

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

### **Meeting of Development Control Committee**

**Date: Wednesday, 6th February, 2019**

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

**Present:** Councillor D Garston (Chair)  
Councillors B Arscott (Vice-Chair), M Borton, S Buckley, A Dear, F Evans, N Folkard\*, D Garne, S Habermel, R Hadley, H McDonald, C Mulroney, D Norman MBE, P Van Looy, C Walker and N Ward  
\*Substitute in accordance with Council Procedure Rule 31.

**In Attendance:** G Gilbert, T Row, T Hartley, K Waters, P Keyes, C White, A Greenwood and M Warren

**Start/End Time:** 2.00 pm - 3.30 pm

#### **685 Apologies for Absence**

Apologies were received from Councillor J Garston (Substitute: Councillor Folkard).

#### **686 Declarations of Interest**

The following interests were declared at the meeting:

(a) Councillor Folkard – Agenda item No. 6 (18/0217/FUL Dawlea, Cliff Road, Leigh-on-Sea) – Disqualifying Non-Pecuniary Interest – One of the residents is known to him.

(b) Councillor D Garston – Agenda item No. 5 (18/0215/FULM – Car park at 27 Victoria Avenue, Southend-on-Sea) – Non-Pecuniary Interest – Agent of objector is known to him.

(c) Councillor Mulroney – Agenda item No. 8 (18/02275/AMDT – 34 Percy Road, Leigh-on-Sea) – Non-Pecuniary Interest – Member of Leigh Town Council (Non Planning).

#### **687 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.

**688 18/01847/FULM - Chase High School, Prittlewell Chase, Westcliff-on-Sea (Prittlewell Ward)**

**Proposal: Erect three storey teaching block (class D1) with canopy roof to front and side, comprising 14 Classrooms, ancillary offices and ground floor dining area, layout additional car parking spaces and 103 cycle parking spaces.**

**Applicant: Brentwood Academies Trust**

**Agent: Ingleton Wood LLP**

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: CHASE-IW-XX-XX-DR-2100 P8, CHASE-IW-XX-XX-DR-2102 P1, CHASE-IW-ZZ-XX-DR-A-2101 P7, CHASE-IW-ZZ-XX-DR-A-2201 P5, CHASE-IW-ZZ-XX-DR-A-2202 P1, CHASE-IW-XX-XX-DR-A-2204 P4, CHASE-IW-XX-XX-DR-A-2206 P1

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

03 Notwithstanding the information submitted with the application, no development above ground level shall take place until samples of the materials to be used on all the external elevations of the development hereby approved have been submitted to and approved in writing by the local planning authority. The development shall only be carried out and completed in accordance with the approved details.

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

04 No development above ground level shall take place until full details of both hard and soft landscape works and any boundary treatments to be carried out at the site have been submitted to and approved in writing by the local planning authority. The approved hard landscaping works and boundary treatments shall be carried out prior to first use of the development hereby approved and the soft landscaping works within the first planting season following first use of the development. These details shall include, for example:-

- i. proposed finished levels or contours;
- ii. hard surfacing materials and means of enclosing the site;
- iii. details of the number, size and location of the trees, shrubs and plants to be planted together with a planting specification, details of the management of the site, e.g. the uncompacting of the site prior to planting, the staking of trees and

removal of the stakes once the trees are established, and details of measures to enhance biodiversity within the site.

Reason: To safeguard the character and appearance of the surrounding area and the amenities of the occupants of the proposed development in accordance with Policies DM1, DM3, DM5 and DM8 of the Development Management Document (2015) and Policies KP2 and CP4 of the Core Strategy (2007).

05 Prior to the first use of the development hereby approved, 41 off street car parking spaces shall be provided and made available for use at the site as shown on Drawing No. CHASE-IW-ZZ-XX-DR-A-2101 P7. The approved parking spaces shall thereafter be retained in perpetuity only for the parking of vehicles in connection with the school use.

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

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

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

07 Prior to the first use of the development hereby approved, details shall be submitted to and approved in writing by the local planning authority identifying the provision of 103 covered and secure cycle parking spaces and refuse and recycling storage at the site. The approved cycle parking and refuse and recycling storage shall be provided in full and made available for use by pupils and staff at the school prior to the first use of the development hereby approved and be retained as such in perpetuity.

Reason: To ensure the provision of adequate cycle parking and refuse storage in accordance with policies DM3 and DM15 of Development Management Document.

08 Hours of works associated with this permission shall be limited to 8am - 6pm Monday to Friday, 8am - 1pm Saturday. No works shall be carried out on Sundays or Bank Holidays.

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

09 No external lighting, including floodlights shall be installed unless details of its design and location have been previously agreed in writing by the local planning authority.

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

10 The development hereby approved shall be undertaken and completed in accordance with the recommendations contained within the approved Extended Phase 1 Habitat Survey Report undertaken by D F Clark Bionomique Ltd dated 11 July 2018 (reference DFCP 4273-01).

Reason: In the interests of biodiversity and ecology in accordance with the National Planning Policy Framework (2018), Core Strategy (2007) Policies KP1, KP2 and CP4.

11 Notwithstanding information submitted with this application the development shall not be brought into first use unless and until full details of the bird and bat boxes to be installed at the site have been submitted to and approved in writing by the local planning authority. The approved bird and bat boxes shall be provided in full prior to the first use of the development hereby approved and retained as such in perpetuity.

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

12 Site clearance works shall be undertaken outside of the bird nesting season (October to February) or if this is not possible then the site shall be surveyed by an ecologist before works commence. If nesting birds are found then work shall not commence until the young have fledged.

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

13 The development hereby approved shall be undertaken in accordance with the recommendations contained within the approved Phase I Geo-Environmental Desk Study dated 9th July 2018 (reference UK18.4105 issue 1).

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).

14 Subject to condition 13 above, if any contaminant is found on the site during the investigations or during construction, no development shall take place until intrusive investigation (Phase II contaminated land assessment) is carried out to delineate the extent of the contamination and 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.

If during development contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority a remediation strategy detailing how this unsuspected contamination shall be dealt with. All agreed remediation works must be implemented in their entirety prior to further construction works commencing unless otherwise agreed in writing by the LPA.

All approved remediation works must be implemented and completed in their entirety prior to development commencing unless otherwise agreed in writing by the LPA.

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).

15 The development hereby approved, for purposes falling within Class D1, shall be limited to a school teaching block within use class D1 only and shall not be used for any other purpose, including any other use falling within use Class D1 of the Town and Country Planning (Use Classes) Order 1987 (as amended) nor any change of use permitted under the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting these Orders, with or without modification.

Reason: To determine the scope of the permission in terms of its impact on community infrastructure in accordance with Core Strategy Policy CP6.

16 Notwithstanding the information submitted with the application, the development hereby approved shall not be brought into first use unless and until a Travel Plan including a comprehensive survey of users, targets to reduce car journeys to and from the site, identifying sustainable transport modes including cycling and modes of public transport and measures to reduce car usage has been submitted to and agreed in writing by the local planning authority. The approved Travel Plan shall be fully implemented prior to first use of the development hereby approved and be maintained thereafter in perpetuity and shall be reviewed after 12 months of the development. For the first three years at the end of each calendar year a document setting out the monitoring of the effectiveness of the Travel Plan and setting out any proposed changes to the Plan to overcome any identified issues and timescales for doing so must be submitted to and approved in writing by the local planning authority. The agreed adjustments shall be implemented in accordance with the agreed conclusions and recommendations.

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

17 No development above ground level shall be undertaken, in accordance with the Drainage Statement (Ingleton Wood, July 2018, Document Ref: 111461), unless and until detailed design of a surface water drainage scheme incorporating the following measures has been submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details prior to the first use of the development hereby approved. The scheme shall address the following matters:

a. Provide an assessment of suitability for infiltration, accounting for the presence of constraints on infiltration SuDS, drainage potential, and the potential for ground instability or contamination as a result of infiltration. The applicant needs to include evidence that infiltration testing has been undertaken for the site and that they are compliant with BRE365 guidance.

b. Provide evidence that they have contacted the relevant third party landowner to seek permission to cross their land to discharge runoff direct to the watercourse.

c. Provide confirmation of the existing runoff rates for the 1 in 1 year, 1 in 30 year and 1 in 100 year storm events and Greenfield runoff rates for the site.

d. Provide evidence demonstrating that surface water runoff retention on site has been maximised for the 1 in 100 year plus climate change storm event to achieve an overall discharge from the site as close as possible to greenfield runoff rate. A robust justification of the proposed drainage arrangement shall be provided if a reduced discharge rate is not considered to be feasible. The applicable climate change allowance is subject to agreement from the LPA on the proposed design life of 50 years for the development.

e. Provide MicroDrainage calculations to demonstrate the hydraulic performance of the entire network, including the proposed pipe network, for the 1 in 1 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change.

f. Provide a plan illustrating the conveyance and exceedance flow routes for storm events exceeding the 1 in 100 year plus allowance for climate change.

g. Provide an updated drainage layout plan indicating the dimensions, storage volumes, pipe sizes and gradients, manhole cover and invert levels, proposed discharge rates, flow controls and final discharge connection in accordance with the submitted calculations. Engineering plans should be provided for each of the SuDS and critical drainage elements, including the flow control features.

h. Provide information on the management of health and safety risks in relation to feature design.

i. Provide system valuation (including capital costs, operation and maintenance costs, cost contributions) and a demonstration of long term economic viability.

j. Provide evidence of consent from Anglian Water to discharge at the proposed rate and connection point (if it is not possible to seek agreement to cross third party land to discharge direct to watercourse).

k. Provide a method statement regarding the management of surface water runoff during the construction phase of the project.

l. Provide an updated site specific maintenance plan to ensure the frequency of the flow control maintenance is suitable given the size of the proposed orifice plates.

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 Policies KP2 and CP4 of the Core Strategy (2007) and Policy DM2 of the Development Management Document (2015).

18 No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the local planning authority. No hard-standing areas are to be constructed until and unless the works have been carried out in accordance with the strategy.

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 Policies KP2 and CP4 of the Core Strategy (2007) and Policy DM2 of the Development Management Document (2015).

19 Notwithstanding the information submitted with this application, prior to the first use of the building hereby approved, a waste management strategy and full details of the refuse and recycling storage for the approved development shall be submitted to and approved in writing by the local planning authority. The approved waste management strategy shall be implemented and the approved refuse and recycling store shall be provided in full and made available for use prior to the first use of the building hereby approved and shall be retained as such in perpetuity.

Reason: To ensure the provision of adequate refuse and recycling storage in accordance with the National Planning Policy Framework (2018) and Policy DM3 of Development Management Document (2015).

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.

## Informatives

1. Community Infrastructure Levy Liability Notice (CIL Regulation 65):- 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.
2. You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council may seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the Borough.
3. Anglian Water has assets close to or crossing the site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within wither 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 the development can commence.
4. Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991, Contact Development Services Team 0345 606 6087.
5. It is highly likely that there are gas services and associated apparatus in the vicinity. Works on private land must not infringe Cadent and/or National Grid's legal rights. You must verify and establish the actual position of mains, pipes, cables, services and other apparatus before any activities are undertaken.



**689 18/02151/FULM - Car Park at 27 Victoria Avenue, Southend-on-Sea (Victoria Ward)**

**Proposal: Erect 217 self-contained flats comprising of part 13/part 15 storey building fronting Victoria Avenue and part 2 to part 12 storeys to rear with balconies to all elevations, roof terraces at second, eighth, ninth, eleventh and twelfth floors to rear, form commercial units (Use Classes A1, A2, A3 and A4) at ground floor level, layout 172 parking spaces at ground and first floor car park and cycle storage to rear, install vehicular accesses on to Victoria Avenue, form loading bays, alterations to highway, public realm alterations and associated landscaping (amended proposal).**

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

**Agent: n/a**

Resolved:

(a) That PLANNING PERMISSION be GRANTED subject to completion a PLANNING AGREEMENT under section 106 of the Town and Country Planning Act 1990 (as amended) and all appropriate legislation to secure the following:

- 22 units of affordable housing (14 x 1 bed and 8 x 2 bed) all of which constitute shared ownership and an affordable housing review mechanism.
- £145,432.29 contribution towards secondary education
- Costs associated with any Traffic Regulation Order deemed necessary in association with the highway works and costs associated with providing loading bays.
- The provision of Travel Packs for residents and commercial operators and Travel Plan Monitoring.
- £10,850 towards biodiversity mitigation, management, protection or education.
- Costs associated with public realm works on the highway to the front of the site, including the provision of visitor cycle racks within the highway and securing public access to the northern side of the site.

(b) The 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 solely out in accordance with the approved plans: AA7218-2000-RevA, AA7218-2001-RevA, AA7218-2010-RevA, AA7218-2011-RevA, AA7218-2100-RevA, AA7218-2101-RevB, AA7218-2102-RevB, AA7218-2103-RevB, AA7218-2104-RevA, AA7218-2105-RevA, AA7218-2106-RevA, AA7218-2107-RevA, AA7218-2108-RevA, AA7218-2109-RevA, AA7218-2110-RevB, AA7218-2111-RevB, AA7218-2112-RevB, AA7218-2113-RevB, AA7218-2114-RevB, AA7218-2115-RevA, AA7218-2200-RevA, AA7218-2201-RevA, AA7218-2210-RevA, AA7218-2211-RevA, AA7218-2220-RevA, AA7218-

2221-RevA, AA7218-2222-RevA, AA7218-2223-RevA, AA7218-2224-RevA, AA7218-2225-RevA, AA7218-2226-RevA, AA7218-2240-RevA, AA7218-2241-RevA, AA7218-2242-RevA, AA7218-2243-RevA, AA7218-2300-RevA, AA7218-2301-RevA, AA7218-2302-RevA, AA7218-2304-RevA, AA7218-2305-RevA, AA7218-2306-RevA, AA7218-2307-RevA, AA7218-2320-RevA, AA7218-2340-RevA, AA7218-2341-RevA, AA7218-2342-RevA, AA7218-2343-RevA, AA7218-2345-RevA, AA7218-2346-RevA, AA7218-2347-RevA, AA7218-2348-RevA, AA7218-2349-RevA, AA7218-2350-RevA, AA7218-2351-RevA, AA7218-2552, AA7218-2353, AA7218-2360-RevA, WH189/18/15.02 (Surface Water Drainage Strategy), 2785-SK-08-RevC, 21110se-01

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 the ground floor slab level shall take place until product details and samples of the materials to be used in the construction of the external elevations of the building hereby permitted, including roofs, cladding, balconies, balustrades, windows and doors and shopfronts have been submitted to and approved in writing by the local planning authority. The development shall be finished in the approved facing brickwork Red: Freshfield Lane- Selected Light, Grey/Brown: Weinberger - Pagus Grey and Black: Weinberger - Graphite Black or any other brick details subsequently submitted to and approved in writing by the local planning authority. The development shall be carried out and completed only in full accordance with the approved details.

Reason: To safeguard character and appearance of the area and amenities of neighbouring occupiers in accordance with Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the Design and Townscape Guide (2009).

04 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition above slab level shall take place until full details of both hard and soft landscape works to be carried out at the site have been submitted to and approved in writing by the local planning authority. The approved hard landscaping works shall be carried out prior to first occupation of the development and the soft landscaping works within the first planting season following first occupation of the development, unless otherwise agreed in writing by the local planning authority. The details submitted shall include, but not limited to:-

- i proposed finished site levels or contours;
- ii. means of enclosure, of the site including any gates or boundary fencing including to the roof top terrace areas;
- iii. other vehicle and pedestrian access and circulation areas;
- iv. hard surfacing materials;
- v. minor artefacts and structures (e.g. furniture, loggia, bollards, play equipment, refuse or other storage units, signs, lighting, etc.);
- vi. details of the number, size and location of the trees, shrubs and plants to be retained and planted together with a planting specification
- vii. details of measures to enhance biodiversity within the site as recommended in the submitted ecology report;

- viii. details of the proposed green wall to the car park elevations and the proposed brown and green roofs including cross sections and planting details as appropriate
- ix. landscaping management plan to be implemented for a minimum of 5 years
- x. location and design of visitor cycle parking

Any trees or shrubs dying, removed, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed with the Local Planning Authority. The proposed landscape strategy shall include the ecology recommendations as set out in Section 7 of the Ecological Assessment by Ecology Solutions reference 7742.EcoAs.dv3 dated April 2018.

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

05 The development shall not be occupied until 174 car parking spaces, of which 22 shall be for disabled users, have been provided at the site and made available for use solely for occupiers of the residential units hereby approved and their visitors all in accordance with drawings AA7218-2100RevA and AA7218-2101RevB together with properly constructed vehicular accesses to the adjoining highway, all in accordance with the approved plans. The parking spaces shall be permanently retained thereafter for the parking of occupiers of and visitors to the development.

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

06 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 full detailed design drawings of the entrance and shopfront bays, window reveals, balconies and Juliette balconies, brick and stone work detailing and shopfronts including approach to signage at appropriate scales 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: In the interest of the visual amenities and character of the area, and to protect the amenities of surrounding occupiers in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policy DM1 of the Development Management Document (2015).

07 The development shall not be occupied until the 218 secure, covered cycle parking spaces to serve the development as shown on drawing AA7218-2100RevA have been provided at the site and made available for use in full accordance with the approved plans by occupiers of the residential units hereby approved and their visitors. The approved scheme shall be permanently 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) and Policy DM15 of the Development Management Document (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 in full throughout the construction period. The Statement shall provide, amongst other things, for:

- i) the parking of vehicles of site operatives and visitors
- ii) loading and unloading of plant and materials
- iii) storage of 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) Provide a method statement regarding the management of surface water runoff arising during the construction phase of the project.

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).

09 Prior to the occupation of the development the 65025kwh array of photovoltaic panels as shown on drawings reference AA7218-2115RevA and AA7218-2114RevA and detailed in the Energy and Sustainability Report by Stansted Environmental Services reference ENV001-VICT-055 shall be installed at the site and be operational and shall be permanently retained thereafter.

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

10 Before any of the residential units hereby approved are first occupied or brought into use, the development hereby approved shall be carried out in a manner to ensure that 10% (22) of the flats hereby approved comply with building regulation M4 (3) 'wheelchair user dwellings' standard and the remaining 195 flats comply with building regulation standards part M4(2) 'accessible and adaptable dwellings upon occupation.

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 (2018), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM2 and the Design and Townscape Guide (2009).

11 Prior to occupation of the development hereby approved details of the water efficient design measures set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption), including measures of water efficient fittings, appliances and water recycling

systems such as grey water and rainwater harvesting shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details before it is first occupied and shall be retained as such in perpetuity.

Reason: To minimise the environmental impact of the development through efficient use of water in accordance with the National Planning Policy Framework (2018) Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM2 and the Design and Townscape Guide (2009).

12 Notwithstanding the details shown in the plans submitted and otherwise hereby approved, the development hereby granted consent shall not be occupied or brought into use unless and until plans are submitted to the Local Planning Authority and approved in writing which clearly specify all the windows and other openings in the development that are to be permanently glazed with obscured glass and fixed shut or provided with only a fanlight (or other similar) opening and the manner and design in which these windows and openings are to be implemented. The development hereby permitted shall be implemented in full accordance with the details approved under this condition before it is first occupied or brought into use and shall be permanently retained as such thereafter. The windows included within such agreed scheme shall be glazed in obscure glass which is at least Level 4 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing with the local planning authority. Top hung lights agreed within such scheme shall be a minimum of 1.7 metres above internal floor level. In the case of multiple or double glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4. The windows shall be retained in accordance with the agreed details in perpetuity thereafter.

Reason: To avoid overlooking and the resultant loss of privacy of the adjoining residential properties, in accordance with the National Planning Policy Framework (2018), Core Strategy (2007) Policies KP2 and CP4, and Development Management Document (2015) Policy DM1 and advice contained within the Design and Townscape Guide (2009).

13 With the exception of below ground investigation work and removal of the previous structures on site, no development shall take place until and unless the following details have been submitted and approved in writing by the local planning authority.

A. An instructive investigation (Phase II Site Investigation) must be undertaken in order to quantify the risks identified by the Phase 1 Site Investigation. The investigation must be undertaken in accordance with the scope of work outlined in the Phase 1 Desk Study and Preliminary Risk Assessment 27 Victoria Avenue by Stansted Environmental Service Ltd reference CON001-VICT-055. The Phase II report must be submitted to the Local planning authority for approval. The assessment must be undertaken by a competent person in accordance with British Standards 10175:2011 (Investigation of potentially contaminated sites – Code of Practice) and the Environment Agency/DEFRA 'Model Procedures for the Management of Land Contamination.

B. Where the Phase II Investigation Report identifies any unacceptable risk or risks, a detailed Site Remediation Strategy to deal with land contamination and

/or pollution of controlled waters affecting the site shall be submitted and approved by the local planning authority. With the exception of below ground investigation work and removal of the previous structures on site, no development shall take place until and unless this Site Remediation Strategy has been approved in writing by the local planning authority.

C. The site shall be remediated in accordance with the approved Site Remediation Strategy before the construction of the development hereby approved begins. A Validation Report for the Site Remediation Strategy shall be submitted to, and agreed in writing by the local planning authority before completion of the development or occupation of the premises (whichever comes first).

D. If, during the development, land contamination not previously considered is identified, then the Local Planning Authority shall be notified immediately and no further works shall be carried out until a method statement detailing a scheme for dealing with suspect contamination has been submitted to and agreed in writing with the Local Planning Authority

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

14 All the noise mitigation measures outlined in the Environmental Noise Assessment Report No. ENV1-VICT-055 of 15th November 2018 to protect future residents of the building from the impact of vehicular noise along Victoria Avenue and the surrounding area including the railway activity must be implemented in their entirety prior to occupation of any of the residential units hereby approved to achieve an internal noise level of no greater than 30dB and the approved measures implemented shall be maintained in perpetuity.

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

15 The development shall be undertaken and thereafter managed in perpetuity in strict accordance with the approved Car Park Management Strategy by Weston Homes dated November 2018 and the Recycling / Waste Management Strategy dated November 2018 or any other car park management and waste strategy that has been previously submitted to and approved in writing by the local planning authority.

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

16 No extraction or ventilation equipment for the proposed non-residential uses hereby approved 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).

17 The rating level of noise for internal activities (including amplified and unamplified music and human voices) at the site shall be at least 10dB(A) below the background noise level to ensure inaudibility in the nearest 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 shall be carried out by a suitably qualified and experienced acoustic consultant who would normally be a member of the Institute of Acoustics.

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).

18 Prior to commencement of construction of the development hereby approved, in accordance with the SuDS Drainage Assessment (Document Ref: WH189 Revision C ,Victoria Avenue, November 2018) detailed design of a surface water drainage scheme incorporating the following measures shall be submitted to and agreed with the Local Planning Authority in consultation with the Lead Local Flood Authority. The approved scheme will be implemented prior to the first occupation of the development. The scheme shall address the following matters:

a. Provide an assessment of suitability for infiltration, accounting for the presence of constraints on infiltration SuDS, drainage potential, and the potential for ground instability or contamination as a result of infiltration. The applicant needs to include evidence that infiltration testing has been undertaken for the site and that they are compliant with BRE365 guidance. If infiltration is found to be viable an updated drainage strategy should be submitted along with information in relation to the potential for ground instability or deterioration in groundwater quality as a result of infiltration.

b. Provide MicroDrainage calculations to demonstrate the hydraulic performance of the entire network, including the proposed pipe network, for the 1 in 1 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus 40% climate change, demonstrating that the maximum overall discharge from the site will be limited to greenfield runoff rate.

c. Provide an updated drainage layout plan indicating the dimensions and storage volumes for all features, pipe sizes and gradients, manhole cover and invert levels, proposed discharge rates, flow controls and final discharge connection in accordance with the submitted calculations. Engineering plans should be provided for each of the SuDS and critical drainage elements, including the flow control features.

d. Provide information on the provision of drainage for large storm events, including protection for SuDS systems. This should include clarification on the proposed mitigation measures to prevent exceedance flood water from the car park area affecting the utility areas which have their proposed finished flood levels at the same level as the car park.

e. Provide evidence of consent from Anglian Water to discharge at the proposed rate and connection point.

f. Provide a site specific maintenance plan.

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 (2007) and Policy DM2 of the Development Management Document (2015).

19 Construction Hours shall be restricted to 8am – 6pm Monday to Friday, 8am - 1pm Saturday and not at all on Sundays or Bank Holidays.

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

20 Prior to occupation of the development hereby approved details of the number and location of electric car charging points to be installed in the car park shall be submitted to and approved in writing by the local planning authority. The agreed details shall then be implemented in full accordance with the details approved under this condition before the residential units hereby approved are occupied and be maintained as such in perpetuity thereafter.

Reason: In the interests of providing sustainable transport choices in accordance with Policy KP2 of the Core Strategy (2007) and Development Management Document (2015) Policy DM2.

21 The non-residential units hereby approved shall not be open for customers outside the following hours: - 0700 hours to 2200 hours on any day.

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



22 Details of the external lighting to be installed in the development hereby approved shall be submitted to and approved in writing by the local planning authority before any part of the development is first occupied or brought into use. Development shall be carried out in accordance with those approved details before the development is occupied or brought into use.

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

23 Notwithstanding the provisions of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any revocation, amendment or adaptation of this legislation of for the time being may be in force, the commercial floorspace hereby approved shall be used only for purposes falling within Classes A1, A2, A3, or A4 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 and to protect the character and amenities of the area in accordance with Policies CP1, KP2 and CP4 of the Core Strategy (2007) and Policies DM1, DM11 and DM3 of the Development Management Document (2015).

24 There shall be no use of the frontage for outdoor seating or dining in relation to the commercial units between the hours of 22:30 and 08:30 each day.

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

25 The development shall not be occupied until the commercial and residential refuse stores that serve the development as shown on drawing AA7218-2100RevA have been provided at the site in full accordance with the approved plans and made available for use by occupiers of the residential and commercial units hereby approved. The approved scheme shall be permanently retained for the storage of waste and recycling thereafter.

Reason: To ensure that adequate refuse and recycling storage is provided and retained to serve the development in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM8 and DM15 of the Development Management Document (2015).

26 The development shall not be occupied until details of the 3 secure, covered cycle parking spaces to serve the commercial element of the development hereby approved have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with those approved details before the development is occupied or brought into use. The approved scheme shall be permanently retained for cycle storage thereafter.

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

27 Notwithstanding the provisions of the Town and Country Planning Advertisement Regulations (2007) and the Town and Country Planning General Permitted Development Order (2015) as amended or any orders or acts revoking or amending these orders, the existing shopfront windows in the building shall remain clear glazed and shall not be obscured (including through advertisements, vinyls or any other structures, operations or internal or external works) without the receipt of the prior written consent of the Local Planning Authority.

Reason: To maintain the vitality and viability of the town centre and to safeguard the character and appearance of the development in accordance with policies KP2 and CP4 of the Core Strategy (2007), Policy PA8 of the Southend Central Area Action Plan (2018) and Policy DM1 of the Development Management Document (2015).

28 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) the following operations shall not be undertaken without the receipt of prior specific express planning permission in writing from the Local Planning Authority on the building hereby approved:

A. The installation of any structures or apparatus for purposes relating to telecommunications on any part the roof of the buildings hereby approved, including any structures or development otherwise permitted under Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any equivalent Order amending, revoking or re-enacting that Order

Reason: To ensure that the development does not impact adversely on the townscape and character of the area and to ensure the Local Planning Authority can control the development in the area so that it accords with policies KP2 and CP4 of the Core Strategy (2007) and policies DM1 and DM3 of the Development Management Document (2015) and advice contained within the Southend Design and Townscape Guide (2009).

(c) In the event that the planning obligation referred to in part (a) above has not been completed by 21st February 2019 (or an extension of this time as may be agreed by the Director of Planning and Transport or Group Manager Planning & Building Control), the Director of Planning and Transport or Group Manager of Planning and Building Control be authorised to refuse planning permission for the application on the grounds that the development would not provide for affordable housing, highway works, travel packs, biodiversity mitigation or education provision and that as such the proposal would be unacceptable and contrary to Policies KP2, KP3, CP3, CP6 and CP8 of the Core Strategy (2007) and Policies DM1, DM3, DM7 and DM15 of the Development Management Document (2015).

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.

## 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 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 if a crane or piling rig is required to construct the proposed development, this will need to be safeguarded by the Airport Authority independent of this permission. Please note that this may be restricted in height and may also require full coordination with the Airport Authority dependant on location. Any crane applications should be directed to [sam.petrie@southendairport.com](mailto:sam.petrie@southendairport.com) / 01702 538521.

04 Due to the nature of the site with residential dwellings nearby this site will require a COPA 1974 (Sec 61) Agreement with Southend Borough Council before Construction can begin. Please contact the Regulatory Services Group on 01702 215005.

05 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 affordable housing, secondary education and biodiversity mitigation, management protection and education.

06 The works to existing highway will require a Section 278 agreement or Highways Licence.

07 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.

08 The applicant is advised that due to the presence of Cadent and/or National Grid apparatus in proximity to the specified area, the contractor should contact Cadent Plant Protection Team on [plantprotection@cadentgas.com](mailto:plantprotection@cadentgas.com) or Tel 0800688588 before any works are carried out to ensure the apparatus is not affected by any of the proposed works.

09 The applicant is advised that separate advertisement consent is likely to be required for any signage for the development. This must be obtained prior to installation of the signage.

**690 18/02171/FUL - Dawnlea, Cliff Road, Leigh-on-Sea (Chalkwell Ward)**

**Proposal: Demolish existing chalet bungalow, erect one detached and two semi-detached dwellings with basement levels, layout parking to front and amenity space to rear.**

**Applicant: 111 Invest Ltd**

**Agent: Beresford & Barns Ltd**

Resolved:

That PLANNING PERMISSION be REFUSED for the following reason:

The proposal, by reason of the plot widths proposed, the design, scale, layout and position of the dwellings and the development's positioning in relation to the prevailing street frontage, would result in a cramped and contrived overdevelopment of the site that would cause material harm to the character and appearance of the site, the streetscene and the wider area. This is unacceptable and contrary to National Planning Policy Framework (2018), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the advice contained within the Design and Townscape Guide (2009).

691 18/02174/FUL - Rear of 555, London Road, Westcliff-on-Sea (Westborough Ward)

**Proposal: Change of use from existing Light Industrial (Class B1c) to two self-contained flats (Class C3), replace existing single storey rear extension, form cycle store and amenity space to rear, erect boundary wall to front to form courtyard and erect bin store to front.**

**Application: RG Airspace Developments Ltd**

**Agent: n/a**

Resolved:

That PLANNING PERMISSION be GRANTED subject to the following conditions:

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

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

02 The development hereby permitted shall be carried out in accordance with the following approved plans: 18-555LR-01/B, 18-555LR-02/C, 18-555LR-03.

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

03 No part of the development shall be occupied until full details of the refuse and recycling facilities have been submitted to and agreed in writing by the Local Planning Authority. The refuse and recycling facilities shall 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 satisfactory refuse and recycling facilities are provided at the site in the interest of sustainability and amenity in accordance with the National Planning Policy Framework (2018), Core Strategy (2007) Policy KP2, Policies DM1 and DM8 of the Development Management Document (2015) and the Design and Townscape Guide (2009).

04 The dwellings hereby approved shall incorporate 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 before they are occupied.

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

05 Prior to occupation of the development hereby approved details of energy efficiency and other sustainability measures to be included in the scheme, including the provision of at least 10% of the energy needs of the development hereby approved being provided from onsite renewable sources, shall be submitted to, agreed in writing by the Local Planning Authority and implemented on site in accordance with the agreed details.

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

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

Reason: To safeguard character and appearance of the site and the surrounding area in accordance with the National Planning Policy Framework, 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.

07 No part of the development shall be occupied until lockable, secure cycle parking has been provided on site in accordance with drawing 18-555LR-03 for 4 cycles to be parked. The spaces shall be made available for use prior to first occupation of the dwellings hereby approved and shall be permanently retained thereafter for cycle parking of occupiers of the development hereby approved and their visitors.

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

08 The proposed rooflights in the north and south roof slopes shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing with the local planning authority) and fixed shut to a minimum height of 1.7 metres above internal floor level. In the case of multiple or double glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4.

Reason: To protect the privacy and environment of people in neighbouring residential properties, in accordance with the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy CP4, Development Management DPD policy DM1 and SPD1 (Design and Townscape Guide).

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

Reason: To protect the privacy and environment of people in neighbouring residential properties, in accordance with the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 Policy CP4, Development Management DPD policy DM1 and SPD1 (Design and Townscape Guide).

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

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

11 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 fully adhered to throughout the construction period. The Statement shall provide, amongst other things, for:

- i) the parking of vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials;
- iii) storage of plant and materials used in constructing the development;
- iv) the erection and maintenance of security hoarding(s) as may be required.

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

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.

#### 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 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 reminded to make contact with the Council's highways department in relation to reinstating the vehicular access.

**692 18/02275/AMDT - 34 Percy Road, Leigh-on-Sea (West Leigh Ward)**

**Proposal: Application to vary condition 10 (Window Cill Level) in order to reduce the cill height of windows to rear (Minor Material Amendment to Planning Permission 18/00380/FUL dated 26.04.2018).**

**Applicant: Ms H Collins**

**Agent: Knight Gratrix Architects**

Resolved:

That PLANNING PERMISSION be GRANTED subject to the following conditions:

01 The development hereby permitted shall begin no later than 26th April 2021.

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

02 The development hereby permitted shall be carried out in accordance with the approved plans: 040 (Existing Floor Plans and Elevation); 042 (Street Scene) 051 (Proposed Floorplans) & 052 (Proposed Elevations).

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

03 The development hereby approved shall be undertaken in strict accordance with the approved material details detailed on front elevation plan '903/046' dated May 2018 and material samples received by the local planning authority on the 20.06.2018 as agreed under application 18/01183/AD unless otherwise agreed in writing by the local planning authority.

Reason: To safeguard character and appearance of the area and amenities of neighbouring occupiers in accordance with Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the Design and Townscape Guide (2009).

04 Prior to the occupation of the dwelling hereby approved the car parking spaces shall be provided in accordance with the approved plan No.051. The car parking spaces shall be kept available for the parking of motor vehicles at all times and permanently retained.



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

05 Notwithstanding the provisions of Classes A, B, C, D and E of Part 1 of Schedule 2 to the Town and Country Planning General Permitted Development Order 2015 (or any statutory modification or re-enactment or replacement thereof (as the case may be) for the time being in force), no extensions or outbuildings shall be erected at the site unless otherwise agreed in writing by the local planning authority.

Reason: To safeguard the design and appearance of the proposed development in the interest of visual amenities of the locality in accordance with the National Planning Policy Framework (2012), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and Design and Townscape Guide (2009).

06 The development hereby approved shall be undertaken in strict accordance with the approved details of the hard and soft landscaping contained within site plan '903/045' dated May 2018 and material samples received by the local planning authority on the 20.06.2018 agreed under application 18/01183/AD unless otherwise agreed in writing by the local planning authority. The landscaping shall be implemented in full accordance with the approved details before the dwelling is occupied or brought into use.

Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policies KP2 and CP4 of the Core Strategy DPD1 with CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

07 A scheme detailing how at least 10% of the total energy needs of the development will be supplied using on site renewable sources must be submitted to and agreed in writing prior to occupation of the development hereby approved by the Local Planning Authority and implemented in full prior to the first occupation of 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 (2007) and Development Management Document (2015) Policy DM2.

08 Water efficient design measures as 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 shall be installed prior to the first occupation of the development hereby approved 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).

09 Demolition or construction works associated with this permission shall not take place outside 08:00 hours to 18:00hours 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 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).

10 Prior to its first occupation the proposed dwelling hereby approved shall be constructed so that the floor level of the bedrooms with east facing windows shall be set not less than 1.10m below the cill level of the east facing windows. The development shall be retained as such in perpetuity thereafter.

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

11 The new rooflight in the southern elevation shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing with the local planning authority) and fixed shut, except for any top hung fan light which shall be a minimum of 1.7 metres above internal floor level unless otherwise agreed in writing by the local planning authority. In the case of multiple or double glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4. (C17B)

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

12 The development hereby approved shall be carried out in a manner to ensure that it complies with Building Regulation part M4 (2) 'accessible and adaptable dwellings', before it is brought in to use.

Reason: To ensure the dwellinghouse hereby approved provides high quality and flexible internal layouts to meet the changing needs of residents in accordance with the National Planning Policy Framework, Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM2 and Design and Townscape Guide (2009).

#### Informatives

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. 18/00380/FUL, the chargeable development is the development for which permission was granted by the previous permission as if that development was commenced. Therefore, CIL Liability Notice ref. 18/00380/FUL/0001 still applies to the permission hereby granted and is enclosed for your reference.

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. When you carry out the work, you must not intentionally kill, injure or take a bat, or intentionally or recklessly damage, destroy or block access to any structure or place that a bat uses for shelter. These would be criminal offences under the Wildlife and Countryside Act 1981, the Habitats Regulations 1994 and the Countryside and Rights of Way Act 2000. For more advice contact: Essex Wildlife Trust – [www.essexwt.org.uk](http://www.essexwt.org.uk); phone 01621 862960, Natural England – [www.naturalengland.org](http://www.naturalengland.org); phone 0845 6003078

**693 17/00193/UNAU\_B - 64 Canterbury Avenue, Southend-on-Sea (Southchurch Ward)**

**Breaches of Control: Without planning permission, the unauthorised development of a two storey side extension and rear dormer.**

Resolved:

That the Deputy Chief Executive (Place), Director of Planning and Transport or the Group Manager Planning and Building Control be DELEGATED AUTHORISE ENFORCEMENT ACTION to:

- (a) remove the 2 storey side extension and rear dormer
- (b) to remove any other breaches of planning control identified at the property which in the opinion of officers are causing material harm to interests of acknowledged importance and against which it would be expedient to take enforcement action to seek to remedy such harm and
- (c) removal of all rubble and other materials and equipment associated with complying with the notice

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.

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