and retained 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 guidance within the Design and Townscape Guide (2009).

16 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any statutory modification or re-enactment or replacement thereof (as the case may be) for the time being in force, the ground floor A1 retail unit hereby permitted shall not benefit from a change use to any other use without the receipt of express planning permission from the local planning authority.

Reason: To determine the scope of the development hereby approved in the interests of protecting the amenity of occupiers of neighbouring properties, general environmental quality and in the interests of visual amenity, in accordance with the National Planning Policy Framework (NPPF), Core Strategy (2007) policy CP4, Development Management Document (2015) policy DM1, and the guidance contained within the Design and Townscape Guide (2009).

17 Prior to the commencement of the development, other than for, demolition, groundworks and site preparation works, a full scheme of the measures to be incorporated in the development to mitigate the impact of noise from road traffic, the activities of uses neighbouring the site and any other relevant sources of

noise on the future occupiers of the new dwellings in the development shall be submitted to the Local Planning Authority and approved in writing. The development shall be implemented in full accordance with the approved scheme of noise mitigation measures in its entirety before the first occupation of the development.

Reason: To ensure that the amenities of the occupiers of the development are not prejudiced by noise and in accordance with the National Planning Policy Framework (NPPF), Core Strategy (2007) policy CP4, Development Management Document (2015) policy DM1 and The Design and Townscape Guide (2009).

18 No extraction and ventilation equipment for the proposed development 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 Standards 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).

(c) In the event that the planning obligation referred to in part (a) above has not been completed before 19.09.2018, or an extension of this time as may be agreed by the Deputy Chief Executive (Place), Director of Planning and Transport or Group Manager (Planning & Building Control), authority is delegated to the Deputy Chief Executive (Place), Director of Planning and Transport or the Group Manager (Planning and Building Control) to refuse planning permission for the application on the grounds that the development will not secure the necessary contributions to education provision. As such, the proposal would be contrary to Policies KP2, KP3 and CP6, of the development plan.

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

## Informatives

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](http://www.southend.gov.uk/cil).

02 The applicant is reminded that this permission does not bestow compliance with other regulatory frameworks. In particular your attention is drawn to the statutory nuisance provisions within the Environmental Protection Act 1990 (as amended) and also to the relevant sections of the Control of Pollution Act 1974. The provisions apply to the construction phase and not solely to the operation of the completed development. Contact 01702 215005 for more information.

03 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 financial contribution towards secondary education.

04 Please note that advertisements i.e. fascia signage for the commercial unit will require separate advertisement consent. Details can be found at [https://www.planningportal.co.uk/info/200130/common\\_projects/4/adverts\\_and\\_signs](https://www.planningportal.co.uk/info/200130/common_projects/4/adverts_and_signs)

05 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.

241 **18/00679/AMDT - 411-415 Sutton Road, Southend on Sea (Victoria Ward)**  
**Proposal: Application to vary condition 02 (Approved Plans), condition 04 (Landscaping) and condition 05 (Parking) replacing plan number 16.563 200 P5 (Proposed site plan and street scene) with plan number 16.563 200 P6 (Proposed site plan and street scene), and replacing plan number 2244-17 rev 3 (Soft landscaping – planting) with 2244-17 rev 8 (Soft landscaping – planting) (Minor Material Amendment to planning permission 17/00821/AMDT dated 06.12.2017)**  
**Applicant: Dove Jeffrey Homes Ltd**  
**Agent: FRONT Architecture Ltd**

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

- A minimum of 9 units of affordable rented housing units (20% of overall provision) comprising 2x1 bed and 7x2 bed units.
- Traffic Regulation Order contribution of £4,000
- Provision of Travel Packs for residents.
- Retail Travel Plan.

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

01 The development shall be carried out in accordance with the approved plans:

Location plan 001

16.563 200 P6 Proposed site plan and street scene

2244-17 rev 8 Soft landscaping – planting

FRNT\_16.563\_201\_P4 Block A floor plans

FRNT\_16.563\_202\_P4 Block B floor plans

FRNT\_16.563\_203\_P4 Block C Floor Plans

FRNT\_16.563\_204\_P4 Block A elevations

FRNT\_16.563\_205\_P4 Block B elevations

FRNT\_16.563\_206\_P4 Block C elevations

FRNT\_16.563\_208\_P4 Proposed overview floor plans

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

02 Materials to be used in the construction of the external elevations of the building hereby permitted, including balconies, balustrades, screening, fenestration, front porches and hoods, shall be in accordance with details approved under application 18/00053/AD or other details as submitted to the local planning authority and approved in writing before the relevant unit is occupied.

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

03 Hard and Soft Landscaping shall be carried out in accordance with the approved plan No 2244-17 rev 8. Hard Landscaping shall be completed prior to first occupation of the development and soft landscaping/planting shall be completed within the planting season following first occupation of the development. (or within any other time limit agreed in writing with the local planning authority). If any trees are removed or found to be dying, severely damaged or diseased within 5 years of planting them, they must be replaced with trees of a similar size and species.

Reason: 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 (2007) and Policy DM1 and DM3 of the Development Management Document 2015.

04 The development shall not be occupied until space has been laid out within the site in accordance with drawing 16.563 200 P6 for cars to be parked and for the loading and unloading of vehicles and for vehicles to turn so that they may enter and leave the site in forward gear. The parking spaces shall be permanently retained thereafter for the parking of occupiers, staff and visitors to the development.

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

05 The development shall not be occupied until a car park management plan for the development has been submitted to and agreed in writing by the Local Planning Authority. The development shall only be occupied in accordance with the agreed management plan.

Reason: To ensure that the car parking is satisfactorily managed in the interests of traffic management and highway safety in accordance with Policies KP2 and CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015)

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

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

07 Secure, covered cycle parking shall be provided to serve the residential development and the retail/commercial unit, in accordance with the details approved under application 18/00053/AD or other details that may be submitted to the local planning authority and approved in writing, and each part of the development shall not be occupied until the approved facilities are available for the use of the occupiers and users of the respective parts of the development, and shall be retained thereafter.

Reason: To ensure that adequate cycle parking is provided and retained to serve the development in accordance with Policies CP3 of the Core Strategy (2007) DPD1 and Policy DM15 of the Development Management Document (2015).

08 Construction shall be carried out in accordance with the Construction Method Statement approved under application 17/00883/AD unless otherwise agreed in writing with the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period.

Reason: In the interests of visual amenity and to protect the amenities of occupiers of the development and surrounding occupiers pursuant to Policies CP4 of the Core strategy (2007) and policies DM1 and DM3 of the Development Management Document (2015).

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

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

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

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

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

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

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

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

13 The development shall be carried out in accordance with the assessment of contamination and mitigation measures approved further to application ref 17/00953/AD or other details that may have been submitted to the local planning authority and approved in writing before the development is occupied or brought into use. If, during the course of development, any further 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 before the development is brought into use. The remediation of the site shall incorporate the approved additional measures before the development is brought into use.

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) policy KP2 and Policies DM1 and DM14 of the Development Management Document (2015).

14 The development shall be carried out in accordance with the details of the implementation, maintenance and management of a scheme for surface water drainage works that have been approved in application 18/00053/AD or other details that may have been submitted to the local planning authority and approved in writing. The scheme shall be implemented in accordance with the approved details before the development is occupied and shall be maintained as such thereafter.

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

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

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

16 The development shall be carried out in accordance with the scheme for protecting the proposed dwellings from noise from road traffic approved in application 18/00053/AD, unless otherwise agreed in writing by the Local Planning Authority. The agreed noise mitigation measures shall be installed prior to first occupation of the dwellings and retained at all times thereafter.

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

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

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

18 Landscape management of the development, including management responsibilities and maintenance for all landscape areas shall be carried out only in accordance with details approved under application 17/00884/AD or other details that have been previously submitted to the local planning authority and approved in writing.

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 (2007) and Policy DM1 of the Development Management Document (2015).

19 The development shall be carried out in accordance with the scheme of Photovoltaic cells approved in application 18/00053/AD or other details that have previously been submitted to the local planning authority and approved in writing. The approved details shall be installed prior to first occupation of the dwellings 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 (2007) and Policy DM2 of the Development Management Document 2015.

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

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

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

Reason: In the interest of the visual amenities of the area in accordance with policies KP2 and CP4 of the Core Strategy (2007) and Policy DM1 and DM13 of the Development Management Document (2015).

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

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

23 The commercial floorspace hereby approved shall only be occupied for uses falling within Use Class A1 retail and shall not be used for any other purpose and for no other purpose including any within Classes A2, A3, A4 and A5, C3 or D1 of the Town and Country Planning (Use Classes) Order 1987 as amended (or any statutory modification or re-enactment or replacement thereof (as the case may be) for the time being in force). The hereby approved Use Class A1 retail floorspace shall also not be used for any alternative uses otherwise permitted under the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any order revoking or re-enacting that Order).

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

24 The development shall be carried out in accordance with the Method Statements for Tree Protection and Tree Works approved under application 17/00885/AD unless otherwise agreed in writing by the Local Planning Authority.

Reason In the interests of amenity, to protect existing trees and to ensure a satisfactory standard of landscaping pursuant to Policy CP4 of the Core Strategy (2007) and policy DM1 of the Development Management Document (2015)

25 The development shall not be occupied until new accesses, removal of the existing redundant crossovers and street furniture, loading bays, on street car parking spaces and public realm improvements in accordance with details approved under application 17/00974/AD, or other details to have previously

been submitted to the local planning authority and approved in writing, have been implemented in full and (prior to this) the Council as Highways Authority has approved in writing a full scheme of highways works and the relevant associated highways approvals are in place.

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

#### Informatives

01 The applicant is reminded that this permission does not bestow compliance with other regulatory frameworks. In particular your attention is drawn to the statutory nuisance provisions within the Environmental Protection Act 1990 (as amended) and also to the relevant sections of the Control of Pollution Act 1974. The provisions apply to the construction phase and not solely to the operation of the completed development. Contact 01702 215005 for more information.

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

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

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

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

06 There is clear evidence that the installation of Automatic Water Suppression Systems (AWSS) can be effective in the rapid suppression of fires. Essex County Fire and Rescue Service (ECFRS) therefore uses every occasion to urge building owners and developers to consider the installation of AWSS. ECFRS are ideally placed to promote a better understanding of how fire protection measures can

reduce the risk of life, business continuity and limit the impact of fire on the environment and local economy. Even where not required under Building Regulation's guidance, ECFRS would strongly recommend a risk base approach to the inclusion of AWSS, which can substantially reduce the risk to life and of property loss. We would also encourage developers to use them to allow design freedom, where it can be demonstrated that there is an equivalent level of safety and that the functional requirements of the regulations are met.

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

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

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

10 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.

(c) In the event that the planning obligation referred to in part 10(a) above has not been completed by 27th September 2018 or a later date that has been agreed in writing by the local planning authority, the Deputy Chief Executive (Place), 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 will not provide for affordable housing and this would fail to provide an appropriate mix of housing contrary to the objectives of Policies KP1, KP2, KP3, CP4 and CP8 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM7 of the Southend-on-Sea Development Management Document (2015) the Southend Central Area Action Plan (2018).

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.

- 242 **18/00885/DOV - Richmond House, 73 Victoria Avenue, Southend on Sea (Victoria Ward)**  
**Proposal: Modification of Unilateral Undertaking dated 24th September 2007 (as amended by Deed of Variation dated 25th February 2016) pursuant to planning application 06/00598/FUL, to allow a change in the tenure of the affordable housing within Richmond House to either Shared Ownership or Intermediate Market Rent**  
**Applicant: Notting Hill Genesis**  
**Agent: G L Hearn**

Resolved: That a MODIFICATION OF THE UNILATERAL UNDERTAKING dated 24th September 2007 (as amended by Deed of Variation dated 25th February 2016) pursuant to planning application 06/00598/FUL, be APPROVED to allow a flexibility in the tenure of 30 of the affordable housing units within Richmond House as either Shared Ownership or Intermediate Market Rent on the basis of the terms set out in paragraph 4.15 of the submitted committee report.

- 243 **18/00240/UNAU\_B - 4 Marine Avenue, Westcliff on Sea (Milton Ward)**  
**Breaches of Control: Without planning permission, the replacement of the existing framed windows at ground and first floor level in the front elevation with Upvc windows. (Conservation & Article 4 Area)**

Resolved: That ENFORCEMENT ACTION be AUTHORISED to secure the removal of the unauthorised Upvc framed windows installed to the ground and first floor front elevation.

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

When serving an Enforcement Notice the local planning authority must ensure a reasonable time for compliance. In this case, research and quotes are possibly still required to be obtained and any time delay in manufacture and installation is likely to be dictated by the suppliers lead time. A compliance period of 3 months is deemed reasonable.

- 244 **16/00232/UNAU\_B - 6 New Road, Leigh on Sea (Leigh Ward)**  
**Breach of Control: Without planning permission, the replacement of the existing side hung timber windows at ground and first floor level in the front elevation with Upvc windows. (Article 4 Direction)**

DEFERRED

Chairman: \_\_\_\_\_