

Public Document Pack

Southend-on-Sea Borough Council

Civic Centre
Southend-on-Sea

9 October 2018

Dear Sir or Madam,



I hereby summon you to attend the meeting of the Southend-on-Sea Borough Council to be held in the Council Chamber, Civic Centre, Southend-on-Sea on, Thursday, 18th October, 2018 at 6.30pm for the transaction of the following business.

A Griffin
Chief Executive

A G E N D A

- 1 Apologies for Absence**
- 2 Declarations of Interest**
- 3 Communications**
- 4 Questions from Members of the Public**
- 5 Questions from Members of the Council**
- 6 Minutes of the Meeting held on Thursday 19th July 2018 (Pages 1 - 18)**
Minutes attached
- 7 Minutes of the meeting of Appeals Committee B held Monday, 16 July 2018 (Pages 19 - 20)**
Minutes attached
- 8 Minutes of the meeting of Audit Committee held Wednesday, 25 July 2018 (Pages 21 - 24)**
Minutes attached.
- 9 Minutes of the meeting of Development Control Committee held Wednesday, 1 August 2018 (Pages 25 - 52)**
Minutes attached.
- 10 Minutes of the meeting of Appeals Committee A held Friday, 10 August 2018 (Pages 53 - 54)**
Minutes attached.
- 11 Minutes of the meeting of Licensing Sub-Committee B held Friday, 17 August 2018 (Pages 55 - 58)**

Minutes attached.

- 12 Minutes of the meeting of Licensing Sub-Committee C held Tuesday, 28 August 2018 (Pages 59 - 60)**
Minutes attached.
- 13 Minutes of the meeting of Licensing Sub-Committee A held Tuesday, 4 September 2018 (Pages 61 - 62)**
Minutes attached.
- 14 Minutes of the meeting of Development Control Committee held Wednesday, 12 September 2018 (Pages 63 - 104)**
Minutes attached.
- 15 Minutes of the meeting of Cabinet Committee held Thursday, 13 September 2018 (Pages 105 - 114)**
Minutes attached.
- 16 Minutes of the meeting of Cabinet held Tuesday, 18 September 2018 (Pages 115 - 132)**
Minutes attached.
- 17 Minutes of the meeting of Health & Wellbeing Board held Wednesday, 19 September 2018 (Pages 133 - 136)**
Minutes attached.
- 18 Minutes of the meeting of Audit Committee held Wednesday, 26 September 2018 (Pages 137 - 140)**
Minutes attached.
- 19 Minutes of the meeting of Licensing Sub-Committee B held Monday, 1 October 2018 (Pages 141 - 142)**
Minutes attached.
- 20 Minutes of the meeting of Development Control Committee held Wednesday, 3 October 2018**
Minutes to follow
- 21 Minutes of the meeting of Licensing Sub Committee C held Friday, 5th October 2018**
Minutes to follow
- 22 Minutes of the meeting of Licensing Sub Committee A held Monday, 8 October 2018**
Minutes to follow
- 23 Minutes of the meeting of Place Scrutiny Committee held Monday 8 October 2018**
Minutes to follow
- 24 Minutes of the meeting of People Scrutiny Committee held Tuesday 9 October 2018**
Minutes to follow
- 25 Minutes of the meeting of Policy and Resources Scrutiny Committee held Wednesday 10 October 2018**

Minutes to follow.

26 Notice of Motion - Fire Safety (Pages 143 - 144)

Notice of Motion attached.

27 Notice of Motion - Fossil Fuels (Pages 145 - 146)

Notice of Motion attached.

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SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of The Council

Date: Thursday, 19th July, 2018
Place: Council Chamber - Civic Suite

6

Present: Councillor D Jarvis (Chair)
Councillors A Holland (Deputy Chair), B Arscott, S Aylen, B Ayling, M Borton, H Boyd, A Bright, K Buck, S Buckley, L Burton, D Burzotta, T Byford, A Chalk, J Courtenay, T Cox, M Davidson, A Dear, M Dent, M Flewitt, N Folkard, D Garne, D Garston, J Garston, I Gilbert, S Habermel, R Hadley, T Harp, A Jones, J Lamb, H McDonald, D McGlone, J McMahon, A Moring, C Mulrone, D Nelson, C Nevin, D Norman MBE, G Phillips, K Robinson, L Salter, M Stafford, J Ware-Lane, C Walker, P Wexham and R Woodley

Start/End Time: 6.30 - 9.35 pm

154 Apologies for Absence

Apologies for absence were received from Councillors Evans, Terry, Ward, Willis and Van Looy.

155 Declarations of Interest

- **Councillor Arscott**

- **Development Control Committee – 6th June 2018**

- Minute 27 and 28 (17/02074/FUL and 17/02075/LBC Havens 138-140 Hamlet Court Road) – non-pecuniary interest – Personnel/volunteers of Age Concern are known to him;

- Minute 31 (18/00579/FULH – 27 Glenbervie Drive) – Disqualifying non-pecuniary interest – lives in Glenbervie Drive (withdrew);

- **People Scrutiny Committee – 10th July 2018**

- Minute 131 – Schools Progress Report – non-pecuniary interest – Governor at Our Lady of Lourdes Catholic Primary School (Assisi Trust);

- **People Scrutiny Committee – 19th July 2018**

- Agenda item relating to Schools Progress report – non pecuniary – Governor at Our Lady of Lourdes Catholic Primary School (Assisi Trust);

- **Councillor Aylen**

- **Cabinet Committee – 21st June 2018**

- Minute 81 – Objections to Traffic Regulation Orders – Belfairs Park Drive – non-pecuniary interest – friends live in the vicinity;

- **Councillor Ayling**

- **Development Control Committee – 6th June 2018**

- Minute 27 and 28 (17/02074/FUL and 17/02075/LBC Havens 138-140 Hamlet Court Road) – non-pecuniary interest – Council representative on Age Concern a few years ago;

Policy & Resources Scrutiny Committee – 12th July 2018

Minute 144 – Compulsory Licensing Scheme – disclosable pecuniary interest – Residential Landlord – However, as this matter could not be debated the issues of participation and withdrawal from the Council meeting did not arise.

- **Councillor Borton**

People Scrutiny Committee – 10th July 2018

Minutes 122 (Primary Care Strategy), 131 (Scrutiny Committee Updates) – non-pecuniary interest – daughter is a nurse at Basildon Hospital;

Minute 128 – Annual Public Health Report – non-pecuniary – DWP mentioned and is her employer;

Minute 130 – Schools Progress Report – non-pecuniary interest – Governor at Milton Hall School;

People Scrutiny Committee – 19th July 2018

Agenda item relating to School Progress report – non-pecuniary – Governor at Milton Hall School;

Agenda item relating to Scrutiny Committee - updates – non-pecuniary – daughter is a mental health nurse at Basildon Hospital;

- **Councillor Boyd**

People Scrutiny Committee – 10th July 2018

Disqualifying non-pecuniary interests in all the called-in/referred minutes – attended pursuant to the dispensation agreed at Council on 19th July 2012, under S.33 of the Localism Act 2011;

Minute 122 – Primary Care Strategy – non-pecuniary interest – Dr Garcia is at GP local practice;

Policy & Resources Scrutiny Committee – 12th July 2018

Minute 144 – Compulsory Licensing Scheme – disclosable pecuniary interest – Residential Landlord – However, as this matter could not be debated the issues of participation and withdrawal from the Council meeting did not arise.

People Scrutiny Committee – 19th July 2018

Cabinet Member – disqualifying non-pecuniary interest in the Schools Progress Report; attended pursuant to the dispensation agreed at Council on 19th July 2012, under S.33 of the Localism Act 2011;

- **Councillor Bright**

Place Scrutiny Committee – 9th July 2018

Minute 108 – Air Quality – non-pecuniary interest – works for the Minister for the Environment;

- **Councillor Buckley**

Cabinet Committee – 21st June 2018

Minute 82 – Requests for Traffic Restrictions – non-pecuniary interest – lobbied and spoke for residents on the Eastwoodbury Crescent Service Road;

- **Councillor Burzotta**

Place Scrutiny Committee – 9th July 2018

Minute 112 – In-depth Scrutiny Projects and Summary of Work – non-pecuniary interest – family business in the town centre;

- **Councillor Chalk**

Development Control Committee – 6th June 2018

Minute 25 (18/00669 St Bernards High School) – non-pecuniary interest – had previously worked at the school for 11 years;

Cabinet Committee – 21st June 2018

Minute 82 – Requests for Traffic Regulation Orders – Belfairs Park Drive – non-pecuniary interest – lives in the vicinity;

- **Councillor Courtenay**

Place Scrutiny Committee

Disqualifying non-pecuniary interests in all the called-in/referred minutes – attended pursuant to the dispensation agreed at Council on 19th July 2012, under S.33 of the Localism Act 2011;

- **Councillor Cox**

People Scrutiny Committee – 10th July 2018

Disqualifying non-pecuniary interests in all the called-in/referred minutes – attended pursuant to the dispensation agreed at Council on 19th July 2012, under S.33 of the Localism Act 2011;

Policy & Resources Scrutiny Committee – 9th July 2018

Disqualifying non-pecuniary interests in all the called-in/referred minutes – attended pursuant to the dispensation agreed at Council on 19th July 2012, under S.33 of the Localism Act 2011;

- **Councillor Davidson**

Audit Committee – 25th April 2018

All minutes in so far as they relate to South Essex Homes – Disqualifying non-pecuniary interest (was able to participate in the debate and vote by virtue of the dispensation agreed by the Standards Committee at its meeting on 28th February 2017).

- **Councillor Dear**

Development Control Committee – 6th June 2018

Minute 27 and 28 (17/02074/FUL and 17/02075/LBC Havens 138-140 Hamlet Court Road) – non-pecuniary interest – Council representative on Age Concern but has no involvement to date;

Cabinet Committee – 21st June 2018

Minute 81 – Objections to Traffic Regulation Orders – non-pecuniary interest – friends live in the neighbouring roads;

- **Councillor Evans**

Development Control Committee – 4th July 2018

Minute 87 – 18/00688/BC4M – Belfairs Academy – Disqualifying non-pecuniary interest – friend of the Principal of the Academy (withdrew);

Minute 94 – 18/00443/ADV & 18/00758/LBC – Disqualifying non-pecuniary interest – Acquainted with the Chairman of the Football Club who has made donations to her charity (withdrew);

Policy & Resources Scrutiny Committee – 12th July 2018

Minute 144 – Compulsory Licensing Scheme – disclosable pecuniary interest – Residential Landlord – However, as this matter could not be debated the issues of participation and withdrawal from the Council meeting did not arise.

- **Councillor Flewitt**

Development Control Committee – 6th June 2018

Minute 22 – 18/00634/BC3M – non-pecuniary interest – discussed this matter as a Cabinet Member;

Cabinet – 19th June 2018

Minute 54 – Provision of Syrian Vulnerable Person Resettlement Programme – non-pecuniary interest – has been lobbied on this matter by residents;

Health & Wellbeing Board – 20th June 2018

Minute 70 – STP Update – non-pecuniary interest – has lobbied on this issue;

Minute 72 – JTAI – non-pecuniary interest – cross cutting themes with his Cabinet Member role;

Minute 73 – Partnership Violence & Vulnerability – cross cutting themes with his Cabinet Member role;

Cabinet Committee – 21st June 2018

Minute 82 – Requests for traffic Restrictions – Eastwoodbury Crescent – non-pecuniary interest – has been lobbied in respect of this matter;

Cabinet Committee – 5th July 2018

Minute 100 – Permanent Vehicular Crossing Exceptional Circumstances Applications – Application No. 17/00112 – non-pecuniary interest – applicant's mother is known to him;

Place Scrutiny Committee

Disqualifying non-pecuniary interests in all the called-in/referred minutes – attended pursuant to the dispensation agreed at Council on 19th July 2012, under S.33 of the Localism Act 2011;

Licensing Committee – 10th July 2018

Minute 117 – Sex Establishment Licensing Policy Consultation – non-pecuniary – has discussed the matter with some Members;

People Scrutiny Committee – 10th July 2018

Minute 126 – JTAI – non-pecuniary interest – has discussed this matter with officers concerning the Police element;

Minute 127 – Provision of Syrian Vulnerable Person Resettlement Programme – non-pecuniary interest – has been lobbied on this matter by residents;

Policy & Resources Scrutiny Committee – 9th July 2018

Disqualifying non-pecuniary interests in all the called-in/referred minutes – attended pursuant to the dispensation agreed at Council on 19th July 2012, under S.33 of the Localism Act 2011;

Minute 138 – MPR – non-pecuniary interest – Hate Crime Ambassador;

- **Councillor Folkard**

People Scrutiny Committee – 10th July 2018

Minute 131 – Scrutiny Committee Updates – relative works at Broomfield Hospital; Ambassador for the fund raising team at Southend Hospital;

Policy & Resources Scrutiny Committee – 12th July 2018

Minute 144 – Compulsory Licensing Scheme – non-pecuniary interest – SBC appointed representative on SEAL;

Council – 19th July 2018

Agenda Item 29 – Opposition Business (STP) – non-pecuniary interest – relative works at Broomfield Hospital; Ambassador for the fund raising team at Southend Hospital;

- **Councillor Garne**

Policy & Resources Scrutiny Committee – 12th July 2018

Minute 144 – Compulsory Licensing Scheme – disclosable pecuniary interest – Residential Landlord – However, as this matter could not be debated the issues of participation and withdrawal from the Council meeting did not arise.

- **Councillor D Garston**

Development Control Committee – 6th June 2018

Minute 27 and 28 (17/02074/FUL and 17/02075/LBC Havens 138-140 Hamlet Court Road) – non-pecuniary interest – people involved with the application are known to him;

Minute 36 (18/00254/FUL W5, The Shore, 22-23 The Leas) – non-pecuniary interest – One of the objectors (public speaker) is known to him;

- **Councillor J Garston**

Development Control Committee – 6th June 2018

Minute 27 and 28 (17/02074/FUL and 17/02075/LBC Havens 138-140 Hamlet Court Road) – non-pecuniary interest – people involved with the application are known to him;

Minute 35 (16/01723/DOV5 Marine Plaza land between Southchurch Avenue and Pleasant Road) – non-pecuniary interest – owns a property in the vicinity;

Development Control Committee – 4th July 2018

Minutes 92 and 93 – 18/01060/DOV5 & 18/00874/AMDT – Marine Plaza, land between Southchurch Avenue and Pleasant Road – non-pecuniary interest – owns a property in the vicinity;

Policy & Resources Scrutiny Committee – 12th July 2018

Minute 144 – Compulsory Licensing Scheme – disclosable pecuniary interest – Residential Landlord – However, as this matter could not be debated the issues of participation and withdrawal from the Council meeting did not arise.

- **Councillor Habermel**

Development Control Committee – 6th June 2018

Minutes 36, 37 and 38 (18/00254/FUL, 17/015474/FUL and 17/01716/FUL The Shore, 22-23 The Leas) – non-pecuniary interest – knows the architect/agent who has undertaken some work for him in the past;

Development Control Committee – 4th July 2018

Minute 95 – 18/00690/FUL – 38 Towerfield Road – non-pecuniary interest – knows the applicant and has spoken on her behalf in respect of a previous application;

People Scrutiny Committee – 10th July 2018

Minutes 122 (Primary Care Strategy) and 131 (Scrutiny Committee Updates) – non-pecuniary interest – sister is a nurse at Southend Hospital; nephew is a physiotherapist based at Southend; brother is a paramedic with London Ambulance Service;

Policy & Resources Scrutiny Committee – 12th July 2018

Minute 144 – Compulsory Licensing Scheme – disclosable pecuniary interest – Residential Landlord – However, as this matter could not be debated the issues of participation and withdrawal from the Council meeting did not arise.

People Scrutiny Committee – 18th July 2018

Agenda item relating to Scrutiny Committee - updates – non-pecuniary – sister is a nurse at Southend Hospital; nephew is a physiotherapist based at Southend; brother is a paramedic with London Ambulance Service;

- **Councillor Hadley**

Policy & Resources Scrutiny Committee – 12th July 2018

Minute 144 – Compulsory Licensing Scheme – disclosable pecuniary interest – Residential Landlord – However, as this matter could not be debated the issues of participation and withdrawal from the Council meeting did not arise.

- **Councillor Harp**

People Scrutiny Committee – 10th July 2018

Minute 122 – Primary Care Strategy – non-pecuniary interest – Chair of St Lukes PPG and member of PPG Forum;

Council – 19th July 2018

Agenda Item 29 – Opposition Business (STP) – non-pecuniary interest – Chair of ST Lukes PPG and member of PPG Forum;

People Scrutiny Committee – 18th July 2018

Agenda item relating to Scrutiny Committee - updates – non-pecuniary – Chair of St Lukes PPG and member of PPG Forum;

- **Councillor Jones**

Cabinet – 19th June 2018

Minute 44 – Development Plan Review in relation to all transport matters – non-pecuniary interest – son works for C2C;

Place Scrutiny Committee – 9th July 2018

Minute 106 - Development Plan Review in relation to all transport matters – non-pecuniary interest – son works for C2C;

Minute 108 – Air Quality – non-pecuniary interest – husband works in motor industry in the import and export of petrol and diesel engines;

- **Councillor Lamb**

Cabinet – 19th June 2018

Minute 45 – Social Value Policy – non-pecuniary interest – Trustee of SAVS;

Policy & Resources Scrutiny Committee – 9th July 2018

Disqualifying non-pecuniary interests in all the called-in/referred minutes – attended pursuant to the dispensation agreed at Council on 19th July 2012, under S.33 of the Localism Act 2011;

- **Councillor McDonald**

Development Control Committee – 4th July 2018

Minutes 87 and 89 – 18/00688/BC4M (Belfairs Academy) and 18/00629/AMDT (Shoeburyness High School) – non-pecuniary interest – works for a charity that provides support services to both schools;

Cabinet Committee – 5th July 2018

Minute 100 – Permanent Vehicular Crossing Exceptional Circumstances Applications – Application No. 17/00112 – non-pecuniary interest – applicant's mother is known to her;

- **Councillor McGlone**

Cabinet Committee – 21st June 2018

Minute 82 – Requests for Traffic Restrictions (Eastwoodbury Crescent)– non-pecuniary interest – is known to some residents as the Ward Councillor;

- **Councillor McMahon**

- **Place Scrutiny Committee – 9th July 2018**

- Minute 109 – Ambition Southend Strategy – non-pecuniary interest – her employment role is to support and advise people with complex/serious mental health needs;

- **Policy & Resources Scrutiny Committee – 12th July 2018**

- Minute 140 – Annual Report – non-pecuniary interest – been a night shelter worker; member of SCF provision of services for the homeless; co-founder of HARP – homeless facilities in Southend;

- **People Scrutiny Committee – 18th July 2018**

- Agenda item relating to Scrutiny Committee - updates – non-pecuniary – Conservative member for Kursaal – Better Start Ward Panel; NHS retired nurse; work within EPUT facilities as an Advocate.

- **Councillor Mulroney**

- **Development Control Committee – 6th June 2018**

- Minute 33 (18/00484/FULM – Rileys, 258 Leigh Road) – non-pecuniary interest – Member of Leigh Town Council (non-participant in planning);

- **Cabinet – 19th June 2018**

- Minute 52 – Wheeled Sports Facility – non-pecuniary interest – member of Development Control Committee;

- **Development Control – 4th July 2018**

- Minute 87 (18/00688/BC4M – Belfairs Academy) – non-pecuniary interest – Member of Leigh Town Council (non-participant in planning);

- **Place Scrutiny Committee – 9th July 2018**

- Minute 110 – Wheeled Sports Facility – non-pecuniary interest – member of Development Control Committee;

- **People Scrutiny Committee – 10th July 2018**

- Minute 122 – Primary Care Strategy – non-pecuniary interest – patient at Dr Garcia surgery;

- **Councillor Nelson**

- **Council – 19th July 2018**

- Agenda Item 29 – Opposition Business – non-pecuniary interest – wife is a nurse at Southend Hospital and the local MP is his employer;

- **Councillor Nevin**

- **People Scrutiny Committee – 10th July 2018**

- Minute 128 – Annual Public Health Report – non-pecuniary interest – niece works for Public Health England;

- Minute 131 – Scrutiny Committee Updates – non-pecuniary interest – previous employee at Southend Hospital; NHS Employee at Barts; 2 children work at MEHT and sister works for Basildon Hospital;

People Scrutiny Committee – 18th July 2018

Agenda item relating to Scrutiny Committee – updates – non-pecuniary – works in NHS outside area; Previous employee at Southend Hospital; 2 children work at MEHT and step sister works at Basildon Hospital;

- **Councillor Phillips**

Place Scrutiny Committee – 9th July 2018

Minute 108 – Air Quality – non-pecuniary interest – son works for DEFRA;

- **Councillor Salter**

Health and Wellbeing Board – 20th June 2018

Minute 70 – STP Update – non-pecuniary interest – husband is a consultant surgeon at Southend Hospital and hold senior posts at the hospital; son-in-law is a GP; daughter is a doctor at Broomfield Hospital;

Place Scrutiny Committee – 9th July 2018

Disqualifying non-pecuniary interests in all the called-in/referred minutes – attended pursuant to the dispensation agreed at Council on 19th July 2012, under S.33 of the Localism Act 2011;

People Scrutiny Committee – 10th July 2018

Disqualifying non-pecuniary interests in all the called-in/referred minutes – attended pursuant to the dispensation agreed at Council on 19th July 2012, under S.33 of the Localism Act 2011;

Minutes 122 (Primary Care Strategy) and 131 (Scrutiny Updates) – non-pecuniary interest – husband is consultant surgeon at Southend Hospital and holds senior post at hospital; son-in-law is GP; daughter is a doctor at Broomfield Hospital;

Policy & Resources Scrutiny Committee – 9th July 2018

Disqualifying non-pecuniary interests in all the called-in/referred minutes – attended pursuant to the dispensation agreed at Council on 19th July 2012, under S.33 of the Localism Act 2011;

Minute 144 – Compulsory Licensing Scheme – disclosable pecuniary interest – Residential Landlord – However, as this matter could not be debated the issues of participation and withdrawal from the Council meeting did not arise.

Council – 19th July 2018

Agenda Item 29 – Opposition Business (STP) – non-pecuniary interest - husband is a consultant surgeon at Southend Hospital and hold senior posts at the hospital; son-in-law is a GP; daughter is a doctor at Broomfield Hospital;

- **Councillor Van Looy**

Cabinet Committee – 21st June 2018

Minute 81 – Objections to Traffic Regulation Orders – Ambleside Drive – Non-pecuniary interest – friends and relatives live in the area;

Development Control Committee – 4th July 2018

Minute 88 – 17/01180/FULM – 636 Southchurch Road – non-pecuniary interest – owns a business in Southchurch Road;

- **Councillor Walker**

Development Control Committee – 6th June 2018

Minute 27 and 28 (17/02074/FUL and 17/02075/LBC Havens 138-140 Hamlet Court Road) – non-pecuniary interest – Personnel/volunteers of Age Concern are known to him;

Minute 35 (16/01723/DOV5 Marine Plaza land between Southchurch Avenue and Pleasant Road – non-pecuniary interest (withdrew from the meeting whilst the application was considered on the basis of pre-determination));

Cabinet – 19th June 2018

Minute 55 – Consultation on St Mary’s Prittlewell CofE Primary School Permanent Expansion – non-pecuniary interest – attends the school on a weekly basis with the Southend Boys and Girls choir;

People Scrutiny Committee – 19th July 2018

Agenda item relating to School Progress report – non-pecuniary – wife teaches at West Leigh Schools; Southend Boys & Girls Training Choirs rehearse at St Mary’s School;

- **Councillor Ward**

Policy & Resources Scrutiny Committee – 12th July 2018

Minute 144 – Compulsory Licensing Scheme – disclosable pecuniary interest – Residential Landlord – However, as this matter could not be debated the issues of participation and withdrawal from the Council meeting did not arise.

- **Councillor Ware-Lane**

Cabinet Committee – 21st June 2018

Minute 81 – Objections to Traffic Regulation Orders – Windsor Road & Osborne Road – non-pecuniary interest – lives in the area;

People Scrutiny Committee – 10th July 2018

Minute 122 – Primary Care Strategy – non-pecuniary interest - family members work for NHS;

Minute 123 – MPR – non-pecuniary interest - daughter is a social worker;

Minute 130 - Schools Progress Report – non-pecuniary interest - partner works in a school;

Council – 19th July 2018

Agenda Item 29 – Opposition Business (STP) – non-pecuniary interest – family members work for NHS;

- **Councillor Wexham**

Development Control Committee – 6th June 2018

Minutes 36, 37 and 38 (18/00254/FUL, 17/015474/FUL and 17/01716/FUL The Shore, 22-23 The Leas) – non-pecuniary interest – knows the architect/agent as a former officer of the Council;

156 Communications

The Council stood for a one minute silence as a mark of respect to former Councillors Mr Richard Brown, Mr Nigel Baker and Mrs Daphne White who had recently passed away.

157 Questions from Members of the Public

The relevant Cabinet Members responded to written questions received from two members of the public.

158 Questions from Members of the Council

The relevant Cabinet Members responded to questions received from Councillor Ayles.

159 Petition - Parking Restrictions Earls Hall Avenue

Councillor Davidson presented a petition on behalf of local residents containing 102 signatures requesting the Council to introduce a double yellow line parking restriction on the south side of Earls Hall Avenue.

Resolved:

That in accordance with Standing Order 15.7 the petition be referred to the Cabinet Committee.

160 Minutes of the Special Council meeting held on Thursday 19th April 2018

Resolved:-

That the Minutes of the Special Meeting held on Thursday 19th April 2018 be confirmed as a correct record and signed.

161 Minutes of the Council meeting held on Thursday 19th April 2018

Resolved:

That the minutes of the meeting held on Thursday 19th April 2018 be confirmed and signed as a correct record.

162 Minutes of the Annual Council meeting held on Thursday 10th May 2018

Resolved:

That the minutes of the Annual Council meeting held on Thursday 10th May 2018 be confirmed and signed as a correct record.

163 Minutes of the Appointments Council held Thursday 17th May 2018

Resolved:

That the minutes of the meeting held on Thursday 17th May 2018 be confirmed and signed as a correct record.

164 Minutes of the meeting of Licensing Sub-Committee B held Friday, 13 April 2018

Resolved:

That the minutes of this meeting be noted.

165 Minutes of the meeting of Licensing Sub-Committee C held Wednesday, 25 April 2018

Resolved:

That the minutes of this meeting be noted.

166 Minutes of the meeting of Audit Committee held Wednesday, 25 April 2018

Resolved:

That the minutes of this meeting be noted.

167 Minutes of the meeting of Licensing Sub-Committee A held Thursday, 26 April 2018

Resolved:

That the minutes of this meeting be noted.

168 Minutes of the meeting of Development Control Committee held Wednesday, 6th June 2018

Resolved:

That the minutes of this meeting be noted.

169 Minutes of the meeting of Cabinet held Tuesday, 19th June 2018

Resolved:

That the minutes of this meeting be noted and the recommendations contained in Minutes 44, 51, 57, 58 and 59 be approved.

170 Minutes of the meeting of Licensing Sub Committee A held Wednesday, 20th June 2018

Resolved:

That the minutes of this meeting be noted.

171 Minutes of the meeting of the Health & Wellbeing Board held Wednesday, 20th June 2018

Resolved:

That the minutes of this meeting be noted.

172 Minutes of the meeting of Cabinet Committee held Thursday, 21st June 2018

Resolved:

That the minutes of this meeting be noted.

173 Minutes of the meeting of Development Control Committee held Wednesday, 4th July 2018

Resolved:

That the minutes of this meeting be noted.

174 Minutes of the meeting of Cabinet Committee (PVX) held Thursday, 5th July 2018

Resolved:

That the minutes of this meeting be noted.

175 Minutes of the meeting of Place Scrutiny Committee held Monday, 9th July 2018

Resolved:

That the minutes of this meeting be noted and the recommendations in Minute 106 be approved.

176 Minutes of the meeting of Licensing Committee held Tuesday, 10th July 2018

Resolved:

That the minutes of this meeting be noted.

177 Minutes of the meeting of People Scrutiny Committee held Tuesday, 10th July 2018

Resolved:

That the minutes of this meeting be noted.

178 Minutes of the meeting of Policy & Resources Scrutiny Committee held Thursday, 12th July 2018

Resolved:

That the minutes of this meeting be noted and that the following Members be appointed to the Joint Scrutiny Working Party:

Councillor J Garston
Councillor D Nelson
Councillor N Folkard
Councillor D McGlone
Councillor K Buck
Councillor K Robinson (Chair)
Councillor I Gilbert
Councillor B Ayling

179 Minutes of the People Scrutiny Committee held Thursday, 19th July 2018

Resolved:

That the minutes of this meeting be noted.

180 Notice of Motion - Motor Neurone Disease Charter

Resolved:

That, in accordance with Standing Order 8.4, the following Notice of Motion, be referred to the Cabinet:

'Motor Neurone Disease (MND) Charter

That this Council adopts the Motor Neurone Disease (MND) charter and thereby supports achieving quality of life, dignity and respect for people with MND and their carers.

The Council notes that over 60 councils across the country have signed up to the Motor Neurone Disease (MND) Charter

The Charter is made up of 5 points:

1. People with MND have the right to an early diagnosis and information;
2. People with MND have the right to access quality care and treatments;
3. People with MND have the right to be treated as individuals and with dignity and respect;
4. People with MND have the right to maximise their quality of life; and
5. Carers of people with MND have the right to be valued, respected, listened to and well supported.

Background:

The Motor Neurone Disease (MND) Association, five-point MND Charter sets out the rights of people with MND and their carers and the pillars of good care and support. Five people a day die in the UK from MND. It is a rapidly progressive, fatal disease that can affect any adult at any time. The disease leaves people unable to walk, talk or feed themselves. The cause of MND is unknown and there is no cure.

** MND is a fatal, neurological disease for which there is no effective treatment and no cure.*

** MND kills five people in the UK every day.*

** Today there are 5,000 people living with MND in the UK. Life expectancy from diagnosis is two to five years*

** It can affect any adult at any age. Imagine being trapped inside a body that can't move.*

** MND attacks the nerves that control movement; people with MND can still think and feel, but their muscles refuse to work. As these nerves die, the muscles weaken and waste, leaving people locked in a failing body, unable to move, walk or talk.*

Why should councils adopt the charter?

Many decisions about services used by people with MND, such as social care, housing adaptations and support for carers, are made at the local level by councillors. Currently, there are significant differences in the quality of services available to people with MND locally, depending on where they happen to live. As such, it is important that councillors, and all those working for and with the council, understand the needs of people with MND and their carers. While councils aren't responsible for everything outlined in the MND Charter, they are a significant part of the jigsaw. When services such as social care and housing are provided in a timely person-centred way, this has a huge impact on the person with MND and their family. MND is a devastating, complex disease and particularly difficult to manage. If a council can get it right for MND, it can get it right for residents with other neurological conditions and disabilities too.

The MND Association is the only national charity in England, Wales and Northern Ireland that funds and promotes global research into the disease and provides care and support for people affected by MND.

Moved by Councillor Julian Ware-Lane
Seconded by Councillor Tony Cox

181 Changes to Calendar of Meetings 2018/19

The Council was advised that the report proposing the deletion of the March 2019 Cabinet cycle was withdrawn from the Council agenda, save that the Council was asked to agree a change of date of the Policy & Resources Scrutiny Committee from 11th October to 10th October 2018.

Resolved:

That the Policy & Resources Scrutiny Committee meeting scheduled for Thursday 11th October be moved to Wednesday 10th October 2018 and the Calendar of Meetings for 2018/19 be amended accordingly.

182 Opposition Business: Latest Developments in the Mid & South Essex STP and related healthcare matters

In accordance with Standing Order 19 the Labour Group requested that the Mid & South Essex STP, be debated this evening.

Councillor Gilbert proposed and Councillor Woodley seconded the following motion:

'The proposed changes in health and care provision in Southend and across the Mid and South Essex footprint are destined to bring lasting change to care provided to patients. That change must carry a guarantee of better patient outcomes for everyone who needs care. The recent consultation on the measures in the Sustainability and Transformation Plan did not set out the impact of proposed changes and evidence of patient outcomes has not been demonstrated despite requests from the People Scrutiny Committee, the Joint Health Overview Committee, Southend Health and Wellbeing Board, and individual councillors, over a period of 18 months. Proposals by the STP Team

are still unclear even though the potential for amendment of those proposals has almost concluded.

The council therefore asks for the following to be placed on record.

Earlier this year, the Council's response to the STP consultation expressed dissatisfaction with the STP proposals in a number of very important areas:

- We would not support the STP without better rationale and evidence for moving stroke services to Basildon Hospital*
- We said that the proposals are weak in terms of guaranteeing investment in localities without the impact of which, the acute reconfiguration is not viable.*
- We believed that proposals around transport and transfers were unclear and poorly defined, and would not be able to support the STP until detailed workable proposals were set out*
- We found the proposals on consolidated discharge and repatriation arrangements unclear*
- We noted the challenges in workforce recruitment, retention and long-term sustainability*

This council believes that even at this late stage there is still not sufficient clarity in respect of these serious concerns. We further note that the consultation process reached only a small fraction of the population in the footprint of these proposals.

It has still not been made clear to residents that six out of the seven therapeutic areas consulted upon will be wound down at Southend Hospital, with patients being moved to Basildon and Broomfield hospitals. The consultation document made no mention of closing down services and wording is vague when public-facing documents refer to treatment being available to patients who seek help at Southend, but don't mention they will be transferred to another hospital for that care.

Southend Borough Council understands the reasons for change - 20,000 GP appointments not provided to patients, which will rise to 60,000 within only a few years, and hospitals in the STP footprint not performing as patients expect. It disagrees with the current process for delivery of change and wants to see a true process of consultation being undertaken, setting out the full impact of proposed changes, including the impact on patients, and clarity about what will happen to current services.

The council notes that the STP proposals are now subject to a formal scrutiny procedure. The council requests that the Joint Scrutiny Committee take full account of the council's continued objections to the STP. The Council further requests that the People Scrutiny Committee gives due consideration to a referral to the Secretary of State, taking these objections and other relevant factors into account.

In accordance with Standing Order 12(a) a named vote was taken on the proposal, as follows:

For the proposal:

Cllrs Arscott, Ayles, Ayling, Borton, Boyd, Bright, Buck, Buckley, Burton, Burzotta, Byford, Chalk, Courtenay, Cox, Davidson, Dear, Dent, Flewitt, Folkard, Garne, D Garston, J Garston, Gilbert, Habermel, Hadley, Harp, Holland, Jones, Lamb, McDonald, McGlone, McMahon, Moring, Mulroney, Nelson, Nevin, Norman, Phillips, Robinson, Salter, Stafford, Walker, Ware-Lane, Wexham and Woodley (45)

Against the proposal:

None

Abstentions:

Cllr Jarvis (The Mayor) (1)

Absent:

Cllrs Evans, Terry, Van Looy, Ward and Willis (5)

Accordingly, the motion was carried.

Chairman: _____

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SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Appeals Committee B

Date: Monday, 16th July, 2018
Place: Committee Room 1 - Civic Suite

7

Present: Councillor A Bright (Chair)
Councillors D Burzotta (Vice-Chair), N Folkard, J Garston, T Harp,
D McGlone and C Nevin

In Attendance: R Harris

Start/End Time: 5.30 - 5.50 pm

183 Apologies for Absence

There were no apologies for absence at this meeting.

184 Declarations of Interest

There were no declarations of interest at this meeting.

185 Minutes of the Meeting held on 21st December 2018

Resolved:-

That the Minutes of the Meeting held on 21st December 2018 be confirmed as a correct record and signed.

186 Exclusion of the Public

Resolved:-

That, under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the items of business set out below, on the grounds that they would involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A to the Act and that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

187 School Transport Appeal - Pupil ED

The Committee considered a report of the Deputy Chief Executive (People), together with supporting correspondence from the parent of pupil ED, in connection with an application for home to school transport assistance.

Resolved:

That there being no circumstances reported which would justify a departure from the Council's policy, the appeal be dismissed.

188 School Transport Appeal - Pupil CD

The Committee considered a report of the Deputy Chief Executive (People), together with supporting correspondence from the parent of pupil CD, in connection with an application for home to school transport assistance.

Resolved:

That there being no circumstances reported which would justify a departure from the Council's policy, the appeal be dismissed.

Chairman: _____

SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Audit Committee

Date: Wednesday, 25th July, 2018
Place: Committee Room 1 - Civic Suite

8

Present: Councillor M Davidson (Chair)
Councillors N Folkard (Vice-Chair), B Ayling, A Bright, K Buck,
L Burton, D Nelson, C Willis, R Woodley and Mr K Pandya

In Attendance: J Chesterton, A Barnes, E Allen, R Gill, C Fozzard, I Ambrose,
D Kleinberg, C Gamble and Clampin, L Nicholson and M Waller

Start/End Time: 6.30 - 7.55 pm

189 Apologies for Absence and Welcome

There were no apologies for absence.

The Chairman welcomed to the meeting, Andrew Barnes who had recently been appointed to the position of Head of Internal Audit.

190 Declarations of Interest

The following interests were declared at the meeting:

(a) Councillor Buck – Agenda Item No. 6 (Head of Internal Audit Annual Report 2017/18) – Non-pecuniary interest: Parent Governor at Eastwood Academy;

(b) Councillor Davidson – Agenda Item No. 8 (Statutory Statement of Accounts 2017/18) – Non-pecuniary interest: Non-Executive Director of South Essex Homes; and

(c) Councillor Woodley – Agenda Item No. 8 (Statutory Statement of Accounts 2017/18) – Non-pecuniary interest: Non-Executive Director of South Essex Homes.

191 Minutes of the Meeting held on Wednesday 25th April 2018

Resolved:-

That the Minutes of the Meeting held on Wednesday 25th April 2018 be confirmed as a correct record and signed.

192 Internal Audit Service, Quarterly Performance Report

The Committee considered a report of the Chief Executive on the progress made in delivering the Internal Audit Strategy for 2017/18.

The Committee asked a number of questions which were responded to by officers.

On consideration of the IT Enterprise Change Management Audit, the Head of Internal Audit undertook to write to Members of the Committee to explain the position regarding the timetable for the implementation of the upgrade to the Service Desk software (Hornbill Support Works).

Resolved:

That the progress made in delivering the 2017/18 Internal Audit Strategy, be noted.

193 Counter Fraud & Investigation Directorate, Annual Report for 2017/18

The Committee considered a report of the Chief Executive on the progress made by the Counter Fraud & Investigation Directorate (CFID) in delivering the Counter Fraud Strategy and Work Programme for 2017/18.

The Committee asked a number of questions which were responded to by officers.

On consideration of the report, the Assistant Director for Fraud and Investigations undertook to write to Members of the Committee to provide information on the money recovered by CFID for Southend Borough Council for 2017/18.

Resolved:

That the performance of the Counter Fraud and Investigation Directorate over the last year, be noted.

194 Head of Internal Audit Annual Report 2017/18

The Committee considered a report of the Chief Executive providing the following for the 2017/18 financial year:

- The rationale for and an audit opinion on the adequacy and effectiveness of Southend-on-Sea Borough Council's (the Council's) risk management, control and governance processes; and
- A statement on conformance with the UK Public Sector Internal Audit Standards (the Standards) and the results of the Quality Assurance and Improvement Programme.

The Committee asked a number of questions which were responded to by officers.

Arising from the discussion on the report, Members requested that the Director for Finance and Resources arrange for a report to be prepared on the Audit Committee's role in relation to risk management for submission to the next meeting of the Committee.

Resolved:

That the Head of Internal Audit's Annual Report for 2017/18, be accepted.

195 BDO: Audit Completion Report to the Audit Committee 2017/18

The Committee considered a report of the External Auditor summarising the results of the work completed to date for the 2017/18 financial year with regard to:

- The opinion on the Statement of Accounts; and
- The conclusion on the adequacy of the Council's arrangements for securing economy, efficiency and effectiveness in the use of resources (the VFM conclusion).

The BDO External Auditor referred to the high quality of the accounts which had been prepared to a tight timescale. She considered that this was a significant achievement compared to a number of other known local authority positions and conveyed her congratulations to all concerned, in recognition of their sterling work. She also commented on the smoothness of the Audit they had undertaken and the minimal and insignificant findings by the completion of their audit.

The Committee asked a number of questions which were responded to by the External Auditor and officers.

Resolved:

That the report be accepted.

196 Statutory Statement of Accounts 2017/18

The Committee considered a report of the Chief Executive presenting the Statement of Accounts 2017/18 for adoption.

The Committee asked a number of questions which were responded to by the External Auditor and officers.

Resolved:

That the Statement of Accounts 2017/18 be adopted and approved for publication.

197 Information Items

The Committee received and noted the following information item:

- Position Statement: Audit Committees in Local Authorities and Police (2018 edition) Issue 8th June 2018.

Chairman: _____

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SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Development Control Committee

Date: Wednesday, 1st August, 2018
Place: Committee Room 1 - Civic Suite

9

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

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

Start/End Time: 2.00 pm - 4.40 pm

198 Apologies for Absence

There were no apologies for absence.

199 Declarations of Interest

The following interests were declared at the meeting:

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

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

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

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

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

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

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

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

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

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

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

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

202 **Supplementary Report**

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

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

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

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

Applicant: Clifftown Shore Developments Ltd

Agent: Strutt and Parker

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

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

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

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

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

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

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

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

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

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

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

05 All planting in the approved landscaping scheme shall be carried out within the first available planting season following first occupation of any of the residential or commercial units within the development. Any shrubs dying, removed, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed with the Local Planning Authority. Hard landscaping and means of enclosure shall be implemented in full accordance with the approved scheme prior to occupation of any part of the development hereby approved.

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

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

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

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

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

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

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

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

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

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

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

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

Reason: To ensure the residential units hereby approved provides high quality and flexible internal layouts to meet the changing needs of residents in accordance with National Planning Policy Framework, (2012), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM8 and Design and Townscape Guide (2009).

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

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

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

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

14 Prior to occupation any part of the residential units hereby approved details of the water efficient design measures set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting shall be submitted to and approved in writing by the local planning authority. The development shall be

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Reason: To ensure the development results in no adverse harm to ecology or biodiversity and to ensure that the development, as submitted, will not impact upon the features of special interest for which the Benfleet and Southend Marshes SSSI is notified in accordance with the National Planning Policy Framework (2018), Core Strategy (2007) Policies KP1, KP2 and CP4.

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

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

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

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

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

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

If, during the course of development, any contamination is found which has not been identified in the site investigation, development shall stop and additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and these shall be fully implemented before the site is occupied.

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

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

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

30 Prior to demolition of the existing buildings a method statement, prepared by a chartered civil engineer, to demonstrate how the surrounding land will be stabilised during and following demolition shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved method statement.

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

31 Prior to commencement of development a full site investigation and structural survey, including slip circle analysis and details of mitigation measures prepared by a chartered civil engineer shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and the approved mitigation measures shall be implemented and retained thereafter.

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

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

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

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

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

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

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

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments

to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.

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

Informatives

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

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

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

4 The applicant is reminded that this permission does not bestow compliance with the Licensing Act 2003. Applicants should contact the Council's Licensing Team for more advice on 01702 21500

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

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

7 The applicant is reminded that this permission does not bestow compliance with the Food Safety and Hygiene (England) Regulations 2013 or any other provision so enacted, such as those located within the Food Safety Act 1990. Applicants should contact the Council’s Environmental Health Officer for more advice on 01702 215005.

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

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

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

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

Applicant: Havens Christian Hospice Ltd.

Agent: Strutt & Parker

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Informatives

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

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

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

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

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

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

Applicant: Mr J Doassans

Agent: Stone Me Ltd

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

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

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

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

Applicant: Mrs and Mrs Jarvis

Agent: Do Architecture

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

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

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

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

02 The development hereby permitted shall be carried out in accordance with the following approved plans 17.109-01, 17.109-02, 17.109-03, 17.109-04, 17.109-05, 17.109-07, 17.109-08B, 17.109-09B, 17.109-10B, 17.109-11B, 17.109-12B, 17.109-13B, 17.109-14B, 17.109-15B, 17.109-16B, 17.109-17B, Existing Sections dated Feb 2018

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

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

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

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

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

05 The north and south facing first and second floor windows and dormer windows in the side elevation and roof slopes of the proposed building shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing with the local planning authority) and fixed shut and unopenable, except for any top hung light which shall be a minimum of 1.7 metres above internal floor level before the occupation of the dwelling hereby approved and shall be retained as such in perpetuity. In the case of multiple or double glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4.

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

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

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

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

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

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

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

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

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

Informative

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

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

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

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

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

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

Applicant: BESB Contracts Ltd

Agent: Phase 2 Planning

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

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

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

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

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

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

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

Informatives

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

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

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

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

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

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

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

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

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

Applicant: Miss R Blatch

Agent: Mr N Kenney

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

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

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

Informatives

1 You are advised that as the proposed development at your property benefits from a Minor Development Exemption under the Community Infrastructure Levy

Regulations 2010 (as amended) and as such no charge is payable. See www.southend.gov.uk/cil for further details about CIL.

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

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

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

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

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

Proposal: Erect single storey side extension

Applicant: Mr and Mrs Campbell

Agent: Knight Gratrix Architects

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

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

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

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

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

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

Reason: In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of the

area. This is as set out in the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy KP2 and CP4, Development Management DPD Policy DM1, and SPD1 (Design and Townscape Guide).

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

Informatives

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

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

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

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

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

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

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

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

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

appearance. This applies unless differences are shown on the drawings hereby approved or are required by conditions to this permission.

Reason: In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of the area. This is as set out in the National Planning Policy Framework (NPPF), Core Strategy (2007) policy KP2 and CP4, Development Management Document (2015) policy DM1, and The Design and Townscape Guide (2009).

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

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

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

Informative

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

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

Chairman: _____

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SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Appeals Committee A

10

Date: Friday, 10th August, 2018
Place: Committee Room 6 - Civic Suite

Present: Councillor F Evans (Chair)
Councillors S Habermel (Vice-Chair), *B Arscott, B Ayling, M Borton,
M Dent and R Hadley

*Substitute in accordance with Council Procedure Rule 31.

In Attendance: R Harris and K Melville

Start/End Time: 10.30 am - 1.45 pm

212 Apologies for Absence

Apologies for absence were received from Councillor Buckley (substitute: Cllr Arscott).

213 Declarations of Interest

The following Members declared interests as indicated:

- (a) Cllr Borton – Minute 216 (Appeal against dismissal) – non-pecuniary interest – lives in the same residential area as the appellant;
- (b) Cllr Dent – Minute 216 (Appeal against dismissal) – non-pecuniary interest – HCPC are clients

214 Minutes of the Meeting held on Friday 16th March 2018

Resolved:-

That the Minutes of the Meeting held on Friday 16th March 2018 be confirmed as a correct record and signed.

215 Exclusion of the Public

Resolved:-

That, under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the item of business set out below, on the grounds that it would involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A to the Act and that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

216 Appeal Against Dismissal - Employee MO

The Committee considered an appeal against dismissal submitted by employee MO. The Council's case was presented by JO, supported by SP. The appellant, MO was in attendance and presented their case, supported by SG.

Having considered all the evidence and submissions made, the Committee:

Resolved:

That the appeal be upheld.

Chairman: _____

SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Licensing Sub-Committee B

Date: Friday, 17th August, 2018
Place: Committee Room 4 - Civic Suite

11

Present: Councillor R Hadley (Chair)
Councillors A Dear and H McDonald

In Attendance: Councillor Nevin
A Brown, T Row, M Newton and R Layzell

Start/End Time: 9.30 a.m. - 12.45 p.m.

217 Apologies for Absence

There were no apologies for absence.

218 Declarations of Interest

No interests were declared at the meeting.

219 Application for Variation of Premises Licence - Seven Hotel, 7 Clifton Terrace, Southend-on-Sea, Essex, SS1 1DS.

The sub-committee received a report of the Deputy Chief Executive (Place) concerning an application by Seven Hotels Ltd for the variation of a Premises Licence in respect of Seven Hotel, 7-9 Clifton Terrace, Southend-on-Sea, Essex, SS1 1DT.

The application was presented by Mr S Thomas (Applicant's Solicitor). Mr Chikte, the applicant was in attendance.

The sub-committee noted that no letters of objection to this application were received from the Responsible Authorities.

Representations had however, been received from ten local residents and one of the Ward Councillors. Four of those residents, namely Mr Harrison, Mr Kirschner, Mr Giudici and Mr Green attended the hearing.

Only Mr Green spoke and gave evidence at the hearing, on behalf of himself, Mr Harrison and Councillor J Garston. Councillor Nevin, another of the Ward Councillors, attended the hearing and spoke on behalf of Mr Giudici and Mr Kirschner and gave evidence.

The residents' concerns focused on the licensing objective of the prevention of prevention of public nuisance and, in particular, noise nuisance as the premises was located in a residential conservation area.

In view of the resident objections, the applicant had amended the application prior to the hearing to seek the extension of the terminal hour for the sale of

alcohol and the provision of late night refreshment to non-residents of the hotel from 23.00 to mid-night on Fridays and Saturdays only. The application relating to the use of the terrace was removed from the application.

Clarification was sought by the applicant as to whether condition 2 of annex 2 of the existing premises licence related solely to licensable activities, as this area had been used as a smoking area outside the permitted hours. It was confirmed that this condition was absolute and was not limited to licensable activities. The applicant therefore suggested that this could be amended to allow its use only by smokers outside of the permitted hours as this area is located further away from residential properties, as this may reduce the potential for noise nuisance.

Some of the objections related to issues such as parking problems, the spread of licensed premises into the conservation area and the potential change of the character of the area. These are not matters for the licensing sub-committee to consider as they are within the remit of the local planning authority.

The sub-committee noted that the concerns of noise nuisance related to two events authorised under temporary event notices and noise emanating from plant machinery at the hotel. The noise from the plant machinery was however, being dealt with in conjunction with the local planning authority.

The sub-committee listened to all the evidence and submissions, and read all the documents. It had regard to the Statutory Guidance Notes and Southend-on-Sea Borough Council's Statement of Licensing Policy. The sub-committee further considered the four licensing objectives namely the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.

On the basis of the evidence presented to it, the sub-committee did not consider that the promotion of the licensing objectives would be undermined by the granting of this application. The sub-committee felt that the conditions proposed and the introduction of new/amended conditions would be sufficient to address the objectors' concerns. It therefore:

Resolved:

That the amended application for a premises licence in respect of Seven Hotel, 7-9 Clifton Terrace, Southend-on-Sea, Essex, SS1 1DT be granted, subject to:

(i) The Mandatory Conditions set out in Appendix 1 to the report of the Deputy Chief Executive (Place);

(ii) The conditions set out in Appendix 2 to the report of the Deputy Chief Executive (Place), subject to the following amendment:

Condition 1 to now read:

The front outside area, known as the terraced area, shall not be used between 21:00 hours and 07:00 the following day, save that this area may be used only as a smoking area within these restricted hours.

(iii) The following additional condition:-

(a) The doors to the terraced area shall remain closed at all times from 21:00 hours to 07:00 hours the following day, save for emergency access and egress. During this time access to the terraced area shall only be via the main reception.

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SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Licensing Sub-Committee C

Date: Tuesday, 28th August, 2018
Place: Committee Room 1 - Civic Suite

12

Present: Councillor R Hadley (Chair)
Councillors A Dear*, N Folkard and T Harp
*Substitute in accordance with Council Procedure Rule 31.

In Attendance: Councillor T Cox
V Jempson (Counsel), T Row, A Penn, E Georgeou, T Byrne and J Roberts

Start/End Time: 10.20 a.m. - 1.50 p.m.

220 Apologies for Absence

Apologies for absence were received from Councillor Habermel (Substitute: Cllr Dear) and from Councillors Buck and Buckley (no substitutes).

221 Declarations of Interest

No interests were declared at the meeting.

222 Exclusion of the Public

Resolved:-

That, under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the items of business set out below, on the grounds that they would involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A to the Act and that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

223 Application for the Grant of a Combined Hackney Carriage and Private Hire Licence

The Sub Committee received a report of the Deputy Chief Executive (Place) concerning an application by NA for a combined Hackney Carriage and Private Hire Licence, which had been referred to the Sub Committee for determination.

The Applicant and their legal representative (Counsel) were in attendance at the hearing. Three complainants/objectors to the application attended the meeting to present their objection in person.

Resolved:

That the application for a combined Hackney Carriage and Private Hire Licence be refused.

Chairman: _____

SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Licensing Sub-Committee A

Date: Tuesday, 4th September, 2018
Place: Committee Room 1 - Civic Suite

13

Present: Councillor
Councillors R Hadley (Co-Chair), B Ayling and A Jones

In Attendance: A Brown, T Row, A Penn and M Newton

Start/End Time: 9.30 a.m. - 11.00 a.m.

224 Apologies for Absence

There were no apologies for absence.

225 Declarations of Interest

No interests were declared at the meeting.

226 Application for the Grant of Premises Licence - Kiosk 10, Chalkwell Esplanade, Westcliff-On-Sea, Essex, SS0 8JQ

The sub-committee received a report of the Deputy Chief Executive (Place) concerning an application by Kiosk 10 Limited for the grant of a Premises Licence at Kiosk 10, Chalkwell Esplanade, Westcliff on Sea, Essex, SS0 8JQ.

The application was presented by Mr M Bell (Licensing Consultant). Mr and Mrs Grant (Applicants) were in attendance at the meeting.

The sub-committee noted that no letters of objection to this application had been received from any of the Responsible Authorities, although a proposed condition was amended in consultation with Essex Police should the application be granted.

Three representations had however, been received from local residents, one of which was later withdrawn. None of the residents attended the hearing. A further letter from one of the objectors was received and circulated prior to the hearing.

The residents' concerns mainly related to three of the Licensing Objectives, namely the prevention of crime and disorder, the prevention of public nuisance and the protection of children from harm as the premises were located in an area of the seafront in close proximity where children played.

The sub-committee listened to all the evidence and submissions, and read all the documents. It had regard to the Statutory Guidance Notes and Southend-on-Sea Borough Council's Statement of Licensing Policy. The sub-committee further considered the four licensing objectives namely the prevention of crime and

disorder, public safety, the prevention of public nuisance and the protection of children from harm.

The sub-committee felt that the conditions proposed would be sufficient to address the objectors' concerns. On the basis of the evidence presented to it, the sub-committee did not consider that the promotion of the licensing objectives would be undermined by the granting of this application. It was therefore:

Resolved:

That the application for a premises licence in respect of Kiosk 10, Chalkwell Esplanade, Westcliff-On-Sea, Essex, SS0 8JQ be granted, subject to:

- (i) The Mandatory Conditions set out in Appendix 1 to the report of the Deputy Chief Executive (Place);
- (ii) The conditions set out in Appendix 2 to the report of the Deputy Chief Executive (Place); and
- (iii) Amended condition agreed with Essex Police set out in Appendix 3 to the report of the Deputy Chief Executive (Place).

SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Development Control Committee

Date: Wednesday, 12th September, 2018

Place: Committee Room 1 - Civic Suite

14

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.

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 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

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 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 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.

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

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 the protect the amenities of future residents in accordance with 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

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.

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: _____

SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Cabinet Committee

Date: Thursday, 13th September, 2018

Place: Committee Room 1 - Civic Suite

15

Present: Councillor A Moring (Chair)
Councillors T Cox (Vice-Chair) and M Flewitt

In Attendance: Councillors B Arscott, S Ayles, A Bright, K Buck, S Buckley, F Evans, J Garston, R Hadley, H McDonald, G Phillips, P Van Looy, P Wexham and C Willis
G Smith, C Hindle-Terry N Hunwicks and T Row

Start/End Time: 6.00 pm - 8.50 pm

245 Apologies for Absence

There were no apologies for absence.

246 Declarations of Interest

The following interests were declared at the meeting:

(a) Councillor Arscott – Agenda Item No. 5 (Objections to Traffic Regulation Orders – Bailey Road Area Residents Parking Scheme) – Non-pecuniary interest: Patient of Highlands Surgery;

(b) Councillor Flewitt – Agenda Item No. 11 (Oakwood Avenue – Request for Speed Control and Other Suggested Amendments to the Road Layout) – Non-pecuniary interest: Worked on the closure of Brendon Way, which was mentioned in the debate;

(c) Councillor J Garston – Agenda Item No. 7 (Cliffs Pavilion Permit Parking Area) – Disqualifying non-pecuniary interest: Lives in one of the Roads affected by the proposals;

(d) Councillor Hadley – Agenda Item No. 6 (Members' Request List – Ref no. 17/35: Introduction of accident prevention measures in Maya Close and Ness Road) – Non-pecuniary interest: Freehold owner 23, 23a, 25 and 25a Ness Road;

(e) Councillor Moring – Agenda Item No. 6 (Members' Request List – Ref no. 18/08: Provide no waiting at any time restrictions in Thorpe Hall Avenue/Acacia Drive) – Non-pecuniary interest: Lives in the vicinity of the junction;

(f) Councillor Van Looy – Agenda Item No. 5 (Objections to Traffic Regulation Orders – Southchurch Boulevard) – Non-pecuniary interest: Patient of the Doctor's Surgery in Southchurch Boulevard; and

(g) Councillor Van Looy – Agenda Item No. 5 (Objections to Traffic Regulation Orders – St Lukes Road) – Non-pecuniary interest: Lives in the vicinity.

247 Minutes of the meeting held on Thursday 21st June 2018

Resolved: That the Minutes of the Special Meeting held on Thursday 21st June 2018 be received, confirmed as a correct record and signed.

248 Minutes of the Meeting held on Thursday 5th July 2018

Resolved:-

That the Minutes of the Meeting held on Thursday, 5th July 2018 be received, confirmed as a correct record and signed.

249 Objections to Traffic Regulation Orders

The Cabinet Committee received a report of the Deputy Chief Executive (Place) that appraised Members of the representations that had been received in response to the statutory consultation for proposed Traffic Regulation Orders in respect of various proposals within the Borough. These included:

- (i) the introduction of limited waiting restrictions (3 Hrs No Return in 4 Hrs) on the south kerbline of westbound carriageway in Southchurch Boulevard;
- (ii) the introduction of a prohibition of waiting at any time in St Lukes Road at its Junction with Ely Road;
- (iii) the introduction of a prohibition of waiting at any time in Eastwood Road North 15m and 12m either side of its junction with Kenholme;
- (iv) the introduction of a prohibition of waiting from 11.00 am to 12.00 noon on the south side of Riviera Drive, between no. 76 Riviera Drive and *m west of its junction with Dalmatia Road;
- (v) the introduction of waiting restrictions and a parking places and permit parking zone in the area around Hartington Road/Pleasant Road;
- (vi) the introduction of limited waiting for 1 hour no return in 4 hours in Station Road, Westcliff on Sea; and
- (vii) the introduction of junction protection and permit parking controls in the roads around the Bailey Road area,

The report sought the Cabinet Committee's approval on the way forward in respect of all of these proposals, after having considered the views of the Traffic & Parking Working Party following consideration of all the representations that had been received in writing and at the meeting. Large scale plans of the proposals and photographs of the streets were displayed at the meeting.

Resolved:

1. That the Deputy Chief Executive (Place) be authorised to confirm the Southend-on-Sea Borough Council (Various Roads) (Stopping, Waiting, Loading and Unloading Prohibitions and Restrictions, Parking Places and Permit Parking Zones)(Consolidation) Order 2016 (Amendment No. 9) Order 2018 with the exclusion of the proposed restrictions of Southchurch Boulevard and to arrange for the traffic regulation order to be sealed and the proposals implemented accordingly.

2. That the Deputy Chief Executive (Place) be authorised to advertised an amended restriction to now provide limited waiting restrictions for 4 hours no return in 4 hours daily, together with a 7.5 tonne weight restriction in the same section of Southchurch Boulevard, and subject to there being no objections following statutory advertisement, to arrange for the order to be sealed and the proposals implemented:

3. That the Deputy Chief Executive (Place) be authorised to confirm the Southend-on-Sea Borough Council (Various Roads) (Stopping, Waiting, Loading and Unloading Prohibitions and Restrictions, Parking Places and Permit Parking Zones)(Consolidation) Order 2016 (Amendment No. 10) Order 2018 subject to the following amendments:

- (i) the reduction of the 'junction protection' waiting restrictions in Eastwood Road North at its junction with Kenholme to 10m;
- (ii) the reduction of the 'junction protection' waiting restrictions in Kenholme at its junction with Eastwood Road North to 5 metres; and
- (iii) the exclusion of the proposed waiting restrictions in Riviera Drive

and to arrange for the traffic regulation order to be sealed and the proposals implemented accordingly.

3. That the Deputy Chief Executive (Place) be authorised to confirm the Southend-on-Sea Borough Council (The Hartington Road Area Parking Management Scheme) (Zone HR) (Waiting Restrictions, Parking Places & Permit Parking Zone) Order 2018 as advertised and to arrange for the traffic regulation order to be sealed and the proposals implemented accordingly.

4. That the Deputy Chief Executive (Place) be authorised to confirm the Southend-on-Sea Borough Council (Various Roads) (Stopping, Waiting, Loading and Unloading Prohibitions and Restrictions, Parking Places and Permit Parking Zones)(Consolidation) Order 2016 (Amendment No. 11) Order 2018 as advertised and to arrange for the traffic regulation order to be sealed and the proposals implemented accordingly.

5. That no further action be taken in respect of the Bailey Road Area Residents Parking Scheme and that the Deputy Chief Executive (Place) be authorised to confirm the Southend-on-Sea Borough Council (Bailey Road Area Residents Permit Scheme) (Zone BR) (Prohibition of Waiting & Permit Parking Places) Order 2018 with the no waiting at any time restrictions set out in Appendix 2 only and to arrange for the traffic regulation order to be sealed and the proposals implemented accordingly.

Reason for Decision

The proposals aim to improve the operation of the existing parking controls to contribute to highway safety and to reduce congestion.

Other Options

Each proposal needs to be considered on its individual merits and their impact on public safety, traffic flows or parking and wider impact on the surrounding network. Members may consider taking no further action if they feel it is appropriate.

Note:- This is an Executive Function
Eligible for call-in to: Place Scrutiny Committee
Cabinet Member: Councillor Moring

250 **Members' Requests List**

The Cabinet Committee received a report of the Deputy Chief Executive (Place) that appraised Members of the requests received from Members of the Council, together with officers' recommendations relating to those requests. Having considered the views of the Traffic & Parking Working Party it was:-

Resolved:

1. That no further action be taken in respect of the following requests and that they be removed from the list:

(i) Request Reference No. 18/01 - Introduce waiting restrictions Colbert Avenue opposite junctions.

(ii) Request Reference No. 18/07 - Provide SLOW signs, The Broadway, Thorpe Bay.

2. That the Deputy Chief Executive (Place) be authorised to publish the statutory notices and undertake the necessary consultation for the relevant traffic regulation order(s) in respect of the following requests and, subject to there being no objections following statutory advertisement, to arrange for the order to be sealed and the proposals implemented:

(i) Request Reference No. 18/02 - Introduce waiting restriction in Crosby Road to reduce congestion;

(ii) Request Reference No. 18/03 - Amend waiting restrictions Victoria Road Leigh, reduce junction protection and alter one side restriction to opposite side;

(iii) Request Reference No. 18/05 - London Road, Boundary to Highlands Boulevard. Amend limited waiting time to 2 hours.

(iv) Request Reference No. 18/06 - Highlands Boulevard/Herschell Road junction with London Road. Provide peak hour restriction on the west side of the road to deter congestion at the junction.

(v) Request Reference No. 18/09 - Highlands Boulevard/Herschell Road junction with London Road. Provide peak hour restriction on one side of the road to deter congestion at the junction.

3. That in respect of Request Reference No. 17/35 (Introduction of accident prevention measures in Maya Close and Ness Road), the Deputy Chief Executive (Place) be authorised to implement the accident remedial measure asset out the recommendations in the technical note attached at Appendix 3 to the submitted report and undertake the necessary consultation for the provision of Provide 4 parking bays in Ness Road east of its junction with Maya Close with limited waiting for a maximum of 20 minutes, and subject to there being no objections following statutory advertisement, to arrange for the order to be sealed and the proposals implemented:

4. That in respect of Request Reference No. 17/46 (Introduction of one hour waiting restrictions in Thames Close to deter commuter parking), the Deputy

Chief Executive (Place) be authorised to commence the survey of residents in the wider area on appropriate parking controls to deter commuter parking.

5. That in respect of Request Reference No. 18/04 (Box Junction Cokefield Avenue/Hamstel Road), the Deputy Chief Executive (Place) be requested to introduce “Keep Clear” signs on the highway where appropriate and to investigate the possibility of relocating the bus stops in Cokefield Road and other suitable measures to reduce congestion at this location.

6. That in respect of Request Reference No. 18/08 (Provide at any time waiting restrictions, Thorpe Hall Avenue, Acacia Drive), the location be monitored periodically and if congestion at the junction is witnessed, the Deputy Chief Executive (Place) be authorised to undertake the necessary consultation for the relevant traffic regulation order(s) to extend the existing waiting restriction prohibiting parking at any time for a further 10 metres northwards and, subject to there being no objections following statutory advertisement, to arrange for the order to be sealed and the proposals implemented:

7. That in respect of Request Reference No. 18/10, the Deputy Chief Executive (Place) be requested to undertake a full safety audit of at this location, the results of which and any appropriate measures be submitted to the meeting of the Traffic & Parking Working Party and Cabinet Committee on 1st November 2018.

Reasons for Decision

To provide a rationalised and consistent management and decision-making process for all formal requests for highways and traffic management improvements by Ward Councillors via the Traffic & Parking Working Party and Cabinet Committee.

Other Options

Each request needs to be considered on its individual merits and their impact on public safety, traffic flows or parking and wider impact on the surrounding network. Members may consider taking no further action if they feel it is appropriate.

Note:- This is an Executive Function

Eligible for call-in to Place Scrutiny Committee:

Cabinet Member: Cllr Moring

251 Extension of Cliffs Pavilion Permit Parking Area

The Cabinet Committee received a report of the Deputy Chief Executive (Place) that sought approval to authorise the Deputy Chief Executive (Place) to amend the existing Permit Parking Area to include the roads east of the Cliffs Pavilion, as shown on the plan attached to the report. Having considered the views of the Traffic & Parking Working Party it was:-

Resolved:

1. That the Deputy Chief Executive (Place) be authorised to publish the statutory notices and undertake the necessary consultation for the relevant traffic regulation order(s) to amend the existing Permit Parking Area to include the roads east of the Cliffs Pavilion, as shown on the plan attached to the report,

including the provision of dual use “pay and display” and “permit parking bays” where possible and, subject to there being no objections following statutory advertisement, to arrange for the order to be sealed and the proposals implemented.

2. That, subject to the inclusion of an “up to one hour” charge in the sum of £1.10 the proposed charging/payment bands for the pay and display parking in this area, as set out in Appendix 2 of the report be approved.

Reasons for Decision

To accommodate non-resident parking in a popular area which appears to be under-utilised by residents.

Other Options

Retain the current arrangements. This option would retain under-utilised areas of the streets while parking pressure is placed on adjacent areas. Members may consider taking no further action if they feel it is appropriate.

Note:- This is an Executive Function

Eligible for call-in to Place Scrutiny Committee:

Cabinet Member: Councillor Moring

252 Request for Waiting Restrictions - Earls Hall Avenue

The Cabinet Committee received a report of the Deputy Chief Executive (Place) concerning a petition that had been received from residents of Earls Hall Avenue and Mayfield Avenue requesting a waiting restriction prohibiting parking at any time on the south side of Earls Hall Avenue from the access gates to the school to the driveway of No. 46 Earls Hall Avenue. Having considered the views of the Traffic & Parking Working Party:

Resolved:

That consideration of any appropriate measures be deferred pending further information following the re-opening of the Southend High School for Boys after the school holidays.

Reasons for Decision

To ensure accurate information is available before taking any further action.

Other Options

As set out in the report

Note:- This is an Executive Function

Eligible for call-in to Place Scrutiny Committee:

Cabinet Member: Councillor Moring

253 Hospital Area Controlled Parking Zone

The Cabinet Committee received a report of the Deputy Chief Executive (Place) that sought approval to authorise the Deputy Chief Executive (Place) to amend the existing Controlled Parking Zone around Southend Hospital to maximise the number of dual use “pay and display” and “permit parking bays” within the Zone.

Resolved:

1. That the Deputy Chief Executive (Place) be authorised to publish the relevant statutory notice and undertake the necessary consultation for a traffic regulation order(s) to amend the existing Hospital Controlled Parking Zone to maximise the number of dual use “pay and display” and “permit parking bays” where possible and, subject to there being no objections following statutory advertisement, to arrange for the order to be sealed and the proposals implemented.
2. That the charges for “pay and display” in dual use bays be set in line with the current levels namely “up to 2 hours - £2.10” and “up to 4 hours - £2.80”.

Reason for Decision

To reduce congestion and emissions while creating additional parking capacity during the daytime.

Other Options

Retain existing operational rules and charges. This will not reduce congestion in the area with hospital users seeking parking on street. Members may consider taking no further action if they feel it is appropriate.

Note:- This is an Executive Function

Eligible for call-in to: Place Scrutiny Committee

Cabinet Member: Councillor Moring

254 Holland Road Area - Permit Parking Proposal

The Cabinet Committee received a report of the Deputy Chief Executive (Place) that appraised Members of the results of a consultation led by residents in Holland Road and Palmeira Avenue. The report also sought the appropriate way forward in respect of this matter. Having considered the views of the Traffic & Parking Working Party, it was:

Resolved:

1. That the residents be thanked for taking the time to undertake the surveys.
2. That the proposal for a Permit Parking Area to be introduced into the streets illustrated on the plan attached to the report be included within an extension of the Cliffs Pavilion Permit Parking Area, and that the possibility of dual use “pay and display” and “permit parking bays” be maximised where appropriate.
3. That t the Deputy Chief Executive (Place) be authorised to publish the relevant statutory notice and undertake the necessary consultation for a traffic regulation order(s) for the introduction of the proposals and that in the event of there being no unresolved objections, to confirm the Order as necessary and undertake the works.
4. That all of those who responded to the survey and the petition be informed that a response to the formal, statutory consultation is also recommended.

Reason for Decision

To reflect the residents request and subsequent success in demonstrating support for parking controls

Other Options

Do nothing – parking problems will still be experienced.

Note:- This is an Executive Function

Eligible for call-in to Place Scrutiny Committee:

Cabinet Member: Councillor Moring

255 Oakwood Avenue - Request for Speed Control and Other Suggested Amendments to the Road Layout

The Cabinet Committee received a report of the Deputy Chief Executive (Place) concerning a petition from residents of Oakwood Avenue requesting measures to reduce the levels of traffic using the road and to reduce the current speed limit to 20mph. Having considered the views of the Traffic & Parking Working Party it was:

Resolved:

That consideration of this matter be deferred until the completion of the Kent Elm Highway works.

Reasons for Decision

To ensure any action is appropriate to the issue and results in a beneficial impact without negatively impacting on adjacent streets.

Other Options

As set out in the submitted report

Note:- This is an Executive Function

Eligible for call-in to: Place Scrutiny Committee

Cabinet Member: Councillor Moring

256 Requests for Waiting Restrictions

The Cabinet Committee received a report of the Deputy Chief Executive (Place) that sought Members' approval to authorise the advertisement of the amendments and/or new waiting restrictions at the locations indicated in Appendix 1 to the report, in accordance with the statutory processes and, subject to there being no objections received following statutory advertisement, to arrange for the relevant orders to be sealed and implement the proposals. Having considered the views of the Traffic & Parking Working Party it was:

Resolved:

That the Deputy Chief Executive (Place) be authorised to publish the relevant statutory notice and undertake the necessary consultation for a traffic regulation order(s) for the following requests and, subject to there being no objections following statutory advertisement, to arrange for the order to be sealed and the proposals implemented:

- (i) Amend existing waiting restrictions and loading bays to create additional pay and display parking with the Town Centre Controlled Parking Zone.
- (ii) introduce waiting restrictions in turning area of Old School Court, Shoeburyness.

Reason for Decision

To mitigate for likelihood of traffic flows being impeded, to improve safety or increase parking availability.

Other Options

Each request needs to be considered on its individual merits and their impact on public safety, traffic flows or parking and wider impact on the surrounding network. Members may consider taking no further action if they feel it is appropriate.

Note:- This is an Executive Function

Eligible for call-in to Place Scrutiny Committee:

Cabinet Member: Councillor Moring

Chairman: _____

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SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Cabinet

Date: Tuesday, 18th September, 2018
Place: Committee Room 1 - Civic Suite

16

Present: Councillor J Lamb (Chair)
Councillors J Courtenay (Vice-Chair), H Boyd, T Cox, M Flewitt,
A Moring and L Salter

In Attendance: Councillor B Arscott
A Griffin, S Leftley, A Lewis, J K Williams, J Chesterton, J Ruffle,
K Ramkhelawon, P Geraghty, N Corrigan, B Martin, S Baker,
G Halksworth, N Faint, E Georgeou, M Murphy, G Gilbert, C Gamble,
T Row and M Sargood

Start/End Time: 2.00 - 3.35 pm

257 Apologies for Absence

There were no apologies for absence.

258 Declarations of Interest

Councillor Salter declared a non-pecuniary interest in Agenda Item No. 7. (Mid and South Essex Sustainability & Transformation Partnership – Opposition Motion) on the grounds that her husband is a consultant vascular surgeon at Southend Hospital, her daughter is a doctor in Basildon and her son-in-law is a GP within the Borough.

259 Minutes of the Meeting held on Tuesday 19th June 2018

Resolved:-

That the Minutes of the Meeting held on Tuesday 19th June 2018 be confirmed as a correct record and signed.

260 Fire Safety Report

The Cabinet considered a report of the Deputy Chief Executive (Place) setting out the progress in delivering the Council's Fire Safety Review, which was established following the Grenfell Tower fire on 14th June 2017.

Resolved:

1. That the work undertaken by the Council and South Essex Homes with respect to Fire Safety, be noted and endorsed.
2. That the Council's initial response to the Independent Review of Building Regulations and Fire Safety, be noted and endorsed.

3. That a further update be submitted to a future meeting of the Cabinet (Spring 2019).

Reasons for Decision:

The Council has undertaken a fundamental review of its fire safety policies and procedures, reviewed its property stock, and put in place appropriate resources to ensure it maintains its buildings in a safe condition whilst upgrading them where this is appropriate and practicable.

Other Options:

The Council could decide to maintain all operational properties in their current condition with fire improvement works and, where practicable, to bring them up to the requirements of the latest Building Regulations when they next undergo major alterations and/or extension. All operational buildings would still meet statutory requirements although it could be argued that the Council would not be meeting the section of the Regulatory Reform (Fire Safety) Order 2005 that requires Employers to 'put in place, and maintain, appropriate fire safety measures'. This option has, therefore been discounted.

The Council could maintain the current arrangements whereby individual building managers are identified as responsible for the buildings within which they operate. However, they will not necessarily have the knowledge and expertise to assess the impact of works on the overall fire strategy for the building whilst the majority of the Council's operational buildings do not have a permanent staff presence on site. This option has, therefore, been discounted.

The Council could commit to the immediate adoption of all recommendations set out within the Independent Review of Building Regulations and Fire Safety. However, as the Government has yet to issue its formal response to the recommendations the Council could take action that is contrary to the Government's formal policy. This option has, therefore, been discounted.

Note: This is an Executive Function

Called-in to: Place Scrutiny Committee

Cabinet Member: Cllrs Courtenay, Cox and Flewitt

261 Connecting Communities Scrutiny Report

The Cabinet considered a report of the Chief Executive presenting the draft report on the findings of the scrutiny project entitled 'Connecting Communities to avoid isolation'.

Resolved:

1. That the report and conclusions from the in depth scrutiny project set out at Appendix 1 to the submitted report, be endorsed.
2. That it be noted that approval of any recommendations with budget implications will require consideration as part of future years' budget processes prior to implementation.

Reasons for decision:

As set out in the submitted report.

Other options:

None.

Note: This is an Executive Function

Eligible for call-in to: People Scrutiny Committee

Cabinet Member: Salter

262 Maximising the use of Technology - Smart City and Digital Futures Agenda

The Cabinet considered the draft report on the findings of the scrutiny project entitled 'Maximising the Use of Technology through the Smart City and Digital Futures Agenda'.

Resolved:

1. That the report and conclusions from the in depth scrutiny project, detailed at Section 4 of the submitted report, be approved.

2. That the SMART City agenda and its associated programme 2017/20 be taken forward through the People Management, Accommodation and Digital Strategy Working Party, chaired by the Cabinet Member for Digital Futures.

3. That the Council takes steps to make more effective use of data it has or generates as a tool for intelligent decision making, policy making and commissioning. Steps to include the development of a corporate data warehouse and the inclusion of Business Intelligence and Analytics as a core component of the functionality of the proposed Intelligence Hub. This resolution is likely to see the formal involvement of academia, e.g. the University of Essex.

4. That the Digital Futures Service continues to progress the proof of concept data driven automation of strategies in response to real time events, e.g. traffic congestion or poor air quality or through the CISCO KINETIC platform.

Reasons for decision:

To progress a SMART agenda for the borough. Failure to progress this agenda would be remiss on the Council's part and ultimately disadvantage the borough in a number of ways.

Other options:

None.

Note: This is an Executive Function

Eligible for call-in to: Place Scrutiny Committee

Cabinet Member: Cllr Moring

263 Mid and South Essex Sustainability & Transformation Partnership - Opposition Motion

The Cabinet considered a report of the Deputy Chief Executive (People) updating Members on the Mid and South Essex Sustainable & Transformation Partnership (STP) proposals, considered at the Council meeting on 19th July 2018.

Resolved:

1. That the resolution made by the Council at its meeting on 19 July 2018 where the Council unanimously agreed that the People Scrutiny Committee should “give due consideration to referral to the Secretary of State, taking these objections and other relevant factors into account” (as set out in Appendix 2 to the submitted report), be noted.
2. That it be noted that this is a matter for People Scrutiny Committee to make a formal response to or make a referral to the Secretary of State.
3. That it be noted that there will be a further report to People Scrutiny Committee providing details on the process for making a referral and that People Scrutiny Committee refer the matter to Full Council for a final decision.

Reasons for decision:

To receive an update in connection with the process for responding to the STP proposals.

Other options:

None.

Note: This is an Executive Function
Eligible for call-in to: People Scrutiny Committee
Cabinet Member: Cllr Salter

264 Housing and Homelessness Strategy

The Cabinet considered a report of the Deputy Chief Executive (People) on progress to date in the development of the Housing Strategy.

Resolved:

1. That the progress to date in the development of the strategy, including its identified aims and emerging actions, be endorsed.
2. That the proposals to jointly undertake consultation with the Local Plan programme, be endorsed.
3. That, following the conclusion of the consultation, the draft final strategy document and accompanying action plan be submitted to Cabinet in November 2018.

Reasons for Decision:

To jointly develop and undertake consultation on the Housing Strategy with other key programmes of work being pursued by the Council, notably Southend 2050 and the Local Plan.

The joint development will support synergy across key streams of council activity and ensure that priorities and expectations over the next few years are consistently framed.

Other options:

To pursue consultation independently of the work being undertaken with the Local Plan. This option has been rejected given the importance of housing and the Local Plan.

Note: This is an Executive Function

Called-in to: Policy & Resources Scrutiny Committee

Cabinet Member: Cllr Cox

265 0-19s Framework - Delivering Better Outcomes for Children's Health Services

The Cabinet considered a report of the Deputy Chief Executive (People) providing:

- An update on the Council's vision for developing an integrated children's service (0-19s Model) which delivers better outcomes for children and families through more effective services and improved pathways; and
- An update on the recommissioning of the 0-5 Service (Health Visiting), including feedback from a public consultation.

Resolved:

1. That the creation and development of an integrated children's service (0-19s Model), be approved.
2. That the 0-5 Service (Health Visiting) be brought in-house from 1st April 2019, alongside the in-house 5-19 Service (School Nursing), to form the core of the 0-19s Model.
3. That authority be delegated to the Deputy Chief Executive (People), in consultation with the Cabinet Member for Health & Wellbeing and the Director of Public Health, to finalise the structure and mobilisation of the 0-19s Model (including bringing the 0-5 service in-house).

Reasons for decision:

The creation of a 0-19 Model (with an in-house Health Visiting service) would improve integration with other children's services commissioned by the Council and Southend Clinical Commissioning Group (SCCG) and provide the Council with direct control over the quality and delivery of the service. This would deliver enhanced outcomes for children and families in Southend.

Other options:

No change – recommission an outsourced 0-5 Service and do not create a 0-19s Model. This would represent a wasted opportunity to improve outcomes for children and families and improve service integration. There are concerns that prospective bidders may not have bid for this service given the available budgets

Commission an outsourced 0-19 Service (comprising Health Visiting and School Nursing). This would represent a wasted opportunity to improve service integration with in-house services.

Jointly commission an outsourced 0-19 Service, which includes SCCG-commissioned services (Children's Community Services and Community Paediatrics). This does not align with SCCG priorities at this time and would not be deliverable within available timescales.

Note: This is an Executive Function

Called-in to: People Scrutiny Committee

Cabinet Member: Cllr Salter

266 Access, Parking and Transport Strategy for Southend

The Cabinet considered a report of the Deputy Chief Executive (Place) updating Members on the recently produced Borough-wide parking and access strategy and subsequent strategy.

Recommended:

1. That the strategy be broadened to include a range of transportation related issues and be known as the Access, Parking and Transport Strategy for Southend (APT).
2. That a new Access, Parking and Transport Working Party be established to be chaired by the Cabinet Member for Infrastructure to replace the Public Transport and Buses Working Party (including the new terms of reference, as set out at Appendix 2 to the submitted report).
3. That a complementary adjustment to the terms of reference of the Traffic and Parking Working Party (as set out in Appendix 3 to the submitted report) be made, which will be known as the Traffic Regulations Working Party.
4. That the implementation plan identified in the strategy be progressed as a package of pilot projects. The new Access, Parking and Transport Working Party to receive reports, previews and updates on these pilots.
5. That consultation be undertaken on the Borough-wide Parking and Access Strategy as set out in paragraph 6.6 of the submitted report.
6. That the Strategy be implemented and to maintain the impetus a dedicated resource is required. This would consist of a project manager and a transport or suitably qualified highways engineer. The funding estimated to be in the region of £125,000 to be met from the Business Transformation Reserve.

Reasons for Decision:

To address a key issue for the borough which is transport and travel and to improve resilience. The recommendations also complement the work being undertaken on Southend 2050 and South Essex 2050 and a number of other Council strategies either recently published or currently being prepared.

Other options:

Do nothing or proceed with ad-hoc solutions as and when issues arise. These options would lead to a reduction in the effectiveness and operation of the transport within the borough affecting its economic viability and quality of life for residents.

Note: This a Council Function.

Called-in to: Place Scrutiny Committee

Cabinet Member: Cllr Moring

267 Annual Public Health Report - Referred Back from People Scrutiny Committee, 10th July 2018

The Cabinet considered a report of the Deputy Chief Executive (People) on the reference back of Minute 56 by the People Scrutiny Committee on 10th July 2018 for further consideration “to look at the impact of unemployment on mental health.”

Resolved:

That the previous decision of the Cabinet to note the content and recommendations of the 2017 Annual Report of the Director of Public Health be reaffirmed, with the addition of the proposals set out in paragraph 3.4 of the submitted report, which further reinforce the recommendations contained in the Annual Report.

Reason for decision:

To respond to the reference back from People Scrutiny Committee.

Other Options:

None.

Note: This is an Executive Function

Not eligible for call-in as the matter has already been the subject of the call-in procedure.

Cabinet Member: Cllr Salter

268 Notice of Motion from Council, 19th July 2018 - Motor Neurone Disease Charter

At the meeting of Council held 19th July 2018, Members received a notice of motion calling on the Council to adopt the Motor Neurone Disease (MND) charter.

This had been proposed by Councillor Ware-Lane and seconded by Councillor Cox.

Resolved:

That the Motor Neurone Disease (MND) Charter be adopted.

Reasons for Decision:

To respond to the notice of motion.

Other Options:

None.

Note: This is an Executive Function
Eligible for call-in to: People Scrutiny Committee
Cabinet Member: Cllr Salter

269 Senior Management Arrangements

The Cabinet considered a report of the Chief Executive setting out proposed changes to the senior management arrangements of the Council.

Recommended:

1. That the revised structure at Senior Management level, as set out in Appendix 1 to the submitted report, including the deletion of the Department of the Chief Executive, be approved.
2. That it be noted that the appropriate changes to the Senior Management Appraisal System will also be made to reflect this new structure.
3. That it be noted that the Senior Managers Pay Panel will consider senior management salaries in the context of these changes and current market conditions and will make recommendations to Cabinet in this respect at the November meeting.

Reasons for Decision:

To refocus the senior leadership of the organisation in order to deliver the Southend 2050 ambitions.

Other options:

None – maintaining the current senior management arrangements will impede the Council's transition to a modern agile organisation equipped to face future challenges.

Note: This is a Council Function

Called-in to: Policy & Resources Scrutiny Committee

Cabinet Member: Cllr Lamb

270 Monthly Performance Report

Resolved:

That the submitted report be noted.

Note: This is an Executive Function

Referred direct to all three Scrutiny Committees

Cabinet Member: as appropriate to the item

271 Annual Comments, Compliments and Complaints Report

The Cabinet considered a report of the Chief Executive providing performance information about comments, complaints and compliments received across the Council for 2017-18.

Resolved:

That the Council's performance in respect of comments, complaints and compliments for 2017-18 be noted and the report at Appendix A to the submitted report be referred to each Scrutiny Committee and the reports at Appendix B and Appendix C be referred to the People Scrutiny Committee.

Reasons for Decision:

To note the Council's performance in respect of comments, complaints and compliments for 2017-18.

Other options:

None.

Note: This is an Executive Function

Referred direct to all three Scrutiny Committees.

Cabinet Member: Cllrs Lamb, Cox and Boyd (as appropriate).

272 School Admission Arrangements for Community Schools and Coordinated Admission Scheme for Academic Year 2019/20

The Cabinet considered a report of the Deputy Chief Executive (People) setting out the admission arrangements for community schools for the academic year 2020/21 and the proposed Coordinated Admissions Scheme for 2020.

Resolved:

1. That the proposed Admission Arrangements for Community Schools for the academic year 2020/21 as set out in Appendix 1 to the submitted report, be approved and it be noted that there was no requirement for public consultation as no further changes are proposed.

2. That consultation with governing bodies of community schools takes place on the published admission number (PAN) for community infant, junior and primary schools for September 2020, as set out in the Admission Arrangements in Appendix 1, to the report.

3. That the proposed Coordinated Admissions Scheme for 2020 onwards, as set out in Appendix 2 to the report, be approved.

4. That the relevant area for schools be reviewed and agreed as follows: Southend, Castle Point and Rochford for the years 2020 and 2021.

Reasons for decision:

The Council has a statutory duty to ensure sufficient places for all statutory school aged children.

Other options:

None.

Note: This is an Executive Function

Called-in to: People Scrutiny Committee

Cabinet Member: Cllr Boyd

273 The Journey of the Child Annual Report

The Cabinet considered a report of the Deputy Chief Executive (People) presenting 'The Journey of the Child' end of year report covering the 2017/18 financial year.

Resolved:

That the end of year report, following a previous agreement to a consolidated approach to Children's Services reporting, be approved.

Reasons for Decision:

The overarching report allows for a more holistic oversight of service delivery and gives senior managers and Members an ability to see the overall impact for the Council of the work of the Children's Service.

Other Options:

To continue reporting with individual reports through the Cabinet cycle.

Note: This is an Executive Function

Eligible for call-in to: People Scrutiny Committee

Cabinet Member: Cllr Boyd

274 Outcomes Key Stage 2 & Key Stage 4, Annual Report

The Cabinet considered a report of the Deputy Chief Executive (People) presenting the high level un-validated performance outcome for all Southend schools at all key stages following the summer tests and examinations in 2018.

Resolved:

That the overall performance of Southend schools at each of the key stages, in particular relative to the emerging national benchmarks, be noted.

Reasons for decision:

To note the overall performance of Southend schools.

Other options:

None.

Note: This is an Executive Function

Called-in to: People Scrutiny Committee

Cabinet Member: Cllr Boyd

275 Centenary Fields

The Cabinet considered a report of the Deputy Chief Executive (Place) setting out the potential implications on future maintenance and improvement of Southend Cliffs Gardens that might result as a consequence of dedicating the gardens to Fields in Trust as part of the Centenary Fields Programme.

Resolved:

1. That the application to dedicate the Southend Cliff Gardens to Fields in Trust, be approved.
2. That, if the application is successful, it be noted that the Council may be restricted from future changes to the gardens.
3. That the responsibility for agreeing the final detailed area of the Southend Cliff Gardens to be dedicated as a Centenary Field be delegated to the Deputy Chief Executive (Place) in consultation with the appropriate Cabinet Member.
4. That the allocation of £10,000 from the contingency for the investment in any procurement memorabilia, be noted.

Reasons for decision:

To represent the Borough's formal support to the Royal British Legion and Fields in Trust to honour the memory of the millions who lost their lives in World War 1.

Other Options:

Not to participate in the Centenary Fields programme at all or dedicate an alternative site.

Note: This is an Executive Function

Called-in to: Place Scrutiny Committee

Cabinet Member: Cllr Salter

276 **Feed and Food Safety Plan**

The Cabinet considered a report of the Deputy Chief Executive (Place) which sought agreement to the Official Feed and Food Control Service Plan 2018-19 required by the Food Standards Agency.

Recommended:

That the official Feed and Food Control Service Plan 2018-19, as set out in Appendix 1 to the submitted report, be approved.

Reasons for Decision:

To comply with the Food Standards Agency Framework Agreement.

Other options:

None.

Note: This is a Council Function

Eligible for call-in to: Place Scrutiny Committee

Cabinet Member: Cllr Flewitt

277 **Fees and Charges Policy**

The Cabinet considered a report of the Chief Executive on proposals for the introduction of a fees and charges policy for services to allow for the setting of fees and charges.

Recommended:

1. That the fees and charges policy set out in Appendix 1 to the submitted report, be approved.

2. That the existing delegation in Paragraph 3.2(k) in Part 2, Schedule 3 of the Constitution be deleted and replaced with the following wording:

“To set fees and charges in their areas of responsibility (save for parking charges) including making in year changes subject to:

- *Compliance with the Council’s Fees & Charges Policy;*
- *Compliance with all legal requirements relating to the setting of statutory and discretionary fees and charges, including undertaking any necessary public consultation and assessing the equality impacts; and*
- *Prior consultation with the Council’s Director of Finance & Resources and the relevant Cabinet Member”*

and that Article 4.02(2) be amended as follows:

“To approve and adopt the Council’s Budget.

(The Budget includes the allocation of financial resources to different services and projects, proposed contingency funds, setting fees and charges (save that fees and charges, other than parking charges, can be set by Chief Officers in accordance with paragraph 3.2(k) in Part 3 Schedule 3), the Council Tax Base, setting the Council Tax and decisions relating to the control of the Council’s borrowing requirement, investments, the control of capital expenditure and the setting of virement limits).”

Reasons for decision:

Part of the process of maintaining a balanced budget includes a requirement to consider the contribution that fees and charges make towards that aim. The adoption of a fees and charges policy will assist in that requirement.

Other options:

None

Note: This is a Council Function.

Called-in to all Scrutiny Committees

Cabinet Member: Cllr Lamb

278 Council Debt Position to 31 July 2018

The Cabinet considered a report of the Chief Executive setting out the current position on the outstanding debt to the Council as at 31st July 2018.

Resolved:

1. That the current outstanding debt position as at 31st July 2018 and the position of debts written off to 31st July 2018 as set out in Appendices A and B of the submitted report, be noted.
2. That the write offs, greater than £25,000, as detailed in Appendix B, be approved.

Reason for decision:

All reasonable steps to recover the debt have been taken and therefore where a write-off is recommended it is the only course of action available.

Other options:

None.

Note: This is an Executive Function

Eligible for call in to: Policy and Resources Scrutiny Committee

Cabinet Member: Cllr Lamb

279 Quarter One Treasury Management Report - 2018/19

The Cabinet considered a report of the Chief Executive covering the treasury management activity for the period April 2018 to June 2018 and compliance with the treasury management strategy for that period.

Resolved:

1. That the Quarter One Treasury Management Report for 2018/19, be approved.
2. That it be noted that the Treasury management activities were carried out in accordance with the CIPFA (The Chartered Institute of Public Finance and Accountancy) Code of Practice for Treasury Management in the Public Sector during the period from April to June 2018.
3. That it be noted that the loan and investment portfolios were actively managed to minimise cost and maximise interest earned, whilst maintaining a low level of risk.
4. That it be noted that £0.826m of interest was earned during this three month period at an average rate of 4.90%. This is 4.54% over the average 7 day LIBID (London Interbank Bid Rate) and 4.40% over the average bank rate. The breakdown of this overall investment position is set out in section 8 of the submitted report.
5. That it be noted that the level of borrowing from the Public Works Loan Board (PWLB) (excluding debt relating to services transferred from Essex County Council on 1st April 1998) remained at the same level of £227.8m (HRA: £77.0m, GF: £150.8m) during the period from April to June 2018.
6. That it be noted that during the quarter the level of financing for 'invest to save' schemes decreased from £8.74m to £8.72m.

Reasons for decision:

The CIPFA Code of Practice on Treasury Management recommends that Local Authorities should submit reports regularly. The Treasury Management Policy Statement for 2018/19 sets out that reports would be submitted to Cabinet quarterly on the activities of the treasury management operation.

Other options:

There are many options available for the operation of the Treasury Management function, with varying degrees of risk associated with them. The Treasury Management Policy aims to effectively control risk to within a prudent level, whilst providing optimum performance consistent with that level of risk.

Note: This is an Executive Function

Eligible for call-in to: Policy & Resources Scrutiny Committee

Cabinet Member: Cllr Lamb

280 Annual Senior Information Risk Owner (SIRO) Report

The Cabinet considered a report of the Chief Executive providing a summary of the Council's key actions in regard to information governance and management during 2017/18.

Resolved:

1. That the SIRO's report on Information Governance in Section 4, of the submitted report, for 2017/18 be noted.
2. That the key actions taken during 2017/18, and the opportunities and challenges for 2018/19, be noted.

Reasons for Decision:

To note the SIRO's report on Information Governance and the key actions taken during 2017/18.

Other options:

None.

Note: This is an Executive Function
Eligible for call-in to: Policy & Resources Scrutiny Committee
Cabinet Member: Cllr Lamb

281 Regulation of Investigatory Powers Act

The Cabinet considered a report of the Chief Executive on the Council's use of the surveillance powers available to it under the Regulation of Investigatory Powers Act 2000 ("RIPA") during the financial year 2017/18 and provided an update on staff training on RIPA and the Council procedures relating to the use of social networking sites.

Resolved:

1. That it be noted that the Council has not used the surveillance powers available to it under RIPA between 1st April 2017 and the 31st March 2018 and neither has it used any covert human intelligence sources during this period.
2. That the changes to the Council's "Policy and Procedures for undertaking Directed Covert Surveillance and the use of Covert Human Intelligence Sources" as set out in Appendix 1 to the submitted report, be approved.

Reason for decision:

To comply with the Home Office Codes of Practice and the Office of Surveillance Commissioner's Guidance on RIPA.

Other options:

None.

Note: This is an Executive Function
Eligible for call-in to: Policy & Resources Scrutiny Committee
Cabinet Member: Cllr Lamb

282 Minutes of the Meeting of the School Places Working Party held on Tuesday, 12th June, 2018

The Cabinet considered the recommendations of the School Places Working Party held on 12th June 2018 regarding the future delivery of school places in relation to continued expansion need beyond 2021.

Resolved:

That the following recommendations of the Working Party be approved:

1. The continuation of the current agreed expansions with all secondary schools.

2. That a paper be developed, outlining pro's and con's on potential challenges, growth and options around how to deliver future school places in relation to continued expansion need beyond 2021 and future delivery of places across all phases due to housing growth in the area and linked to the Local Plan.

Note: This is an Executive Function

Called-in to: People Scrutiny Committee

Cabinet Member: Cllr Boyd

283 Minutes of the Senior Managers Pay Panel held Tuesday 17th July 2018

The Cabinet considered the recommendations of the Senior Managers Pay Panel held on 17th July 2018.

Resolved:

That a pay award of 2% be applied to the Council's senior management grades for 2018/19 with effect from 1st April 2018.

Note: This is an Executive Function

Eligible for call-in to: Policy and Resources Scrutiny Committee

Cabinet Member: Cllr Lamb

284 Standing Order 46 Report

Resolved:

That the submitted report be noted.

Note: This is an Executive Function

Called-in to People and Policy & Resources Scrutiny Committees

Cabinet Member: As appropriate to the item.

285 Exclusion of the Public

Resolved:-

That, under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the items of business set out below, on the grounds that they would involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A to the Act and that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

286 SO46 Confidential Report

Resolved:

That the submitted report be noted.

Note: This is an Executive Function
Called-in to the People Scrutiny Committee
Cabinet Member: Cllr Salter

Chairman: _____

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SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Health & Wellbeing Board

Date: Wednesday, 19th September, 2018

Place: Johnson Room - Tickfield Centre

17

Present: Councillor L Salter (Chair)
Dr K Chaturvedi (SCCG), Ms C Gritzner (SCCG), Councillor M Davidson (SBC), Councillor R Woodley (SBC), Ms A Griffin (SBC), Mr S Leftley (SBC) and Mr K Ramkhelawon (SBC)
Mr A Brogan (EPUT – non-voting), Ms J Broadbent (Healthwatch Southend – non-voting) Mr A Khaldi (ABSS – non-voting), Ms Y Blucher (SUFHT – non-voting) and Mr S Dolling (SBC – non-voting)

In Attendance: Councillors A Chalk and J McMahon
N Faint, F Abbott, L Watson, R Baker, S Rollason, J Banks and R Walters

Start/End Time: 5.00 - 5.45 pm

287 Apologies for Absence

Apologies for absence were received from Councillor F Evans, Councillor J Lamb, Councillor C Willis, Dr J Garcia, C Panniker, J Cripps, J Gardner, A Semmence, S Morris, J O'Loughlin, B Martin, J Lansley, S Houlden and E Chidgey.

288 Declarations of Interest

The following declarations of interest were made at the meeting:-

- (a) Councillor Salter – agenda items relating to – Minutes re STP; Localities update; Physical Activity Strategy - non-pecuniary interest – husband is Consultant Surgeon at Southend Hospital; daughter is a Doctor at Basildon Hospital; son-in-law is a GP in the Borough;
- (b) C Gritzner – agenda item relating to Minutes re STP – daughter is a Doctor at Basildon Hospital;
- (c) Councillor McMahon – agenda relating to A Better Start Southend update – non-pecuniary interest - member of the Better Start Ward Panel.

289 Minutes of the Meeting held on Wednesday 20th June 2018

Resolved:-

That the Minutes of the Meeting held on Wednesday, 20th June, 2018 be confirmed as a correct record and signed.

290 Questions from members of the public

There were no questions from members of the public.

291 Southend 2050 Progress, Emerging themes and next steps

The Board received a detailed update from Rob Walters on the 'Southend 2050' conversations that have taken place over recent months and outlined the emerging themes and next steps. The borough wide conversation is about the future of the borough and how it affects the everyday lives of the people that live, work and visit. The role of the Board is crucial in the discussions going forward and Board members will be invited to events in coming weeks which will provide further information on emerging messages.

By the end of the year there will be a shared ambition which people can recognise and get behind.

Resolved:-

The Board welcomed the update and asked to receive regular updates.

292 A Better Start Southend (ABSS) programme update

The Board considered a report from the A Better Start Southend (ABSS) Programme Board Project Director which provided an update on the progress with the programme. The following areas were highlighted:-

- Social and Emotional Strategy - this final strand of activity was now agreed by the Partnership Board and ABSS will, in the coming months, be delivering on all funded programme themes
- National Evaluation - The national cohort study led by Professor Jane Barlow of Warwick University will commence in 2019 and ABSS will join when ready
- Children Centres - ABSS has responded positively to a request from council to support the Children's Centres and will be bringing forward proposals for a multi-agency pilot project, testing new models for managing and delivering integrated services at the centres
- Governance Review - a new governance structure has been agreed by Partners and will ensure effective oversight as the work ramps up

The Chair commended ABSS for the excellent progress being made and Members welcomed proposals for supporting the development of Children's Centres.

Resolved:-

That the update report be welcomed.

293 Special Educational Needs and Disability (SEND) Update

The Board considered a report by the Deputy Chief Executive (People) which provided an update on the progress made in the SEND Three Year Journey and

provided information on the SEND area Inspection. The report also advised the Board about the Strategy refresh which will be brought to the December meeting of the Board.

Resolved:-

That the report and actions outlined be noted.

294 Localities - Living Well in Thriving Communities

The Board considered a joint report by the Deputy Chief Executive (People) and Interim AO, Southend & Castle Point & Rochford CCGs which provided an update on the formation of localities for health and social care in Southend.

Resolved:-

1. That the principles of the Locality Strategy (Living Well in Thriving Communities) developed across South East Essex (SEE) be endorsed.
2. That the principles of collaborative working as described within the paper particularly the continued evolution of the SEE Locality Partnership be agreed.
3. That the principles of shared resource to ensure the successful delivery of integrated models of care that have been developed through a Locality approach be agreed.
4. That the strong focus of this work on Southend Localities and alignment with Southend 2050 be noted.
5. That the SEE Locality Partnership sign off the final amendments of the Living Well in Thriving Communities.

295 Physical Activity Strategy - Implementation plan reporting

The Board considered a report by the Deputy Chief Executive (People) which provided an update on the progress to date with the implementation of the Southend-on-Sea Physical Activity Strategy 2016-2021 refreshed action plan, including successes, challenges and future opportunities.

Councillor Davidson is the Chair of the Active Southend multi agency group which is overseeing the delivery of the Strategy.

Resolved:-

1. That the update be noted and that representative organisations promote the South Essex-wide Active 10 campaign within their respective organisations and to wider partners.
2. That regular updates be brought to future Board meetings.

296 Date and time of future meetings

The Board noted the dates and times of future meetings:-

Wednesday 5th December 2018 @ 5 pm Darwin Room, Tickfield Centre
Wednesday 23rd January 2019 @ 5 pm Darwin Room, Tickfield Centre

Wednesday 20th March 2019 @ 5 pm Darwin Room, Tickfield Centre

Chairman: _____

SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Audit Committee

Date: Wednesday, 26th September, 2018

Place: Committee Room 1 - Civic Suite

18

- Present:** Councillor M Davidson (Chair)
Councillors N Folkard (Vice-Chair), B Ayling, A Bright, K Buck,
D Nelson, C Willis, R Woodley and K Pandya (Co-opted member).
- In Attendance:** C Gamble, E Allen, A Barnes, D Kleinberg and J Chesterton
- Start/End Time:** 18.30/19.50

297 Apologies for Absence

Apologies for absence were received from Councillor Burton (no substitute).

298 Declarations of Interest

The following interest was declared at the meeting:

Councillor Buck – Minute 300 (BDO: Audit Completion Report) and Minute 303 (Internal Audit Quarterly Performance Report) – non-pecuniary interest – Governor at Eastwood Academy.

299 Audit Committee Role in Risk Management Framework

The Committee considered a report of the Chief Executive:

- setting out the role of the Audit Committee in respect of the Council's risk management framework;
- providing assurance over the current operation of the risk management framework
- outlining the future plans to develop the risk management approach during 2018/19 and beyond, as the changes introduced by Southend 2050 impact on the governance framework and arrangements for the Council.

The Committee asked a number of questions which were responded to by officers.

Resolved:

That the role that the Audit Committee has to play in the Council's risk management framework, the assurance over its current operation and the future plans to develop the Council's governance framework arrangements, including risk management, as a result of the changes arising from the introduction of Southend 2050, be noted.

300 BDO: Audit Completion Report to the Audit Committee 2017/18 (updated and finalised)

Further to the meeting of the Audit Committee held on 25th July 2018, Members considered a report of the External Auditor updating the summary results of the work completed for the 2017/18 financial year with regard to:

- the opinion on the Statement of Accounts; and
- the conclusion on the adequacy of the Council's arrangements for securing economy, efficiency and effectiveness in the use of resources (the VFM conclusion).

The Committee asked a number of questions which were responded to by officers.

Resolved:

That the updated Report to the Audit Committee 2017/18, be accepted.

301 BDO: Annual Audit Letter, Audit for the year ended 31 March 2018

The Committee considered a report of the External Auditor presenting the Annual Audit Letter for 2017/18.

Resolved:

That the Annual Audit Letter for 2017/18, be approved.

302 Counter Fraud & Investigation Directorate Quarterly Performance Report

The Committee considered a report of the Chief Executive on the progress made by the Counter Fraud & Investigation Directorate (CFID) in delivering the Counter Fraud Strategy and Work Programme for 2018/19.

The Committee asked a number of questions which were responded to by officers.

On consideration of the report, the Assistant Director for Fraud and Investigations undertook to include information on fraud trends in the quarterly performance report to the Committee.

Resolved:

That the performance of the Counter Fraud & Investigation Directorate over the last year, be noted.

303 Internal Audit Service Quarterly Performance Report

The Committee considered a report of the Chief Executive on the progress made in delivering the Internal Audit Strategy for 2018/19.

The Committee asked a number of questions which were responded to by officers.

On consideration of the report, Members' attention was drawn to the vacant positions in the Audit Team and the arrangements that had been put in place to cover the work. Members acknowledged the problems of recruitment and retention that had been experienced and a number of suggestions were put forward to help address the situation, including exploring the employment of undergraduates and the use of the Local Government Association Graduate Development Programme.

In response to a request in relation to the timing of the audit reviews in the Audit Plan, the Head of Internal Audit undertook to prioritise the reviews relating to Children's Centres Contract Management and Safeguarding Arrangements.

Resolved:

That the progress made in delivering the 2018/19 Internal Audit Strategy, be noted.

304 Information Items

(a) Audit Information Papers

The Committee received and noted the following information items:

- CIPFA Audit Committee Update – helping Audit Committees to be effective;
- CIPFA Audit Committee - practical guidance for local authorities and police.

(b) Congratulations – Elaine Allen

The Committee were pleased to note that Elaine Allen had recently won the award of Council Employee of the Quarter and Members congratulated her on her achievement.

Chairman: _____

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SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Licensing Sub-Committee B

Date: Monday, 1st October, 2018
Place: Committee Room 5 - Civic Suite

19

Present: Councillor R Hadley (Chair)
Councillors K Buck and N Folkard

In Attendance: Councillor S Buckley
E Anakwue, T Row, A Penn and L Coombes

Start/End Time: 9.30 a.m. - 11.10 a.m.

305 Apologies for Absence

There were no apologies for absence.

306 Declarations of Interest

All Members of the sub-committee declared non-pecuniary interests in this matter on the grounds that the objectors were known to them as fellow Councillors.

307 Application for the Grant of Premises Licence - Morrisons, Western Approaches, Eastwood, Essex, SS2 6SH

The sub-committee received a report of the Deputy Chief Executive (Place) concerning an application by WM Morrison Supermarkets Plc for the grant of a Premises Licence at Morrisons, Western Approaches, Eastwood, Essex, SS2 6SH.

The application was presented by the Applicants' Solicitor, Ms C Johnson. Ms K Nichols (Licensing and Compliance Manager) was in attendance at the hearing and gave evidence.

The sub-committee noted that no letters of objection to this application had been received from any of the Responsible Authorities.

Representations had however, been received from the three Ward Councillors in their capacity as "other persons". One of the Councillors, namely Councillor Buckley, attended the hearing. Their objections related to the potential concerns of crime, disorder and anti-social behaviour in a premises frequented by young families and children, the limited size of the premises and the need for such a premises in close proximity to a licensed public house.

The sub-committee listened to all the evidence and submissions, and read all the documents. It had regard to the Statutory Guidance Notes and Southend-on-Sea Borough Council's Statement of Licensing Policy. The sub-committee further considered the four licensing objectives namely the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.

The sub-committee concluded that the objections to the application were purely speculative and were not based on factual evidence. Furthermore, the need for a premises licence relates to commercial demand and is not a matter for the sub-committee.

On the basis of the evidence presented to it, the sub-committee did not consider that the promotion of the licensing objectives would be undermined by the granting of this application. The sub-committee therefore:-

Resolved:-

That the application for a premises licence be granted subject to:

- (i) The Mandatory Conditions set out in Appendix 1 to the report of the Deputy Chief Executive (Place); and
- (ii) The conditions drawn from the Operating Schedule set out in Appendix 2 to the report of the Deputy Chief Executive (Place).

Chairman: _____

Notice of Motion

Fire Safety

Southend Borough Council notes that:

Many of our tall buildings are in excess of 10 floors, for example buildings on the Queensway Estate are 17 floors. If there is a fire that blocks the stairwell above level 10, residents have no "plan B" as an escape route, the same circumstance that residents and fire rescue teams encountered at Grenfell. According to Essex Fire & Rescue, of the 55 tall buildings in Southend, 11 are above 10 stories.

Under the STAY PUT POLICY, residents are told that unless smoke or fire is entering their dwelling, they should remain in their homes and await rescue.

The STAY PUT POLICY can fail, and compartmentalisation can be compromised by retrofitting of plumbing, electrical upgrades, installing insulation or adding inferior products. Holes in walls that are not sealed with fireproof sealant, pipe work with fire collars, allow the passage of air, smoke and flames.

It has come to light that the STAY PUT POLICY at Grenfell failed and fire crews were surprised at the pace, the fire spread.

With single-staircase buildings, if the only exit is blocked, there is no plan B to escape. At Grenfell fire crews didn't have the equipment to reach the highest parts of the building. In Southend, the fire brigade has only ladders and platforms to reach level 10, so would need to call in equipment from another part of the county. Cuts to funding for the Fire Service has not only left it short of adequate equipment, but also trained fire-fighters to operate them. Residents awaiting rescue are told their homes are safe from fire for 30 minutes, which isn't a long time. According to Essex Fire & Rescue, 2 tall buildings in Southend have a Plan B for escape. Delays cost lives.

Warden operated fire alarms also result in delays, when automated responses and human error is considered, it adds to the risk factor. According to Essex Fire & Rescue, the number of tall buildings with a monitored alarm is 2.

Fire doors from five different suppliers have now been withdrawn from sale, after being identified by the government, as failing to meet safety standards.

The Ministry of Housing, Communities and Local Government has urged all housing providers to carry out new risk assessments, as has the National Fire Chiefs Council. Doors that under current building regulations, were supposed to withstand smoke and flames for 30 minutes, were barely lasting 15 minutes.

After the Lakanal House fire the Coroner, recommended retrofitting of sprinkler systems in all tall buildings. The big issue with this is cost implications for landlords, but the safety benefits are huge and it lessens the need for the installation of

automated alarms and gives residents piece of mind. Concerns in Southend that landlords of buildings which are earmarked for demolition, may be unwilling to spend large amounts in the short-term, but in the long-term these landlords have a duty of care over their residents and as such need to put the safety of residents first.

After Grenfell, South Essex Homes published a newsletter dated Summer 2017, in which residents were reassured that fire risk assessments had been carried out on all tall buildings.

Council notes that Fire Risk Assessor qualifications can be obtained in a matter of days, without any previous experience in the building or fire safety industry.

Only level 4 risk assessment is carried out by a qualified accredited fire safety engineer, who will open up the walls and check to see if the compartments, people's homes, are not compromised. Without these checks Southend Council cannot be confident it's residents are safe.

Furthermore, although most of the residential buildings in Southend have had risk assessments in the last year, of the tall commercial buildings, of which there are 16 in the borough, only South Essex College has carried out this test.

This council therefore supports a review of fire safety in all of its tall buildings, with a level 4 risk assessment and commits to undertake installation of mandatory automated fire alarms, with its partners South Essex Homes, where gaps in alarm provision are identified, to remove the warden element equation from fire safety risk.

This council believes that the residents of these buildings should also be protected with sprinkler systems and commits to write to the Secretary of State for the Home Department to lobby central government for the fire service to be provided with the resources needed to protect the public, delivered through central or local government. Only then can residents be confident in their fire safety protection.

Councillor Ware-Lane

Councillor Nevin

Council 18th October 2018

Notice of Motion

Invest in the Future / Divest from Fossil Fuels

27

1. This Council notes:

- That our council pension fund is heavily invested into fossil fuels, according to data available on <https://gofossilfree.org/uk/fuellingthefire/>
- That the Paris 2015 Agreement commits our government to keep the global temperature increase within 2 degrees and aim for 1.5 degrees. Carbon budgets produced by the IPCC and UN show that avoiding 2 degrees of warming relies on not burning 60-80% of discovered fossil fuels.
- Repeated warnings by Bank of England Governor Mark Carney that “the vast majority of [fossil fuel] reserves are unburnable”.
- The resulting threat to pensions that are over-exposed to fossil fuels, and therefore to local pension-holders and council taxpayers.
- The shortage of investment into social housing, transport, and renewables.
- The importance of a just transition for workers in sectors and communities dependent on fossil fuels, and of decent and unionised low-carbon jobs.
- That several UK local government pension funds have committed to divesting, joining \$6 trillion in fossil fuel divestment commitments worldwide.
- That UNISON (largest union representing local government workers) and the TUC campaign for divestment in line with obligations to pension-holders.

2. This Council resolves:

- To call on the council pensions committee to commit to divest from fossil fuels over the next 5 years.
- To call upon the council pensions committee to seek to reinvest into the just transition, where possible and in line with obligations to pension holders.

Councillor Ware-Lane

Councillor Dent

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