

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

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

**Date: Wednesday, 9th September, 2020**

**Place: Virtual Meeting via MS Teams**

Present: Councillor N Ward (Chair)  
Councillors M Borton (Vice-Chair), B Ayling, J Beck, K Buck\*, A Chalk, D Cowan, A Dear, M Dent, F Evans, N Folkard\*, D Garston, A Jones, C Mulrone, A Thompson, S Wakefield and C Walker

\*Substitute in accordance with Council Procedure Rule 31.

In Attendance: Cllrs Flewitt and McGlone  
A Greenwood, A Rogers, A Smyth, C Galforg, D Farthing, E Cook, G Gilbert, K Waters, M Warren, P Keyes, P Sinclair, S Mouratidis, T Hartley, T Row and T Saunders.

Start/End Time: 5.00 - 9.30 pm

#### **344 Apologies for Absence**

Apologies for absence were received from Cllr Habermel (Substitute Cllr Folkard) and Cllr Jarvis (Substitute: Cllr Buck).

#### **345 Declarations of Interest**

The following declarations of interest were made at the meeting:

- (a) Cllr Beck – Agenda Item No. 15 (20/00923/FUL - Land Rear of 26-30 Lime Avenue) – Non-Pecuniary Interest: Has received an email from the applicant.
- (b) Cllr Borton – Agenda Item No. 15 (20/00923/FUL - Land Rear of 26-30 Lime Avenue) – Non-Pecuniary Interest: Has received an email from the applicant.
- (c) Cllr Borton – Agenda Item No. 16 (20/01086/FUL - 8 Richmond Avenue, Westcliff-on-Sea) – Non-Pecuniary Interest: Has been in correspondence with the objector.
- (d) Cllr Borton – Agenda Item No. 18 (19/02066/BC4M - Airport Parking, Southend Airport, Eastwoodbury Crescent) and 19 (Airport Surface Access Strategy - Airport Surface Access Strategy) – Non-Pecuniary Interest: Niece works at Southend Airport.
- (e) Cllr Chalk – Agenda Item No. 15 (20/00923/FUL - Land Rear of 26-30 Lime Avenue) – Non-Pecuniary Interest: Has received an email from the applicant.
- (f) Cllr Cowan – Agenda Item No. 18 (19/02066/BC4M - Airport Parking, Southend Airport, Eastwoodbury Crescent) – Non-Pecuniary Interest: Objectors have been in contact with him regarding the application.
- (g) Cllr Cowan – Agenda Item No. 19 (Airport Surface Access Strategy - Airport Surface Access Strategy) – Non-Pecuniary Interest: The supplementary report mentions the Airport Consultancy Committee of which he is a member.

- (h) Cllr Dear – Agenda Item No. 15 (20/00923/FUL - Land Rear of 26-30 Lime Avenue) – Non-Pecuniary Interest: Has received an email from the applicant.
- (i) Cllr Dear – Agenda Item No. 17 (20/01049/AMDT - 88 Woodside, Leigh-on-Sea) Non-Pecuniary Interest: Has been in contact with the objector.
- (j) Cllr Dear – Agenda Item No.18 (19/02066/BC4M - Airport Parking, Southend Airport, Eastwoodbury Crescent) – Non-Pecuniary Interest: Has received an email from a colleague concerning the impact the application would have on the air cadets.
- (k) Cllr F Evans – Agenda Item No. 15 (20/00923/FUL - Land Rear of 26-30 Lime Avenue) – Non-Pecuniary Interest: Has been involved in discussions about the application.
- (l) Cllr Flewitt – Agenda Item No. 10 (20/00320/FUL & 20/00321/LBC - Cockethurst, Eastwoodbury Lane), 13 (20/00801/AMDT - 200 Priory Crescent), 18 (19/02066/BC4M - Airport Parking, Southend Airport, Eastwoodbury Crescent) and 19 (Airport Surface Access Strategy - Airport Surface Access Strategy) – Non-Pecuniary Interest: Has publicly spoken and written about the application in the St. Laurence Ward.
- (m) Cllr Flewitt – Agenda Item No. 9 (20/00817/BC3 - Garages Rear of 187 Saxon Gardens) Non-Pecuniary Interest: Knows someone who lives on Saxon Gardens.
- (n) Cllr Garston – Agenda Item No. 10 (20/00320/FUL & 20/00321/LBC - Cockethurst, Eastwoodbury Lane) – Non-Pecuniary Interest: Applicant is known to him
- (o) Cllr Garston – Agenda Item No. 15 (20/00923/FUL - Land Rear of 26-30 Lime Avenue) and 18 (19/02066/BC4M - Airport Parking, Southend Airport, Eastwoodbury Crescent) – Non-Pecuniary Interest: Has received emails regarding the application.
- (p) Cllr Jones – Agenda Item No. 9 (20/00817/BC3 - Garages Rear of 187 Saxon Gardens) Disqualifying Non-Pecuniary Interest: This is a Council application and Cllr Jones is a Cabinet Member.
- (q) Cllr Jones – Agenda Item No. 16 (20/01086/FUL - 8 Richmond Avenue, Westcliff-on-Sea) – Disqualifying Non-Pecuniary Interest: Knows two families that live in close proximity to the application site.
- (r) Cllr Mulroney – Agenda Item No. 10 (20/00320/FUL & 20/00321/LBC - Cockethurst, Eastwoodbury Lane) – Non-Pecuniary Interest: Applicant is known to her
- (s) Cllr Mulroney – Agenda Item No. 14 (20/00889/FUL - 20 Berkeley Gardens, Leigh-on-Sea) and 15 (20/00923/FUL - Land Rear of 26-30 Lime Avenue, Leigh-on-Sea) – Non-Pecuniary Interest: Is a non-planning member of Leigh Town Council
- (t) Cllr Mulroney – Agenda Item No. 19 (Airport Surface Access Strategy - Airport Surface Access Strategy) – Disqualifying Non-Pecuniary Interest: The item relates to her Cabinet portfolio
- (u) Cllr Mulroney - Agenda Item No. 9 (20/00817/BC3 - Garages Rear of 187 Saxon Gardens) Disqualifying Non-Pecuniary Interest: This is a Council application and Cllr Mulroney is a Cabinet Member.
- (v) Cllr Thompson – Agenda Item No. 10 (20/00320/FUL & 20/00321/LBC - Cockethurst, Eastwoodbury Lane) – Non-Pecuniary Interest: Applicant is known to him
- (w) Cllr Wakefield - Agenda Item No. 10 (20/00320/FUL & 20/00321/LBC - Cockethurst, Eastwoodbury Lane) – Disqualifying Non-Pecuniary Interest: The applicant is known to him

(x) Cllr Ward 18 (19/02066/BC4M - Airport Parking, Southend Airport, Eastwoodbury Crescent) – Non-Pecuniary Interest: A hotel was mentioned in discussion – Cllr Ward owns a B and B.

**346 Minutes of the meeting held on Monday 18th May 2020**

Resolved:-

That the Minutes of the Meeting held on 18th May 2020 be confirmed as a correct record and signed.

**347 Minutes of the meeting held on Wednesday 27th May 2020**

Resolved:-

That the Minutes of the Meeting held on 27th May 2020 be confirmed as a correct record and signed.

**348 Minutes of the meeting held on Wednesday 3rd June 2020**

Resolved:-

That the Minutes of the Meeting held on 3rd June 2020 be confirmed as a correct record and signed.

**349 Minutes of the meeting held on Wednesday 1st July 2020**

Resolved:-

That the Minutes of the Meeting held on 1st July 2020 be confirmed as a correct record and signed.

**350 Supplementary Report**

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

**351 18/01975/FULM - Land at Barge Pier Road, Shoeburyness (Shoeburyness Ward)**

**Proposal: Re-grading and retention of existing on-site spoil heap, erect 9 Commercial Units (Use Class B1/B8) with ancillary Trade Counter, 1 Retail Unit (unit 8) (Use Class A1) and 1 Unit (Use Class Sui Generis) for use as Vets (unit 1), layout Car Parking Spaces and Cycle Parking, construction of vehicular and pedestrian accesses from existing roundabout and layout soft landscaping.**

**Applicant: Garrison Developments LLP**

**Agent: Pomery Planning Consultants**

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 hereby permitted shall be carried out in accordance with the approved plans: NGR LOC d, NGR 08, NGR 09, NGR 06a, NGR 07, NGR 57c, NGR 51c, NGR52a, NGR 53b, NGR 61, NGR 58a, NGR 59a, NGR 60a

Reason: To ensure that 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 above a ground floor slab level 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 and windows and doors, 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 development hereby approved is brought into first use.

Reason: To safeguard character and appearance of the area in accordance with the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the Design and Townscape Guide (2009).

04 Notwithstanding the details shown on the plans submitted and otherwise hereby approved no development shall take place above ground floor slab level unless and until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping for the site. 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 and all means of enclosing the site.

All planting and biodiversity enhancements in the approved scheme shall be carried out within the first available planting season following first use of the development hereby approved. 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, 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 The development shall not be first occupied unless and until vehicle manoeuvring areas and 111 on site car parking spaces have been provided and made available for use in full accordance with drawing NGR06a. 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).

06 Notwithstanding the details shown on the plans submitted and otherwise hereby approved no development above ground floor slab level shall be undertaken unless and until full details of the secure, covered cycle parking for no less than 36 cycles have been submitted to and approved in writing by the local planning authority. The approved cycle parking facilities 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).

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

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).

08 None of the Individual unit hereby approved shall be first occupied or brought into first use unless and until full details of the operating and opening times of that unit have been submitted to and approved in writing by the local planning authority. Each unit shall subsequently be operated only in full accordance with the details approved under this condition.

Reason: To protect residential amenity and general environmental quality in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, and Policies DM1 and DM3 of the Development Management Document (2015).

09 External lighting shall only be installed and operated 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).

10 CCTV shall only be installed and operated 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).

11 Prior to first use 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 by the Local Planning Authority and implemented in full. 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).

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 08:00hours 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).

13 Commercial refuse collection and delivery times for the development hereby approved 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).

14 Notwithstanding the information submitted and otherwise hereby approved and notwithstanding the provisions of Section 55(2) of the Town and Country Planning Act (1990), as amended, or any provisions amending, revoking or re-enacting that section no mezzanine floorspace shall be constructed within any unit within the approved development unless express planning permission for such works has previously been granted.

Reason: To enable the Local Planning Authority to regulate and control the development in the interests of amenity of neighbour properties and to ensure that sufficient parking and cycle parking is provided in accordance with the National

Planning Policy Framework (2019), Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

16 The development hereby approved shall be implemented in strict accordance with the findings, recommendations and conclusions of the approved Flood Risk Assessment and Drainage Strategy undertaken by Ardent dated August 2018 reference H523-01A, including the flood resistance and resilience measures at paragraphs 6.18-6.19 of the strategy, before the development is brought into first use. The development shall thereafter be managed in accordance with the approved measures. Finished ground floor levels in the development shall be set no lower than 3.00 metres above Ordnance Datum (AOD).

Reason: To ensure the approved development is safe and does not increase flood risk elsewhere in accordance with National Planning Policy Framework (2019), Core Strategy (2007) Policies KP1, KP2 and KP3.

17 The development hereby approved shall be undertaken and completed in strict accordance with the findings, recommendations and conclusions of the approved Ecology Statement undertaken by D F Clark Bionomique Ltd dated 22 March 2018 reference DF3398, including the mitigation measures set out on pages 16-18 of the statement.

Reason: To ensure the development results in no adverse harm to ecology or biodiversity in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP1, KP2 and CP4.

18 No development above ground floor slab level shall be undertaken unless and until full details of the bird and bat boxes to be installed at the site have been submitted to and approved in writing by the local planning authority. The approved bird and bat boxes shall be provided in full prior to the first use of the development hereby approved and be retained as such in perpetuity.

Reason: To ensure the development results in no adverse harm to ecology or biodiversity in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP1, KP2 and CP4.

19 No development shall take place, until and unless 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 noise, 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).

20 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 (2019), Core Strategy (2007) Policies KP2, CP3 and CP4, Development Management Document (2015) Policy DM15, and Design and Townscape Guide (2009).

## 20 Decontamination

### A. Site Characterisation

No development other than demolition shall take place until and unless 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, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments;

### B. Submission of Remediation Scheme

No development other than demolition shall take place until and unless 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.

### C. 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.

#### D. 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 7 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.

#### E. Long Term Monitoring and Maintenance

E1) 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.

E2) 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: 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).

21 No drainage infrastructure associated with this consent shall be undertaken at this site unless and until full details of the drainage infrastructure and a drainage strategy have been submitted to and approved in writing by the local planning authority. The strategy submitted shall apply the sustainable drainage principles and the sustainable drainage hierarchy. Where more sustainable methods of drainage are discounted clear evidence and reasoning for this shall be included within the strategy submitted. The approved drainage infrastructure and strategy shall be implemented in full accordance with the approved scheme prior to the first occupation of the development hereby approved and be retained as such thereafter.

Reason: To ensure satisfactory drainage of the site in accordance with Policy KP2 of the Core Strategy (2007) and Development Management Document (2015) Policy DM14.

22 No development or preliminary groundworks of any kind shall take place unless and until a written scheme of investigation for a programme of archaeological work

has been submitted to and approved in writing by the local planning authority. This must include details of the suitably qualified person or organisation that will carry out the archaeological work and reasonable notification to the local planning authority when the work will be undertaken. The archaeological work and development must then be carried out in accordance with the approved scheme. A written report of the investigation and findings shall be produced, showing that the archaeological work and development has been carried out in accordance with the approved scheme and recommendations within the report carried out. Copies of the written report of the investigation and findings must be sent to Southend Borough Council.

Reason: A pre commencement condition is needed to avoid damage to archaeological remains on site as set out in the National Planning Policy Framework (2019), Core Strategy (2007), Policies KP2 and CP4, Development Management Document (2015) Policies DM1, Dm2 Design and Townscape Guide (2009).

23 Unit 1 hereby approved, as identified on plan number NGR 06a, shall only be used as a Sui Generis veterinary practice and shall not be used for any other purpose as defined on the date this application was submitted. Unit 1 shall not be used for any other purpose, including any purpose permitted under amendments to the Town and Country Planning (Use Classes) Order 1987 since the application was submitted nor any change of use permitted under the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or in any provisions equivalent to those in any statutory instrument revoking and re-enacting these Orders, with or without modification.

Reason: To ensure the development is implemented in accordance with the permission sought and to enable the Local Planning Authority to retain control of the use of the floorspace within the Use Class specified so that occupation of the premises does not prejudice amenity and wider objectives of the planning system, in accordance with the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007) and Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015).

24 Unit 8 hereby approved, as identified on plan number NGR 06a, shall only be used for purposes falling within use class A1 as defined under the Town and Country Planning (Use Classes) Order 1987 on the date this application was submitted. Unit 8 shall not be used for any other purpose, including any purpose permitted under amendments to the Town and Country Planning (Use Classes) Order 1987 since the application was submitted nor any change of use permitted under the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or in any provisions equivalent to those in any statutory instrument revoking and re-enacting these Orders, with or without modification.

Reason: To ensure the development is implemented in accordance with the permission sought and to enable the Local Planning Authority to retain control of the use of the floorspace within the Use Class specified so that occupation of the premises does not prejudice amenity and wider objectives of the planning system, in accordance with the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007) and Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015).

25 Units 2, 3, 4, 5, 6, 7, 9, 10 and 11 hereby approved, as identified on plan number NGR 06a, shall only be occupied for purposes falling within Use Classes B1 or B8 as defined under the Town and Country Planning (Use Classes) Order 1987 on the date this application was submitted. Units 2, 3, 4, 5, 6, 7, 9, 10 and 11 shall not be used for any other purpose, including any purpose permitted under amendments to the Town and Country Planning (Use Classes) Order 1987 since the application was submitted nor any change of use permitted under the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or in any provisions equivalent to those in any statutory instrument revoking and re-enacting these Orders, with or without modification.

Reason: To ensure the development is implemented in accordance with the permission sought and to enable the Local Planning Authority to retain control of the use of the floorspace within the Use Class specified so that occupation of the premises does not prejudice amenity and wider objectives of the planning system, in accordance with the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007) and Policies DM1 and DM3 of the Southend-on-Sea 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 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.

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 Should the applicant require to carry out any alterations to the public highway they will be required to enter into the appropriate highway agreement

4 During construction and demolition there shall be no burning of waste material on site

5 Due to the proximity of the site to local residents a COPA (1974) sec 61 agreement with SBC will be required in order to control/mitigate construction noise and lorry movements effectively.

6 Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087

7 The applicant is advised that any proposed advertisements could require separate advertisement consent.

8 The applicant is encouraged to provide electric vehicle charging points at the site in accordance with Policy DM15 which encourages their provision wherever practical and feasible.

**352 20/00817/BC3 - Garages Rear of 187 Saxon Gardens, Shoeburyness (West Shoebury Ward)**

**Proposal: Erect 2 semi-detached dwellinghouses on former garage site to rear of 187 Saxon Gardens, layout parking to front, amenity space to rear and erect toilet block for the allotments**

**Applicant: Mr Martin Berry**

**Agent: Mr David Lloyd of AK Design Partnership LLP**

Cllrs Jones and Mulronev withdrew from the meeting for this agenda item.

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 hereby approved shall be carried out in accordance with the approved plans: 4634.105 REV PL9.

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

03 The materials to be used on the external surfaces of the new dwellings hereby approved, including roof, walls and fenestration, shall be in accordance with the details submitted with the application form or shall be in line with details which have previously been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. The development shall be carried out solely in complete accordance with the approved details before it is brought into first use.

Reason: In the interest of visual amenity in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4,

Development Management Document (2015) Policies DM1 and DM3, and the advice contained within the National Design Guide (2019) and the Design and Townscape Guide (2009).

04 Within the first available planting season (October to March inclusive) following the first use of the development hereby approved, a soft landscaping scheme shall be implemented and completed in full accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. The soft landscaping scheme shall include measures to enhance the biodiversity on site, details of the species to be planted, the treatment of the ground before planting and maintenance details.

Within a period of five years from the completion of the development hereby approved, or from the date of the planting of any tree or any tree planted in its replacement, if any tree planted as part of the approved landscaping scheme is removed, uprooted, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same species and size as that of the original tree shall be planted in the same place or in accordance with alternative tree replacement details approved under the scope of this planning condition.

Reason: In the interest of visual amenity in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3, and the advice contained within the National Design Guide (2019) and the Design and Townscape Guide (2009).

05 The use of the development hereby approved shall not commence until a hard landscaping scheme has been carried out and implemented solely in full accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority. The hard landscaping scheme shall include details of materials to be used on hardsurfacing as well as elevations and details of materials for any boundary treatment of the site, including boundaries within the site.

Reason: In the interest of visual amenity in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3, and the advice contained within the National Design Guide (2019) and the Design and Townscape Guide (2009).

06 Notwithstanding the information submitted and otherwise hereby approved, the proposed toilet block shall be constructed and provided on site solely in accordance with details, including details of materials and elevation drawings, which have previously been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of visual amenity of the area in accordance with the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Southend-on-sea Core Strategy (2007), Policies DM1, DM3 and DM4 of the Southend-on-sea Development Management Document (2015), Policies LS1 and LS2 of the London Southend Airport and Environs Joint Area Action Plan (2014),

Policy CP1 of the Rochford Core Strategy (2011), Policy DM1 of the Rochford Development Management Plan and the advice contained within the National Design Guide (2019), the Rochford Supplementary Document 7 (2007) and Southend-on-sea Design and Townscape Guide (2009).

07 Notwithstanding the details submitted and otherwise hereby approved, the development hereby approved shall be constructed to ensure that the dwellings comply with building regulation M4 (2) “accessible and adoptable dwellings” prior to their first occupation.

Reason: To ensure the development hereby approved provide high quality and flexible internal layouts to meet the changing needs of residents in accordance with the National Planning Policy Framework (2019), 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).

08 No dwelling shall be occupied on site unless and until the internal and external areas of the dwelling are protected from external noise in accordance with mitigation measures, including any details of sound insulation, noise protection measures and any maintenance required, which have previously been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. The agreed measures shall be maintained on site as implemented thereafter for the lifetime of the development.

Reason: In the interest of the living conditions of intended future occupiers of the approved development in accordance with the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015).

09 Construction works for the approved development on site shall only be undertaken between 8 am to 6 pm on weekdays, between 8 am and 1 pm on Saturdays and not at any time on Sundays and Public Holidays.

Reason: In the interest of the residential amenity of nearby occupiers in accordance with the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015).

10 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 noise and the emission of noise, 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 interest of the residential amenity of nearby occupiers and the highway safety in accordance with the National Planning Policy Framework (2019),

Policies KP2, CP3 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM15 of the Development Management Document (2015).

11 The use of the dwellings hereby approved shall not commence unless and until the four parking spaces, two for each dwelling on site, as shown on the approved plan 4634.105 REV PL9 have been provided and made available for use on site. The parking spaces shall be retained in perpetuity for the lifetime of the development for the purposes of car parking solely for residents of the approved dwellings on site and their visitors.

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

12 No construction works, other than demolition and excavation works and works associated with this condition, shall take place unless and until useable accesses have been provided in full accordance with details shown on the approved plan 4634.105 REV PL9 for the rear of the neighbouring terrace to the west, including access for mobility scooters, and the allotments to the east, including access for HGVs. The accesses shall be retained thereafter for the lifetime of the development.

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

13 Notwithstanding the information submitted and details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition and excavation works, shall take place unless and until a drainage and surface water management strategy incorporating principles for Sustainable Drainage Systems (SuDS) has been submitted to and approved in writing by the Local Planning Authority. The drainage and surface water management strategy shall 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 (2019), Core Strategy (2007) Policies KP1, KP2 and KP3.

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

Reason: To minimise the environmental impact of the development through efficient use of resources and better use of sustainable and renewable resources in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM2, and the advice contained within the National Design Guide (2019) and the Design and Townscape Guide (2009).

15 The dwellings hereby approved shall incorporate water efficient design measures set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting before they are occupied.

Reason: To minimise the environmental impact of the development through efficient use of resources and better use of sustainable and renewable resources in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM2, and the advice contained within the National Design Guide (2019) and the Design and Townscape Guide (2009).

16 (a) Notwithstanding the details submitted and otherwise hereby approved, no development shall take place, other than that required to carry out additional necessary investigation which in this case may include demolition, site clearance, removal of underground tanks and old structures, and any construction until an investigation and risk assessment has been submitted to and approved in writing by the local planning authority. The risk assessment shall assess the nature and extent of any contamination on the site whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be submitted to and approved in writing by the local planning authority.

The report of the findings must include:

- i) A survey of extent, scale and nature of contamination;
- ii) An assessment of the potential risks to:
  - human health;
  - properly (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; and
  - an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the Local Planning Authority.

(b) Remediation Scheme: Notwithstanding the details submitted and otherwise hereby approved, no development shall be undertaken, other than where necessary to carry out additional investigation, 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, 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. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. This must be conducted by a competent person and in accordance with DEFRA and the Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the Local Planning Authority.

(c) Implementation of Remediation Scheme: Notwithstanding the details submitted and otherwise hereby approved, no development shall be undertaken unless and until the measures set out in the detailed remediation scheme approved under part (b) of this condition have been implemented. The Local Planning Authority may give approval for the commencement of development prior to the completion of the remedial measures when it is deemed necessary to do so in order to complete the agreed remediation scheme.

The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced. This must be conducted by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the Local Planning Authority.

(d) 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 7 days to the Local Planning Authority. Development must be halted on that part of the site until an assessment has been undertaken in accordance with the requirements of part (a) of this condition, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, has been submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of part (b) of this condition. 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 before the development is brought into use.

Reason: To ensure that any contamination on site is identified and treated so that it does not harm anyone who uses the site in the future and in accordance with the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Core Strategy (2007) and Policy DM14 of the Development Management Document (2015).

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

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

#### Informatives

1 Please note that the development which is the subject of this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and it is the responsibility of the landowner(s) to ensure they have fully complied with the requirements of these regulations. A failure to comply with the CIL regulations in full can result in a range of penalties. For full planning permissions, a CIL Liability Notice will be issued by the Council as soon as practicable following this decision notice. For general consents, you are required to submit a Notice of Chargeable Development (Form 5) before commencement; and upon receipt of this, the Council will issue a CIL Liability Notice including details of the chargeable amount and when this is payable.

If you have not received a CIL Liability Notice by the time you intend to commence development it is imperative that you contact [S106andCILAdministration@southend.gov.uk](mailto:S106andCILAdministration@southend.gov.uk) to avoid financial penalties for potential failure to comply with the CIL Regulations 2010 (as amended). If the chargeable development has already commenced, no exemption or relief can be sought in relation to the charge and a CIL Demand Notice will be issued requiring immediate payment. Further details on CIL matters can be found on the Planning Portal

([www.planningportal.co.uk/info/200136/policy\\_and\\_legislation/70/community\\_infrastructure\\_levy](http://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy)) or the Council's website ([www.southend.gov.uk/cil](http://www.southend.gov.uk/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.

#### **353 20/00320/FUL & 20/00321/LBC - Cockethurst, Eastwoodbury Lane (St Laurence Ward)**

Proposal: 1. Convert existing farm buildings into 2 dwelling houses  
2. Convert existing farm buildings into 2 dwelling houses (Listed Building Consent)

Applicant: Mr David Dedman

Agent: Mr Steven Kearney of SKArchitects

Cllr Wakefield withdrew from the meeting for this agenda item.

Resolved:-

1. 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 504\_P300F, 504\_P301F, 504\_P302F, 504\_P303F, 504\_P304F, 504\_P305F, 504\_P306F, 504\_P307F, 504-P309F, 504\_P308F, 504\_P310F, 504\_P311F, 10186-01, 10186-02, 10186-03, 10186-04.

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

03 The development hereby approved shall be carried out in full accordance with the mitigation measures identified in the Flood Risk Assessment by SLR reference 402.08714.00004 and plan reference 504\_3111F before the approved dwellings are occupied and the recommended mitigation measures shall be maintained for the lifetime of the development.

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

04 The materials used for the development hereby approved shall be as specified on plans reference 504\_P303F, 504\_P304F , 504\_P306F , 504\_P308F and 504\_P309F.

Reason: To safeguard the visual amenities of the historic buildings, setting of the adjacent listed farmhouse and the wider streetscene, in accordance with Core Strategy (2007) policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM3 and DM5 and advice contained within the Southend Design and Townscape Guide (2009).

05 The retention and re siting of the existing historic features impacted by the development hereby approved shall be carried out in full accordance with the specifications set out in the Gazetteer of Historic Features reference 504 revision A and plans reference 504\_309F and 504\_310F and the email from the agent dated 30.07.20 regarding doors, raised beams and hay racks before the development is occupied.

Reason: To safeguard the visual amenities of the historic buildings, setting of the adjacent listed farmhouse and the wider streetscene, in accordance with Core Strategy (2007) policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM3 and DM5 and advice contained within the Southend Design and Townscape Guide (2009).

06 The soft landscaping at the site shall be carried out in full accordance with the details and specifications shown in landscaping plan reference 504\_P302F before the dwellings hereby approved are occupied. The surfacing of the courtyard, parking spaces and driveway shall remain as the existing surfacing.

Reason: To safeguard the visual amenities of the historic buildings, setting of the adjacent listed farmhouse and the wider streetscene, in accordance with Core Strategy (2007) policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM3 and DM5 and advice contained within the Southend Design and Townscape Guide (2009).

07 Prior to the commencement of the development hereby approved tree protection measures, as set out in the Arboricultural Impact Assessment by Owen Allpress reference 1921 dated 16.02.20 shall be implemented in full prior to commencement of the development and shall be retained throughout construction of the development.

Reason: A pre commencement condition is required to ensure the trees to the west of the site 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) policy DM1 and advice contained within the Southend Design and Townscape Guide (2009).

08 Notwithstanding the provisions of the Town and County Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking, re-enacting or modifying that Order), there shall be no formation of new marked or treated boundaries of any kind within the site including to separate the main farmhouse from the courtyard.

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

09 The development hereby approved shall not be occupied until and unless 2 car parking spaces have been provided at the site and made available for use solely for occupiers of the residential units hereby approved and their visitors all in accordance with the details shown on drawing 504\_P310F. The parking spaces shall be permanently retained 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 CP3 of the Core Strategy (2007) and Policy DM15 of the Council's Development Management Document (2015).

10 The development hereby approved shall not be occupied until and unless the store containing at least 2 secure, covered cycle parking spaces and the refuse and recycling stores, as shown on drawing 504\_P303F, have been provided at the site in full accordance with the approved plans and made available for use for the occupiers of the dwellings hereby approved. The approved scheme shall be permanently retained for the storage of cycles and waste and recycling thereafter.

Reason: To ensure that adequate refuse and recycling storage cycle parking is provided and retained to serve the development in accordance with Policies KP2 and CP3 of the Core Strategy (2007) and Policies DM8 and DM15 of the Development Management Document (2015).

11 Prior to occupation of the dwellings hereby approved, appropriate water efficient design measures as set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to not more than 105 litres per person per day (lpd) (110 lpd when including external water consumption), to include measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting shall be implemented for the development and thereafter 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 (2019), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM2 and advice contained within the Southend Design and Townscape Guide (2009).

12 Prior to any drainage infrastructure being installed, in accordance with the latest submitted Technical Note (9th March 2020, SLR Ref: 402.08714.00004 Ref: TN01 00) detailed designs of a surface water drainage scheme incorporating the following details shall be submitted to and agreed with the Local Planning Authority in consultation with the Lead Local Flood Authority. The approved scheme shall be implemented in accordance with the approved details prior to the first occupation of the development. The scheme shall address the following matters:

- Provide clarification of the location and type of outfall connection with pipe sizes and invert levels.
- Provide evidence of consent from the Environment Agency for the proposed works which require a permit.

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 Policy DM2 of the Development Management Document (2015).

13 Prior to the occupation of the approved dwellings a noise Impact assessment must be conducted by a competent person to assess the potential impact of noise from London Southend Airport and existing commercial, industrial and premises on the proposed dwelling. The assessment must be made using the appropriate standards for noise sources and recognised standards and best practice in order to make the dwelling fit for its proposed use. The noise impact assessment must include any necessary mitigation measures needed to achieve the required standards and shall be submitted to the local planning authority for approval in writing before the development is occupied. Any agreed mitigation must be installed before the development is occupied and be maintained thereafter.

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

14 (a) Notwithstanding the details submitted and otherwise hereby approved, no development shall take place, other than that required to carry out additional necessary investigation which in this case may include demolition, site clearance, removal of underground tanks and old structures, and any construction until an

investigation and risk assessment has been submitted to and approved in writing by the local planning authority. The risk assessment shall assess the nature and extent of any contamination on the site whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be submitted to and approved in writing by the local planning authority.

The report of the findings must include:

i) A survey of extent, scale and nature of contamination;

ii) An assessment of the potential risks to:

human health;

- o properly (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
- o adjoining land;
- o groundwaters and surface waters;
- o ecological systems;
- o archaeological sites and ancient monuments; and
- o an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the Local Planning Authority.

(b) Remediation Scheme: Notwithstanding the details submitted and otherwise hereby approved, no development shall be undertaken, other than where necessary to carry out additional investigation, 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, 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. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. This must be conducted by a competent person and in accordance with DEFRA and the Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the Local Planning Authority.

(c) Implementation of Remediation Scheme: Notwithstanding the details submitted and otherwise hereby approved, no development shall be undertaken unless and

until the measures set out in the detailed remediation scheme approved under part (b) of this condition have been implemented. The Local Planning Authority may give approval for the commencement of development prior to the completion of the remedial measures when it is deemed necessary to do so in order to complete the agreed remediation scheme. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced. This must be conducted by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the Local Planning Authority.

(d) 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 7 days to the Local Planning Authority. Development must be halted on that part of the site until an assessment has been undertaken in accordance with the requirements of part (a) of this condition, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, has been submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of part (b) of this condition. 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 before the development is brought into use.

Reason: To ensure that any contamination on site is identified and treated so that it does not harm anyone who uses the site in the future and in accordance with the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Core Strategy (2007) and Policy DM14 of the Development Management Document (2015).

15 No development shall commence until a survey of the barn has been undertaken to determine whether bats or barn owls are present and the results of this have been submitted to and approved in writing by the local planning authority. If bats or barn owls are found to be present, no conversion work shall take place until an acceptable mitigation scheme has been submitted to and approved in writing by the local planning authority. The development shall commence and proceed only in accordance with the approved mitigation scheme. No work including any clearance or demolition shall take place between 1 April and 1 October in any year.

Reason: A pre-commencement condition is required to ensure any bats or barn owls utilising the site are adequately protected during building works in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) policy KP2 and Development Management Document (2015) policy DM2.

16 Construction Hours for the development hereby approved shall be restricted to 8am – 6pm Monday to Friday, 8am - 1pm Saturday and not at all on Sundays or Bank Holidays.

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

Informatives:

01 Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy Regulations 2010 (as amended). A Community Infrastructure Levy (CIL) Liability Notice will be issued as soon as practicable following this decision notice. This contains details including the chargeable amount, when this is payable and when and how exemption or relief on the charge can be sought. You are advised that a CIL Commencement Notice (CIL Form 6) must be received by the Council at least one day before commencement of development. Receipt of this notice will be acknowledged by the Council. Please ensure that you have received both a CIL Liability Notice and acknowledgement of your CIL Commencement Notice before development is commenced. Most claims for CIL relief or exemption must be sought from and approved by the Council prior to commencement of the development. Charges and surcharges may apply, and exemption or relief could be withdrawn if you fail to meet statutory requirements relating to CIL. Further details on CIL matters can be found on the Council's website at [www.southend.gov.uk/cil](http://www.southend.gov.uk/cil).

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

03 If construction works are to be considered outside of normal hours especially overnight it is recommended that the applicant applies for a prior consent application under section 61 of the Control of Pollution Act 1974. A consent enables the applicant to conduct the works without the worry of enforcement provided they comply with it. The applicant will have to submit details of any noisy works including type of plant and machinery to be used, proposed daily start and finish times, consultation with nearby residents and businesses and duration and time scales of the works. The applicant should contact the Regulatory Services Team at Southend-on-Sea Borough Council for details.

2. That LISTED BUILDING CONSENT 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 18 of the Planning (Listed Building and Conservation Areas) Act 1990.

02 The development hereby permitted shall be carried out in accordance with the following approved plans 504\_P300F, 504\_P301F, 504\_P302F, 504\_P303F,



504\_P304F, 504\_P305F, 504\_P306F, 504\_P307F, 504-P309F, 504\_P308F, 504\_P310F, 504\_P311F, 10186-01, 10186-02, 10186-03, 10186-04.

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

03 The materials used for the development hereby approved shall be as specified on plans reference 504\_P303F, 504\_P304F , 504\_P306F , 504\_P308F and 504\_P309F.

Reason: To safeguard the visual amenities of the historic buildings, setting of the adjacent listed farmhouse and the wider streetscene, in accordance with Core Strategy (2007) policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM3 and DM5 and advice contained within the Southend Design and Townscape Guide (2009).

04 The retention and re siting of the existing historic features shall be carried out in full accordance with the details and specifications set out in the Gazetteer of Historic Features reference 504 revision A and plans reference 504\_309F and 504\_310F and the email from the agent dated 30.07.20 regarding doors, raised beams and hay racks.

Reason: To safeguard the visual amenities of the historic buildings, setting of the adjacent listed farmhouse and the wider streetscene, in accordance with Core Strategy (2007) policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM3 and DM5 and advice contained within the Southend Design and Townscape Guide (2009).

05 No electricity, gas or water meter boxes, soil ventilation pipes, air extraction pipes, air conditioning units, boiler flues, ventilation grills, ducting or telecommunication equipment shall be fixed to the exterior of the building without prior written approval of the local planning authority.

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

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

**354 20/00696/TPO - 56 Fairfield Road, Eastwood (Eastwood Park Ward)**

**Proposal: Remove to ground level 1 Oak Tree (T1) at rear (Application for works to trees subject to a Tree Preservation Order)**

**Applicant: Subsidence Management Services**

**Agent: IG Environmental Services of Innovation Group Environmental Services**

Resolved:-

That CONSENT TO CARRY OUT WORK ON TREES be GRANTED subject to the following conditions:

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

Reason: To enable the circumstances to be reviewed at the expiration of the period if the consent has not been implemented, in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policy KP2 and CP4, Development Management Document (2015) Policy DM1 and advice in the Southend Design and Townscape Guide (2009).

02 The works shall be carried out in accordance with British Standard BS 3998 (2010) by a suitably qualified person.

Reason: In the interests of ecology and in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) policy KP2 and CP4, Development Management Document (2015) Policy DM1 and the Southend 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.

**355 20/00737/FUL - 30-32 The Leas, Westcliff-on-Sea (Chalkwell Ward)**

Proposal: Erect part 3/part 4 storey building with basement level comprising of 9 self-contained flats (Class C3 ) layout secure cycle/refuse stores and parking at basement level with landscaping to front and rear.

Applicant: Elmore Homes Limited

Agent: R Warren of SKArchitects

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 and details 609-P01E, 609-P02F, 609-P03C, 609-P04A, 609-P05A, 609-P06B, 609-P07B, 609-P08E, 609-P09C, 609-P10B, 609-P11F, 609-P12B, 609-P13 (visual), 609-P14, 609-P15C, Materials List by SKArchitects ref 609 Rev A and Platform Lift Information by SKArchitects Ref 609.

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

03 The development hereby approved shall be carried out in full accordance with the mitigation measures identified in the Flood Risk Assessment carried out by by Ambiental Environmental Assessment reference 5364 before the approved dwellings are occupied and the recommended mitigation measures shall be maintained for the lifetime of the development.

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

04 Notwithstanding the details submitted and otherwise hereby approved, no development shall be undertaken unless and until full details of the existing and proposed site levels to include the proposed dwellings, forecourts and landscaped areas relative to the adjoining land and any other changes proposed in the existing levels of the site have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented and completed in accordance with the approved details before it is occupied.

Reason: A pre commencement condition is required to safeguard the visual amenities of the site and wider area as set out in Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the advice contained within the Southend Design and Townscape Guide (2009).

05 The materials used for the external surfaces of the building shall be as detailed on plan reference 609-P15C and the Materials List prepared by SKArchitects reference 609 Rev A.

Reason: To safeguard the visual amenities of the conservation area and wider streetscene, in accordance with Core Strategy (2007) policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM5 and DM6 and advice contained within the Southend Design and Townscape Guide (2009).

06 The detailing for the front balconies and guttering of the development hereby approved shall be carried out in full accordance with plan references 609-P12B and 609-P15C before the development is occupied.

Reason: To safeguard the visual amenities of the conservation area and wider streetscene, in accordance with Core Strategy (2007) policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM5 and DM6 and advice contained within the Southend Design and Townscape Guide (2009).

07 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition and construction to ground

floor slab level shall take place until full details of both hard and soft landscape works to be carried out at the site have been submitted to and approved in writing by the local planning authority. The approved hard landscaping works shall be carried out prior to first occupation of the development and the soft landscaping works within the first planting season following first occupation of the development. The details submitted shall include, but not limited to: -

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

Any trees or shrubs dying, removed, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed with the Local Planning Authority.

Reason: To safeguard character and appearance of conservation area and wider streetscene in accordance with Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM5 of the Development Management Document (2015) and the Design and Townscape Guide (2009).

08 Prior to the commencement of the development hereby approved details of tree protection measures, in relation to the trees on, or adjoining, the site, 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 commencement of the development and shall be retained throughout construction of the development.

Reason: A pre commencement condition is justified to ensure the trees to the west of the site 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) policy DM1 and advice contained within the Southend Design and Townscape Guide (2009).

09 The development hereby approved shall not be occupied until and unless 11 car parking spaces have been provided at the site and made available for use solely for occupiers of the residential units hereby approved and their visitors all in accordance with the details shown on drawing 609-P07B, together with properly constructed vehicular access to the adjoining highway, in full accordance with the approved plans. The parking spaces shall be permanently retained 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 CP3 of the Core Strategy (2007) and Policy DM15 of the Council's Development Management Document (2015).

10 The development hereby approved shall not be occupied until and unless the store containing at least 9 secure, covered cycle parking spaces and the refuse and

recycling store to serve the flatted development as shown on drawing 609-P07B have been provided at the site in full accordance with the approved plans and made available for use for the occupiers of the flats hereby approved. The approved scheme shall be permanently retained for the storage of cycles and waste and recycling thereafter. The waste management and servicing of the development shall be carried out in accordance with the submitted Waste Management Plan by SKArchitects.

Reason: To ensure that adequate refuse and recycling storage cycle parking is provided and retained to serve the development in accordance with Policies KP2 and CP3 of the Core Strategy (2007) and Policies DM8 and DM15 of the Development Management Document (2015).

11 No drainage infrastructure shall be installed at the site unless and until detailed designs of a surface water drainage scheme incorporating the following measures has been submitted to and agreed with the Local Planning Authority in consultation with the Lead Local Flood Authority. The approved scheme shall be implemented in full before the development is first occupied. The scheme provided shall address the following matters:

- i. Provide a detailed drainage plan identifying the sustainable urban drainage (SuDS) features to be used, including their size and location, the destination of runoff, any runoff rate restrictions, and the proposed method of flow control;
- ii. Provide supporting calculations to demonstrate the hydraulic performance of the proposed SuDS for the 1 in 100 year plus 40% change event;
- iii. Provide evidence of consent from Anglian Water for the proposed discharge rate and connection location to the public sewer; and
- iv. Provide details of the management and maintenance for all SuDS and how they will be secured for the lifetime of the development (maintenance plan).

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

12 A scheme detailing how at least 10% of the total energy needs of the development hereby approved will be supplied using on site renewable sources shall be submitted to, agreed in writing by the Local Planning Authority and implemented in full in accordance with the approved details prior to the first occupation of the dwellings hereby approved. This 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 (2019), Core Strategy (2007) policy KP2 and CP4, Development Management Document (2015) policy DM2 and the Southend Design and Townscape Guide(2009).

13 Prior to occupation of the dwellings hereby approved, appropriate water efficient design measures as set out in Policy DM2 (iv) of the Development Management

Document to limit internal water consumption to not more than 105 litres per person per day (lpd) (110 lpd when including external water consumption), to include measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting shall be implemented for the development and thereafter 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 (2019), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM2 and advice contained within the Southend Design and Townscape Guide (2009).

14 The east and west facing windows in the development hereby approved 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 permanently fixed shut and unopenable, except for any top hung light which shall be a minimum of 1.7 metres above internal floor level of the rooms served by those windows 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 (2019), Core Strategy (2007) policy CP4, Development Management Document (2015) policy DM1, and advice contained within the Design and Townscape Guide (2009).

15 The development hereby approved shall be carried out in a manner to ensure the flats comply with building regulation M4 (2) 'accessible and adaptable dwellings', including the installation of the platform lift as detailed in the approved plan reference 609-P11 Rev F and Platform Lift Information by SKArchitects Ref 609, before they are occupied.

Reason: To ensure the residential units hereby approved provides a high quality and flexible internal layout to meet the changing needs of residents in accordance with National Planning Policy Framework (2019), Core Strategy (2007) policy KP2, Development Management Document (2015) policy DM8 and the advice contained in the Southend Design and Townscape Guide (2009).

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

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

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

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

#### Informatives

01 Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy Regulations 2010 (as amended). A Community Infrastructure Levy (CIL) Liability Notice will be issued as soon as practicable following this decision notice. This contains details including the chargeable amount, when this is payable and when and how exemption or relief on the charge can be sought. You are advised that a CIL Commencement Notice (CIL Form 6) must be received by the Council at least one day before commencement of development. Receipt of this notice will be acknowledged by the Council. Please ensure that you have received both a CIL Liability Notice and acknowledgement of your CIL Commencement Notice before development is commenced. Most claims for CIL relief or exemption must be sought from and approved by the Council prior to commencement of the development. Charges and surcharges may apply, and exemption or relief could be withdrawn if you fail to meet statutory requirements relating to CIL. Further details on CIL matters can be found on the Council's website at [www.southend.gov.uk/cil](http://www.southend.gov.uk/cil).

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

03 The applicant advised that an amendment to the existing traffic regulation order to the front of the site will be required when constructing the vehicle access. Please contact the Council's Highways Section to arrange this.

**356      20/00801/AMDT - 200 Priory Crescent, Southend-on-Sea (St Laurence Ward)**

**Proposal: Application to vary condition 11 (Refuse collection hours) to allow commercial refuse collection and the deliveries for the development; shall not take place outside 06:00 hours to 23:00 hours Mondays to Saturdays and 07:00 hours to 23:00 hours on Sundays and bank holidays (Minor Material Amendment of planning permission 18/01963/FULM dated 9.1.2019)**

**Applicant: Aldi Foodstores Ltd**

**Agent: Mr William Rogers of Planning Potential**

Resolved:-

That PLANNING PERMISSION be GRANTED subject to the following conditions:

1 The development hereby permitted shall begin no later than 9 January 2022, three years from the date planning permission 18/01963/FULM was granted.

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

2 The development shall be carried out in accordance with the approved plans: 22380CHE-102, 2238-CHE-100, 2238-CHE-113, 2238-CHE-112 Rev. A, 2238-CHE-111, V2238 L01, 2238-CHE-110 Rev. B, 18311-BT1, 2238 CHE Aldi Southend CGI 02, B2340-MJA-P105-4837.

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

3 The development hereby approved 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 19/01782/AD or any other materials which 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).

4 The development shall be undertaken in accordance with the approved hard and soft landscaping scheme as shown on drawing number V2238 L01, or any other hard and soft landscaping scheme that has been previously submitted to and approved in writing by the local planning authority. All planting in the approved landscaping scheme shall be carried out within the first available planting season following first use of the development hereby approved. Any shrubs or trees 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 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).

5 The development shall not be first brought into use until 97 on site car parking spaces have been provided and made available for use in full accordance with drawing 2238-CHE-110 rev. B, 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 customers and staff of 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).

6 Notwithstanding the details shown on the plans hereby approved the development shall not be brought into first use unless and until details of a minimum of 10 secure, covered cycle parking spaces to serve the development



have been submitted to and approved in writing by the local planning authority. The approved cycle parking facilities shall be provided 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).

7 The development shall be undertaken and thereafter occupied and maintained in perpetuity in accordance with the waste and recycling management strategy reference 2238-CHE dated 08.10.18. or any other waste management strategy that has previously been submitted to and approved in writing by the local planning authority.

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

8 No external plant or ventilation equipment shall be installed at the development unless and until full details of its location, design and technical specifications and a report detailing any mitigation measures proposed in respect of noise 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 mitigation measures undertaken in association with the agreed details before the extraction and ventilation equipment is brought into use. With reference to British Standard 4142 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 and to ensure an appropriate design response 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).

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

10 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 by the Local Planning Authority and implemented in full prior

to the first use 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).

11 Commercial refuse collection and deliveries for the development shall not take place outside 06:00 hours to 23:00 hours Mondays to Saturdays and 07:00hours to 23:00hours on Sundays and 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).

12 The development hereby approved shall be constructed in accordance with the surface water drainage works and Sustainable Urban Drainage (SuDS) details previously submitted to and approved in writing by the local planning authority under the approval of details application reference 19/01782/AD, or any other surface water drainage work details which have previously been submitted to and approved in writing by the local planning authority.

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

13 The development hereby approved shall be constructed in accordance with the contamination details previously submitted to and approved in writing by the local planning authority under the approval of details application reference 19/01782/AD, or any other details which have previously been submitted to and approved in writing by the local planning authority.

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

14 The development hereby approved shall be constructed in accordance with the programme of archaeological recording and analysis previously submitted to and approved in writing by the local planning authority under the approval of details application reference 19/01782/AD, or any other details which have previously been submitted to and approved in writing by the local planning authority.

Reason: to allow the preservation by record of archaeological deposits and to provide an opportunity for the watching archaeologist to notify all interested parties before the destruction off any archaeological finds in accordance with the National Planning Policy Framework (2019) and Policy DM5 of the Development Management Document (2015).

15 Notwithstanding the information submitted with the application, the development hereby approved shall not be brought into first use unless and until a Travel Plan including a comprehensive survey of users, targets to reduce car journeys to and from the site, identifying sustainable transport modes including cycling and modes of public transport and measures to reduce car usage has been submitted to and agreed in writing by the local planning authority. The approved Travel Plan shall be fully implemented prior to first use of the development hereby approved and be maintained thereafter in perpetuity and shall be reviewed after 9 months of the development. For the first three years at the end of each calendar year a document setting out the monitoring of the effectiveness of the Travel Plan and setting out any proposed changes to the Plan to overcome any identified issues and timescales for doing so must be submitted to and approved in writing by the local planning authority. The agreed adjustments shall be implemented in accordance with the agreed conclusions and recommendations.

Reason: In the interests of sustainability, accessibility, highways efficiency and safety, residential amenity and general environmental quality in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2, CP3 and CP4, Development Management Document (2015) Policy DM15, and Design and Townscape Guide (2009).

15 The development hereby approved shall be constructed in accordance with the Construction Method Statement submitted to and approved in writing by the local planning authority under the approval of details application reference 19/01782/AD, or any other Construction Management Plan which has previously been submitted to and approved in writing by the local planning authority.

Reason: This 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).

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

Reason: To ensure the development provides biodiversity and ecology benefits in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP1, KP2 and CP4.

17 The development hereby approved shall be undertaken in accordance with the findings and recommendations of the protected species and habitats surveys for bats, badgers and reptiles previously submitted to and approved in writing by the local planning authority under the approval of details application reference 19/01782/AD, or any other details which have previously been submitted to and approved in writing by the local planning authority.

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.

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

Reason: To ensure the development provides biodiversity and ecology benefits in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP1, KP2 and CP4.

19 The development shall be undertaken in accordance with the Arboricultural assessment and method statement undertaken by Barrell Tree Consultancy reference 18311-AA-AN dated 28th September 2018.

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

20 Notwithstanding the information submitted with this application, the development shall not be first used unless and until a deliveries management plan has been submitted to and approved in writing by the local planning authority. The development shall be undertaken and operated in strict accordance with the approved management plan in perpetuity.

Reason: In the interests of highway safety in accordance with the National Planning Policy Framework (2019), Policy DM15 of the Council's Development Management Document (2015) and Policy CP3 of the Core Strategy (2007).

21 The development hereby approved shall be constructed in accordance with the details of the right hand turn lane and amended access details previously submitted to and approved in writing by the local planning authority under the approval of details application reference 19/01782/AD, or any other details which have previously been submitted to and approved in writing by the local planning authority.

Reason: In the interests of highway safety in accordance with the National Planning Policy Framework (2019), Policy DM15 of the Council's Development Management Document (2015) and Policy CP3 of the Core Strategy (2007).

22 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any Order revoking and re-enacting that Order with, or without modification, no extensions or works to provide additional floorspace shall be carried out at the development hereby approved falling within Schedule 2, Part 7 Class A of that Order.

Reason: To enable the Local Planning Authority to regulate and control development in the interest of the amenity of neighbouring properties and to safeguard the character of the area in accordance the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM1 and the Design and Townscape Guide (2009).

23 Notwithstanding the provisions of Section 55(2) of the Town and Country Planning Act (1990) as amended, no mezzanine floorspace shall be erected within the approved development unless express planning permission for such works has been previously granted.

Reason: To enable the Local Planning Authority to regulate and control development in the interest of the amenity of neighbouring properties in accordance the National Planning Policy Framework (2018), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM1 and the Design and Townscape Guide (2009).

24 Notwithstanding the information submitted and otherwise hereby approved, within one month after the opening of the store to the public, a Noise Impact Assessment and Validation Survey, including any additional noise mitigation measures proposed shall be carried out which shall include an assessment of the noise levels from delivery/refuse collection vehicles between the hours of 06:00 – 07:00 on Saturdays and public holidays. The Noise Impact Assessment and Validation Survey shall be submitted to the Local Planning Authority and approved in writing within 4 months of the store first opening. The development shall subsequently be managed in full accordance with the approved Noise Impact Assessment and Validation Survey. In the event that the Noise Impact Assessment and Validation Survey are not approved by the Local Planning Authority within 4 months of the store opening commercial refuse collection and deliveries for the development shall not take place outside 06:00 hours to 23:00 Monday to Friday and 07:00 hours to 23:00 hours on Saturdays, Sundays and Bank Holidays, overriding the provisions of condition 11 of this permission, until such times as the Local Planning Authority has approved a Noise Impact Assessment and Validation Survey submitted in accordance with the terms of this condition.

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).

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

your CIL Commencement Notice before development is commenced. Most claims for CIL relief or exemption must be sought from and approved by the Council prior to commencement of the development. Charges and surcharges may apply, and exemption or relief could be withdrawn if you fail to meet statutory requirements relating to CIL. Further details on CIL matters can be found on the Council's website at [www.southend.gov.uk/cil](http://www.southend.gov.uk/cil).

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 You are advised that separate advertisement consent will be required for the advertisements shown on the approved plans and the granting of planning permission in this case does not permit the advertisements shown on the plans for which separate advertisement consent is required.

4 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.

**357      20/00889/FUL - 20 Berkeley Gardens, Leigh-on-Sea (West Leigh Ward)**

Proposal: Demolish existing building, erect two semi-detached dwellinghouses, layout amenity space and parking, form new vehicular access onto Berkeley Gardens.

Applicant: Mr Ben Bradley

Agent: Danny Knott of DK Building Designs Ltd

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 hereby approved shall be carried out in accordance with the approved plans: 3639-06 Sheet 1 of 3 rev C, 3639-06 Sheet 2 of 3 rev C, 3639-06 Sheet 3 of 3 rev C.

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

03 The materials to be used on the external surfaces of the new dwellings hereby approved, including roof, walls and fenestration, shall be in line with details which have previously been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. The development shall be carried out solely in complete accordance with the approved details before it is brought into first use.

Reason: In the interest of visual amenity in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3, and the advice contained within the National Design Guide (2019) and the Design and Townscape Guide (2009).

04 Within the first available planting season (October to March inclusive) following the first use of the development hereby approved, a soft landscaping scheme shall be implemented and completed in full accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. The soft landscaping scheme shall include measures to enhance the biodiversity on site, details of the species to be planted, the treatment of the ground before planting and maintenance details.

Within a period of five years from the completion of the development hereby approved, or from the date of the planting of any tree or any tree planted in its replacement, if any tree planted as part of the approved landscaping scheme is removed, uprooted, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same species and size as that of the original tree shall be planted in the same place or in accordance with alternative tree replacement details approved under the scope of this planning condition.

Reason: In the interest of visual amenity in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3, and the advice contained within the National Design Guide (2019) and the Design and Townscape Guide (2009).

05 The use of the development hereby approved shall not commence until a hard landscaping scheme has been carried out and implemented solely in full accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority. The hard landscaping scheme shall include details of materials to be used on hardsurfacing as well as elevations and details of materials for any boundary treatment of the site, including boundaries within the site.

Reason: In the interest of visual amenity in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3, and the advice contained within the National Design Guide (2019) and the Design and Townscape Guide (2009).

06 Notwithstanding the details submitted and otherwise hereby approved, the development hereby approved shall be constructed to ensure that the dwellings

comply with building regulation M4 (2) “accessible and adoptable dwellings” prior to their first occupation.

Reason: To ensure the development hereby approved provide high quality and flexible internal layouts to meet the changing needs of residents in accordance with the National Planning Policy Framework (2019), 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).

07 Construction works for the approved development on site shall only be undertaken between 8 am to 6 pm on weekdays, between 8 am and 1 pm on Saturdays and not at any time on Sundays and Public Holidays.

Reason: In the interest of the residential amenity of nearby occupiers in accordance with the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015).

08 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to 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 noise, 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 interest of the residential amenity of nearby occupiers and the highway safety in accordance with the National Planning Policy Framework (2019), Policies KP2, CP3 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM15 of the Development Management Document (2015).

09 The north and south facing (side) windows shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy, or equivalent) and be permanently fixed shut, except for any top hung fan light which shall be a minimum of 1.7 metres above internal finished floor level of the room served by that window. In the case of multiple or double-glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4. The window shall be retained in line with these details in perpetuity for the lifetime of the development.

Reason: In the interest of the residential amenity of nearby occupiers in accordance with the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015).

10 The flat roof areas above the first floor level and the flat roofs over the single storey rear projections of the development hereby approved shall not be used as balconies, roof gardens or similar amenity area or for any other purpose unless planning permission has first been obtained by the local planning authority. These



areas can however be used for the purposes of maintenance or to escape in an emergency.

Reason: In the interest of the residential amenity of nearby occupiers in accordance with the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015).

11 Notwithstanding the provisions of Class A of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended or any equivalent statutory provisions revoking or amending the above referenced class of permitted development rights, the northern dwelling hereby approved shall not be extended rearwards without first obtaining planning permission from the Local Planning Authority.

Reason: In the interest of the residential amenity of nearby occupiers in accordance with the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015).

12 The use of the dwellings hereby approved shall not commence unless and until the four parking spaces, two for each dwelling on site, as shown on the approved plan 3639-06 Sheet 3 of 3 rev B have been provided and made available for use on site. The parking spaces shall be retained in perpetuity for the lifetime of the development for the purposes of car parking solely for residents of the approved dwellings on site and their visitors.

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

13 Notwithstanding the information submitted and details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition and excavation works, shall take place unless and until a drainage and surface water management strategy incorporating principles for Sustainable Drainage Systems (SuDS) has been submitted to and approved in writing by the Local Planning Authority. The drainage and surface water management strategy shall 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 (2019), Core Strategy (2007) Policies KP1, KP2 and KP3.

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

Reason: To minimise the environmental impact of the development through efficient use of resources and better use of sustainable and renewable resources in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM2, and the advice contained within the National Design Guide (2019) and the Design and Townscape Guide (2009).

15 The dwellings hereby approved shall incorporate water efficient design measures set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting before they are occupied.

Reason: To minimise the environmental impact of the development through efficient use of resources and better use of sustainable and renewable resources in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM2, and the advice contained within the National Design Guide (2019) and the Design and Townscape Guide (2009).

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

Informatives:

1 Please note that the development which is the subject of this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and it is the responsibility of the landowner(s) to ensure they have fully complied with the requirements of these regulations. A failure to comply with the CIL regulations in full can result in a range of penalties. For full planning permissions, a CIL Liability Notice will be issued by the Council as soon as practicable following this decision notice. For general consents, you are required to submit a Notice of Chargeable Development (Form 5) before commencement; and upon receipt of this, the Council will issue a CIL Liability Notice including details of the chargeable amount and when this is payable. If you have not received a CIL Liability Notice by the time you intend to commence development it is imperative that you contact [S106andCILAdministration@southend.gov.uk](mailto:S106andCILAdministration@southend.gov.uk) to avoid financial penalties for potential failure to comply with the CIL Regulations 2010 (as amended). If the chargeable development has already commenced, no exemption or relief can be sought in relation to the charge and a CIL Demand Notice will be issued requiring immediate payment. Further details on CIL matters can be found on the Planning Portal ([www.planningportal.co.uk/info/200136/policy\\_and\\_legislation/70/community\\_infrastructure\\_levy](http://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy)) or the Council's website ([www.southend.gov.uk/cil](http://www.southend.gov.uk/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.

3 The granting of this permission does not negate the need for Highways Consent for the permanent vehicular crossing and there is no guarantee that you will automatically be granted Highways Consent for this. Applications for permanent vehicular crossings made under Planning Legislation consider a broader range of criteria in comparison to applications made under Highways legislation. They are separate regimes and different requirements apply to each.

**358 20/00923/FUL - Land Rear of 26-30 Lime Avenue, Leigh-on-Sea (West Leigh Ward)**

Proposal: Erect two dwellinghouses incorporating garages to side to rear of 26 and 30 Lime Avenue with amenity space to rear and install additional vehicular access to front of 30 Lime Avenue

Applicant: Mr Bishop and Mr Avery

Agent: Mrs Lindsey Wislocki of Hedgehog Development

S Bennet spoke as an objector to the application, S Avery responded.

Resolved:-

That PLANNING PERMISSION be REFUSED for the following reason:

01 The proposed development by reason of its siting and layout would materially conflict with the grain of the local area, would appear incongruous and be materially out of keeping with and detract from the character and appearance of the site and wider surrounding area. This is unacceptable and contrary to the National Planning Policy Framework (2019), 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 National Design Guide (2019) and the Southend Design and Townscape Guide (2009).

02 The proposed development, in particular the northern dwelling, by reason of its position and upper floor window arrangements, would result in material harm to the residential amenity of neighbouring occupiers at 2 Belfairs Close, due to overlooking and material loss of privacy. This is an unacceptable form of development which is contrary to the National Planning Policy Framework (2019); Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007) and Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015).

03 The proposed development, in particular the northern dwelling, by reason of its siting and relationship with 2 Belfairs Close, would result in overlooking which would be detrimental to the living conditions of the intended future occupiers of the proposed dwelling. This is unacceptable and contrary to the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Core Strategy (2007),

Policies DM1, DM3 and DM8 (as amended by the Technical Housing Standards Policy Transition Statement (2015)) of the Development Management Document (2015) and the advice contained within the Design and Townscape Guide (2009).

04 The proposal fails to demonstrate that the development would not result in the loss of local ecological assets including wildlife habitats. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework (2019), Policies KP1, KP2 and CP4 of the Southend-on-Sea Core Strategy (2007) and Policies DM1, DM3 and DM14 of the Southend-on-Sea 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 via the pre-application service available at [https://www.southend.gov.uk/info/200155/make\\_a\\_planning\\_application\\_and\\_planning\\_advice/365/planning\\_advice\\_and\\_guidance/2](https://www.southend.gov.uk/info/200155/make_a_planning_application_and_planning_advice/365/planning_advice_and_guidance/2)

Informative:

1 Please note that this application would have been 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 may also be CIL liable.

**359 20/01086/FUL - 8 Richmond Avenue, Westcliff-on-Sea (Victoria Ward)**

Proposal: Change of use from 6-bedroom HMO (Class C4) to 9 bedroom HMO (Sui Generis), erect two storey side extension (Amended Proposal)

Applicant: Mr Ben Page

Agent: Mr Luis Mulry of Edith Garland Architecture

Cllr Jones withdrew from the meeting for this agenda item.

Cllr Buck withdrew from the rest of the meeting (Note: Agenda item Nos.18 and 19 were taken first, Cllr Buck was present for these items)

Resolved:-

That PLANNING PERMISSION be REFUSED for the following reason:

The development would, by reason of its internal layout, design and the level of facilities provided, fail to provide an adequate standard of living conditions for its future occupiers to the detriment of their amenity. This is 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 the Essex HMO Amenity Standards (30 July 2018).

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

The development would benefit from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge would be payable. See [www.southend.gov.uk/cil](http://www.southend.gov.uk/cil) for further details about CIL.

### **360 20/01049/AMDT - 88 Woodside, Leigh-on-Sea (Belfairs Ward)**

Proposal: Vary Condition 02 (Approved Plans) to replace approved plans with 1519.100, 1519.101b, 1519.102b, 1519.103c and 1519.104b (Minor material amendment to Planning Permission 19/02062/FUL dated 22.01.2020)

Applicant: Mr And Mrs N Stevens

Agent: Mr John Jackson of Architectural Design Associates

A written objection, from M Le Brun, was read to the committee. A written response, from J Jackson, was also read to the committee.

Resolved:-

That PLANNING PERMISSION be GRANTED subject to the following conditions:

01 The development hereby permitted shall begin no later than 22 January 2023, three years from the date planning permission 19/02062/FUL was granted.

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

02 The development hereby approved shall be carried out in accordance with the approved plans: 1519.100, 1519.101b, 1519.102b, 1519.103c and 1519.104b.

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

03 The materials to be used on the external surfaces of the development hereby approved, including roof, walls and fenestration, shall be in line with the details shown on the approved plan 1519.103c or details which have previously been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. The development shall be carried out solely in complete accordance with the approved details before it is brought into first use.

Reason: In the interest of visual amenity in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4,

Development Management Document (2015) Policies DM1 and DM3, and the advice contained within the National Design Guide (2019) and the Design and Townscape Guide (2009).

04 Within the first available planting season (October to March inclusive) following the first use of the development hereby approved, a soft landscaping scheme shall be implemented and completed in full accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. The soft landscaping scheme shall include measures to enhance the biodiversity on site, details of the species to be planted, the treatment of the ground before planting and maintenance details.

Within a period of five years from the completion of the development hereby approved, or from the date of the planting of any tree or any tree planted in its replacement, if any tree planted as part of the approved landscaping scheme is removed, uprooted, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same species and size as that of the original tree shall be planted in the same place or in accordance with alternative tree replacement details approved under the scope of this planning condition.

Reason: In the interest of visual amenity in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3, and the advice contained within the National Design Guide (2019) and the Design and Townscape Guide (2009).

05 The use of the development hereby approved shall not commence until a hard landscaping scheme has been carried out and implemented solely in full accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority. The hard landscaping scheme shall include details of materials to be used on hardsurfacing as well as elevations and details of materials for any boundary treatment of the site, including boundaries within the site.

Reason: In the interest of visual amenity in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3, and the advice contained within the National Design Guide (2019) and the Design and Townscape Guide (2009).

06 Notwithstanding the details submitted and otherwise hereby approved, the development hereby approved shall be constructed to ensure that the dwelling complies with building regulation M4 (2) "accessible and adoptable dwellings" prior to their first occupation.

Reason: To ensure the development hereby approved provide high quality and flexible internal layouts to meet the changing needs of residents in accordance with the National Planning Policy Framework (2019), 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).

07 Construction works for the approved development on site shall only be undertaken between 8 am to 6 pm on weekdays, between 8 am and 1 pm on Saturdays and not at any time on Sundays and Public Holidays.

Reason: In the interest of the residential amenity of nearby occupiers in accordance with the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015).

08 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to 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 noise, 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 interest of the residential amenity of nearby occupiers and the highway safety in accordance with the National Planning Policy Framework (2019), Policies KP2, CP3 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM15 of the Development Management Document (2015).

09 The side facing windows shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy, or equivalent) and be permanently fixed shut, except for any top hung fan light which shall be a minimum of 1.7 metres above internal finished floor level of the room served by that window. In the case of multiple or double-glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4. The window shall be retained in line with these details in perpetuity for the lifetime of the development.

Reason: In the interest of the residential amenity of nearby occupiers in accordance with the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015).

10 The flat roof areas above the first floor level and the flat roofs over the single storey rear projections of the development hereby approved shall not be used as balconies, roof gardens or similar amenity area or for any other purpose unless planning permission has first been obtained by the local planning authority. These areas can however be used for the purposes of maintenance or to escape in an emergency.

Reason: In the interest of the residential amenity of nearby occupiers in accordance with the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015).

11 Notwithstanding the details shown in the plans submitted and otherwise hereby approved the development shall not be first used 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 privacy screens, which shall be a minimum of 1.7m in height, to be installed at the rear balcony of the property hereby approved. Before the development hereby approved is first used the privacy screens 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 interest of the residential amenity of nearby occupiers in accordance with the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015).

12 Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 2015 as amended (or any Order amending, revoking or re-enacting that Order) no extensions, conservatories, dormers, roof extensions or other form of development normally permitted under Class A or Class B of Part 1 of Schedule 2 of the above Order shall be erected within the site without planning permission having been obtained from the local planning authority.

Reason: In the interest of the residential amenity of nearby occupiers in accordance with the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015).

13 The use of the development hereby approved shall not commence unless and until two parking spaces have been provided and made available for use on site in accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority. The parking spaces shall be retained in perpetuity for the lifetime of the development for the purposes of car parking solely for residents of the approved dwellings on site and their visitors.

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

14 Notwithstanding the information submitted and details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition and excavation works, shall take place unless and until a drainage and surface water management strategy incorporating principles for Sustainable Drainage Systems (SuDS) has been submitted to and approved in writing by the Local Planning Authority. The drainage and surface water management strategy shall 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 (2019), Core Strategy (2007) Policies KP1, KP2 and KP3.



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

Reason: To minimise the environmental impact of the development through efficient use of resources and better use of sustainable and renewable resources in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM2, and the advice contained within the National Design Guide (2019) and the Design and Townscape Guide (2009).

16 The dwelling hereby approved shall incorporate water efficient design measures set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting before they are occupied.

Reason: To minimise the environmental impact of the development through efficient use of resources and better use of sustainable and renewable resources in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM2, and the advice contained within the National Design Guide (2019) and the Design and Townscape Guide (2009).

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

Informatives:

1 Please note that the development which is the subject of this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and it is the responsibility of the landowner(s) to ensure they have fully complied with the requirements of these regulations. A failure to comply with the CIL regulations in full can result in a range of penalties. For full planning permissions, a CIL Liability Notice will be issued by the Council as soon as practicable following this decision notice. For general consents, you are required to submit a Notice of Chargeable Development (Form 5) before commencement; and upon receipt of this, the Council will issue a CIL Liability Notice including details of the chargeable amount and when this is payable.

If you have not received a CIL Liability Notice by the time you intend to commence development it is imperative that you contact

S106andCILAdministration@southend.gov.uk to avoid financial penalties for potential failure to comply with the CIL Regulations 2010 (as amended). If the chargeable development has already commenced, no exemption or relief can be sought in relation to the charge and a CIL Demand Notice will be issued requiring immediate payment. Further details on CIL matters can be found on the Planning Portal ([www.planningportal.co.uk/info/200136/policy\\_and\\_legislation/70/community\\_infrastructure\\_levy](http://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy)) or the Council's website ([www.southend.gov.uk/cil](http://www.southend.gov.uk/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.

**361 19/02066/BC4M - Airport Parking, Southend Airport, Eastwoodbury Crescent (St Laurence Ward)**

**Proposal: Erect Part5/Part 6 Storey Hotel (Use Class C1) comprising of 132 rooms, with associated access, car parking and secure cycle parking, reconfigure existing staff car park with secure barrier, delivery/servicing to north of site for Hotel and hard and soft landscaping**

**Applicant: Mr Glyn Jones**

**Agent: Mr Robert Matthews of Vantage Planning Ltd**

D Sabine spoke as an objector to the application, R Matthews responded.

Resolved:-

That PLANNING PERMISSION be REFUSED for the following reason:

The submission fails to demonstrate that the proposed development would not result in a materially increased level of traffic and additional on-street parking, in an area of existing parking stress, to the detriment of highway safety and free flow of traffic. This is unacceptable and contrary to the National Planning Policy Framework (2019), Policies KP2 and CP3 of the Southend-on-Sea Core Strategy (2007), Policies DM3 and DM15 of the Southend-on-Sea Development Management Document (2015), Policies T1 and T7 of the London Southend Airport and Environs Joint Area Action Plan (2014), Policy T1 of the Rochford Core Strategy (2011), Policies DM30 and DM31 of the Rochford Development Management Plan and the advice contained within the Rochford Parking Standards Design and Good Practice Supplementary Planning Document (2010).

**362 Airport Surface Access Strategy - Airport Surface Access Strategy (St Laurence Ward)**

**Proposal: Review of the Airport Surface Access Strategy as required by the Section 106 Agreement dated 30th April 2010 as modified by a Deed of Variation dated 20th June 2012**

**Applicant: London Southend Airport Company Limited ("the Airport Operator")**  
**Agent: n/a**

Resolved:-

That the Airport Surface Access Strategy review document be AGREED pursuant to the Section 106 Agreement dated 30<sup>th</sup> April 2010 as modified by a Deed of Variation dated 20<sup>th</sup> June 2012.

Various issues for consideration as part of the next Airport Surface Access Strategy were raised.

**Chair:** \_\_\_\_\_