

Public Document Pack
SOUTHEND-ON-SEA BOROUGH COUNCIL

Development Control Committee

Date: Wednesday, 21st July, 2021

Time: 2.00 pm

Place: Council Chamber, Civic Suite

Contact: Tim Row - Principal Democratic Services Officer
mail: committeesection@southend.gov.uk

A G E N D A

- 1 Apologies for Absence
- 2 Declarations of Interest
- 3 Minutes of the meeting held on Wednesday, 30th March 2021
- 4 Minutes of the meeting held on Wednesday, 7th April 2021
- 5 Minutes of the meeting held on Wednesday, 2nd June 2021
- 6 Minutes of the Meeting held on Wednesday, 7th July 2021
- 7 Supplementary Report
To Follow
- **** **Contents & Introduction**
- 8 **20/01895/FUL - 366 Rayleigh Road, Eastwood (Eastwood Park Ward)**
(Pages 153 - 174)
- 9 **21/00289/FUL & 21/00416/LBC - Cockethurst, Eastwoodbury Lane,
Eastwood (St Laurence Ward)** (Pages 175 - 244)
- 10 **21/00344/FUL - 23 - 29 Clarence Street, Southend-on-Sea (Milton Ward)**
(Pages 245 - 272)
- 11 **21/00468/FUL - 48 Argyll Road, Westcliff-on-Sea (Milton Ward)**
(Pages 273 - 308)
- 12 **21/00769/FUL - Land Adjacent to 4 Stonehill Road, Leigh-on-Sea
(Blenheim Park Ward)** (Pages 309 - 340)
- 13 **21/00902/FUL - 364 Rayleigh Road, Eastwood (Eastwood Park Ward)**
(Pages 341 - 364)
- 14 **21/00994/AMDT - 56 Whitehouse Road, Eastwood (St Laurence Ward)**
(Pages 365 - 390)

15 21/01133/FULH - 1 Highwood Close, Leigh-on-Sea (Blenheim Park Ward)
(Pages 391 - 408)

To: The Chair & Members of Development Control Committee:

Councillors N Ward (Chair),

Councillors A Dear (Vice-Chair), J Beck, K Buck, D Cowan, M Dent, F Evans, D Garne,
D Garston, S Habermel, D Jarvis, A Jones, K Mitchell, C Mulrone, A Thompson,

S Wakefield and C Walker

Public Document Pack

SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Development Control Committee

Date: Tuesday, 30th March, 2021
Place: Virtual Meeting via MS Teams

3

Present: Councillor N Ward (Chair)
Councillors M Borton (Vice-Chair), B Ayling, J Beck, K Buck*,
A Chalk, P Collins*, D Cowan, A Dear, M Dent, F Evans, N Folkard*,
D Garne*, S Habermel, K Mitchell*, A Thompson and S Wakefield
(*Substitute in accordance with Council Procedure Rule 31.)

In Attendance: Councillor T Cox
J Williams, S Moore, T Saunders, P Keyes, M Warren, T Row, T Hartley,
A Greenwood, A Rodgers, A Smyth, C White, C Victory, E Cook, E Cooney,
J Gleave, J Doherty, K Gearing, M Pochin-Hawkes, M Vas,

Start/End Time: 5.00 pm - 7.50 pm

945 Apologies for Absence

Apologies for absence were received from Councillors Jarvis (substitute: Councillor Folkard), Jones (substitute: Councillor Mitchell), D Garston (substitute: Councillor Buck), Mulroney (substitute: Councillor Collins) and Walker (substitute: Councillor Garne)

946 Declarations of Interest

The following declarations of interest were made at the meeting:

1. Cllr Borton – Agenda Item No. 4 (20/01479/BC4M - Queensway Development, Queensway Slip Road, SW, Southend-on-Sea) - Non-Pecuniary Interest: Is on the board of South Essex Homes and the supporters are known to her.
2. Cllr Beck - Agenda Item No. 4 (20/01479/BC4M - Queensway Development, Queensway Slip Road, SW, Southend-on-Sea) - Non-Pecuniary Interest: Supporters and objectors are known to her and has discussed the proposal in general with residents.
3. Cllr Buck - Agenda Item No. 4 (20/01479/BC4M - Queensway Development, Queensway Slip Road, SW, Southend-on-Sea) - Non-Pecuniary Interest: Made public comments over the concerns of the highway aspect of the application.
4. Cllr Dent - Agenda Item No. 4 (20/01479/BC4M - Queensway Development, Queensway Slip Road, SW, Southend-on-Sea) - Non-Pecuniary Interest: Supporters of the application are known to him.
5. Cllr Mitchell - Agenda Item No. 4 (20/01479/BC4M - Queensway Development, Queensway Slip Road, SW, Southend-on-Sea) - Non-Pecuniary Interest: Residents are known to her.

6. Cllr Wakefield - Agenda Item No. 4 (20/01479/BC4M - Queensway Development, Queensway Slip Road, SW, Southend-on-Sea) - Non-Pecuniary Interest: Is a sub-contractor for South Essex Homes.

947 Supplementary Report

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

948 20/01479/BC4M - Queensway Development, Queensway Slip Road, SW, Southend-on-Sea, Essex (Milton & Victoria Wards)

Proposal: Hybrid application for:

1. Outline consent for the phased demolition of existing residential and commercial units, pedestrian footbridge, and associated structures and redevelopment to provide up to 1,760 dwellings, including provision of affordable housing (up to 177,650 sqm) in buildings of up to 87.17m AOD (approximately 18 storeys); up to 10,000 sqm of commercial uses comprising (a) up to 5,000 sqm of retail and cafes (Use Class E, F.2, Sui Generis) (with a maximum of 1,500 sqm outside the Primary Shopping Area); (b) up to 5,000 sqm of Employment space consisting of Workshops/Artistic Studios/Recording Studios/Brewery/Bakery (Use Class E, B2 and Sui Generis); and Office Space (Use Class E, capped at 2,500 sqm); (c) up to 1,500 sqm of Community & Creche/Nursery (Use Class E/F.1), (d) up to 1,000 sqm of Leisure (Use Class E); and (e) up to 500 sqm of Event Space (Use Class E/Sui Generis); new public open space; associated landscaping; car parking; public realm enhancements; access arrangements and associated infrastructure.

2. Detailed (full) application for phased engineering works to remove roundabout at Queensway/Sutton Road/Southchurch Road and associated underpass, with re-grading of the Queensway, to provide a new 4 lane carriageway at grade with footpath; cycle lane, bus facilities, public realm, landscaping and associated structures as well as a new roundabout at grade, linking Southchurch Road and Queensway, and closure/stopping up of Sutton Road.

**Applicant: Porters Place Southend-On-Sea LLP
Agent: Mr Lyndon Gill of Barton Willmore**

Mrs Carr, a local resident, spoke as an objector to the application. Mr Kauders responded on behalf of the Applicant.

Resolved: -

(a) That the Interim Director of Planning be DELEGATED to GRANT PLANNING PERMISSION subject to conditions and following the completion of unilateral undertaking (pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended)) by the Council as landowner which secures a PLANNING AGREEMENT UNDER SECTION 106 of the Town and Country Planning Act 1990 (as amended) to be entered into to secure the provision of:

- 17.7% units of affordable housing on site (312 units) – with 300 social/ affordable rented units and 12 units as shared equity (with the ability for additional affordable housing subject to the viability review mechanisms).
- Viability review mechanisms.
- £718,119.05 contribution towards secondary education (with the ability for additional deferred contributions subject to the viability review mechanisms).

- Highway Works, Travel Strategy Group and (if required) up to £90,000 towards additional on and off-site mitigation and sustainable travel initiatives.
- Traffic Regulation Orders.
- Stopping up Orders.
- Travel Plans and monitoring fees of £5,000 per year for a 10-year period.
- Travel Packs.
- Car Club.
- Open Space and Play Space provision and maintenance.
- Public Art.
- Cultural Provision.
- Essex RAMS payment of £125.58 per dwelling to mitigate the potential disturbance to European designated sites.
- Employment and training.
- CCTV.
- Monitoring fee £10,000.

(as further detailed in Appendix 6 to the report)

(b) That the Interim Director of Planning be DELEGATED to APPROVE the application reference 20/01479/BC4M subject to the completion of the unilateral undertaking securing the SECTION 106 planning agreement referred to above and to conditions substantially in the form contained in Appendix 5 and below, with such detailed minor amendments to the conditions as the Interim Director of Planning may consider to be reasonable and necessary, so long as these changes do not alter the objectives and purposes of the conditions detailed in Appendix 5 of this Report.

01 The development for which detailed approval is hereby permitted, as defined within the red line shown on Drawing BEQ-LDA-ZZ-XX-XX-DR-N-ST-00008 Rev 06 shall be begun no 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 for which detailed approval is hereby permitted, as defined on Drawing BEQ-LDA-ZZ-XX-XX-DR-N-ST-00008 Rev 06 shall be carried solely out in accordance with the following approved plans:

- BEQ-LDA-ZZ-XX-XX-DR-N-ST-00001 Rev 03 Planning Application Boundary Location Plan
- BEQ-LDA-ZZ-XX-XX-DR-N-ST-00002 Rev 05 Blue Line Boundary Location Plan (1 of 2)
- BEQ-LDA-ZZ-XX-XX-DR-N-ST-00003 Rev 05 Blue Line Boundary Location Plan (2 of 2)
- BEQ-LDA-ZZ-XX-XX-DR-N-ST-00008 Rev 06 Queensway Detailed Planning Application Boundary Location Plan
- 1042-01-CIV-XX-GA-001-P04 Rev P07 General Alignment Location Plan Match to Existing
- 1042-01-CIV-XX-GA-002-P06 Rev P07 General Alignment Short Street Junction Match to Existing
- 1042-01-CIV-XX-GA-003-P06 Rev P07 General Alignment Queensway North Match to Existing
- 1042-01-CIV-XX-GA-004-P6 Rev P07 General Alignment Queensway Central Match to Existing
- 1042-01-CIV-XX-GA-005-P06 Rev P07 General Alignment Queensway South Match to Existing
- 1042-01-CIV-XX-GA-006-P06 Rev P07 General Alignment Southchurch Roundabout Match to Existing
- 1042-01-CIV-XX-GA-007-P06 Rev P07 General Alignment Sutton Road Match to Existing
- BEQ-LDA-XX-XX-XX-DR-L-XX-00100 Rev 04 Public Realm and Landscape
- BEQ-LDA-XX-XX-XX-DR-L-XX-00101 Rev 04 Queensway – General Hardworks Plan

- BEQ-LDA-XX-XX-XX-DR-L-XX-00102 Rev 04 Queensway – General Softworks Plan
- BEQ-LDA-XX-XX-XX-DR-L-XX-00103 Rev 04 Queensway – General Edging
- BEQ-LDA-XX-XX-XX-DR-L-XX-00104 Rev 04 Queensway – Furnishing Plan
- BEQ-LDA-XX-XX-XX-DR-L-XX-00150 Rev 03 Landscape GA Plan: Sheet 1 of 7
- BEQ-LDA-XX-XX-XX-DR-L-XX-00151 Rev 03 Landscape GA Plan: Sheet 2 of 7
- BEQ-LDA-XX-XX-XX-DR-L-XX-00152 Rev 03 Landscape GA Plan: Sheet 3 of 7
- BEQ-LDA-XX-XX-XX-DR-L-XX-00153 Rev 04 Landscape GA Plan: Sheet 4 of 7
- BEQ-LDA-XX-XX-XX-DR-L-XX-00154 Rev 03 Landscape GA Plan: Sheet 5 of 7
- BEQ-LDA-XX-XX-XX-DR-L-XX-00155 Rev 04 Landscape GA Plan: Sheet 6 of 7
- BEQ-LDA-XX-XX-XX-DR-L-XX-00156 Rev 03 Landscape GA Plan: Sheet 7 of 7
- BEQ-LDA-XX-XX-XX-DR-L-XX-00300 Rev 03 Section A – Queensway at Victoria Shopping Centre
- BEQ-LDA-XX-XX-XX-DR-L-XX-00301 Rev 02 Section B – Queensway at Chemist
- BEQ-LDA-XX-XX-XX-DR-L-XX-00302 Rev 01 Section C - Queensway at Porter's Place
- BEQ-LDA-XX-XX-XX-DR-L-XX-00303 Rev 02 Section D - Queensway within the Neighbourhood
- BEQ-LDA-XX-XX-XX-DR-L-XX-00304 Rev 02 Section E - Queensway at Porter's Civic House
- BEQ-LDA-XX-XX-XX-DR-L-XX-00305 Rev 01 Section F - Queensway South
- BEQ-LDA-XX-XX-XX-DR-L-XX-00306 Rev 01 Section G - Queensway at Railway Underpass
- BEQ-LDA-XX-XX-XX-DR-L-XX-00307 Rev 02 Section H – Southchurch Road
- BEQ-LDA-XX-XX-XX-DR-L-XX-00308 Rev 01 Section I – Sutton Road at All Saints Church
- BEQ-LDA-XX-XX-XX-DR-L-XX-00310 Rev 02 Typical Section 1 – Queensway verge with SuDs

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

03 The development for which detailed approval is hereby permitted, as defined on Drawing BEQ-LDA-ZZ-XX-XX-DR-N-ST-00008 Rev 06 shall be carried out in accordance with the indicative construction phasing Figures 4, 5 and 6 contained within the approved Construction Logistics Plan (dated 31 July 2020) or any subsequent updated/amended version submitted to and agreed in writing by the Local Planning Authority under the terms of this planning condition.

Reason: To ensure a coordinated development that complies with the National Planning Policy Framework (NPPF) and the requirements of the local development plan.

Construction

04 With the exception of archaeological investigation, an investigation of ground conditions including exploratory boreholes and trial pits, decontamination, remedial works, no utilities works or development of any Phase/sub-phase of the detailed development as shown on the indicative construction phasing Figures 4, 5 and 6 contained within the approved Construction Logistics Plan (dated 31 July 2020) or any revision to this as approved under condition 3 of this consent shall take place, including any works of demolition, site clearance or associated with utilities, within the area for which detailed approval is hereby permitted, as shown on drawing BEQ-LDA-ZZ-XX-XX-DR-N-ST-00008 Rev 06 unless and until a Demolition and Construction Environmental Management Plan and Strategy to include a Dust Mitigation Strategy for that Phase/sub-phase/associated utilities works has been submitted to, and approved in writing by the Local Planning Authority. The approved Demolition and Construction Environmental Management Plan and Strategy for the area for which detailed approval is hereby permitted, as defined on drawing BEQ-LDA-ZZ-XX-XX-DR-N-ST-00008 Rev 06, shall be adhered to in full throughout the construction period for that phase. Where relevant, the Statement for each Phase/sub-phase/associated utilities' works shall provide, amongst other things, for:

- i) the phasing of works.
- ii) the parking of vehicles of site operatives and visitors for each phase of works.
- iii) loading and unloading of plant and materials for each phase of works.
- iv) storage of plant and materials used in constructing the development for each phase.
- v) the erection and maintenance of security hoarding.
- vi) measures to control the emission of noise, dust and dirt during construction.
- vii) a scheme for temporary storage and recycling, collection and disposing of waste resulting from construction works that does not allow for the burning of waste on site.
- viii) a dust management plan to include mitigation and boundary particulate monitoring during demolition and construction.
- ix) details of the duration and location of any noisy activities.
- x) details of external lighting associated with construction.
- xi) any proposed extension to the following hours of construction for certain specified works:
 - 08:00-18:00 – Monday to Friday
 - 08:00-13:00 – Saturday
 - No time on Sundays or Public Holidays
- xii) temporary variable message signage
- xiii) details of how surface water will be managed during construction

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).

05 With the exception of archaeological investigation, an investigation of ground conditions including exploratory boreholes and trial pits, decontamination, remedial works, diversion and/or laying of services, no development within any Phase/sub-phase of the detailed development as shown on the indicative construction phasing Figures 4, 5 and 6 contained within the approved Construction Logistics Plan (dated 31 July 2020) or any revision to this as approved under condition 3 of this consent, as defined within the red line shown on drawing BEQ-LDA-ZZ-XX-XX-DR-N-ST-00008 Rev 06 a Construction Logistics Plan for that Phase/sub-phase of the development shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall be designed to minimise deliveries of materials and export of any waste materials within the times of peak traffic congestion on the local road network. The Plan for that Phase/sub-phase shall be implemented in accordance with the approved details and thereafter maintained for the duration of the construction period.

Reason: In the interest of the residential amenity of nearby occupiers, highway safety and free flow of the traffic network 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).

06 All vegetation clearance and tree works in association with each Phase/sub-phase of the detailed development as shown on the indicative construction phasing Figures 4, 5 and 6 contained within the approved Construction Logistics Plan (dated 31 July 2020) or any revision to this as approved under condition 3 of this consent and within the area for which detailed approval is hereby permitted, as defined within the red line shown on drawing BEQ-LDA-ZZ-XX-XX-DR-N-ST-00008 Rev 06, shall be carried out outside of the bird nesting season which runs from March to September inclusive, unless it is necessary for works to commence in the nesting season, then a pre-commencement inspection of the vegetation and trees for active bird nests should be carried out by a suitably qualified ecologist. Only if there are no active nests present shall work be allowed to commence within the bird nesting season.

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.

07 No development shall take place, including any works for demolition, within any Phase/sub-phase of the detailed development as shown on the indicative construction phasing Figures 4, 5 and 6 contained within the approved Construction Logistics Plan (dated 31 July 2020) or any revision to this as approved under condition 3 of this consent and within the area for which detailed approval is hereby permitted, as defined within the red line shown on drawing BEQ-LDA-ZZ-XX-XX-DR-N-ST-00008 Rev 06 unless and until a detailed Arboricultural Method Statement and Tree Protection Plan for that Phase/sub-phase has been submitted to and approved in writing by the Local Planning Authority. Details must include:

(a) a plan showing the location of, and allocating a reference number to, each existing tree on the site which has a stem with a diameter, measured over the bark at a point 1.5 metres above ground level, exceeding 75 mm, showing which trees are to be retained and the crown spread of each retained tree;

(b) details of the species, diameter (measured in accordance with paragraph (a) above), and the approximate height, and an assessment of the general state of health and stability, of all trees including those to be retained and of each tree which is on land adjacent to the red line shown on drawing BEQ-LDA-ZZ-XX-XX-DR-N-ST-00008 Rev 06 and to which paragraphs (c) or (d) below apply;

(c) details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site;

(d) details of any proposed alterations in existing ground levels, and of the position of any proposed excavation, within the crown spread of any retained tree or of any tree on land adjacent to the site identified in that phase;

(e) details of the specification and position of fencing and of any other measures to be taken for the protection of any retained tree from damage before or during the course of development for which detailed approval is hereby granted as defined within the red line of drawing BEQ-LDA-ZZ-XX-XX-DR-N-ST-00008 Rev 06.

Construction and demolition for that Phase/sub-phase works shall thereafter be carried out only in accordance with the approved Arboricultural Method Statement and Tree Protection Plan for each Phase/sub-phase. Tree protection measures shall be implemented in full prior to construction or demolition works within that phase commencing.

Reason: In the interests of the character and appearance of the area and to ensure that the development complies with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the Design and Townscape Guide (2009).

Archaeology

08 No development, save for demolition of structures above ground level (except retaining walls), shall take place, within each Phase/sub-phase of the detailed development as shown on the indicative construction phasing Figures 4, 5 and 6 contained within the approved Construction Logistics Plan (dated 31 July 2020) or any revision to this as approved under condition 3 of this consent and within the area for which detailed approval is hereby permitted, as defined within the red line shown on drawing BEQ-LDA-ZZ-XX-XX-DR-N-ST-00008 Rev 06, unless and until an Archaeological Written Scheme of Investigation for a programme of archaeological work within that phase/sub-phase to include a programme of archaeological recording and analysis, a watching brief for any works involving vertical or lateral invasion into the existing top or sub soil and details of the measures for that phase/sub-phase to be taken should any archaeological finds be

discovered has first been submitted to and approved in writing by the Local Planning Authority. The approved Archaeological Written Scheme of Investigation/watching brief

and measures are to be undertaken throughout the course of the works affecting below ground deposits and are to be carried out by an appropriately qualified archaeologist. The subsequent recording and analysis reports shall be submitted to the local planning authority before that phase/sub-phase of the development is brought into first use.

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 of any archaeological finds in accordance with the National Planning Policy Framework (2019) and Policy DM5 of the Development Management Document (2015).

Contamination

09 (a) Notwithstanding the details submitted and otherwise hereby approved, no development of any Phase/sub-phase of development as shown on the indicative construction phasing Figures 4, 5 and 6 contained within the approved Construction Logistics Plan (dated 31 July 2020) or any revision to this as approved under condition 3 of this consent and within the area for which detailed approval is hereby permitted, as defined within the red line shown on drawing BEQ-LDA-ZZ-XX-XX-DR-N-ST-00008 Rev 06, shall commence 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 affecting that Phase/sub-phase of the development and whether or not it originates on the site. The investigation and risk assessment must be undertaken by a competent person and must include:

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

ii. An assessment of the potential risks to:

- Human Health;
- Property (existing) 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 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) Notwithstanding the details submitted and otherwise hereby approved, prior to commencement of development of any Phase/sub-phase of the development hereby approved and as shown on the indicative construction phasing Figures 4, 5 and 6 contained within the approved Construction Logistics Plan (dated 31 July 2020) or any revision to this as approved under condition 3 of this consent and within the area for which detailed approval is hereby permitted, as defined within the red line shown on drawing BEQ-LDA-ZZ-XX-XX-DR-N-ST-00008 Rev 06, a detailed remediation scheme to bring the area within the phase/sub-phase to a condition suitable for the intended use by removing unacceptable risk to human health, buildings and other property and the natural and historical environment shall be 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, criteria for any material to be used as landfill, timetable of works and site management procedures. 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) Notwithstanding the details submitted and otherwise hereby approved, prior to commencement of development of any Phase/sub-phase of the development hereby approved as shown on the indicative construction phasing Figures 4, 5 and 6 contained within the approved Construction Logistics Plan (dated 31 July 2020) or any revision to this as approved under condition 3 of this consent and within the area for which detailed approval is hereby permitted, as defined within the red line shown on drawing BEQ-LDA-ZZ-XX-XX-DR-N-ST-00008 Rev 06, the detailed remediation scheme approved under part (b) of this condition shall have been implemented in accordance with the approved timetable of works. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works in writing and with a written reply under the terms of this condition. Following completion of measures identified in the approved remediation, a verification report for each Phase/sub-phase 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. The verification report must be submitted to and approved in writing by the Local Planning Authority before the phase/sub-phase is brought into use. For the avoidance of doubt, any necessary remediation is to be remediated under the terms of this planning conditions in accordance with the timetable submitted to and approved in writing by the Local Planning Authority under the terms of this planning condition.

In the event that contamination is found at any time when carrying out a Phase/sub-phase of the approved development that was not previously identified, it must be reported in writing within 7 days to the Local Planning Authority. That Phase/sub-phase of the development must be halted until an assessment for that Phase/sub-phase 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 for that Phase/sub-phase must be submitted to and approved in writing by the Local Planning Authority before that Phase/sub-phase of the development is brought into use.

Where remediation related to any phase/sub-phase is necessary, in accordance with the requirements of parts (a) and (b) of this condition, no development within that Phase/sub-phase of the development hereby approved, as shown as shown on the indicative construction phasing Figures 4, 5 and 6 contained within the approved Construction Logistics Plan (dated 31 July 2020) or any revision to this as approved under condition 3 of this consent and within the area for which detailed approval is hereby permitted, as defined within the red line shown on drawing BEQ-LDA-ZZ-XX-XX-DR-N-ST-00008 Rev 06, shall take place until and unless a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 5 years has been submitted to and approved in writing by the Local Planning Authority. Monitoring and maintenance shall thereafter be carried out in accordance with the approved monitoring and maintenance scheme.

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).

Landscaping, Materials and Lighting

10 With the exception of Demolition and Preliminary Works within the area for which detailed approval is hereby permitted, as defined on drawing BEQ-LDA-ZZ-XX-XX-DR-N-ST-00008 Rev 06, no development shall take place within a phase unless and until full details of both hard and soft landscape works for any Phase/sub-phase of the detailed development as shown on the indicative construction phasing Figures 4, 5 and 6 contained within the approved Construction Logistics Plan (dated 31 July 2020) or any revision to this as approved under condition 3 of this consent for the area for which detailed approval is granted (as defined on Drawing BEQ-LDA-ZZ-XX-XX-DR-N-ST-00008 Rev 06), have been submitted to and approved in writing by the Local Planning Authority and these works for each phase/sub/phase shall be carried out as approved. These details must include the following as a minimum for each Phase/sub-phase:

- i. Proposed Finished Levels or Contours;
- ii. Minor artefacts and structures;
- iii. Details of Trees and shrubs to be planted and retained;
- iv. Timetable for the Completion of the Soft and Hard Landscaping and Planting;
- v. Evidence of Compatibility of Landscaping Scheme with the Proposed Drainage and Other Site Services
- vi. Details of any Trees to be retained at the Site.

The soft landscaping and hard landscaping within each Phase/sub-phase of the area subject to detailed approval (as defined within the red line shown on Drawing BEQ-LDA-ZZ-XX-XX-DR-N-ST-00008 Rev 06) shall be completed in accordance with the approved timetable (iv. above). If any trees are removed or found to be dying, severely damaged or diseased within five years of planting them, they must be replaced with trees of a similar size and species as may be agreed with the Local Planning Authority.

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).

11 Details of a Landscape Management Plan for the maintenance and management of the soft and hard landscaping works for any Phase/sub-phase of the detailed development as shown on the indicative construction phasing Figures 4, 5 and 6 contained within the approved Construction Logistics Plan (dated 31 July 2020) or any revision to this as approved under condition 3 of this consent highlighted within the area for which detailed approval is hereby permitted (as shown on Drawing BEQ-LDA-ZZ-XX-XX-DR-N-ST-00008 Rev 06) consistent with Approved Plans listed at Condition 2 shall be submitted to and approved in writing by the Local Planning Authority prior to that phase/sub-phase of the development being brought into first use. The Landscape Management Plan for that Phase/sub-phase shall include details of how trees within that Phase/sub-phase will be maintained during the initial three-year establishment period. The landscaped areas shall thereafter be managed and maintained in accordance with the approved Landscape Management Plan for the lifetime of the development.

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).

12 With the exception of demolition, and Preliminary Works, no development within the area for which detailed approval is hereby permitted, as defined within the red line shown on drawing BEQ-LDA-ZZ-XX-XX-DR-N-ST-00008 Rev 06, shall commence until samples and /or specifications of all materials to be used in the construction of the external surfaces of the development in that Phase/sub-phase of the detailed development as shown on the indicative construction phasing Figures 4, 5 and 6 contained within the approved Construction Logistics Plan (dated 31 July 2020) or any revision to this as approved under condition 3 of this consent and as highlighted on approved drawings

listed at condition 2 have been submitted to and approved in writing by the Local Planning Authority.

The details must include:

- Details of Surfaces to road and pavements
- Details of Railings & Means of Enclosures
- Details of Kerbs & kerbing
- Details of Signage
- Timescales for implementation

The development shall be carried out solely in accordance with the approved materials details and the approved timeframe above.

Reason: In the interest of visual amenity and highway safety in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2, CP3 and CP4, Development Management Document (2015) Policies DM1 DM3 and DM15 and the advice contained within the National Design Guide (2019) and the Design and Townscape Guide (2009).

13 With the exception of demolition, and Preliminary Works no development within each Phase/sub-phase of the detailed development as shown on the indicative construction phasing Figures 4, 5 and 6 contained within the approved Construction Logistics Plan (dated 31 July 2020) or any revision to this as approved under condition 3 of this consent and within the area for which detailed approval is hereby permitted, shall commence until and unless a scheme showing the provisions to be made for all external lighting (excluding lighting associated with construction) for that Phase/sub-phase has been submitted to and approved in writing by the Local Planning Authority. The lighting scheme for each Phase/sub-phase shall include details of:

- i. luminance
- ii. spread of light
- iii. design and specification of lighting

The development for each Phase/sub-phase shall be carried out in accordance with those approved details for each Phase/sub-phase before the development is first brought into use.

Reason: In the interest of the safety and amenities of the area, in the interests of biodiversity 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).

Drainage

14 With the exception of demolition, and Preliminary Works no development within each Phase/sub-phase of the detailed development as shown on the indicative construction phasing Figures 4, 5 and 6 contained within the approved Construction Logistics Plan (dated 31 July 2020) or any revision to this as approved under condition 3 of this consent and within the area for which detailed approval is hereby permitted, as defined within the red line shown on drawing BEQ-LDA-ZZ-XX-XX-DR-N-ST-00008 Rev 06, shall be commenced until and unless the detailed design of a surface water drainage scheme has been provided for that Phase/sub-phase of the development to the Local Planning Authority and approved in writing in accordance with relevant measures within the Flood Risk Assessment and Drainage Strategy (Civic Engineers, 31st July 2020, Document Ref: BEQ-CIV-XX-XX-XX-RP-D-ST-00001). The surface water drainage scheme for each Phase/sub-phase shall incorporate the following measures and shall be submitted to and approved in writing with the Local Planning Authority in consultation with the Lead Local Flood Authority. The approved surface water drainage scheme for each Phase/sub-phase shall be implemented before the development is brought into use. The scheme for each Phase/sub-phase shall address the following matters:

- a) Provide evidence of infiltration testing in accordance with BRE 365. If infiltration is found to be viable provide information in relation to the potential for ground instability or deterioration in groundwater quality as a result of infiltration.
- b) Provide evidence of consent from Anglian Water for the proposed discharge rates and connections for the proposed drainage.
- c) Provide confirmation of the party or parties responsible for maintenance of the Sustainable Urban Drainage Systems (SuDS) system.
- d) Provide an updated drainage layout plan which corresponds with the supporting calculations

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.

Toucan Crossings

15 Notwithstanding condition 2 (Approved plans) development of the relevant phase of the detailed application as shown on the indicative construction phasing Figures 4, 5 and 6 contained within the approved Construction Logistics Plan (dated 31 July 2020) or any subsequent/amended version (within the area for which detailed approval is hereby permitted, as defined on drawing BEQ-LDA-ZZ-XX-XX-DR-N-ST-00008 Rev 06), shall not commence (with the exception of demolition and Preliminary Works) until and unless details of pedestrian and cycling crossing points in the form of Toucan crossings have been submitted to and approved by the local planning authority for the north, south and east arms of the new at grade roundabout linking Southchurch Road and Queensway (in the locations shown on drawing 1042-01-CIV-XX-GA-004-P06 Rev P07). Thereafter these crossing facilities shall be implemented as approved prior to first use of this phase of the detailed permission.

Reason: In the interests of highway safety in accordance with policy DS5 of the Development Management Document (2015)

Binding S106 Agreement

16 No development shall commence (save for any Preliminary Works in relation to the detailed element of this permission only) on any phase or part of the detailed application as shown on the indicative construction phasing Figures 4, 5 and 6 contained within the approved Construction Logistics Plan (dated 31 July 2020) or any subsequent/amended version (within the area for which detailed approval is hereby permitted, as defined on drawing BEQ-LDA-ZZ-XX-XX-DR-N-ST-00008 Rev 06), until that phase or part thereof has been bound (which for the avoidance of doubt excludes public highway) by a Section 106 Agreement containing the same terms as the agreed form Section 106 agreement annexed to the Section 106 Unilateral Undertaking dated [TBC] to the satisfaction of the Local Planning Authority.

Reason: For the avoidance of doubt and in the interests of proper planning.

Planning Conditions Related to Outline Planning Permission Only General

17 Details of:

- a) Access;
- b) Appearance;
- c) Landscaping;
- d) Layout; and
- e) Scale.

hereinafter called the "Reserved Matters" for each Phase/sub-phase of development shall be submitted to and approved in writing by the Local Planning Authority before any

development in that phase/sub-phase begins and the development shall be carried out as approved under the Reserved Matters.

Application for approval of the first reserved matters shall be made to the Local Planning Authority not later than 3 (three) years from the date of this permission. Application for the final set of Reserved Matters submission pursuant to this planning permission shall be made before the expiration of 12 (twelve) years from the date of this permission. Implementation of a Reserved Matters Approval shall commence no later than 2 (two) years from the date of the approval of the Reserved Matters for that Phase/sub-phase.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 (as amended) and because the application is for outline planning permission only and the particulars submitted are insufficient for consideration of details mentioned.

18 Plans and particulars of the Reserved Matters referred to in Condition 17 for each Phase/Sub-Phase of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority, and shall accord with the following Parameter Plans and their explanatory notes:

- Red Line Plan BEQ-LDA-ZZ-XX-XX-DR-N-ST-00001 Rev 03
- Blue Line Boundary Location Plan (1 of 2) BEQ-LDA-ZZ-XX-XX-DR-N-ST-00002 Rev 05
- Blue Line Boundary Location Plan (2 of 2) BEQ-LDA-ZZ-XX-XX-DR-N-ST-00003 Rev 05
- Land Use Parameter Plan BEQ-LDA-ZZ-XX-XX-DR-N-ST-00004 Rev 08
- Maximum Building Height Plan BEQ-LDA-ZZ-XX-XX-DR-N-ST-00005 Rev 06
- Basement Parameter Plan BEQ-LDA-ZZ-XX-XX-DR-N-ST-00006 Rev 08
- Buildings & Bridges Demolition Plan BEQ-LDA-ZZ-XX-XX-DR-N-ST-00007 Rev 04
- Access Parameter Plan BEQ-LDA-ZZ-XX-XX-DR-N-ST-00009 Rev 06

Reason: For the avoidance of doubt and in the interests of proper planning.

19 The development hereby approved and the Reserved Matters pursuant to Condition 17 shall be carried out in accordance with the Indicative Phasing Plan BEQ-LDA-ZZ-XX-XX-DR-N-ST-00100 Rev 05 or any subsequent updated/amended version agreed in writing by the Local Planning Authority under the terms of this planning condition.

Reason: To ensure a coordinated development that complies with the National Planning Policy Framework (NPPF) and the requirements of the local development plan.

Design Code and Control of Parameters

20 The Reserved Matters submitted pursuant to Condition 17 of this planning permission shall accord with the LDA Design/dRMM Design Code BEQ-LDA-XX-XX-XX-RP-N-ST-00001 Rev 04 dated February 2021.

The Reserved Matters submitted pursuant to Condition 17 for each Phase/sub-phase of the Development must be accompanied by a Statement of Compliance, demonstrating how the phase or sub-phase and where relevant the development as a whole is compliant with the principles set out in the LDA Design/dRMM Design Code and in particular how it accords with the mandatory elements of the Design Code expressed as “must” summarised in the Executive Summary of the Design Code. Each phase or sub-phase shall be completed in accordance with the Design Code before it is brought into use.

For the avoidance of doubt, and notwithstanding requirements of other planning conditions herein the following shall apply to the scheme as a whole:

- a) all homes must meet or exceed the Nationally Described Space Standards (March 2015);

- b) all homes must be provided with private amenity space of not less than 5sq.m and not less than 1.5m deep;
- c) communal podium landscaped spaces must be accessible to all residents within the block they serve;
- d) play space provision must include an equipped play space of 200sq.m in Porters Park and a minimum area of 400sq.m of equipped play or youth orientated activity space in Coleman Gardens; and
- e) 10% of the homes must be delivered to M4 (3) easily wheelchair adaptable standard. 90% of the homes must be delivered to M4 (2) adaptable standard or any revision or amendment which subsequently replaces these accessibility standards in the future.
- f) Public Open Space for the development as a whole is provided at not less than 0.70 hectares.

Reason: In order to ensure the highest quality redevelopment of the site based on specific design guidelines and to ensure the development meet the needs of future residents, occupiers and uses 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), the National Housing Standards (2015) and the Technical Housing Standards Policy Transition Statement (2015)

21 Notwithstanding the provisions of the Town and Country Planning Act 1990 and the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any amending or re-enacting Acts or Orders), the maximum floorspaces for the development hereby approved within each of the Use Classes and uses specified in the table below shall not exceed:

Uses and Use Class	Maximum Area (Gross Internal Area)
Retail, shop, financial and professional services, café, restaurant, pub, drinking establishment, take away (E, F.2, Sui Generis)	Up to 5,000 sq.m
Employment Space: Workshops/Recording Studios/Brewery/Bakery (E, B2) Office Space (E), capped at 2,500 sq.m Artistic Studio(E)	Up to 5,000 sq.m
Residential (C3), excluding secured car parking	Up to 177,650 sq.m
Community & Creche/Nursery (E)	Up to 1,500 sq.m
Leisure, gym, indoor recreation (E)	Up to 1,000 sq.m
Event Space (E/Sui Generis)	Up to 500 sq.m

In addition, no more than 1,760 residential dwellings shall be provided in relation to the development hereby approved and no more than 10,000 sq.m of non-residential floorspace shall be provided in relation to the development hereby approved.

Reason: For the avoidance of doubt and in the interests of proper planning.

22 Notwithstanding the requirements of Condition 21 of this planning permission, the total combined quantum of retail, food and drink, financial and professional services, pub, drinking establishment and take away uses within Use Class E and F.2 or which is Sui Generis permitted across the Development hereby approved shall not exceed 5,000 sq. m of floorspace (GIA). Of this total floorspace, no more than 1,500 sq. m (GIA) shall be located outside of the defined Primary Shopping Area of the Development Plan. Further,

no single retail shop unit within Class E shall exceed a net internal retail area of 500 sq. m.

The Reserved Matters submitted pursuant to Condition 17 for each Phase/sub-phase of the Development must be accompanied by a Statement of Retail Compliance identifying the location and quantum of non-residential floorspace that may be occupied in retail, food and drink, financial and professional services, pub, drinking establishment and take away use within Use Class E or F.2 or which is Sui Generis. The Statement shall specifically identify the floorspace proposed in pub and drinking establishment use and confirm how the proposed provision protects residential amenity. The Statement shall demonstrate how the Phase or Sub-Phase of development is compliant with the terms of this planning condition. Thereafter, the non-residential floorspace shall be occupied only in accordance with the most recently approved Schedule of Retail Compliance unless any changes are made under the terms of this condition.

Reason: For the avoidance of doubt and in order to ensure a suitable range, quantum and location of town centre uses which ensure residential amenity in accordance with the National Planning Policy Framework (2019), policies CP2 and CP4 of the Core Strategy (2007), DM1, DM3 and DM13 of the Development Management Document (2015) and DS1 of the SCAAP (2018).

23 Notwithstanding the requirements of Conditions 21 and 22, the commercial uses of workshops, recording studios, brewery, bakery, or any other non-residential use outside of Class E or Class F.1 or F.2 (excluding Event Space) within the development hereby approved shall not be permitted in any part of the development save for that area defined in Red on the Land Use Parameter Plan BEQ-LDA-ZZ-XX-XX-DR-N-ST-00004 Rev 08.

Reason: For the avoidance of doubt and in order to ensure residential amenity in accordance with policies CP4 of the Core Strategy (2007) and DM1 and DM3 of the Development Management Document (2015).

24 Notwithstanding the provisions of the Town and Country Planning Act 1990 and the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any amending or re-enacting Acts or Orders) or the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending or re-enacting Acts or Orders), commercial uses within Class E, F.1 or F.2 within the development hereby approved shall not be permitted to be used for residential (Use Class C3) or uses outside of those defined on the Land Use Parameter Plan (BEQ-LDA-ZZ-XX-XX-DR-N-ST-00004 Rev 08) without express planning permission from the Local Planning Authority.

Reason: For the avoidance of doubt and in the interests of proper planning.

Construction and Tree Protection

25 Prior to the commencement of development within any Phase or Sub-Phase of the development hereby approved and as shown on the approved Illustrative Phasing Plan BEQ-LDA-ZZ-XX-XX-DR-N-ST-00100 Rev 05, or a revision to this plan as approved under condition 19 of this consent, a Construction Logistics Plan for that Phase/sub-phase shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall be designed to minimise deliveries of materials and export of any waste materials within the times of peak traffic congestion on the local road network. The Plan shall be implemented in full accordance with the approved details and thereafter maintained throughout the construction of the approved development.

Reason: In the interests of highway safety, the free flow of the local highway network and the amenities of nearby and surrounding occupiers pursuant to Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM15 of the Development Management Document (2015).

26 No development within any Phase or Sub-Phase of the development hereby approved and as shown on the approved Illustrative Phasing Plan BEQ-LDA-ZZ-XX-XX-DR-N-ST-00100 Rev 05, or a revision to this plan as approved under condition 19 of this consent, shall take place, including any works of demolition (except demolition the subject of a Prior Approval application under Part 31 of the General Permitted Development Order), until and unless a Demolition and Construction Management Plan and Strategy to include a Dust Mitigation Strategy has been submitted to and approved in writing by the Local Planning Authority. The approved Demolition and Construction Management Plan and Strategy shall be implemented in full accordance with the approved details and adhered to in full throughout the construction of the development unless a revised Demolition and Construction Management Plan is subsequently submitted to and approved in writing by the Local Planning Authority in which demolition and construction shall be implemented in accordance with the revised Plan.

The Management Plan and Strategy 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 hoardings;
- v. Measures to control the emission dust and dirt during construction;
- vi. A Construction Noise and Vibration Management Plan and Strategy for the control, mitigation and monitoring of noise and vibration associated with construction;
- vii. A scheme for recycling/disposing of waste resulting from construction works that does not allow for the burning of waste on site;
- viii. A dust management plan to include mitigation and boundary particulate monitoring during demolition and construction;
- ix. Details of the duration and location of any noisy activities;
- x. Details of external lighting associated with construction.
- xi. Hours of operation – any proposed extension to the following hours of construction for certain specified works:
 - 08:00-18:00 – Monday to Friday
 - 08:00-13:00 – Saturday
 - No time on Sundays or Public Holidays
- xxii) temporary variable message signage
- xiii) details of how surface water will be managed during construction

Reason: in the interests of amenity in accordance with the National Planning Policy Framework (2019) and 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).

27 Prior to commencement of development within Phase 3A or 3B as identified in Drawing BEQ-LDA-ZZ-XX-XX-DR-N-ST-00100 Rev 05 (or a revision to this plan as approved under condition 19 of this consent) a vibration assessment shall be submitted to the Local Planning Authority to quantify and identify any measures required to mitigate the vibration impact from trains and ancillary operations at the adjacent railway and Southend Victoria Station on the proposed occupants of the dwelling.

No dwelling within Phase 3A or 3B as identified on Drawing BEQ-LDA-ZZ-XX-XX-DR-N-ST-00100 Rev 05 shall be occupied until and unless the internal and external areas of dwellings are protected from external vibration from the operation of trains and ancillary operations at Southend Victoria Station in accordance with the approved vibration assessment and mitigation measures.

Reason: To protect residents in the development and neighbouring the site from undue noise and disturbance in order to protect their amenities in accordance with Core Strategy

(2007) policies KP2 and CP4, Policies DM1, DM3 and DM8 of the Development Management Document (2015) and Design and Townscape Guide (2009).

28 All vegetation clearance and tree works in association with each Phase/sub-phase of the development hereby approved and as shown on the approved Illustrative Phasing Plan BEQ-LDA-ZZ-XX-XX-DR-N-ST-00100 Rev 05, or a revision to this plan as approved under condition 19 of this consent, shall be carried out outside of the bird nesting season which runs from March to September inclusive, unless it is necessary for works to commence in the nesting season, then a pre-commencement inspection of the vegetation and trees for active bird nests should be carried out by a suitably qualified ecologist. Only if there are no active nests present shall work be allowed to commence within the bird nesting season.

Reason: In the interest of the safety and amenities of the area, in the interests of biodiversity 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).

29 Prior to commencement of any Phase/sub-phase as shown on the approved Illustrative Phasing Plan BEQ-LDA-ZZ-XX-XX-DR-N-ST-00100 Rev 05, or a revision to this plan as approved under condition 19 of this consent, including any works for demolition, a detailed Arboricultural Method Statement and Tree Protection Plan for that Phase/sub-phase must be submitted to and approved in writing by the Local Planning Authority. Details must include:

- a) A plan showing the location of, and allocating a reference number to, each existing tree on the site which has a stem with a diameter, measured over the bark at a point 1.5 metres above ground level, exceeding 75 mm, showing at which trees are to be retained and the crown spread of each retained tree;
- b) Details of the species, diameter (measured in accordance with paragraph (a) above), and the approximate height, and an assessment of the general state of health and stability, of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs (c) and (d) below apply;
- c) Details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site;
- d) Details of any proposed alterations in existing ground levels, and of the position of any proposed excavation, within the crown spread of any retained trees or of any tree on land adjacent to the site;
- e) Details of the specification and position of fencing and of any other measures to be taken for the protection of any retained tree from damage before or during the course of each phase of development.

Construction and demolition works shall thereafter be carried out in full accordance with the approved Arboricultural Method Statement and Tree Protection Plan and tree protection measures shall be implemented in full before construction and demolition work in that Phase-Sub-Phase is commenced.

Reason: In the interests of the character and appearance of the area and to ensure that the development complies with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the Design and Townscape Guide (2009).

Archaeology

30 Reserved Matters applications for any Phase/ Sub-Phase of the development hereby approved and as shown on the approved Illustrative Phasing Plan BEQ-LDA-ZZ-XX-XX-DR-N-ST-00100 Rev 05, or a revision to this plan as approved under condition 19 of this consent, shall be accompanied by an Archaeological Written Scheme of Investigation for

a programme of archaeological work for approval under the terms of the Reserved Matters Application for that Phase/sub-phase including a programme of archaeological recording and analysis, a watching brief and details of the measures to be taken should any archaeological finds be discovered. The approved /watching brief and measures are to be undertaken throughout the course of the works affecting below ground deposits and are to be carried out by an appropriately qualified archaeologist. The subsequent recording and analysis reports shall be submitted to and approved in writing by the local planning authority before that phase of the development is brought into first use.

Reason: Required 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 of any archaeological finds in accordance with the National Planning Policy Framework (2019) and Policy DM5 of the Development Management Document (2015).

Contamination

31 (a) Notwithstanding the details submitted and otherwise hereby approved, prior to commencement of development of any Phase/sub-phase of the development hereby approved and as shown on the approved Illustrative Phasing Plan BEQ-LDA-ZZ-XX-XX-DR-N-ST-00100 Rev 05, or a revision to this plan as approved under condition 19 of this consent, an investigation and risk assessment must be submitted to and approved in writing by the Local Planning Authority. The risk assessment shall assess the nature and extent of any contamination affecting that Phase/sub-phase of the development and whether or not it originates on the site. The investigation and risk assessment must be undertaken by a competent person and must include:

- i. A survey of extent, scale and nature of contamination;
- ii. An assessment of the potential risks to:
 - Human Health;
 - Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
 - Adjoining land;
 - Groundwaters and surface waters;
 - Ecological systems;
 - Archaeological sites and ancient monuments; and
 - An appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted 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) Notwithstanding the details submitted and otherwise hereby approved, prior to commencement of development of any Phase/sub-phase of the development hereby approved and as shown on the approved Illustrative Phasing Plan BEQ-LDA-ZZ-XX-XX-DR-N-ST-00100 Rev 05, or a revision to this plan as approved under condition 19 of this consent, a detailed remediation scheme to bring the area within the phase/sub-phase to a condition suitable for the intended use by removing unacceptable risk to human health, buildings and other property and the natural and historical environment shall be 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) Notwithstanding the details submitted and otherwise hereby approved, prior to commencement of development of any Phase/sub-phase of the development hereby approved as shown on the approved Illustrative Phasing Plan BEQ-LDA-ZZ-XX-XX-DR-N-ST-00100 Rev 05, or a revision to this plan as approved under condition 19 of this consent, the detailed remediation scheme approved under part (b) of this condition shall have been implemented in accordance with the approved timetable of works. The Local Planning Authority may give approval for the commencement of each Phase/sub-phase development prior to the completion of 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 in writing and with a written reply under the terms of this condition. Following completion of measures identified in the approved remediation, a verification report for each Phase/sub-phase 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. The verification report must be submitted to and approved in writing by the Local Planning Authority before the development is brought into use. For the avoidance of doubt, any remediation is to be remediated under the terms of this planning conditions in accordance with the timetable submitted to and approved in writing by the Local Planning Authority under the terms of this planning condition.

In the event that contamination is found at any time when carrying out a Phase/sub-phase of the approved development that was not previously identified, it must be reported in writing within 7 days to the Local Planning Authority. That Phase/sub-phase of the development must be halted until an assessment for that Phase/sub-phase 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 for that Phase/sub-phase must be submitted to and approved in writing by the Local Planning Authority before that Phase/sub-phase of the development is brought into use.

No development of any Phase/sub-phase of the development hereby approved as shown on the approved Illustrative Phasing Plan BEQ-LDA-ZZ-XX-XX-DR-N-ST-00100 Rev 05, or a revision to this plan as approved under condition 19 of this consent, shall take place until and unless a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 5 years, and the provision of reports on the same must both be submitted to and approved in writing by the Local Planning Authority.

Following completion of the measures identified in that monitoring and maintenance scheme and when the remediation scheme is complete, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be 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) policy KP2 and Policies DM1 and DM14 of the Development Management Document (2015).

Technical Assessment

32 Notwithstanding the proposed building height of Development Parcels for the development hereby approved and as identified on the Maximum Building Heights Parameter Plan BEQ-LDA-ZZ-XX-XX-DR-N-ST-00005 Rev 06, each Reserved Matters Application for a Phase/sub-phase of the Development must be accompanied by an assessment of the impact of the development upon:

- a) the levels of daylight and sunlight at existing and proposed residential properties affected by that Phase/sub-phase of the development; and
- b) overshadowing of existing and proposed open spaces affected by that Phase/sub-phase of the development

which must accord with the recommendations of the GIA Daylight and Sunlight Assessment and Design Guidance 15720 dated 20 July 2020. The assessments must be approved in writing by the Local Planning Authority prior to commencement of each Phase/sub-phase.

Reason: To protect residents in the development and neighbouring the site from adverse impacts on daylight and sunlight to protect their amenities in accordance with Core Strategy (2007) policies KP2 and CP4, Policies DM1, DM3 and DM8 of the Development Management Document (2015) and Design and Townscape Guide (2009).

33 Notwithstanding the proposed building height of Development Parcels for the development hereby approved and as identified on the Maximum Building Heights Parameter Plan EQ-LDA-ZZ-XX-XX-DR-N-ST-00005 Rev 06, each Reserved Matters Application for a Phase/sub-phase of the Development must be accompanied by an assessment of the wind/micro-climate affecting that Phase/sub-phase of the development and any adjacent properties that do not form part of the development, which must accord with the conclusions of the Pedestrian Level Wind Microclimate Assessment 2001902 Rev C dated 29 June 2020. The assessments shall identify any necessary mitigation measures within that phase/sub-phase of the development and include a timetable for implementation. The assessments must be approved in writing by the Local Planning Authority prior to commencement of each Phase/sub-phase and any necessary mitigation must be implemented in accordance with the approved timetable.

Reason: To protect residents in the development and neighbouring the site from adverse impacts caused by wind to protect their amenities in accordance with Core Strategy (2007) policies KP2 and CP4, Policies DM1, DM3 and DM8 of the Development Management Document (2015) and Design and Townscape Guide (2009).

34 Notwithstanding the proposed building height of Development Parcels for the development hereby approved and as identified on the Maximum Building Heights Parameter Plan BEQ-LDA-ZZ-XX-XX-DR-N-ST-00005 Rev 06, each Reserved Matters Application for a Phase/sub-phase of the Development must be accompanied by a Visual Impact Assessment which assesses the visual impact of the proposal of relevant viewpoints identified in the Townscape and Visual Impact Assessment (ES Chapter 8) dated July 2020. The assessments must be approved in writing by the Local Planning Authority prior to commencement of each Phase/sub-phase.

Reason: To protect visual amenity in accordance with Policy DM4 of the Development Management Document (2015) and policy DS2 of the SCAAP (2018).

Wheelchair Units

35 No above ground works shall take place within any phase/sub phase of the development hereby approved until and unless details have first been submitted to and approved in writing by the Local Planning Authority to show how 10%, as an aggregate across the scheme will be built in compliance with the building regulation M4(3) 'adaptable for wheelchair user dwellings' standard under the Building Regulations with all of the remaining dwellings complying with building regulation part M4(2) 'accessible and adaptable dwellings' standard under the Building Regulations or any equivalent standards which supersede these. The details submitted for any phase/sub-phase pursuant to the terms of this condition shall specify the number of dwellings within the relevant phase/sub phase to be built in compliance with the building regulation M4(3) 'adaptable for wheelchair user dwellings' standard under the Building Regulations. Each approved dwelling shall be constructed to comply with either building regulation M4(2) or M4(3) standards (or any equivalent standards which replace this) in accordance with the approved details prior to its first occupation.

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

Landscaping, Open Space and Access

36 The area of Public Open Space for the development hereby approved and as defined on the Land Use Parameter Plan (BEQ-LDA-ZZ-XX-XX-DR-N-ST-00004 Rev 08) shall as a minimum measure 0.70 hectares.

Reason: For the avoidance of doubt and in the interests of proper planning.

37 With the exception of demolition, site clearance and Preliminary Works, no development within any Phase/sub-phase of the development hereby approved and as shown on the approved Illustrative Phasing Plan BEQ-LDA-ZZ-XX-XX-DR-N-ST-00100 Rev 05, or a revision to this plan as approved under condition 19 of this consent, shall commence above ground level until and unless full details of both hard and soft landscape works for that phase/sub-phase have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details must include the following as a minimum:

- i. Proposed Finished Levels or Contours
- ii. Minor artefacts and structures
- iii. Details of Trees proposed and to be retained
- iv. Timetable for the Completion of the Hard and Soft Landscaping and Planting
- v. Evidence of Compatibility of Landscaping Scheme with the Proposed Drainage and Other Site Services
- vi. Details of external lighting
- vii. Details of green roof and brown roofs
- viii. Details of any boundary treatment
- ix. Details of wayfinding signage

The soft landscaping/planting within the area subject to outline approval (as defined within the red line shown on Drawing BEQ-LDA-ZZ-XX-XX-DR-N-ST-00001 Rev 03) within any Phase/sub-phase shall thereafter be carried out accordance with the approved timetable for the completion of hard and soft landscaping and planting unless otherwise approved under the terms of this planning condition If any trees are removed or found to be dying, severely damaged or diseased within five years of planting them, they must be replaced with trees of a similar size and species as may be agreed with the Local Planning Authority.

Each of the buildings hereby approved within a Phase or Sub-Phase and consistent with Drawing BEQ-LDA-ZZ-XX-XX-DR-N-ST-00100 Rev 05 of the development hereby approved shall be provided with the necessary vehicular access, pedestrian access, drainage, footway and cycle access prior to full occupation, consistent with the approved Parameter Plans and accompanying LDA Design/dRMM Design Code BEQ-LDA-XX-XX-XX-RP-N-ST-00001 Rev 04 and in accordance with the approved timetable for completion of the hard and soft landscaping works approved under the terms of this condition.

The approved street lighting within the Phase/sub-phase granted planning permission consistent with the approved Parameter Plans and accompanying LDA Design/dRMM Design Code BEQ-LDA-XX-XX-XX-RP-N-ST-00001 Rev 04 shall be implemented in full prior to full occupation of that Phase/sub-phase or with respect to any other such timescales for that phase/sub-phase as may be submitted to and approved in writing by the Local Planning Authority in accordance with the approved timetable for completion of the hard and soft landscaping works approved under the terms of this condition.

Reason: In the interests of highway safety and amenity in accordance with the National Planning Policy Framework (2019), Policy CP3 of the Core Strategy (2007) and Policies DM3, DM8 and DM15 of Development Management Document (2015).

38 Details of the vehicular and pedestrian accesses for any Phase or Sub-Phase of the development hereby approved and consistent with Drawing BEQ-LDA-ZZ-XX-XX-DR-N-ST-00100 Rev 05 including details of the siting, size, dimensions and other details shown which are consistent with Access Parameter Plan BEQ-LDA-ZZ-XX-XX-DR-N-ST-00009 Rev 05, or any subsequent update agreed under condition 19 of this consent, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of that Phase/sub-phase of the development, save for demolition, site clearance and Preliminary Works. The development of that Phase/sub-phase shall be carried out and completed in full accordance with the approved details prior to full occupation of that Phase/sub-phase or any other such timescales for that Phase or Sub-Phase as may be submitted to and approved in writing by the Local Planning Authority prior to the first occupation within that Phase/sub-phase under the terms of this planning condition.

Reason: In the interests of highway safety in accordance with the National Planning Policy Framework (2019), Policy CP3 of the Core Strategy (2007) and Policies DM3, DM8 and DM15 of Development Management Document (2015).

39 Prior to first occupation of any part of any Phase/sub-phase of the development hereby approved and as shown on the approved Illustrative Phasing Plan BEQ-LDA-ZZ-XX-XX-DR-N-ST-00100 Rev 05, or a revision to this plan as approved under condition 19 of this consent, details of a Landscape Management Plan for the maintenance and management of the soft and hard landscaping for that Phase/sub-phase shall be submitted to and approved in writing by the Local Planning Authority. The landscaped areas shall thereafter be managed and maintained in accordance with the approved Landscape Management Plan. The Landscape Management Plan for that phase/sub-phase shall include details of how trees within that phase/sub-phase will be maintained during the initial three-year establishment period. The landscaped areas shall thereafter be managed and maintained in accordance with the approved Landscape Management Plan for the lifetime of the development.

Reason: in the interests of amenity in accordance with the National Planning Policy Framework (2019) and Policies KP2, CP3 and CP4 of the Core Strategy, Policies DM1 and DM3 of the Development Management Document (2015) and the Design and Townscape Guide (2009).

40 Prior to occupation of any Phase/sub-phase of the development hereby approved and as shown on the approved Illustrative Phasing Plan BEQ-LDA-ZZ-XX-XX-DR-N-ST-00100 Rev 05, or a revision to this plan as approved under condition 19 of this consent, shall commence until and unless a scheme showing the provisions to be made for all external lighting (excluding lighting associated with construction) for that Phase/sub-phase has been submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall include details of:

- i. luminance;
- ii. spread of light;
- iii. location, position, design and specification of lighting;
- iv. timetable for implementation.

The development shall be carried out in accordance with those approved details and timetable and retained for the lifetime of the development.

Reason: In the interest of the safety and amenities of the area, in the interests of biodiversity 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).

Phase/sub-phase as shown on the approved Illustrative Phasing Plan BEQ-LDA-ZZ-

Ecological Management and Mitigation Plan

41 Prior to demolition of Quantock Tower, Pennine Tower, Malvern Tower and Chiltern Tower and commencement of development above ground level within any other XX-XX-DR-N-ST-00100 Rev 05, or a revision to this plan as approved under condition 19 of this consent, an Ecological Management and Mitigation Plan shall be submitted to and approved in writing by the Local Planning Authority. The Ecological Management Plan shall include details of the number, location and specifications of bat roosting features to be included within Phase 1 and any other relevant Phase/Sub-Phase. Areas and/or features the subject of the Ecological Management Plan and Mitigation Plan shall be managed and maintained in accordance with the approved Ecological Management Plan.

No development above ground level of any part of any Phase/sub-phase of the development hereby approved as shown on the approved Illustrative Phasing Plan BEQ-LDA-ZZ-XX-XX-DR-N-ST-00100 Rev 05 shall be undertaken until the details of bird and invertebrate mitigation to be implemented as part of the Phase/Sub-Phase have been submitted to and approved in writing by the Local Planning Authority. The installation of these mitigation measures shall be carried out before that Phase/sub-phase of the development is occupied and shall be retained through the lifetime of the development.

Reason: To minimise the environmental impact of the development and to minimise the risk to protected species in accordance with Policies KP2 and CP4 of the Core Strategy (2007).

External Materials and Privacy

42 Save for Demolition, Site Clearance and Preliminary Works, prior to construction above ground level within any phase/sub-phase of the development as shown on the approved Illustrative Phasing Plan BEQ-LDA-ZZ-XX-XX-DR-N-ST-00100 Rev 05, or a revision to this plan as approved under condition 19 of this consent, details of all external materials, including for walls, windows, doors, balconies, balustrades, soffits, parapets and all other external finishing materials shall have been submitted to and approved in writing by the local planning authority for that Phase/sub-phase. The Phase/sub-phase shall be implemented in accordance with the details approved under this condition before it is first brought into 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).

43 Notwithstanding the details shown in the plans submitted and otherwise hereby approved, the development hereby granted consent shall not be first occupied or brought into use unless and until plans are submitted to the Local Planning Authority and approved in writing which clearly specify all the windows and other openings in the development that are to be permanently glazed with obscured glass and fixed shut or provided with only a fanlight (or other similar) opening and the manner and design in which these windows and openings are to be implemented.

The development hereby permitted shall be implemented in full accordance with the details approved under this condition before it is first occupied or brought into use and shall be permanently retained as such thereafter. The windows included within such agreed scheme shall be glazed in obscure glass which is at least Level 4 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing with the local planning authority. Top hung lights agreed within such scheme shall be a minimum of 1.7 metres above internal floor level. In the case of multiple or double-glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4. The windows shall be retained in accordance with the agreed details for the lifetime of the development.

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

Drainage

44 Prior to commencement of development within any Phase/sub-phase as shown on the approved Illustrative Phasing Plan BEQ-LDA-ZZ-XX-XX-DR-N-ST-00100 Rev 05, or a revision to this plan as approved under condition 19 of this consent, with the exception of demolition and Preliminary Works, in accordance with the Flood Risk Assessment and Drainage Strategy (Civic Engineers, 31st July 2020, Document Ref: BEQ-CIV-XX-XX-XX-RP-D-ST-00001) detailed design of a surface water drainage scheme incorporating the following measures for that Phase/sub-phase shall be submitted to and agreed with the Local Planning Authority in consultation with the Lead Local Flood Authority. The approved scheme for that Phase/sub-phase shall be carried out in full before that Phase/sub-phase is brought into use. The Scheme shall address the following matters:

- a) Provide evidence of infiltration tests in accordance with BRE365 and if infiltration is found to be viable provide information in relation to the potential for ground instability or deterioration in groundwater quality because of infiltration.
- b) Provide an updated drainage layout plan for each Phase/sub-phase indicating the dimensions, storage volumes, pipe sizes and gradients, manhole cover and invert levels, proposed discharged rates, flow controls and final discharge connection in accordance with the submitted calculations. Updated engineering plans shall be provided for each of the Sustainable Urban Drainage Systems (SuDS) and critical drainage elements, including the flow control features.
- c) Provide calculations for the entire SuDS system, including the pipe network, for the 1 in 1 year, the 1 in 30 year event, the 1 in 100 year event and the 1 in 100 year plus 40% climate change event.
- d) Provide information on the management of health and safety risks in relation to feature design.
- e) Provide a system valuation (including capital costs, operation and maintenance costs, cost contributions) and a demonstration of long-term economic viability.

- f) Provide confirmation of the party or parties responsible for maintenance of the SuDS system.
- g) Provide a method statement for the management of surface water runoff arising during the construction.
- h) Provide evidence of consent from Anglian Water to discharge at the proposed discharge rate and location(s).

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

45 Within each Reserved Matters Applications, a foul drainage strategy to serve that Phase/sub-phase of the development as shown on the approved Illustrative Phasing Plan BEQ-LDA-ZZ-XX-XX-DR-N-ST-00100 Rev 05, or a revision to this plan as approved under condition 19 of this consent, shall be submitted to and agreed in writing by the Local Planning Authority prior to commencing that Phase/Sub-Phase.

The strategy shall include:

- a) A programme for implementation; and
- b) Details of future maintenance and management of the proposed foul drainage system.

The details shall comply with the approved Site wide foul drainage strategy. The approved details shall be implemented before the first occupation of the Phase/sub-phase concerned and be retained and maintained for the lifetime of the development thereafter.

Reason: To ensure the approved development provides satisfactorily for foul drainage in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP1, KP2 and KP3.

Opening Hours

46 With the exception of those uses falling within Use Class E for the purposes of indoor sport, recreation or fitness principally serving visiting members of the public, all other Class E, B2 and Sui Generis uses hereby permitted shall only be permitted to be open to the public between the hours of 07.00 and 23.00 on any day.

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). Sustainability and Energy

47 No non-residential part of the development hereby approved shall take place above ground floor slab level until evidence that the development is registered with a BREEAM certification body (or any body which subsequently replaces BREEAM of a suitable equivalent standard) and a pre-assessment report (or design stage certificate with interim rating if available) has been submitted indicating that the development can achieve a Very Good BREEAM level or any standard which replaces this in future.

Reason: This condition is required in the interests of providing a sustainable development, in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policy DM2 of the Development Management Document (2015).

48 No part of any non-residential building hereby approved shall be first occupied unless and until a final Certificate has been issued certifying that BREEAM (or any such equivalent national measure of sustainable building which replaces that scheme) rating "Very Good" has been achieved for that building.

Reason: In the interests of providing a sustainable development, in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policy DM2 of the Development Management Document (2015).

49 Any application for Reserved Matters for any Phase/sub-phase pursuant to Condition 17 of this planning permission, must be accompanied by a specific Energy Strategy, for approval under the Reserved Matters Applications for that Phase/sub-phase that accords with the terms and objectives of the Energy Strategy (Better Queensway: Sustainability Statement, Mott MacDonald 17 July 2020) demonstrating how at least 10% of the total energy needs of that Phase/Sub-Phase is to be supplied using on site renewable sources. Where relevant, the specific Energy Strategy shall include details of flue heights and locations and use low NOx boilers. The specific Energy Strategy approved under that Reserved Matters submission shall be implemented in full prior to the first occupation of the building(s) to which it relates. The energy centre(s) and associated infrastructure shall be maintained and made available for use 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).

50 The new 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 (lppd) (110 lppd when including external water consumption), and shall incorporate 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).

Designing Out Crime

51 With the exception of demolition, site clearance and Preliminary Works , no development of any Phase/sub-phase of the development hereby approved and as shown on Plan BEQ-LDA-ZZ-XX-XX-DR-N-ST-00100 Rev 05 or a revision to this plan as approved under condition 19 of this consent shall commence above ground level until and unless a scheme showing the principles to be implemented to reduce the risk of crime and fear of crime for that Phase/sub-phase has been submitted to and approved in writing by the Local Planning Authority in consultation with the Police Designing out Crime Officer. That part of the development shall not be occupied until and unless the approved scheme for that part of the development has been fully implemented. The approved measures shall be maintained for the lifetime of the development.

Reason: To ensure the creation of a safe and secure environment in accordance with the National Planning Policy Framework, Core strategy Policies KP2 CP4 and CP6 and guidance in the Southend Design and Townscape Guide (2007)

Refuse and Recycling

52 No above ground development in any Phase or Sub-Phase of the development hereby approved and as shown on Illustrative Phasing Plan BEQ-LDA-ZZ-XX-XX-DR-N-ST-00100 Rev 05, or a revision to this plan as approved under condition 19 of this consent, shall be commenced until and unless details of refuse and recycling facilities and enclosures for that Phase or Sub-Phase of the development showing their design, location, capacity and external appearance have been submitted to and approved in

writing by the Local Planning Authority. The approved facilities and enclosures shall be provided and made available for use before the occupation of any part of the development that they are designed to serve and shall be maintained for the lifetime 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).

53 Prior to the first occupation of any part of any building approved under this permission, a Recycling/Waste Management Plan and Service Plan for that building shall be submitted to and approved in writing by the Local Planning Authority. The Recycling/Waste Management Plan and Service Plan shall include full details of the management and servicing arrangements for storage and collection of recycling and waste. Waste/recycling management and servicing of the building shall be implemented prior to occupation of each building in strict accordance with the approved details and maintained for the lifetime of the development.

Reason: To ensure that the development provides adequate refuse and recycling facilities 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).

Parking, Electric Vehicle Charging and Travel Plans

54 With the exception of demolition, site clearance and Preliminary Works , no development within a Phase or Sub-Phase of the development hereby approved and as shown on Illustrative Phasing Plan BEQ-LDA-ZZ-XX-XX-DR-N-ST-00100 Rev 5, or a revision to this plan as approved under condition 19 of this consent, shall take place until and unless details of the permanent and temporary car parking spaces including the accessible parking bays for the relevant part of the development and any scooter/motorbike parking within that Phase/sub-phase have been submitted to and approved in writing by the Local Planning Authority. Car parking shall be provided at an aggregate ratio of 0.70 spaces per dwelling, subject to review in accordance with any updated Car Park Management Plan(s) submitted pursuant to the terms of this condition. The approved parking spaces shall be provided and made available for use and the accessible parking bays shall be clearly marked with a British Standard disabled symbol prior to the occupation of that part of the development and shall be maintained for the lifetime of the development (unless it is temporary car parking to be removed in a subsequent phase) for the accommodation of vehicles of occupiers and visitors in relation to the dwellings within that phase or sub-phase and not used for any other purpose.

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).

55 Prior to the occupation of any residential unit within a Phase or Sub-Phase of the development hereby approved and consistent with Illustrative Phasing Plan BEQ-LDA-ZZ-XX-XX-DR-N-ST-00100 Rev 05 a Car Parking Management Plan setting out the allocation and management of permanent, temporary and disabled car parking spaces, provision of two car club spaces (across the entirety of the development) and parking controls for that Phase or Sub-Phase shall be submitted to and approved by the local planning authority. The Car Parking Management Plan shall accord with the recommendations of the Civic Engineers Outline Parking Management Strategy dated 31 July 2020 or any subsequent plan approved by the Local Planning Authority within the

scope of this planning condition. Prior to the occupation of each part of the development the approved Car Parking Management Plan for that part shall be fully implemented and thereafter maintained for the lifetime of the development (unless it is temporary car parking to be removed in a subsequent phase). Any temporary car parking shall not be removed unless and until replacement parking is provided or a strategy and timetable for delivery of replacement car parking is submitted to and approved in writing by the Local Planning Authority.

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

56 With the exception of demolition, site clearance and Preliminary Works, no development within any Phase/sub-phase of the development hereby approved and as shown on the approved Illustrative Phasing Plan BEQ-LDA-ZZ-XX-XX-DR-N-ST-00100 Rev 05, or a revision to this plan as approved under condition 19 of this consent, shall commence above ground level until and unless details of the cycle parking facilities for that Phase/sub-phase have been submitted to and approved in writing by the Local Planning Authority. The submission shall include details of the security, monitoring and access arrangements for the cycle parking facilities for occupants and visitors. Cycle parking designed for residents shall be secured and covered. Cycle parking for commercial occupants and visitors shall be secured. The phase/sub-phase of development shall not be occupied until and unless the approved details for that part of the development have been implemented fully in accordance with the approved details and made available for use. Thereafter, the cycle parking facilities shall be permanently maintained for the lifetime of the development.

Reason: To ensure that adequate cycle parking is provided and retained to serve the development in accordance with Policies KP2 and CP3 of the Core Strategy (2007) and Policies DM1 and DM15 of the Development Management Plan (2015).

57 Prior to first occupation of any part of any Phase/sub-phase of the development hereby approved and as shown on the approved Illustrative Phasing Plan BEQ-LDA-ZZ-XX-XX-DR-N-ST-00100 Rev 05), or a revision to this plan as approved under condition 19 of this consent, details of the number and location of electric car charging points to be installed for that Phase/sub-phase, including those to be installed within lamp columns, shall be submitted to and approved in writing by the Local Planning Authority. At least 20% of all permanent on-street and enclosed car parking spaces within each Phase shall have an electric charging point provided capable of charging vehicles from the outset (active provision) and the remaining car parking spaces shall each be future proofed so that electric charging points can be installed when demand requires, e.g. four-way duct and draw-pits to all service bays (passive provision). That part of the development shall be implemented in full accordance with the approved details before it is brought into use.

Reason: In the interests of providing sustainable transport choices in accordance with Policy KP2 and CP3 of the Core Strategy (2007) and DM2 and DM15 of the Development Management Plan (2015).

58 With the exception of demolition, site clearance and Preliminary Works, no development shall commence above ground level within any Phase or Sub-Phase of the development hereby approved and as shown on the approved Illustrative Phasing Plan BEQ-LDA-ZZ-XX-XX-DR-N-ST-00100 Rev 05, or a revision to this plan as approved under condition 19 of this consent, unless and until a detailed scheme for the areas proposed for adoption and for the management of on-street parking within that Phase or Sub-Phase, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that servicing and refuse vehicles will be able to access the relevant parts of the development in a safe manner. The approved scheme shall be fully implemented prior to full occupation of the relevant part of the development

and in accordance with a timetable approved under the terms of this condition and shall thereafter be maintained for the lifetime of the development.

Reason: In the interests of highway safety, the free flow of the local highway network and the amenities of nearby and surrounding occupiers pursuant to Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM15 of the Development Management Document (2015).

59 Each Reserved Matters Application for a Phase/sub-phase of the Development must be accompanied by a Travel Plan for that Phase/sub-phase of the development which accords with the guiding principles set out in the Master Travel Plan v1.1 dated 18 December 2020 or any subsequent updated/amendment to it approved in writing by the Local Planning Authority and a timeframe for the implementation for the Travel Plan. The approved Travel Plan measures shall be implemented in accordance with the approved timeframe and thereafter maintained for the lifetime of the development.

Reason: In the interests of sustainability and promoting non-car modes of transport 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).

Deliveries and Servicing

60 Prior to occupation of any commercial unit within the development hereby approved a Delivery and Servicing Plan for that commercial unit, to incorporate details of deliveries to the site, including size of vehicle, routing of deliveries, and times of deliveries shall have been submitted to and approved in writing by the Local Planning Authority. The use shall be operated solely in accordance with the approved Delivery and Servicing Plan and shall be maintained for the lifetime 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).

Noise, Plant Machinery and Equipment

61 No plant machinery or equipment for the proposed non-residential uses hereby approved shall be installed until and unless full details of their location, design, appearance and technical specifications and a report detailing any mitigation measures proposed in respect of noise, odour and vibration impacts has been submitted to, and approved in writing by, the Local Planning Authority.

The details shall include a Noise Impact Assessment conducted by a competent person to assess the potential impact of the plant machinery and equipment to be installed (including for heating and ventilation of the building, entertainment noise including amplified music, film and speech and the extraction and control of fumes and odours). With reference to British Standard BS4142:2014+A1:2019 the specific sound level arising from all plant machinery and equipment shall be 10dBA below the prevailing background noise level measured and determined in accordance with the British Standard.

The installation of plant machinery and equipment shall be carried out in full accordance with the approved details and specifications and any required noise, odour and vibration mitigation measures shall be undertaken in accordance with the agreed details before the non-residential space concerned is brought into use

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

62 A. Each Reserved Matters Application for a Phase/sub-phase of the Development must be accompanied by a Noise Impact Assessment for approval assessing noise impacts on existing and proposed residential uses in accordance with the findings of Chapter 11 of the Environmental Statement (June 2020). The Noise Impact Assessment for the Phase/sub-phase shall include background noise levels for that Phase/sub-phase of the development as shown on the approved Illustrative Phasing Plan BEQ-LDA-ZZ-XX-XX-DR-N-ST-00100 Rev 05 (or a revision to this plan as approved under condition 19 of this consent).

B. Internal ambient noise – each Phase/sub-phase shall be designed to ensure internal ambient noise levels for residential areas within that phase/sub-phase do not exceed the guideline values in British Standard BS8233:2014 and as stated at Table 11.1 of Chapter 11 of the Environmental Statement. A detailed scheme of sound insulation measures to achieve these internal ambient noise levels shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of each Phase/sub-phase hereby approved. The detailed scheme shall include:

1. details of any necessary façade sound insulation measures to achieve these internal ambient noise levels; and
2. details of ventilation measures in the form of Mechanical Extract Information and/or Mechanical Ventilation with Heat Recovery in order to meet the requirements of Building Regulations Approved Document F “Ventilation” (or subsequent amendments).

C. External amenity spaces – the design and layout of each phase/sub-phase shall seek to protect external amenity spaces (balconies of not less than 5sq.m, roof terraces and landscaped podium areas) against externally generated transportation noise sources including road and rail in accordance with the findings of Chapter 11 of the Environmental Statement (June 2020).

Any mitigation measures required by Parts B and C of this planning condition shall be completed in accordance with the approved details before the relevant dwellings within each Phase/sub-phase are occupied and shall thereafter be retained as approved for the lifetime of the development.

Reason: In the interest of the residential amenity of nearby occupiers and occupiers of the development during its construction 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).

Roof Apparatus and London Southend Airport

63 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 without the receipt of express planning permission in writing from the Local Planning Authority, no satellite antenna, apparatus or plant of any sort (including structures or plant in connection with the use of telecommunication systems or any electronic communications apparatus) shall be erected on the site or roof of any building within the development hereby approved unless and until details of their purpose size and location have been submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details in consultation with the Airport Authority under the terms of condition.

Reason: In the interests of aviation safety in accordance with Development Management Document (2015) Policy DM4.

64 Prior to above ground works within any Phase or Sub-Phase of the development hereby approved and as shown on the approved Illustrative Phasing Plan BEQ-LDA-ZZ-XX-XX-DR-N-ST-00100 Rev 05 confirmation that the Phase or Sub-Phase complies with the relevant Instrument Flight Procedures of the Airport Authority shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Airport Authority.

Reason: In the interests of aviation safety in accordance with Development Management Document (2015) Policy DM4.

65 Prior to the commencement of development within any Phase or Sub-Phase of the development hereby approved and as shown on the approved Illustrative Phasing Plan BEQ-LDA-ZZ-XX-XX-DR-N-ST-00100 Rev 05 details of cranes to be used in the construction of that Phase or Sub-Phase shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Airport Authority. The details shall include the location of cranes and maximum heights in order to allow the Airport Authority to undertake further assessment prior to commencement of development. Thereafter cranes shall only be operated in accordance with the approved details.

If additional cranes are required following commencement of development, or revised crane heights or locations are subsequently sought, the revised details shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Airport Authority prior to the first operation of the relevant cranes.

All cranes required for construction must be limited to operate no taller than 114.2m AOD unless the Airport Authority has been notified of any cranes proposed to operate over 114.2m AOD and the proposed maximum crane heights and locations have been reviewed and approved by the Local Planning Authority in consultation with the Airport Authority prior to the first operation of the cranes.

Reason: In the interests of aviation safety in accordance with Development Management Document (2015) Policy DM4.

CCTV

66. Prior to the first occupation of any Phase/sub-phase of the development hereby approved, details of a CCTV scheme to serve the external areas of that Phase/sub-phase of the development shall be submitted to and agreed in writing with the Local Planning Authority. The details shall include the location and design of CCTV equipment (including CCTV to cover the car park areas), its management, monitoring of activity, policing and maintenance. The installation of the CCTV shall be carried out in accordance with the approved details before that Phase/sub-phase of the development hereby approved is first occupied or brought into first use. The CCTV shall thereafter be operated in accordance with the approved details and shall be maintained permanently for the lifetime of the development.

Reason: To safeguard character and appearance of the area and amenities of neighbouring occupiers and for safety and crime prevention 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).

Public Art

67 Prior to commencement of the development above ground within the Phases/Sub-Phases containing Porters Park, Coleman Gardens and All Saints Square, details of the

provision of public art, including a strategy for provision, within these phases/sub-phases, shall be submitted to and approved in writing by the Local Planning Authority. The public art shall be provided within each of the relevant Phases/Sub-Phases prior to first occupation of that Phase/sub-phase.

Reason: To comply with policies KP2 and CP4 of the Core Strategy (2007), Policy DM1 of the Development Management Document (2015) and Policy PA4 of SCAAP (2018).

Permitted Development

68 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any Order or Act of Parliament revoking and re-enacting that Order with or without modification, no development shall be carried out at the development hereby approved specified within Schedule 2, Part 1, Classes A, B, E and F of the Town and Country Planning (General Permitted Development) Order 2015 without the receipt of express planning permission in writing from the Local Planning Authority.

No satellite antenna, apparatus or plant of any sort (including structures or plant in connection with the use of telecommunication systems or any electronic communications apparatus) shall be erected on the site or roof of any building within the development hereby approved unless and until details of their purpose size and location have been submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details in consultation with the Airport Authority.

Reason: To enable the Local Planning Authority to regulate and control development in the interest of the amenity of neighbouring properties, to safeguard the character of the area and in the interests of aviation safety in accordance the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM1 and DM4, and the Southend Design and Townscape Guide (2009).

Unilateral Undertaking

69 No development shall commence on any phase of the development or part of the development until that phase or part thereof has been bound (which for the avoidance of doubt excludes public highway) by a Section 106 Agreement containing the same terms as the agreed form Section 106 agreement annexed to the Section 106 Unilateral Undertaking dated [TBC] to the satisfaction of the Local Planning Authority.

Reason: For the avoidance of doubt and in the interests of proper planning.

(c) In the event that the unilateral undertaking referred to in part (a) above has not been completed before 30 June 2021 or an extension of this time as may be agreed by the Interim Director of Planning to refuse planning permission for the application on grounds that the development will not secure the necessary contributions as in part (a) above and further detailed in Appendix 6. As such, the proposal would be contrary to National Planning Policy Framework (2019) and policies CP3, CP6, CP7 and CP8 of the Core Strategy (2007) DM7, DM8 and DM15 of the Development Management Document (2015) and policies DS5 and PA4 of the SCAAP (2018).

Chair: _____

This page is intentionally left blank

Public Document Pack
SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Development Control Committee

Date: Wednesday, 7th April, 2021
Place: Virtual Meeting via MS Teams

4

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

In Attendance: Councillor K Buck
K Waters, G Gilbert, C Galforg, P Keyes, C White, M Warren, T Row,
T Hartley and A Smyth

Start/End Time: 3.00 pm - 6.00 pm

949 Apologies for Absence

There were no apologies of absence for this meeting.

950 Declarations of Interest

The following declarations of interest were made at the meeting:

All Committee Members – Agenda Item No. 20 (21/00383/FULH - The Lodge by The Bridge, Eastern Avenue) – Non-Pecuniary Interest: The applicant is a fellow Councillor.

All Committee Members – Agenda Item No. 21 (21/00199/FULH - 1 Highwood Close, Leigh-on-Sea) – Non-Pecuniary Interest: The applicant is a fellow Councillor.

Cllr Ayling – Agenda Item No. 20 (21/00383/FULH - The Lodge by The Bridge, Eastern Avenue) – Pecuniary Interest: Cllr Ayling is the applicant for this application (withdrew).

Cllr Beck – Agenda Item No. 20 (21/00383/FULH - The Lodge by The Bridge, Eastern Avenue) – Non-Pecuniary Interest: A complaint was made against her in relation to this application and one of the objectors is also known to her (took no part in the voting thereon).

Cllr Borton – Agenda Item No. 20 (21/00383/FULH - The Lodge by The Bridge, Eastern Avenue) – Disqualifying Non-Pecuniary Interest: Has received communication from an objector who is known to her (withdrew).

Cllr Borton – Agenda Item No. 11 (20/02012/AMDT - The Forum, Elmer Approach, Southend on Sea) – Non-Pecuniary Interest: Is a governor at Milton Hall Primary School, which is close to the application site.

Cllr Buck – Agenda Item No. 21 (21/00199/FULH - 1 Highwood Close, Leigh-on-Sea) – Pecuniary: Cllr Buck is the applicant for this application (withdrew).

Cllr Cowan – Agenda Item No. 20 (21/00383/FULH - The Lodge by The Bridge, Eastern Avenue) – Disqualifying Non-Pecuniary Interest: The applicant has made a formal complaint against him (withdrew).

Cllr Dent – Agenda Item No. 20 (21/00383/FULH - The Lodge by The Bridge, Eastern Avenue) – Disqualifying Non-Pecuniary: The applicant has a formal complaint about him and one of the objectors is known to him (withdrew).

Cllr Dear – Agenda Item No. 18 (20/02157/FUL - 34 Elmsleigh Drive, Leigh-on-Sea) – Non-Pecuniary Interest: Has received and an email from the applicant.

Cllr Garston – Agenda Item No. 12 (20/02071/AMDT - The Esplanade, Western Esplanade) – Non-Pecuniary Interest: The application sight is within sight of his son’s property.

Cllr Garston – Agenda Item No. 20 (21/00383/FULH - The Lodge by The Bridge, Eastern Avenue) – Disqualifying Non-Pecuniary Interest: A complaint has been made about a comment made regarding the application (withdrew).

Cllr Garston – Agenda Item No. 21 (21/00199/FULH - 1 Highwood Close, Leigh-on-Sea) – Disqualifying Non-Pecuniary Interest: The applicant is a fellow ward councillor and a close friend (withdrew).

Cllr Jones – Agenda Item No. 10 (21/00217/BC3M - Chalkwell Hall Infants School, London Road) – Disqualifying Non-Pecuniary Interest: The applicant relates to a Council premises and is the relevant Cabinet Member (withdrew).

Cllr Jones – Agenda Item No. 20 (21/00383/FULH - The Lodge by The Bridge, Eastern Avenue) – Disqualifying non-pecuniary interest: One of the objectors is known to her (withdrew).

Cllr Jones – Agenda Item No. 22 (18/00228/UNAU_B - 2 Crowstone Close, Westcliff-on-Sea) – Non-Pecuniary interest: A neighbour to the application property is known to her.

Cllr Mulroney – Agenda Item No. 19 (21/00075/FUL - 119 Southsea Avenue, Leigh-on-Sea) – Non-Pecuniary Interest: Is a non-planning member of Leigh Town Council. Cllr Mulroney also lives on the same road but some distance from the application site.

Cllr Mulroney – Agenda Item No. 20 (21/00383/FULH - The Lodge by The Bridge, Eastern Avenue) – Disqualifying Non-Pecuniary Interest: Cllr Mulroney has previously expressed a view on this application (withdrew).

951 Minutes of the Meeting held on Wednesday 9th December 2020

Resolved:-

That the Minutes of the Meeting held on Wednesday, 9th December 2020 be confirmed as a correct record and signed.

952 Minutes of the Meeting held on Wednesday 6th January 2021

Resolved:-

That the Minutes of the Meeting held on Wednesday, 6th January 2021 be confirmed as a correct record and signed.

953 Minutes of the Meeting held on Wednesday 3rd February 2021

Resolved:-

That the Minutes of the Meeting held on Wednesday, 3rd February 2021 be confirmed as a correct record and signed.

954 Minutes of the Meeting held on Wednesday 3rd March 2021

Resolved:-

That the Minutes of the Meeting held on Wednesday, 3rd March 2021 be confirmed as a correct record and signed.

955 Supplementary Report

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

956 20/01396/FULM - Victoria House, 47 Victoria Avenue, Southend on Sea (Victoria Ward)

Proposal: Erect two storey extension to form seventh and eighth floor comprising of 11 self-contained flats, with associated parking, bin and cycle stores.

Applicant: Aldel Designs Ltd

Agent: Mr Alan Gloyne of SKArchitects

Resolved: -

That PLANNING PERMISSION be GRANTED subject to the following conditions:

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

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

02 The development hereby approved shall be carried out in accordance with the approved plans: 470-P01 REV D, 470-P02 REV C, 470-P03 REV B, 470-P04 REV B, 470-P05 REV C, 470-P06 REV A, 470-P07 REV A, 470-P08 REV F, 470-P09 REV C, 470-P10 REV B, 470-P11 REV E, 470-P12 REV E, 470-P13 REV E, 470-P14 REV E.

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

Design and related conditions

03 Notwithstanding the details shown on the plans submitted and otherwise hereby approved the development hereby permitted shall not commence, other than for site preparation works, unless and until full details and specifications of the materials to be used for all the external surfaces of the proposed buildings at the site including facing materials, roof detail, windows (including sections, profiles and reveals), doors, balustrading, fascia and balconies 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 details before the dwellings hereby approved are first occupied.

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).

Living Conditions related conditions

04 The dwellings hereby approved shall not be brought into first use unless internal storage space has been provided and made available on site in accordance with the approved floor plans 470 P11 REV E and 470 P12 REV E, or alternative details which have previously been submitted and approved by the Local Planning Authority pursuant to this condition.

Reason: To ensure the development hereby approved provide high quality internal layouts to meet the needs of future 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), the National Housing Standards (2015) and the Technical Housing Standards Policy Transition Statement (2015).

05 Prior to its first occupation, each approved dwelling shall be constructed to comply with either building regulation M4(2) or M4(3) in accordance with the approved floor plans 470 P11 REV E and 470 P12 REV E, which show all flats complying with building regulation M4(2) save for the eighth floor eastern flat and seventh floor north-eastern flat which are shown to comply with building regulation M4 (3).

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).

06 Notwithstanding the details shown in the plans submitted and otherwise hereby approved the development hereby granted planning permission shall not be occupied unless and until plans and other appropriate details are submitted to the Local Planning Authority and approved in writing which specify the size, design, obscenity, materials and location of all privacy screens to be fixed to the building, including around the proposed roof terrace and on balconies where needed. Before the development hereby approved is occupied the privacy screens shall be installed in full accordance with the details and specifications approved under this condition and shall be permanently retained as such thereafter.

Reason: In the interests of the residential amenity of future occupiers and adjoining residents and the character and appearance of the area and to ensure that the development complies with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the Design and Townscape Guide (2009).

Impact on residential amenity of neighbours

07 No development shall take place, including any works of demolition, unless and until a Demolition and Construction Management Plan and Strategy (to include Noise and Dust Mitigation Strategies) has been submitted to and approved by the Local Planning Authority pursuant to this condition. The approved Demolition and Construction Management Plan and Strategy shall be adhered to in full throughout the construction period. The Strategy shall provide, amongst other things, for:

- i) the parking of vehicles of site operatives and visitors
- ii) loading and unloading of plant and materials
- iii) storage of plant and materials used in constructing the development
- iv) the erection and maintenance of security hoarding
- v) measures to control the emission of dust, dirt and noise 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.
- vii) a dust management plan to include mitigation and boundary particulate monitoring during demolition and construction.
- viii) details of the duration and location of any noisy activities.

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 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).

09 The north facing (side) windows of 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 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 internal area which it serves. In the case of multiple or double-glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4. The windows shall be retained in line with these details in perpetuity.

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).

Highways

10 Prior to the first occupation of the residential units hereby approved, eight additional parking spaces as shown on the approved plan 470-P08 REV F shall be provided and made available for use on site. The parking spaces shall be retained in perpetuity for the purposes of car parking solely for residents of the development hereby approved and their visitors.

Reason: To ensure the provision of adequate parking in accordance with National Planning Policy Framework (2019), Policy CP3 of the Core Strategy (2007) and Policies DM3, DM8 and DM15 of Development Management Document (2015).

11 Prior to the first occupation of the residential units hereby approved the twenty-one (21) additional cycle parking spaces as shown on the approved plan 470-P09 REV B shall be provided on site. The cycle parking spaces shall be retained for the benefit of the future occupiers of the approved development in perpetuity.

Reason: To ensure the provision of adequate cycle parking in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policy CP3 and Development Management Document (2015) Policies DM3, DM8 and DM15.

Waste management

12 The development hereby approved shall not be brought into first use unless and until at least ten recycling (1100l) containers, seven residual waste (1100l) containers and five food waste (140l) containers have been provided on site and made available for use in line with the details shown in approved plan 470-P08 REV F. The provision of the waste storage facilities shall be retained in perpetuity. The development hereby approved shall accord with the waste management details approved for the site under application 17/02163/AD.

Reason: To ensure the provision of adequate waste, recycling and food waste storage and in the interest of visual amenity in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2, CP3 and CP4, Development Management Document (2015) Policies DM1, DM3, DM8 and DM15, and the advice contained within the National Design Guide (2019), the Design and Townscape Guide (2009), and the Waste Storage, Collection and Management Guide for New Developments (2019).

Drainage

13 Notwithstanding the information submitted, the details shown on the plans submitted and otherwise hereby approved, no drainage related works shall take place on site associated with this planning permission unless and until a drainage and surface water management strategy incorporating principles for Sustainable Drainage Systems (SuDS) has been submitted to and approved by the Local Planning Authority. The drainage and surface water management strategy shall be implemented in full accordance with the details approved pursuant to 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.

Energy and water sustainability

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 (lppd) (110 lppd when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting 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).

Positive and proactive statement

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 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) or the Council's website (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 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.

957 20/01726/BC3M - Garages at Eagle Way, Shoeburyness (Shoeburyness Ward)

Proposal: Demolish former disused garage sites to rear of 16 Eagle Way (Site 1A) and former compound site (Site 1B) and redevelop sites comprising of 5 terrace dwellinghouses with associated parking and amenity space (site 1A) and erect four storey block of 16 self-contained flats with communal garden and cycle store to rear, lay out associated parking and form additional vehicular access to north of site (1B) on to Eagle Way

Applicant: Southend on Sea Borough Council

Agent: AK Design Partnership LLP

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 4760.111 PL8, 4760.113 PL2, 4760.116 PL6, 4760.117 PL3, 4760.118 PL4

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

03 No development can commence unless and until a scheme for securing the timing and delivery of all of the dwellings hereby approved (21 dwellings) as affordable dwellings, including their location, tenure and mix has been submitted to and approved in writing by the Local Planning Authority. Such a scheme must include a suitable means to secure the continuing provision of the 21 units as affordable housing. No housing in the scheme can be occupied until it has been built and management handed over to South Essex Homes in accordance with the terms set out in the scheme approved under this condition.

Reason: A pre-commencement condition is necessary to ensure that the affordable housing is secured for the lifetime of the development in accordance with Core Strategy (2007) Policies CP6 and CP8.

04 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition and construction up to ground floor slab level shall take place until a brick sample and full product details of the materials to be used on all the external elevations, including walls, roof, doors and windows, balconies, canopies, soffits and boundaries have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details before it is brought into use.

Reason: To safeguard the visual amenities of the area, in accordance with the National Planning Policy Framework (2019) Core Strategy (2007) policy KP2 and CP4, Development Management Document (2015) Policy DM1 and advice contained within the Southend Design and Townscape Guide (2009).

05 The 44 car parking spaces, including 6 disabled car parking spaces and the associated vehicular access for the spaces to access the public highway, shown on approved plans 4760.111-PL8 and 4760.116-PL6 shall be provided and made available for use at the site prior to the first occupation of the dwellings hereby approved. The car parking spaces noted on the approved plan and the associated vehicular access to and from the public highway shall thereafter be permanently retained as such.

Reason: To ensure that satisfactory off-street car parking is provided in the interests of residential amenity and highways efficiency and safety, in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) policy KP2, Development Management Document (2015) policy DM15 and the Southend Design and Townscape Guide (2009).

06 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the development hereby permitted shall not be first occupied unless and until a car park management plan has been submitted to and approved in writing by the local planning authority. The car park management plan must be implemented in full accordance with the details approved under this condition prior to first occupation of any part of the development hereby approved and shall be maintained as such in perpetuity.

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

07 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works above a ground floor slab level shall take place until full details of both hard and soft landscape works and proposed boundary treatment have been submitted to and approved in writing by the local planning authority. These details shall include:

- i) proposed finished levels or contours;
- ii) Details for the means of enclosure of the amenity areas,
- iii) Details for the soft landscape works shall include the number, size and location of the trees, shrubs and plants to be planted together with a planting specification and the initial tree planting and tree staking details.
- iv) Measures to enhance biodiversity.

The hard landscaping shall be implemented in full accordance with the approved details before the development is occupied or brought into use. The soft landscaping shall be completed before the end of the first planting season following first occupation of the building. 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: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policy CP4 of the Core Strategy (2007) and policies DM1 and DM3 of the Development Management Document (2015) and advise contained within the Southend Design and Townscape Guide (2009).

08 Prior to the commencement of development the tree protective fences as shown on plan reference 4760-118-PL4 shall be installed. The protective measures shall remain in place throughout the construction phase of the development. Implementation of the development shall be undertaken only in full accordance with British Standard 3998 and British Standard 5837 including supervision of works by a qualified arboriculturalist.

Reason: A pre-commencement condition is justified to ensure the trees on and close to 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 first-floor windows on the side elevation of house plot 5 shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy) and fixed shut up to a height of not less than 1.7m above first floor level before the occupation of the dwellings hereby approved and shall be retained as such in perpetuity. In the case of multiple or double-glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4.

Reason: To protect the privacy and environment of people in proposed and 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).

10 The flatted development hereby approved shall not be occupied or brought into use until the refuse and recycling storage facilities are provided and made available for use by the occupiers in full accordance with the details shown on approved drawing number 4760.118 PL4 or any other details that have been previously submitted to and agreed in writing by the Local Planning Authority. The refuse and recycling facilities shall be permanently retained as such thereafter.

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

11 The flatted development hereby approved shall not be occupied or brought into use until the cycle storage facilities are provided in full and made available for use by the occupiers in accordance with the details shown on drawing number 4760.118 PL4 or any other details that have been previously submitted to and agreed in writing by the Local Planning Authority. The cycle storage facilities shall be permanently retained as such thereafter.

Reason: To ensure the provision of adequate cycle parking in accordance with policies DM8 and DM15 of The Development Management Document (2015).

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

- a) The parking of vehicles of site operatives and visitors
- b) Loading and unloading of plant and materials
- c) Storage of plant and materials used in constructing the development

- d) The erection and maintenance of security hoarding including measures to ensure the protection of the existing grass verges to the north section of the site to be retained.
- e) Measures to control the emission of noise, dust and dirt during construction
- f) 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).

13 Prior to the first occupation of any dwelling, details of the Residential Travel Packs shall be submitted to and approved in writing by the local planning authority. The approved travel packs shall then be provided to each dwelling within 1 month of their first occupation.

Reason: In the interests of sustainability 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).

14 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, including the Drainage Strategy Report reference 200372 dated Dec 2020 and associated Drainage Plans references DBS200372-01A, DBS200372-02, DBS200372-03, DBS200372-04, the development hereby permitted shall not be commenced other than for demolition works unless and until the remaining information required in relation to sustainable drainage at the site has been submitted to and approved in writing by the local planning authority. The following additional information on the proposed sustainable drainage system shall be provided:

- a) The proposed drainage strategy for the permeable pavement elements should be assessed based on the infiltration results. It should be noted that permeable pavement systems are compatible with low infiltration soils but different construction details may be required.
- b) The design and statement should incorporate further consideration to other applicable types of SuDS (e.g. permeable pavement in car park spaces, green roofs, raingardens, swales, etc). Where these are not implemented, a valid justification should be provided.
- c) A plan showing the areas positively drained into the system should be provided.
- d) The type and location of flow control device should be shown on the plan.
- e) Exceedance flow routes should be shown on the plan.
- f) Construction details of permeable pavement, underground storage and flow controls should be provided.
- g) Calculations or justification should be provided to confirm that the proposed discharge is below the pre-development discharge rates.
- h) Evidence of acceptance from Anglian Water is required for the discharge.
- i) Evidence of acceptance form Anglian water is required for the two sewer diversions.
- j) Confirmation is required that no additional catchment area is proposed to be discharged into the sewer in relation to the pre-development status.

- k) The method used to calculate the attenuation storage calculation (BRE Digest 365) is only applicable to infiltration systems. An acceptable calculation method for attenuation storage (see chapter 24 in CIRIA SuDS Manual C753) should be used and detailed calculations provided.
- l) The statement should incorporate a section on water quality.
- m) Apart from the sewer diversions, the drainage strategy does not include the proposals for the foul drainage on the site. These proposals should be included in the report and drawing.
- n) Details of management of health and safety risks in relation to the drainage design should be provided.
- o) A method statement detailing the effect of surface water during the construction phase should be provided.
- p) A SuDS Management Plan should be provided and should include details of the body who will be responsible for the drainage maintenance, the required maintenance activities, the maintenance schedules and any access points and easements.

The approved scheme shall be implemented in accordance with the approved details before the development is occupied or brought into use and be maintained as such thereafter in perpetuity.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site for the lifetime of the development and to prevent environmental and amenity problems arising from flooding in accordance with the National Planning Policy Framework (2019), Policy KP2 and CP4 of the Core Strategy (2007) and Policy DM2 of the Development Management Document (2015)

15 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 (lppd) (110 lppd 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).

16 A scheme detailing how at least 10% of the total energy needs of the development will be supplied using on site renewable sources shall be submitted to, 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 dwelling 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).

17 The development hereby approved shall be carried out in a manner to ensure that at least 10% of the dwellings, a minimum of 3 units, comply with building regulation M4(3) 'wheelchair user dwellings' and the remaining dwellings comply with building regulation M4 (2) 'accessible and adaptable dwellings' before it is occupied.

Reason: To ensure the residential unit 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).

18 The development shall be carried out in full accordance with the recommendations set out in Sections 15.1 and 15.4 of the Combined Phase I and Phase II Site Investigation Report by agb Environmental reference P3220.1.0 dated 20 December 2018 before the development is occupied, including undertaking a watching brief by a competent person during any below ground works in accordance with the steps set out in paragraphs 15.1.2 and 15.4.2 If, during the development, land contamination not previously considered is identified, then the Local Planning Authority shall be notified immediately and no further works shall be carried out until a method statement detailing a scheme of mitigation for dealing with the additional contamination has been submitted to and agreed in writing with the Local Planning Authority. The approved scheme of additional contamination mitigation shall be implemented in full before the development is occupied.

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

19 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any Order or Act of Parliament revoking and re-enacting that Order with or without modification, no extensions or detached buildings shall be erected at the dwellinghouses (plots 1-5) hereby approved specified within Schedule 2, Part 1, Classes A, B, D and E of the Town and Country Planning (General Permitted Development) Order 2015 without the receipt of express planning permission in writing from the Local Planning Authority.

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 Southend Design and Townscape Guide (2009).

20 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 (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).

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

03 The applicant is advised that the appropriate highways licences should be obtained prior to the commencement of the development.

04 The applicant is advised that the commitment to seek the nationally recognised security accreditation is welcomed by Essex Police and the applicant is invited to contact Essex Police who can provide support for this application at designingoutcrime@essex.police.uk

05 The applicant is advised that 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. Please contact Anglian Water at planningliaison@anglianwater.co.uk Reference 167627/1/0110592.

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.

958 21/00217/BC3M - Chalkwell Hall Infants School, London Road (Chalkwell Ward)

Proposal: Demolish two existing portacabins and erect a single storey classbase building comprising of 3 classrooms with ancillary space

Applicant: Ms Sarah Clements

Agent: Southend Borough Council

Sara Walsh spoke as an objector to the application. Drew Jones spoke as a respondent.

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 P01, P02, P03B, P04, P05B, P06, P07

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

03 The materials for the external surfaces of the development hereby approved shall be as shown on plan reference P05B, or any other details which have previously been submitted to and agreed in writing with the local planning authority under the terms of this condition, before the development is first brought into use.

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

04 The hard and soft landscaping and boundary treatment fronting Sunningdale Avenue shall be carried out in full accordance with the proposed landscaping details shown on plan reference P03B and the email from agent dated 10.03.21, or any other details that have previously been submitted to and approved in writing by the local planning authority. The boundary treatment between the south-west corner of the building and the boundary with 29/29a Sunningdale Avenue shall be raised to be a minimum of 2.1m in height. The hard landscaping shall be carried out prior to occupation of the development hereby approved. The soft landscaping shall be carried out within the first planting season following completion of the development (October to March). 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: In the interests of visual amenity of the area and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policy CP4 of the Core Strategy (2007) and Policy DM1 of the Development Management Document (2015)

05 The approved Construction Management Plan dated 04.03.21 shall be fully adhered to throughout the construction period or any other Construction Management Plan which has been previously submitted to and agreed in writing with the local planning authority under the terms of this condition.

Reason: This 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).

06 Prior to the commencement of development, the protection measures for the street tree to the front of the site on Sunningdale Avenue shall be implemented in full accordance with the details set out on plan reference P05B or any other tree protection measures which have been previously submitted to and agreed in writing with the local planning authority under the terms of this condition. The protective hoarding shall be maintained throughout the construction of the development.

Reason: To safeguard the health of existing trees which represent an amenity feature in accordance with Core Strategy (2007) policies KP2 and CP4, policy DM1 of the Development Management Document (2015) and advice contained in the Design and Townscape Guide (2009).

07 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 Policy DM1 of the Development Management Document (2015).

08 Prior to occupation of the development hereby approved, an energy strategy for the development, which fulfils the objectives of Core Strategy Policy KP2, including a timeframe for implementation, shall be submitted to and approved in writing by the local planning authority. The development shall be undertaken and completed in full accordance with the approved scheme and timeframe.

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).

09 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, and in accordance with the Drainage Plan drawing reference H14500.D1, the development hereby permitted shall not be commenced other than for demolition works unless and until a detailed design of a surface water drainage scheme and surface water management strategy has been submitted to and approved in writing by the local planning authority. The details submitted shall include, but not limited to:-

- a) A SuDS/drainage statement. This should include information on how the proposed drainage design satisfies SuDS in terms of water quality, attenuation and discharge quantity for the lifetime of the development.
- b) Evidence in the SuDS statement of consideration for infiltration (with ground investigation data or records) and connection to a watercourse.
- c) Evidence of consideration of appropriate source control measures as rainwater harvesting, green, blue or brown roofs with appropriate justification when these have not been implemented.
- d) Confirmation of the acceptance from Anglian Water on the proposed indirect connection into the sewer.

- e) A detailed drainage plan including positively drained areas (permeable and impermeable), final sizing of proposed SuDS and drainage systems, points of connection, discharge restrictions/flow controls and failure/exceedance overland flow routes. The applicant should confirm on the plan if pumping is required. The drainage design should consider that construction phase activities may compromise the below ground surface water drainage infrastructure and take necessary precautions to prevent and/or repair damage.
- f) Calculations of the attenuation storage for the 1 l/s restriction up to 1 in 100 year storm (including 40% climate change).
- g) Details of the body that will be responsible for the maintenance of proposed SuDS/drainage throughout the lifetime of the development. The applicant should also provide a management statement to outline the required maintenance for the site and a maintenance schedule
- h) Information should be provided in relation to the management of Health and Safety Risks arising from the proposals.

The drainage strategy and SuDS design statement must be implemented in full accordance with the details approved under this condition before the development hereby approved is first occupied or brought into first use.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site for the lifetime of the development and to prevent environmental and amenity problems arising from flooding in accordance with the National Planning Policy Framework (2019), Policy KP2 and CP4 of the Core Strategy (2007) and Policy DM2 of the Development Management Document (2015)

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

Informatives

01 You are advised that in this instance the chargeable amount for the Community Infrastructure Levy (CIL) has been calculated as zero due to the specific nature of the proposal.

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

03 The applicant is advised that a highways licence from the Council may be required in relation to scaffolding works and skips.

04 Due to the presence of Cadent and/or National Grid apparatus in the vicinity of the site the applicant is advised to contact the Cadent Plan Protection Team via email at plantprotection@cadentgas.com or by telephone on 0800 688588 reference NL_GE4A_3NWP_028393 prior to commencement of the works.

05 If a crane or piling rig is required to construct the development, the applicant is required to contact London Southend Airport so that a safeguarding assessment can be undertaken. Any crane applications should be directed to sam.petrie@southendairport.com

959 20/02012/AMDT - The Forum, Elmer Approach, Southend on Sea (Milton Ward)

Proposal: Vary condition 18 of planning application 11/00790/BC3M dated 17/08/2011 to extend opening times to central ground floor and first floor areas to be used as a safe haven hub (Minor material amendment to Planning Permission 11/00790/BC3M dated 17/08/2011)

Applicant: Mr Mark Murphy

Agent: Mr Neil Pointer of Southend on Sea Borough Council

Resolved: -

That PLANNING PERMISSION be GRANTED subject to the following conditions:

01 The development hereby permitted shall be retained in complete accordance with the plans approved under planning application 11/00790/BC3M: Location Plan 010A, Proposed Layout and Elevations of Substation and Bin Store 115, Proposed Sections C-C/D-D 111G, Proposed Sections A-A/B-B 110J, Roof Plan D102K, Proposed First, Second and Third Floor 101Q, Proposed Lower Ground and Ground Floor 100P, Existing Site Section C-C/D-D 021A, Existing Site Section A-A/B-B 020 A, Landscaping Plan 013, Proposed Site Plan 012, Existing Site Plan 011 A, Proposed Elevations G-G/H-H 114B, Proposed Elevation E-E/F-F 113N.

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

02 Waste management at the site shall be carried out in accordance with the strategy submitted and approved under application 13/01233/FUL.

Reason: To protect the environment and ensure adequate and appropriate storage, recycling and collection of waste resulting from the development in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2, CP3 and CP4, Development Management Document (2015) Policies DM1, DM3, DM8 and DM15, and the advice contained within the National Design Guide (2019), the Design and Townscape Guide (2009) and the Waste Storage, Collection and Management Guide for New Developments (2019).

03 Servicing shall take place in accordance with the strategy submitted and approved under application 13/01233/FUL.

Reason: To ensure that the development does not have a detrimental impact on the surrounding highway network in accordance with the National Planning Policy Framework, Policy CP3 of the Core Strategy (2007) and Policies DM3 and DM15 of Development Management Document (2015).

04 The scheme of public art installed on site must be permanently retained on this site and not moved or removed.

Reason: To secure the provision of public art and in the interests of visual amenity in accordance with Policies KP2 and CP4 of the Core Strategy (2007), and the advice contained in the Design and Townscape Guide (2009).

05 The environmental sustainability measures as installed on site must be permanently retained.

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).

06 Other than the external lighting approved under application 13/01014/AD, no additional external lighting shall be installed within any part of the site without express planning permission having first 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).

07 All equipment installed as part of the scheme to control the emission of fumes and smell from the premises shall be operated and maintained in accordance with the manufacturer's instructions in perpetuity.

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 The ventilation system installed on site shall not be altered without express planning permission having first 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).

09 The space laid out within the site for 78 bicycles to be parked shall be permanently retained for cycle parking for the lifetime of the development.

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

10 The building subject of this permission shall be open for use only in accordance with the hours set out on the approved plan 'Hours of Operation' drawing number D 301 rev A.

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 No signs(s) or advertisements(s) shall be displayed on the building subject of this permission or within the public square without the express consent of the local planning authority, notwithstanding the provisions of the Town and Country Planning (Control of Advertisements) Regulations 2007 or any equivalent provision in any statutory revoking and re-enacting those Regulations.

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).

12 Following the first ten Category C and E events and the first Category A, B and D events held within the public square the management plan for the screen and the public square shall be reviewed taking into account any necessary mitigation measures identified during the assessment monitoring. No further events shall take place until this plan has been submitted to and approved in writing by the LPA and mitigation measures implemented.

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 During each of the first 10 Category C and E events held within the public square noise monitoring and assessment shall be carried out per the recommendations of the acoustic assessment produced by Hoare LEA, dated 15/8/11. The results of the monitoring and assessment together with details of any necessary noise mitigation measures, including where necessary restrictions on hours of operation, or limits on the number of events, shall be subsequently submitted to the LPA for approval and any identified mitigation measures shall be implemented prior to any further events taking place.

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).

14 During each of the first Category A, B and D events held within the public square, noise monitoring and assessment shall be carried out per the recommendations of the acoustic assessment produced by Hoare LEA, dated 15/8/11. The results of the monitoring and assessment together with details of any necessary noise mitigation measures, including where necessary restrictions on hours of operation, or limits on the number of events, shall be subsequently submitted to the LPA for approval and any identified mitigation measures shall be implemented prior to any further events taking place.

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).

15 Amplified music and speech from the approved screen shall be limited to background noise levels during hours of operation unless prior written approval from the Local Planning Authority has been given for a specific event.

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).

16 The acoustic barrier shall be permanently retained in perpetuity in accordance with the details approved with application 13/00921/AD.

Reason: To protect the amenities of people in neighbouring properties and general environmental quality, and in the interests of visual amenity, in accordance DPD1 (Core Strategy) 2007 policy KP2 and CP4, and Borough Local Plan 1994 policy H5, U2; and C11, and SPD1 (Design and Townscape Guide).

Informatives:

1 No additional floorspace is proposed to be created with this application and as such the development is not liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended).*

960 20/02071/AMDT - The Esplanade, Western Esplanade (Milton Ward)
Proposal: Application to vary conditions 02 (approved plans), 03 (materials), 04 (hard and soft landscaping), 06 (car park and access), 07 (cycle parking), 13 (renewable energy), 21 (noise assessment), 28 (land contamination), 29 (tree protection), 30 (demolition method), 31 (structural survey) and 33 (details of green roof) to allow for changes to roof to incorporate kitchen ventilation plant, amend tree planting, change front entrance ramp, additional mezzanine link over vehicle access and green roof specifications (Minor Material Amendment of planning permission 17/02266/FULM dated 05/09/2018)
Applicant: Clifftown Shore Developments Ltd
Agent: Mr Paul Haggis of Strutt & Parker

Resolved: -

(a) DELEGATE to the Interim Director of Planning or Group Manager Planning & Building Control to GRANT PLANNING PERMISSION subject to conditions following the completion of a variation of the AGREEMENT UNDER SECTION 106 of the Town and Country Planning Act 1990 (as amended) to secure that the provisions of the existing section 106 agreement remain in force under this new planning permission.

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

01 The development shall be carried out in accordance with the approved plans: 8531-01 P1, 8531-02 P1, 8531-03 P1, 8531-04 P1, 8531-05 P1, 8531-06 P4, 8531-07 P4, 8531-08 P3, 8531-09 P3, 8531-10 P3, 8531-11 P3, 8531-12 P8, 8531-13 P5, 8531-14 P5, 8531-15 P4, 8531-16 P5, 8531-17 P2, 8531-18 P1, 8531-19 P1, 8531-30 P1, 8531-31 P1, GUA-DR-L-002 Rev P05, GUA-DR-L-003 Rev P04, GUA-DR-L-004 Rev

P06, GUA-DR-L-005 Rev P02, Door Tresh Detail, Perimeter Upstand Detail, Green Roof Build Up.

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

02 The development hereby approved shall solely be carried out in full accordance with the details and specifications of materials approved under application 20/01353/AD and the details contained within the approved plans 8531-13 P5, 8531-14 P5, 8531-15 P4, 8531-16 P5, or any other details that have previously been submitted to and approved in writing by the local planning authority under the terms of this condition, before the dwellings or non-residential units hereby approved are first occupied.

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

03 The hard and soft landscaping on site shall be implemented solely in accordance with the details contained within the approved plans GUA-DR-L-002 Rev P05, GUA-DR-L-003 Rev P04, GUA-DR-L-004 Rev P06, GUA-DR-L-005 Rev P02 and documents Landscape – Visual Appraisal – 1967-GUA-DOC-L-001, Landscape – Visualisations - 1967-GUA-DOC-L-002 or any other details that have previously been submitted to and approved in writing by the local planning authority under the terms of this condition.

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

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

04 The development shall not be first occupied until 49 on site car parking spaces have been provided and made available for use in full accordance with drawings 8531-06 P4 and 8531-18 P1, together with properly constructed vehicular access to the adjoining highway, all in accordance with the approved plans or any other details that have previously been submitted to and approved in writing by the local planning authority under the terms of this condition. 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).

05 The development shall not be first occupied until the secure, covered cycle parking spaces to serve the development as shown on drawing 8531-07 P4 have been provided at the site and made available for use for occupiers of the development in full accordance with the approved plans or any other details that have previously been submitted to and approved in writing by the local planning authority under the terms of this condition. 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).

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

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

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

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

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

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

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

Reason: To ensure the residential units hereby approved provides high quality and flexible internal layouts to meet the changing needs of residents in accordance with National Planning Policy Framework, (2018), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM8 and Design and Townscape Guide (2009).

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

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

11 The scheme detailing how at least 10% of the total energy needs of the development will be supplied using on site renewable sources shall be implemented in full prior to the first occupation of any part of the development and in line with the detail approved under application 20/01517/AD or any other details that have previously been submitted to and approved in writing by the local planning authority under the terms of this condition. 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 Prior to occupation any part of the residential units hereby approved details of the water efficient design measures set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details before it is occupied and shall be retained as such in perpetuity.

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

13 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).

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

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

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

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

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

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

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

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

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

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

19 The development shall be undertaken in strict accordance with the findings, recommendations and conclusions of the approved Noise Assessment undertaken by Cass Allen reference RP01-17591 and the details approved under application 20/01517/AD or any other details that have previously been submitted to and approved in writing by the local planning authority under the terms of this condition. The development must be undertaken in accordance with the approved details prior to the first occupation of the development and thereafter retained as such in perpetuity.

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

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

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

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

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

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

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

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

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

24 The drainage strategy and SuDS design statement approved with application 19/02114/AD must be implemented in full accordance with the approved details or any other details that have previously been submitted to and approved in writing by the local planning authority under the terms of this condition before the development hereby approved is first occupied or brought into first use.

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

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

Reason: In order to protect the amenities of surrounding occupiers and to protect the character 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).

26 If, during the course of development, any contamination is found which has not been identified in the site investigation approved under 20/00100/AD, development shall stop and additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and these shall be fully implemented before the site is occupied.

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

27 The development shall be undertaken solely in accordance with the tree protection measures approved under application 18/02012/AD or any other details that have previously been submitted to and approved in writing by the local planning authority under the terms of this condition.

Reason: In the interests of the character and appearance of the area and to ensure that the development complies with the National Planning Policy Framework (2018), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the Design and Townscape Guide (2009)

28 The development shall be carried out in accordance with the details and mitigation measures contained in the site investigation and structural survey approved with application 18/02012/AD or any other details that have previously been submitted to and approved in writing by the local planning authority under the terms of this condition and shall be implemented and retained in perpetuity or for the duration that are necessary as per the approved details.

Reason: To ensure the development does not adversely affect stability of the surrounding land in accordance with Policy KP2 of the Core Strategy (2007) and DM14 of the Development Management Document (2015).

29 The development shall be carried out solely in accordance with the details and mitigation measures contained in the demolition method statement approved with application 18/02012/AD or any other details that have previously been submitted to and approved in writing by the local planning authority under the terms of this condition and shall be implemented and retained in perpetuity or for the duration that are necessary as per the approved details.

Reason: To ensure the demolition does not adversely affect stability of the surrounding land in accordance with Policy KP2 of the Core Strategy (2007) and DM14 of the Development Management Document (2015).

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

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

31 The development shall be implemented in full accordance with the details and specifications of the green roof contained within the submitted plans and documents Renolit Alkorgreen Information Sheet, Green Roof Build Up, Door Tresh Detail, Perimeter Upstand Detail, Renolit Alkorplan Sedum Blanket Datasheet and Renolit Alkorplan Extensive Sedum Green Roof Maintenance Schedule or any other details that have previously been submitted to and approved in writing by the local planning authority under the terms of this condition. The development shall be permanently retained as such thereafter.

Reason: In the interests of the character and appearance of the area and to ensure that the development complies with the National Planning Policy Framework (2018), Core

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

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

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

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_infrastructur_e_levy) or the Council's website (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 Essex & Suffolk Water are the enforcement agents for The Water Supply (Water Fittings) Regulations 1999 within our area of supply, on behalf of the Department for the Environment, Food & Rural Affairs. We understand that a planning application has been

made for the above premises which are to be notified under Regulation 5 of the Water Supply (Water Fittings) Regulations 1999.

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

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

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

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

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

9 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.

(c) In the event that the planning obligations or other means of securing the financial contribution referred to in part (a) above have not been completed by 14 April 2021 or an extension of this time as may be agreed, the Interim Director of Planning or Group Manager Planning & Building Control be authorised to refuse planning permission for the application on the grounds that the development would not provide adequate mitigation for the potential disturbance to European designated site, would not provide adequate levels of affordable housing, would not provide any secondary education contributions to mitigate the development contrary to National and Local planning policy.

961 20/02220/FUL - Southend Leisure and Tennis Centre, Garons Park, Southend on Sea (St Lukes Ward)
Proposal: Replace two existing outdoor tennis courts with four Padel tennis courts, incorporating fencing up to 4m high, external floodlights and erection of canopy roof over three courts (Amended Proposal)
Applicant: Mr Christopher Wilkinson
Agent: Kate Jennings of Whirledge & Nott

Resolved: -

That PLANNING PERMISSION be GRANTED subject to the following conditions:

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

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

02 The development hereby permitted shall be carried out in accordance with the approved plans: Location Plan, 1902-10-001-GA rev C, Site plan v1, 2533 TP-001, 1902-10-004 rev D, 1902-10-005 rev C.

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

03 The courts shall not be artificially illuminated between the hours of 22:00 and 08:00 on any day.

Reason: To ensure the lighting does not cause demonstrable harm to the Green Belt or the amenities of nearby residents, in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, the Development Management Document (2015) Policies DM1 and DM3 and advice contained within the Design and Townscape Guide (2009).

04 The external floodlighting hereby permitted shall be installed in accordance with the details and specifications shown on the approved drawings and the details of the external lighting contained within the Relux report dated 18.12.20 before it is brought into use and shall be permanently maintained as such in perpetuity thereafter.

Reason: To ensure the lighting does not cause demonstrable harm to the openness of the Green Belt, or the amenities of nearby residents, in accordance with the National Planning Policy Framework, Core Strategy (2007) Policies KP2 and CP4, the Development Management Document (2015) Policies DM1 and DM3 and advice contained within the Design and Townscape Guide (2009).

05 The tennis courts shall not be open for use outside the following hours: 08:00 to 22:00 hours on any day.

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

06 The development to which this planning permission relates shall not be implemented if any part of the development for which planning permission was granted by the Local Planning Authority on 25/09/2019 under planning permission reference 19/01029/FUL is commenced. Once the permission hereby granted is implemented, the previous permission with reference 19/01029/FUL shall not be implemented.

Reason: In the interests of maintaining the openness of the green belt, further to the National Planning Policy Framework (2019) and Policies KP1, KP2 and CP4 of the Southend-on-Sea Core Strategy (2007).

Informatives

1. 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.

2. Community Infrastructure Levy Liability Notice: You are advised that in this instance the chargeable amount for the Community Infrastructure Levy (CIL) has been calculated as zero under the CIL Regulations 2010 (as amended) due to the specific nature of the use. However, should the nature of the use change then you are advised to contact the Planning and Building Control Group to discuss the requirement for planning permission and CIL liability.

3. 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.

962 21/00229/FUL - Chalkwell Beach, Chalkwell Esplanade (Chalkwell Ward)
Proposal: Install temporary art sculptures comprising 15 wooden posts 2m – 2.8m tall with painted resin sculptures fixed to the top in the tidal sands near Chalkwell Beach
Applicant: M Freeman
Agent: R Warren of SKArchitects

Resolved: -

That PLANNIGN PERMISSION be GRANTED subject to the following conditions:

01 The development hereby permitted shall be for a limited period only from the date of this permission until the 3rd October 2021. At the end of this period the development hereby permitted shall be entirely removed from the site and the land restored to its condition before the development took place.

Reason: For the avoidance of doubt and in the interests of amenity in accordance with the National Planning Policy Framework (2019) and Policies KP1 and KP2 of the Core Strategy (2007).

02 The development hereby permitted shall be carried out in accordance with the following approved plans 596-P02C, 596-P12E, 596-P16A and 596-P17B.

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

03 The materials for the sculpture shall be natural timber posts and resin sculptures.

Reason: To safeguard the visual amenities of the area, 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).

04 Notwithstanding the details set out elsewhere in this application and permission the posts hereby approved shall only be installed prior to the 1st May 2021 and removed after the 30th September 2021.

Reason: To ensure that the installation and removal works does not harm biodiversity and give rise to sediment disturbance within the bathing water testing season which runs from May to September.

05 The development shall be installed in full accordance with the details set out in the Construction Method Statement by SKArchitects reference 596-08-19 Rev A, or any other Construction Method Statement that has been previously submitted to and approved in writing by the Local Planning Authority, and in a manner which minimises disturbance and dispersal of buried sediment. The location of the posts shall avoid any eelgrass beds.

Reason: This condition is needed in the interests of traffic safety and the amenities of the area and to prevent dispersal of contaminants in buried sediment pursuant to Policies KP1, CP3 and CP4 of the Core Strategy (2007) and Policies DM1, DM6 and DM15 of the Development Management Document (2015).

06 The development hereby approved shall be carried out in full accordance with the mitigation measures set out in the Risk Assessment and Method Statement by Metal and these mitigation measures shall remain in place throughout the lifetime of the installation.

Reason: This condition is needed in the interests of safety pursuant to Policies CP4 and CP6 of the Core Strategy (2007) and Policies DM1 and DM6 of the Development Management Document (2015).

07 The eight 180mm diameter green safety marker buoys, as detailed on plan reference 596-P12E and in the Risk Assessment by Metal, shall be in place from the installation of the first pole and remain in situ until the last pole is removed.

Reason: This condition is needed in the interests of safety pursuant to Policies CP4 and CP6 of the Core Strategy (2007) and Policies DM1 and DM6 of the Development Management Document (2015).

08 Construction Hours for the installation and removal of the development hereby approved shall be restricted to 8am – 6.30pm Monday to Saturday and not at all on Sundays or Bank Holidays.

Reason: In the interests of the amenities of neighbours pursuant to Policy CP4 of the Core Strategy (2007) and Policy DM1 of the Development Management Document (2015)

Informatives:

01 The site is owned by the Council and therefore a formal installation licence/lease will be required on the land. This will be subject to obtaining all necessary statutory consents and internal approvals. Please contact Antony Daniels antonydaniels@southend.gov.uk This needs to be completed prior to installation. The proposal may also require a Marine licence from the Marine Management Organisation (MMO) further details on this can be found here <https://www.gov.uk/guidance/construction-alteration-or-improvement-of-works>

02 The applicant is advised that a Highways Licence may be required. Please contact martinwarren@southend.gov.uk

03 You should be aware that in cases where damage occurs public during construction works to the highway in implementing this permission that Council may seek to recover the cost of repairing 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.

04 You are advised that as the proposed development does not involve the creation of new floorspace it benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable.

963 20/01589/FUL - Adalah Residential Rest Home, 20 Cliff Road (Chalkwell Ward)

Proposal: Convert residential home (Class C2) to 9 self-contained flats (Class C3), erect single storey rear extension, install balustrading, alter elevations, layout parking to front, erect balustrade to front and rear and erect raised platform to rear

Applicant: Mr Kandola

Agent: Mr Gary Cumberland of Form Architecture

Resolved: -

That PLANNING PERMISSION be GRANTED subject to the following conditions:

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

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

02 The development hereby permitted shall be carried out in accordance with the following approved plans: 1729/01 Rev A, 1729/02, 1729/03 Rev A & 1729/04

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

03 Water efficient design measures as set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems shall be installed and made available for use prior to the first occupation of the development hereby approved and retained in perpetuity.

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

04 Prior to the first occupation of the development hereby approved full details of refuse and recycling facilities at the site shall be submitted to and approved in writing by the Local Planning Authority. Prior to first occupation of the development hereby approved, refuse and recycling facilities shall be provided

and made available for use at the site in accordance with the approved details and retained in perpetuity thereafter for that use.

Reason: In the interests of residential amenity for future occupants, to ensure the provision of adequate cycle parking and in the interests of visual amenity as set out in the National Planning Policy Framework (2019), Core Strategy (2007) policies KP2 and CP4 and Policies DM1, DM8 and DM15 of the Development Management Document (2015) and the guidance within the Design and Townscape Guide (2009).

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

Reason: In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of the area. This is as set out in the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM1, and the advice in the Design and Townscape Guide (2009).

06 Prior to the first occupation of the development hereby approved, full details of secure bicycle storage facilities for the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Prior to first occupation of the development, refuse and bicycle storage facilities shall be provided at the site in accordance with the approved details and retained in perpetuity thereafter.

Reason: In the interests of residential amenity for future occupants, to ensure the provision of adequate cycle parking and in the interests of visual amenity as set out in the National Planning Policy Framework (2019), Core Strategy (2007) policies KP2 and CP4 and Policies DM1, DM8 and DM15 of the Development Management Document (2015) and the guidance within the Design and Townscape Guide (2009).

07 Prior to the first occupation of the dwellings hereby approved, full details of both hard and soft landscape works to be carried out at the site must be submitted to and approved in writing by the Local Planning Authority. The hard landscaping works shall be carried out in accordance with the approved details prior to first occupation of the development and the soft landscaping works within the first planting season following first occupation of the development, unless otherwise agreed in writing by the Local Planning Authority. The details submitted shall include, but not limited to: -

- i. means of enclosure, of the site including any gates or boundary fencing.
- ii. car parking layouts.
- iii. other vehicle and pedestrian access and circulation areas.
- iv. hard surfacing materials.
- 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: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policy CP4 of the Core Strategy (2007) and Policy DM1 of the Development Management Document (2015).

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

Reason: In order to protect the amenities of 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).

09 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 prior to occupation of the development hereby approved and implemented in full prior to the first occupation of the development. This provision shall be made for the lifetime of the development.

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

10 Prior to the occupation of the development hereby approved the car parking spaces shall be provided and made available for use in accordance with the details shown on approved plan 1729 03A and shall be permanently retained as such thereafter. The car parking spaces shall be kept available solely for the parking of motor vehicles of occupiers of the dwellings hereby approved and their visitors.

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 Development Management Document (2015).

11 Notwithstanding the details shown on the plans submitted, the external terraces shall not be used unless and until full details of privacy screens and balustrades have been submitted to and approved in writing by the local planning authority. The screens shall be provided in accordance with the approved details prior to first use of the terraces of the development hereby permitted and shall thereafter be retained in perpetuity in that form.

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) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and advice contained within the Design and Townscape Guide (2009).

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

Informative

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

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

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

- 964 20/02050/FUL - 275 Prince Avenue, Westcliff-on-Sea (St Laurence Ward)
Proposal: Change of use from vacant storage yard (Use Class B8) to car sales (Class Sui Generis) erect ancillary buildings to provide office, car wash and detailing area, security lighting and form hardstanding (Part-Retrospective).
Applicant: Marden Homes Ltd
Agent: Mr Alan Gloyne of SK Architects**

Resolved: -

That PLANNING PERMISSION be GRANTED subject to the following conditions:

01 The development hereby permitted shall be carried out in accordance with the approved plans: 688 SK01, 688 P01, 688 P02 & 13201 Drainage Plan

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

02 The use hereby permitted shall not be open to customers seeking to view or purchase cars at any time.

Reason: To ensure the development permitted complies with the terms of the consent sought and in the interests of protecting amenity in accordance with 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).

03 Prior to the first operation of the use hereby approved, details shall be submitted to and approved in writing by the local planning authority for the provision of the recycling and refuse storage and associated waste management plan including collection arrangements. The approved refuse arrangements shall be provided in full and made available for use by commercial operators prior to the first use of the car wash hereby approved and be retained as such in perpetuity.

Reason: Reason: To ensure the provision of adequate recycling and refuse storage in accordance with policy CP3 of the Core Strategy (2007) and policies DM8 and DM15 of Development Management Document (2015).

04 Notwithstanding the details submitted and otherwise hereby approved, details of drainage within the site including a separator or series of oil separators to prevent surface water being discharged into any watercourse, soakaway or surface water sewer shall be submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the occupation of the development and shall thereafter be retained and maintained throughout the lifetime of the development.

Reason: To reduce the risk of pollution to the water environment in accordance with the National Planning Policy Framework (2019) Policy KP2 and CP4 of the Core Strategy (2007) and Policy DM2 of the Development Management Document (2015)

05 No machinery or plant shall operate on the site in association with the use hereby permitted outside the following times: 8 am to 6 pm on any day.

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).

06 The Rating Level of noise for activities associated with the use hereby permitted shall not exceed 10dB(A) below the background level as measured at the closest residential property in accordance with BS4142:1997.

Reason: To protect residential amenity and general environmental quality in accordance with the National Planning Policy Framework (2018), 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).

07 The 'car washing' and 'car detailing' facilities hereby approved, as described in the application documents, shall remain ancillary to the main use of the site as a car sales facility and shall not operate as an independent planning uses at any time.

Reason: To ensure the development permitted complies with the terms of the consent sought and in the interests of protecting amenity in accordance with the National Planning Policy Framework (2018), 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).

08 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) and the Use Class Order 1987 (as amended) or any provisions equivalent to those Orders in any statutory instrument amending, revoking or re-enacting the Orders, with or without modification the development hereby approved, shall be used as a sui generis car sales business where customers do not visit the site and shall not be used for any other purpose, including any change of use permitted under the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any provision equivalent to that in any statutory instrument amending, revoking or re-enacting that Order, with or without modification.

Reason: To ensure the development permitted complies with the terms of the consent sought and in the interests of protecting amenity and the provision of employment uses in accordance with Policies CP1, KP1 and KP2 of the Core Strategy (2007) and Policies DM1, DM3, DM10 and DM11 of the Development Management Document (2015).

09 Other than the security lighting hereby approved, no external lighting shall be installed on site other than in accordance with details that have been previously submitted to and approved in writing by the local planning authority. All external lighting shall thereafter be retained on site in line with the details approved under this condition only.

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).

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 notices. 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 Planning Portal.

(www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy) or the Council's website at www.southend.gov.uk/cil.

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

03 Compliance with this decision notice does not bestow compliance with other regulatory frameworks. In particular your attention is drawn to the statutory nuisance provisions within the Environmental Protection Act 1990 (as amended) and also to the relevant sections of the Control of Pollution Act 1974. Contact 01702 215005 for more information.

- 965 20/02091/FUL - 570 Rayleigh Road, Eastwood (Eastwood Park Ward)**
Proposal: Erect single storey rear extension with associated elevation alterations and part change of use of ground floor commercial unit (use class E) to residential use (use class C3), together with remodelling of existing self-contained maisonette to form 2 self-contained flats, with associated landscaping, bin and cycle stores, lay out parking to rear, and extend existing vehicular access onto Eastwood Rise, following demolition of existing outbuildings.
Applicant: Chaya Parekh
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 begin not later than three years from the date of this decision.

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

02. The development hereby permitted shall be carried out in accordance with the following approved plans: 3694-11-2 Rev B, 3694-11-1 Rev B.

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

03. No development, including demolition, shall take place until a scheme for the protection of the oak trees adjacent to the site, in full accordance with British Standard BS5837 "Trees in Relation to Construction – Recommendations" has

been submitted to and agreed in writing by the local planning authority. The protection measures shall include a detailed tree protection plan and provide a methodology to be adhered to from the commencement of development and site preparation, and throughout the construction process. The development shall be implemented in full accordance with the approved statement, protection measures and methodology.

Reason: This pre-commencement condition is required in the interests of visual amenity and to ensure a satisfactory standard of tree protection, pursuant to Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM3 and the advice contained in the Design and Townscape Guide (2009).

04. Prior to commencement of the development above ground floor slab level, product details of materials to be used in the construction of all the external elevations of the extensions and alterations hereby approved shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out solely in accordance with the approved details before it is brought into use.

Reason: In the interests of visual amenities, 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 advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

05. No development above ground floor slab level shall take place until full details of hard and soft landscape works and boundary treatments to be carried out at the site have been submitted to and approved in writing by the local planning authority. The approved hard landscape works and boundary treatments shall be completed 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. details of external hard surfacing, to include permeable paving;
- ii. details of the number, size and location of trees, shrubs and plants to be planted together with a planting specification;
- iii. details of measures to enhance biodiversity within the site;
- iv. all and any means of subdividing and enclosing the site, which shall include details of visibility splays to the proposed vehicular access.

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

06. Construction hours for the development hereby approved shall be restricted to 8am to 6pm Monday to Friday, 8am to 1pm on Saturdays and not at all on Sundays or Public and Bank Holidays.

Reason: To protect the environment of people in neighbouring residential properties, in accordance with 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 Southend-on-Sea Design and Townscape Guide (2009).

07. A scheme detailing how at least 10% of the total energy needs of the development will be supplied, where feasible, 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 occupation of the development. This provision shall be made for the lifetime of the development.

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

08. The development 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 it is brought into use.

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

09. The development shall not be occupied until and unless details of covered refuse and recycling storage for use by occupiers of both ground and first floor flats, and the commercial unit, have previously been submitted to and approved in writing by the local planning authority. The approved refuse and recycling storage shall be provided and made available for use by the occupants of the development hereby approved prior to first occupation and shall be retained in perpetuity thereafter.

Reason: To protect the environment and provide suitable storage for waste and materials for recycling in accordance with the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007).

10. The development shall not be occupied until and unless details of secure, covered cycle storage for use by occupiers of both ground and first floor flats, and the commercial unit, have previously been submitted to and approved in writing by the local planning authority. The approved cycle storage shall be provided and made available for use by the occupants of the development hereby approved prior to first occupation and shall be retained in perpetuity thereafter.

Reason: To ensure the provision of adequate cycle parking in accordance with the National Planning Policy Framework (2019), Policies KP2 and CP3 of the Southend-on-Sea Core Strategy (2007), Policy DM15 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

11. The development hereby permitted shall not be occupied until and unless the two car parking spaces shown on the approved plans have been provided and made available for use by occupiers of the development and their visitors and shall be retained as such for the lifetime of the development thereafter.

Reason: In the interests of the living conditions of future occupiers and highway safety, further to the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2, CP3 and CP4, Development Management Document (2015) Policy DM15 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 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) or the Council's website (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 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.

4. There is clear evidence that the installation of Automatic Water Suppression Systems (AWSS) can be effective in the rapid suppression of fires. Essex County Fire & Rescue Service (ECFRS) therefore uses every occasion to urge building owners and developers to consider the installation of AWSS. ECFRS are ideally placed to promote a better understanding of how fire protection measures can reduce the risk to life, business continuity and limit the impact of fire on the environment and to the local economy. Even where not required under Building Regulations guidance, ECFRS would strongly recommend a risk based approach to the inclusion of AWSS, which can substantially reduce the risk to life and of property loss. We also encourage developers to use them to allow design freedoms, where it can be demonstrated that there is an equivalent level of safety and that the functional requirements of the Regulations are met.

966 20/02157/FUL - 34 Elmsleigh Drive, Leigh-on-Sea (Blenheim Park Ward)
Proposal: Demolish existing bungalow and erect no.3 new dwellings with associated amenity space, parking to front and form three new vehicle crossovers onto Elmsleigh Drive.
Applicant: Mr Duncan Reed of Eton-Southchurch Property Limited
Agent: Mr James Collinson of Design Spec Ltd

Resolved: -

That PLANNING PERMISSION be REFUSED for the following reason:

The proposal would by reason of its cramped and over-intensified nature represent an overdevelopment of the site harmful to the character and appearance of the site, the streetscene and wider surrounding area. This is unacceptable and contrary to the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the advice in the Southend-on-Sea Design and Townscape Guide (2009).

967 21/00075/FUL - 119 Southsea Avenue, Leigh-on-Sea (Leigh Ward)
Proposal: Erect single storey side and rear extension, alter elevations
Applicant: Mr Zyberi
Agent: SKArchitects

Mr Burges spoke as an objector to the application.

Resolved: -

That PLANNING PERMISSION be GRANTED subject to the following conditions:

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

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

02 The development shall be undertaken solely in accordance with the following approved plan(s): 690-P02 Rev A

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

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

Reason: In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of the area. This is as set out in the National Planning Policy Framework (2019), Core Strategy (2007) Policy KP2 and CP4, Development Management Document (2015) Policies DM1 and the advice contained in the Design and Townscape Guide (2009).

04 Prior to the first occupation of the development hereby approved full details of refuse and recycling storage facilities for the ground floor flat shall be submitted to and approved in writing by the Local Planning Authority. Prior to first occupation of the development, refuse and recycling facilities shall be provided at the site in accordance with the approved details and retained in perpetuity thereafter.

Reason: In the interests of residential amenity and to ensure the provision of adequate refuse and recycling storage in the interests of highway safety, residential and visual amenity as set out in the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4 and Policy DM1 of the Development Management Document (2015) and the guidance within the Design and Townscape Guide (2009).

05 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) and the Use Class Order 1987 (as amended) or any provisions equivalent to those Orders in any statutory instrument amending, revoking or re-enacting the Orders, with or without modification the development hereby approved shall only be used as a C3 (dwellinghouse) and shall not be used for any other purpose, including any change of use permitted under the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any provision equivalent to that in any statutory instrument amending, revoking or re-enacting that Order, with or without modification.

Reason: To ensure the development permitted complies with the terms of the consent and sought and to protect the character and appearance of the dwelling and surrounding area in accordance with Policies CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015) and the Design and Townscape Guide (2009)

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

Informatives

01 You are advised that as the proposed extension(s) or change of use to your property equates to less than 100sqm of new floorspace and does not involve the creation of a new dwelling (Class C3), the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See the Planning Portal (www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy) or the Council's website (www.southend.gov.uk/cil) for further details about CIL.

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

968 21/00383/FULH - The Lodge by The Bridge, Eastern Avenue (St Lukes Ward)

Proposal: Erect three single storey outbuildings to rear and convert existing outbuilding to be used as ancillary to main dwelling (Class use C3) (Retrospective).

Applicant: Mr Brian Ayling

Agent: N/A

Cllrs Ayling, Borton, Cowan, Dent, Garston, Jones, and Mulronev withdrew from the meeting for this item.

Resolved: -

That the Interim Director of Planning or Group Manager of Planning & Building Control be DELEGATED to GRANT PLANNING PERMISSION subject to no new material planning considerations being raised before the end of the statutory consultation period and subject to the following CONDITIONS:

01 The development hereby approved shall be retained in accordance with the approved plans: BA01-P101, BA01-P102.

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

02 The buildings hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as The Lodge

By The Bridge, Eastern Avenue, Southend-On-Sea. The buildings hereby permitted shall not be used for any other purpose including as an independent self-contained residential unit.

Reason: To ensure a satisfactory standard of accommodation and to protect the amenities of current and future occupiers, to protect the privacy and environment of people in neighbouring residential properties, and to prevent additional parking demand which cannot be met within the application site, in line with the stipulations of the National Planning Policy Framework (2019), the Core Strategy (2007) Policies KP1, KP2, CP3 and CP4, the Development Management Document (2015) Policies DM1, DM3 and DM15, and the Design and Townscape Guide (2009).

03 The buildings hereby permitted shall not be allowed to accommodate any cooking facilities.

Reason: To ensure a satisfactory standard of accommodation and to protect the amenities of current and future occupiers, to protect the privacy and environment of people in neighbouring residential properties, and to prevent additional parking demand which cannot be met within the application site, in line with the stipulations of the National Planning Policy Framework (2019), the Core Strategy (2007) Policies KP1, KP2, CP3 and CP4, the Development Management Document (2015) Policies DM1, DM3 and DM15, 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 You are advised that as the proposed extension(s) or change of use to your property equates to less than 100sqm of new floorspace, and does not involve the creation of a new dwelling (Class C3), the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See the Planning Portal (www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy) or the Council's website (www.southend.gov.uk/cil) for further details about CIL.

969 21/00199/FULH - 1 Highwood Close, Leigh-on-Sea (Blenheim Park Ward)
Proposal: Erect car port to front elevation
Applicant: Mr K Buck
Agent: Mr Paul Seager of APS Design Associates Ltd.

Cllrs Buck and Garston withdrew from the meeting for this item.

Resolved: -

That PLANNING PERMISSION be GRANTED subject to the following conditions:

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

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

02 The development shall be undertaken solely in accordance with the following approved plans: Drawing number 01; Drawing number 02; Drawing 03 Revision A.

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

03 All new work to the outside of the building must match existing original work in terms details of materials, method of construction and finished appearance. This applies unless differences are shown in approved plans.

Reason: In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of the area. This is as set out in the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

04 The roof of the car port hereby approved shall not be used as a balcony, roof garden or similar amenity area or for any other purpose unless express planning permission has previously been obtained. The roof can however be used for the purposes of maintenance or to escape in an emergency.

Reason: To protect the privacy and environment of people in neighbouring residential properties, in accordance with 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 Southend-on-Sea 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.

Informatives

01. You are advised that as the proposed extension(s) to your property equates to less than 100sqm of new floorspace the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations

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

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.

970 18/00228/UNAU_B - 2 Crowstone Close, Westcliff-on-Sea (Chalkwell Ward)

Breaches of Control: Without planning permission, the erection of a first-floor side extension.

Resolved: -

That ENFORCEMENT ACTION be AUTHORISED to;

- a) Remove the unauthorised first floor side extension, and.
- b) Remove from site all materials resulting from compliance with a) above
- c) Reinstate the single storey side extension to its former condition., or
- d) erect an extension in full accordance with either planning permission reference 18/02119/FULH or as amended by planning permission reference no. 19/00516/AMDT.

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

When serving an Enforcement Notice the local planning authority must ensure a reasonable time for compliance. In this case a compliance period of 4 months is considered reasonable for the removal of the 1st floor side extension or its amendment to comply with the planning permissions specified at 7.1 d).

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

Chair: _____

Public Document Pack

SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Development Control Committee

Date: Wednesday, 7th April, 2021
Place: Virtual Meeting via MS Teams

5

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

In Attendance: Councillor K Buck
K Waters, G Gilbert, C Galforg, P Keyes, C White, M Warren, T Row,
T Hartley and A Smyth

Start/End Time: 3.00 pm - 6.00 pm

949 Apologies for Absence

There were no apologies of absence for this meeting.

950 Declarations of Interest

The following declarations of interest were made at the meeting:

All Committee Members – Agenda Item No. 20 (21/00383/FULH - The Lodge by The Bridge, Eastern Avenue) – Non-Pecuniary Interest: The applicant is a fellow Councillor.

All Committee Members – Agenda Item No. 21 (21/00199/FULH - 1 Highwood Close, Leigh-on-Sea) – Non-Pecuniary Interest: The applicant is a fellow Councillor.

Cllr Ayling – Agenda Item No. 20 (21/00383/FULH - The Lodge by The Bridge, Eastern Avenue) – Pecuniary Interest: Cllr Ayling is the applicant for this application (withdrew).

Cllr Beck – Agenda Item No. 20 (21/00383/FULH - The Lodge by The Bridge, Eastern Avenue) – Non-Pecuniary Interest: A complaint was made against her in relation to this application and one of the objectors is also known to her (took no part in the voting thereon).

Cllr Borton – Agenda Item No. 20 (21/00383/FULH - The Lodge by The Bridge, Eastern Avenue) – Disqualifying Non-Pecuniary Interest: Has received communication from an objector who is known to her (withdrew).

Cllr Borton – Agenda Item No. 11 (20/02012/AMDT - The Forum, Elmer Approach, Southend on Sea) – Non-Pecuniary Interest: Is a governor at Milton Hall Primary School, which is close to the application site.

Cllr Buck – Agenda Item No. 21 (21/00199/FULH - 1 Highwood Close, Leigh-on-Sea) – Pecuniary: Cllr Buck is the applicant for this application (withdrew).

Cllr Cowan – Agenda Item No. 20 (21/00383/FULH - The Lodge by The Bridge, Eastern Avenue) – Disqualifying Non-Pecuniary Interest: The applicant has made a formal complaint against him (withdrew).

Cllr Dent – Agenda Item No. 20 (21/00383/FULH - The Lodge by The Bridge, Eastern Avenue) – Disqualifying Non-Pecuniary: The applicant has a formal complaint about him and one of the objectors is known to him (withdrew).

Cllr Dear – Agenda Item No. 18 (20/02157/FUL - 34 Elmsleigh Drive, Leigh-on-Sea) – Non-Pecuniary Interest: Has received and an email from the applicant.

Cllr Garston – Agenda Item No. 12 (20/02071/AMDT - The Esplanade, Western Esplanade) – Non-Pecuniary Interest: The application sight is within sight of his son’s property.

Cllr Garston – Agenda Item No. 20 (21/00383/FULH - The Lodge by The Bridge, Eastern Avenue) – Disqualifying Non-Pecuniary Interest: A complaint has been made about a comment made regarding the application (withdrew).

Cllr Garston – Agenda Item No. 21 (21/00199/FULH - 1 Highwood Close, Leigh-on-Sea) – Disqualifying Non-Pecuniary Interest: The applicant is a fellow ward councillor and a close friend (withdrew).

Cllr Jones – Agenda Item No. 10 (21/00217/BC3M - Chalkwell Hall Infants School, London Road) – Disqualifying Non-Pecuniary Interest: The applicant relates to a Council premises and is the relevant Cabinet Member (withdrew).

Cllr Jones – Agenda Item No. 20 (21/00383/FULH - The Lodge by The Bridge, Eastern Avenue) – Disqualifying non-pecuniary interest: One of the objectors is known to her (withdrew).

Cllr Jones – Agenda Item No. 22 (18/00228/UNAU_B - 2 Crowstone Close, Westcliff-on-Sea) – Non-Pecuniary interest: A neighbour to the application property is known to her.

Cllr Mulroney – Agenda Item No. 19 (21/00075/FUL - 119 Southsea Avenue, Leigh-on-Sea) – Non-Pecuniary Interest: Is a non-planning member of Leigh Town Council. Cllr Mulroney also lives on the same road but some distance from the application site.

Cllr Mulroney – Agenda Item No. 20 (21/00383/FULH - The Lodge by The Bridge, Eastern Avenue) – Disqualifying Non-Pecuniary Interest: Cllr Mulroney has previously expressed a view on this application (withdrew).

951 Minutes of the Meeting held on Wednesday 9th December 2020

Resolved:-

That the Minutes of the Meeting held on Wednesday, 9th December 2020 be confirmed as a correct record and signed.

952 Minutes of the Meeting held on Wednesday 6th January 2021

Resolved:-

That the Minutes of the Meeting held on Wednesday, 6th January 2021 be confirmed as a correct record and signed.

953 Minutes of the Meeting held on Wednesday 3rd February 2021

Resolved:-

That the Minutes of the Meeting held on Wednesday, 3rd February 2021 be confirmed as a correct record and signed.

954 Minutes of the Meeting held on Wednesday 3rd March 2021

Resolved:-

That the Minutes of the Meeting held on Wednesday, 3rd March 2021 be confirmed as a correct record and signed.

955 Supplementary Report

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

956 20/01396/FULM - Victoria House, 47 Victoria Avenue, Southend on Sea (Victoria Ward)

Proposal: Erect two storey extension to form seventh and eighth floor comprising of 11 self-contained flats, with associated parking, bin and cycle stores.

Applicant: Aldel Designs Ltd

Agent: Mr Alan Gloyne of SKArchitects

Resolved: -

That PLANNING PERMISSION be GRANTED subject to the following conditions:

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

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

02 The development hereby approved shall be carried out in accordance with the approved plans: 470-P01 REV D, 470-P02 REV C, 470-P03 REV B, 470-P04 REV B, 470-P05 REV C, 470-P06 REV A, 470-P07 REV A, 470-P08 REV F, 470-P09 REV C, 470-P10 REV B, 470-P11 REV E, 470-P12 REV E, 470-P13 REV E, 470-P14 REV E.

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

Design and related conditions

03 Notwithstanding the details shown on the plans submitted and otherwise hereby approved the development hereby permitted shall not commence, other than for site preparation works, unless and until full details and specifications of the materials to be used for all the external surfaces of the proposed buildings at the site including facing materials, roof detail, windows (including sections, profiles and reveals), doors, balustrading, fascia and balconies 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 details before the dwellings hereby approved are first occupied.

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).

Living Conditions related conditions

04 The dwellings hereby approved shall not be brought into first use unless internal storage space has been provided and made available on site in accordance with the approved floor plans 470 P11 REV E and 470 P12 REV E, or alternative details which have previously been submitted and approved by the Local Planning Authority pursuant to this condition.

Reason: To ensure the development hereby approved provide high quality internal layouts to meet the needs of future 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), the National Housing Standards (2015) and the Technical Housing Standards Policy Transition Statement (2015).

05 Prior to its first occupation, each approved dwelling shall be constructed to comply with either building regulation M4(2) or M4(3) in accordance with the approved floor plans 470 P11 REV E and 470 P12 REV E, which show all flats complying with building regulation M4(2) save for the eighth floor eastern flat and seventh floor north-eastern flat which are shown to comply with building regulation M4 (3).

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).

06 Notwithstanding the details shown in the plans submitted and otherwise hereby approved the development hereby granted planning permission shall not be occupied unless and until plans and other appropriate details are submitted to the Local Planning Authority and approved in writing which specify the size, design, obscenity, materials and location of all privacy screens to be fixed to the building, including around the proposed roof terrace and on balconies where needed. Before the development hereby approved is occupied the privacy screens shall be installed in full accordance with the details and specifications approved under this condition and shall be permanently retained as such thereafter.

Reason: In the interests of the residential amenity of future occupiers and adjoining residents and the character and appearance of the area and to ensure that the development complies with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the Design and Townscape Guide (2009).

Impact on residential amenity of neighbours

07 No development shall take place, including any works of demolition, unless and until a Demolition and Construction Management Plan and Strategy (to include Noise and Dust Mitigation Strategies) has been submitted to and approved by the Local Planning Authority pursuant to this condition. The approved Demolition and Construction Management Plan and Strategy shall be adhered to in full throughout the construction period. The Strategy shall provide, amongst other things, for:

- i) the parking of vehicles of site operatives and visitors
- ii) loading and unloading of plant and materials
- iii) storage of plant and materials used in constructing the development
- iv) the erection and maintenance of security hoarding
- v) measures to control the emission of dust, dirt and noise 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.
- vii) a dust management plan to include mitigation and boundary particulate monitoring during demolition and construction.
- viii) details of the duration and location of any noisy activities.

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 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).

09 The north facing (side) windows of 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 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 internal area which it serves. In the case of multiple or double-glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4. The windows shall be retained in line with these details in perpetuity.

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).

Highways

10 Prior to the first occupation of the residential units hereby approved, eight additional parking spaces as shown on the approved plan 470-P08 REV F shall be provided and made available for use on site. The parking spaces shall be retained in perpetuity for the purposes of car parking solely for residents of the development hereby approved and their visitors.

Reason: To ensure the provision of adequate parking in accordance with National Planning Policy Framework (2019), Policy CP3 of the Core Strategy (2007) and Policies DM3, DM8 and DM15 of Development Management Document (2015).

11 Prior to the first occupation of the residential units hereby approved the twenty-one (21) additional cycle parking spaces as shown on the approved plan 470-P09 REV B shall be provided on site. The cycle parking spaces shall be retained for the benefit of the future occupiers of the approved development in perpetuity.

Reason: To ensure the provision of adequate cycle parking in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policy CP3 and Development Management Document (2015) Policies DM3, DM8 and DM15.

Waste management

12 The development hereby approved shall not be brought into first use unless and until at least ten recycling (1100l) containers, seven residual waste (1100l) containers and five food waste (140l) containers have been provided on site and made available for use in line with the details shown in approved plan 470-P08 REV F. The provision of the waste storage facilities shall be retained in perpetuity. The development hereby approved shall accord with the waste management details approved for the site under application 17/02163/AD.

Reason: To ensure the provision of adequate waste, recycling and food waste storage and in the interest of visual amenity in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2, CP3 and CP4, Development Management Document (2015) Policies DM1, DM3, DM8 and DM15, and the advice contained within the National Design Guide (2019), the Design and Townscape Guide (2009), and the Waste Storage, Collection and Management Guide for New Developments (2019).

Drainage

13 Notwithstanding the information submitted, the details shown on the plans submitted and otherwise hereby approved, no drainage related works shall take place on site associated with this planning permission unless and until a drainage and surface water management strategy incorporating principles for Sustainable Drainage Systems (SuDS) has been submitted to and approved by the Local Planning Authority. The drainage and surface water management strategy shall be implemented in full accordance with the details approved pursuant to 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.

Energy and water sustainability

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 (lppd) (110 lppd when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting 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).

Positive and proactive statement

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 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) or the Council's website (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 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.

957 20/01726/BC3M - Garages at Eagle Way, Shoeburyness (Shoeburyness Ward)

Proposal: Demolish former disused garage sites to rear of 16 Eagle Way (Site 1A) and former compound site (Site 1B) and redevelop sites comprising of 5 terrace dwellinghouses with associated parking and amenity space (site 1A) and erect four storey block of 16 self-contained flats with communal garden and cycle store to rear, lay out associated parking and form additional vehicular access to north of site (1B) on to Eagle Way

Applicant: Southend on Sea Borough Council

Agent: AK Design Partnership LLP

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 4760.111 PL8, 4760.113 PL2, 4760.116 PL6, 4760.117 PL3, 4760.118 PL4

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

03 No development can commence unless and until a scheme for securing the timing and delivery of all of the dwellings hereby approved (21 dwellings) as affordable dwellings, including their location, tenure and mix has been submitted to and approved in writing by the Local Planning Authority. Such a scheme must include a suitable means to secure the continuing provision of the 21 units as affordable housing. No housing in the scheme can be occupied until it has been built and management handed over to South Essex Homes in accordance with the terms set out in the scheme approved under this condition.

Reason: A pre-commencement condition is necessary to ensure that the affordable housing is secured for the lifetime of the development in accordance with Core Strategy (2007) Policies CP6 and CP8.

04 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition and construction up to ground floor slab level shall take place until a brick sample and full product details of the materials to be used on all the external elevations, including walls, roof, doors and windows, balconies, canopies, soffits and boundaries have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details before it is brought into use.

Reason: To safeguard the visual amenities of the area, in accordance with the National Planning Policy Framework (2019) Core Strategy (2007) policy KP2 and CP4, Development Management Document (2015) Policy DM1 and advice contained within the Southend Design and Townscape Guide (2009).

05 The 44 car parking spaces, including 6 disabled car parking spaces and the associated vehicular access for the spaces to access the public highway, shown on approved plans 4760.111-PL8 and 4760.116-PL6 shall be provided and made available for use at the site prior to the first occupation of the dwellings hereby approved. The car parking spaces noted on the approved plan and the associated vehicular access to and from the public highway shall thereafter be permanently retained as such.

Reason: To ensure that satisfactory off-street car parking is provided in the interests of residential amenity and highways efficiency and safety, in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) policy KP2, Development Management Document (2015) policy DM15 and the Southend Design and Townscape Guide (2009).

06 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the development hereby permitted shall not be first occupied unless and until a car park management plan has been submitted to and approved in writing by the local planning authority. The car park management plan must be implemented in full accordance with the details approved under this condition prior to first occupation of any part of the development hereby approved and shall be maintained as such in perpetuity.

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

07 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works above a ground floor slab level shall take place until full details of both hard and soft landscape works and proposed boundary treatment have been submitted to and approved in writing by the local planning authority. These details shall include:

- i) proposed finished levels or contours;
- ii) Details for the means of enclosure of the amenity areas,
- iii) Details for the soft landscape works shall include the number, size and location of the trees, shrubs and plants to be planted together with a planting specification and the initial tree planting and tree staking details.
- iv) Measures to enhance biodiversity.

The hard landscaping shall be implemented in full accordance with the approved details before the development is occupied or brought into use. The soft landscaping shall be completed before the end of the first planting season following first occupation of the building. 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: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policy CP4 of the Core Strategy (2007) and policies DM1 and DM3 of the Development Management Document (2015) and advise contained within the Southend Design and Townscape Guide (2009).

08 Prior to the commencement of development the tree protective fences as shown on plan reference 4760-118-PL4 shall be installed. The protective measures shall remain in place throughout the construction phase of the development. Implementation of the development shall be undertaken only in full accordance with British Standard 3998 and British Standard 5837 including supervision of works by a qualified arboriculturalist.

Reason: A pre-commencement condition is justified to ensure the trees on and close to 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 first-floor windows on the side elevation of house plot 5 shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy) and fixed shut up to a height of not less than 1.7m above first floor level before the occupation of the dwellings hereby approved and shall be retained as such in perpetuity. In the case of multiple or double-glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4.

Reason: To protect the privacy and environment of people in proposed and 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).

10 The flatted development hereby approved shall not be occupied or brought into use until the refuse and recycling storage facilities are provided and made available for use by the occupiers in full accordance with the details shown on approved drawing number 4760.118 PL4 or any other details that have been previously submitted to and agreed in writing by the Local Planning Authority. The refuse and recycling facilities shall be permanently retained as such thereafter.

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

11 The flatted development hereby approved shall not be occupied or brought into use until the cycle storage facilities are provided in full and made available for use by the occupiers in accordance with the details shown on drawing number 4760.118 PL4 or any other details that have been previously submitted to and agreed in writing by the Local Planning Authority. The cycle storage facilities shall be permanently retained as such thereafter.

Reason: To ensure the provision of adequate cycle parking in accordance with policies DM8 and DM15 of The Development Management Document (2015).

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

- a) The parking of vehicles of site operatives and visitors
- b) Loading and unloading of plant and materials
- c) Storage of plant and materials used in constructing the development

- d) The erection and maintenance of security hoarding including measures to ensure the protection of the existing grass verges to the north section of the site to be retained.
- e) Measures to control the emission of noise, dust and dirt during construction
- f) 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).

13 Prior to the first occupation of any dwelling, details of the Residential Travel Packs shall be submitted to and approved in writing by the local planning authority. The approved travel packs shall then be provided to each dwelling within 1 month of their first occupation.

Reason: In the interests of sustainability 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).

14 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, including the Drainage Strategy Report reference 200372 dated Dec 2020 and associated Drainage Plans references DBS200372-01A, DBS200372-02, DBS200372-03, DBS200372-04, the development hereby permitted shall not be commenced other than for demolition works unless and until the remaining information required in relation to sustainable drainage at the site has been submitted to and approved in writing by the local planning authority. The following additional information on the proposed sustainable drainage system shall be provided:

- a) The proposed drainage strategy for the permeable pavement elements should be assessed based on the infiltration results. It should be noted that permeable pavement systems are compatible with low infiltration soils but different construction details may be required.
- b) The design and statement should incorporate further consideration to other applicable types of SuDS (e.g. permeable pavement in car park spaces, green roofs, raingardens, swales, etc). Where these are not implemented, a valid justification should be provided.
- c) A plan showing the areas positively drained into the system should be provided.
- d) The type and location of flow control device should be shown on the plan.
- e) Exceedance flow routes should be shown on the plan.
- f) Construction details of permeable pavement, underground storage and flow controls should be provided.
- g) Calculations or justification should be provided to confirm that the proposed discharge is below the pre-development discharge rates.
- h) Evidence of acceptance from Anglian Water is required for the discharge.
- i) Evidence of acceptance form Anglian water is required for the two sewer diversions.
- j) Confirmation is required that no additional catchment area is proposed to be discharged into the sewer in relation to the pre-development status.

- k) The method used to calculate the attenuation storage calculation (BRE Digest 365) is only applicable to infiltration systems. An acceptable calculation method for attenuation storage (see chapter 24 in CIRIA SuDS Manual C753) should be used and detailed calculations provided.
- l) The statement should incorporate a section on water quality.
- m) Apart from the sewer diversions, the drainage strategy does not include the proposals for the foul drainage on the site. These proposals should be included in the report and drawing.
- n) Details of management of health and safety risks in relation to the drainage design should be provided.
- o) A method statement detailing the effect of surface water during the construction phase should be provided.
- p) A SuDS Management Plan should be provided and should include details of the body who will be responsible for the drainage maintenance, the required maintenance activities, the maintenance schedules and any access points and easements.

The approved scheme shall be implemented in accordance with the approved details before the development is occupied or brought into use and be maintained as such thereafter in perpetuity.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site for the lifetime of the development and to prevent environmental and amenity problems arising from flooding in accordance with the National Planning Policy Framework (2019), Policy KP2 and CP4 of the Core Strategy (2007) and Policy DM2 of the Development Management Document (2015)

15 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 (lppd) (110 lppd 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).

16 A scheme detailing how at least 10% of the total energy needs of the development will be supplied using on site renewable sources shall be submitted to, 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 dwelling 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).

17 The development hereby approved shall be carried out in a manner to ensure that at least 10% of the dwellings, a minimum of 3 units, comply with building regulation M4(3) 'wheelchair user dwellings' and the remaining dwellings comply with building regulation M4 (2) 'accessible and adaptable dwellings' before it is occupied.

Reason: To ensure the residential unit 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).

18 The development shall be carried out in full accordance with the recommendations set out in Sections 15.1 and 15.4 of the Combined Phase I and Phase II Site Investigation Report by agb Environmental reference P3220.1.0 dated 20 December 2018 before the development is occupied, including undertaking a watching brief by a competent person during any below ground works in accordance with the steps set out in paragraphs 15.1.2 and 15.4.2 If, during the development, land contamination not previously considered is identified, then the Local Planning Authority shall be notified immediately and no further works shall be carried out until a method statement detailing a scheme of mitigation for dealing with the additional contamination has been submitted to and agreed in writing with the Local Planning Authority. The approved scheme of additional contamination mitigation shall be implemented in full before the development is occupied.

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

19 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any Order or Act of Parliament revoking and re-enacting that Order with or without modification, no extensions or detached buildings shall be erected at the dwellinghouses (plots 1-5) hereby approved specified within Schedule 2, Part 1, Classes A, B, D and E of the Town and Country Planning (General Permitted Development) Order 2015 without the receipt of express planning permission in writing from the Local Planning Authority.

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 Southend Design and Townscape Guide (2009).

20 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 (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).

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

03 The applicant is advised that the appropriate highways licences should be obtained prior to the commencement of the development.

04 The applicant is advised that the commitment to seek the nationally recognised security accreditation is welcomed by Essex Police and the applicant is invited to contact Essex Police who can provide support for this application at designingoutcrime@essex.police.uk

05 The applicant is advised that 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. Please contact Anglian Water at planningliaison@anglianwater.co.uk Reference 167627/1/0110592.

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.

958 21/00217/BC3M - Chalkwell Hall Infants School, London Road (Chalkwell Ward)

Proposal: Demolish two existing portacabins and erect a single storey classbase building comprising of 3 classrooms with ancillary space

Applicant: Ms Sarah Clements

Agent: Southend Borough Council

Sara Walsh spoke as an objector to the application. Drew Jones spoke as a respondent.

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 P01, P02, P03B, P04, P05B, P06, P07

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

03 The materials for the external surfaces of the development hereby approved shall be as shown on plan reference P05B, or any other details which have previously been submitted to and agreed in writing with the local planning authority under the terms of this condition, before the development is first brought into use.

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

04 The hard and soft landscaping and boundary treatment fronting Sunningdale Avenue shall be carried out in full accordance with the proposed landscaping details shown on plan reference P03B and the email from agent dated 10.03.21, or any other details that have previously been submitted to and approved in writing by the local planning authority. The boundary treatment between the south-west corner of the building and the boundary with 29/29a Sunningdale Avenue shall be raised to be a minimum of 2.1m in height. The hard landscaping shall be carried out prior to occupation of the development hereby approved. The soft landscaping shall be carried out within the first planting season following completion of the development (October to March). 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: In the interests of visual amenity of the area and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policy CP4 of the Core Strategy (2007) and Policy DM1 of the Development Management Document (2015)

05 The approved Construction Management Plan dated 04.03.21 shall be fully adhered to throughout the construction period or any other Construction Management Plan which has been previously submitted to and agreed in writing with the local planning authority under the terms of this condition.

Reason: This 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).

06 Prior to the commencement of development, the protection measures for the street tree to the front of the site on Sunningdale Avenue shall be implemented in full accordance with the details set out on plan reference P05B or any other tree protection measures which have been previously submitted to and agreed in writing with the local planning authority under the terms of this condition. The protective hoarding shall be maintained throughout the construction of the development.

Reason: To safeguard the health of existing trees which represent an amenity feature in accordance with Core Strategy (2007) policies KP2 and CP4, policy DM1 of the Development Management Document (2015) and advice contained in the Design and Townscape Guide (2009).

07 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 Policy DM1 of the Development Management Document (2015).

08 Prior to occupation of the development hereby approved, an energy strategy for the development, which fulfils the objectives of Core Strategy Policy KP2, including a timeframe for implementation, shall be submitted to and approved in writing by the local planning authority. The development shall be undertaken and completed in full accordance with the approved scheme and timeframe.

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).

09 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, and in accordance with the Drainage Plan drawing reference H14500.D1, the development hereby permitted shall not be commenced other than for demolition works unless and until a detailed design of a surface water drainage scheme and surface water management strategy has been submitted to and approved in writing by the local planning authority. The details submitted shall include, but not limited to:-

- a) A SuDS/drainage statement. This should include information on how the proposed drainage design satisfies SuDS in terms of water quality, attenuation and discharge quantity for the lifetime of the development.
- b) Evidence in the SuDS statement of consideration for infiltration (with ground investigation data or records) and connection to a watercourse.
- c) Evidence of consideration of appropriate source control measures as rainwater harvesting, green, blue or brown roofs with appropriate justification when these have not been implemented.
- d) Confirmation of the acceptance from Anglian Water on the proposed indirect connection into the sewer.

- e) A detailed drainage plan including positively drained areas (permeable and impermeable), final sizing of proposed SuDS and drainage systems, points of connection, discharge restrictions/flow controls and failure/exceedance overland flow routes. The applicant should confirm on the plan if pumping is required. The drainage design should consider that construction phase activities may compromise the below ground surface water drainage infrastructure and take necessary precautions to prevent and/or repair damage.
- f) Calculations of the attenuation storage for the 1 l/s restriction up to 1 in 100 year storm (including 40% climate change).
- g) Details of the body that will be responsible for the maintenance of proposed SuDS/drainage throughout the lifetime of the development. The applicant should also provide a management statement to outline the required maintenance for the site and a maintenance schedule
- h) Information should be provided in relation to the management of Health and Safety Risks arising from the proposals.

The drainage strategy and SuDS design statement must be implemented in full accordance with the details approved under this condition before the development hereby approved is first occupied or brought into first use.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site for the lifetime of the development and to prevent environmental and amenity problems arising from flooding in accordance with the National Planning Policy Framework (2019), Policy KP2 and CP4 of the Core Strategy (2007) and Policy DM2 of the Development Management Document (2015)

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

Informatives

01 You are advised that in this instance the chargeable amount for the Community Infrastructure Levy (CIL) has been calculated as zero due to the specific nature of the proposal.

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

03 The applicant is advised that a highways licence from the Council may be required in relation to scaffolding works and skips.

04 Due to the presence of Cadent and/or National Grid apparatus in the vicinity of the site the applicant is advised to contact the Cadent Plan Protection Team via email at plantprotection@cadentgas.com or by telephone on 0800 688588 reference NL_GE4A_3NWP_028393 prior to commencement of the works.

05 If a crane or piling rig is required to construct the development, the applicant is required to contact London Southend Airport so that a safeguarding assessment can be undertaken. Any crane applications should be directed to sam.petrie@southendairport.com

959 20/02012/AMDT - The Forum, Elmer Approach, Southend on Sea (Milton Ward)

Proposal: Vary condition 18 of planning application 11/00790/BC3M dated 17/08/2011 to extend opening times to central ground floor and first floor areas to be used as a safe haven hub (Minor material amendment to Planning Permission 11/00790/BC3M dated 17/08/2011)

Applicant: Mr Mark Murphy

Agent: Mr Neil Pointer of Southend on Sea Borough Council

Resolved: -

That PLANNING PERMISSION be GRANTED subject to the following conditions:

01 The development hereby permitted shall be retained in complete accordance with the plans approved under planning application 11/00790/BC3M: Location Plan 010A, Proposed Layout and Elevations of Substation and Bin Store 115, Proposed Sections C-C/D-D 111G, Proposed Sections A-A/B-B 110J, Roof Plan D102K, Proposed First, Second and Third Floor 101Q, Proposed Lower Ground and Ground Floor 100P, Existing Site Section C-C/D-D 021A, Existing Site Section A-A/B-B 020 A, Landscaping Plan 013, Proposed Site Plan 012, Existing Site Plan 011 A, Proposed Elevations G-G/H-H 114B, Proposed Elevation E-E/F-F 113N.

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

02 Waste management at the site shall be carried out in accordance with the strategy submitted and approved under application 13/01233/FUL.

Reason: To protect the environment and ensure adequate and appropriate storage, recycling and collection of waste resulting from the development in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2, CP3 and CP4, Development Management Document (2015) Policies DM1, DM3, DM8 and DM15, and the advice contained within the National Design Guide (2019), the Design and Townscape Guide (2009) and the Waste Storage, Collection and Management Guide for New Developments (2019).

03 Servicing shall take place in accordance with the strategy submitted and approved under application 13/01233/FUL.

Reason: To ensure that the development does not have a detrimental impact on the surrounding highway network in accordance with the National Planning Policy Framework, Policy CP3 of the Core Strategy (2007) and Policies DM3 and DM15 of Development Management Document (2015).

04 The scheme of public art installed on site must be permanently retained on this site and not moved or removed.

Reason: To secure the provision of public art and in the interests of visual amenity in accordance with Policies KP2 and CP4 of the Core Strategy (2007), and the advice contained in the Design and Townscape Guide (2009).

05 The environmental sustainability measures as installed on site must be permanently retained.

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).

06 Other than the external lighting approved under application 13/01014/AD, no additional external lighting shall be installed within any part of the site without express planning permission having first 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).

07 All equipment installed as part of the scheme to control the emission of fumes and smell from the premises shall be operated and maintained in accordance with the manufacturer's instructions in perpetuity.

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 The ventilation system installed on site shall not be altered without express planning permission having first 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).

09 The space laid out within the site for 78 bicycles to be parked shall be permanently retained for cycle parking for the lifetime of the development.

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

10 The building subject of this permission shall be open for use only in accordance with the hours set out on the approved plan 'Hours of Operation' drawing number D 301 rev A.

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 No signs(s) or advertisements(s) shall be displayed on the building subject of this permission or within the public square without the express consent of the local planning authority, notwithstanding the provisions of the Town and Country Planning (Control of Advertisements) Regulations 2007 or any equivalent provision in any statutory revoking and re-enacting those Regulations.

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).

12 Following the first ten Category C and E events and the first Category A, B and D events held within the public square the management plan for the screen and the public square shall be reviewed taking into account any necessary mitigation measures identified during the assessment monitoring. No further events shall take place until this plan has been submitted to and approved in writing by the LPA and mitigation measures implemented.

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 During each of the first 10 Category C and E events held within the public square noise monitoring and assessment shall be carried out per the recommendations of the acoustic assessment produced by Hoare LEA, dated 15/8/11. The results of the monitoring and assessment together with details of any necessary noise mitigation measures, including where necessary restrictions on hours of operation, or limits on the number of events, shall be subsequently submitted to the LPA for approval and any identified mitigation measures shall be implemented prior to any further events taking place.

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).

14 During each of the first Category A, B and D events held within the public square, noise monitoring and assessment shall be carried out per the recommendations of the acoustic assessment produced by Hoare LEA, dated 15/8/11. The results of the monitoring and assessment together with details of any necessary noise mitigation measures, including where necessary restrictions on hours of operation, or limits on the number of events, shall be subsequently submitted to the LPA for approval and any identified mitigation measures shall be implemented prior to any further events taking place.

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).

15 Amplified music and speech from the approved screen shall be limited to background noise levels during hours of operation unless prior written approval from the Local Planning Authority has been given for a specific event.

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).

16 The acoustic barrier shall be permanently retained in perpetuity in accordance with the details approved with application 13/00921/AD.

Reason: To protect the amenities of people in neighbouring properties and general environmental quality, and in the interests of visual amenity, in accordance DPD1 (Core Strategy) 2007 policy KP2 and CP4, and Borough Local Plan 1994 policy H5, U2; and C11, and SPD1 (Design and Townscape Guide).

Informatives:

1 No additional floorspace is proposed to be created with this application and as such the development is not liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended).*

960 20/02071/AMDT - The Esplanade, Western Esplanade (Milton Ward)
Proposal: Application to vary conditions 02 (approved plans), 03 (materials), 04 (hard and soft landscaping), 06 (car park and access), 07 (cycle parking), 13 (renewable energy), 21 (noise assessment), 28 (land contamination), 29 (tree protection), 30 (demolition method), 31 (structural survey) and 33 (details of green roof) to allow for changes to roof to incorporate kitchen ventilation plant, amend tree planting, change front entrance ramp, additional mezzanine link over vehicle access and green roof specifications (Minor Material Amendment of planning permission 17/02266/FULM dated 05/09/2018)
Applicant: Clifftown Shore Developments Ltd
Agent: Mr Paul Haggis of Strutt & Parker

Resolved: -

(a) DELEGATE to the Interim Director of Planning or Group Manager Planning & Building Control to GRANT PLANNING PERMISSION subject to conditions following the completion of a variation of the AGREEMENT UNDER SECTION 106 of the Town and Country Planning Act 1990 (as amended) to secure that the provisions of the existing section 106 agreement remain in force under this new planning permission.

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

01 The development shall be carried out in accordance with the approved plans: 8531-01 P1, 8531-02 P1, 8531-03 P1, 8531-04 P1, 8531-05 P1, 8531-06 P4, 8531-07 P4, 8531-08 P3, 8531-09 P3, 8531-10 P3, 8531-11 P3, 8531-12 P8, 8531-13 P5, 8531-14 P5, 8531-15 P4, 8531-16 P5, 8531-17 P2, 8531-18 P1, 8531-19 P1, 8531-30 P1, 8531-31 P1, GUA-DR-L-002 Rev P05, GUA-DR-L-003 Rev P04, GUA-DR-L-004 Rev

P06, GUA-DR-L-005 Rev P02, Door Tresh Detail, Perimeter Upstand Detail, Green Roof Build Up.

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

02 The development hereby approved shall solely be carried out in full accordance with the details and specifications of materials approved under application 20/01353/AD and the details contained within the approved plans 8531-13 P5, 8531-14 P5, 8531-15 P4, 8531-16 P5, or any other details that have previously been submitted to and approved in writing by the local planning authority under the terms of this condition, before the dwellings or non-residential units hereby approved are first occupied.

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

03 The hard and soft landscaping on site shall be implemented solely in accordance with the details contained within the approved plans GUA-DR-L-002 Rev P05, GUA-DR-L-003 Rev P04, GUA-DR-L-004 Rev P06, GUA-DR-L-005 Rev P02 and documents Landscape – Visual Appraisal – 1967-GUA-DOC-L-001, Landscape – Visualisations - 1967-GUA-DOC-L-002 or any other details that have previously been submitted to and approved in writing by the local planning authority under the terms of this condition.

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

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

04 The development shall not be first occupied until 49 on site car parking spaces have been provided and made available for use in full accordance with drawings 8531-06 P4 and 8531-18 P1, together with properly constructed vehicular access to the adjoining highway, all in accordance with the approved plans or any other details that have previously been submitted to and approved in writing by the local planning authority under the terms of this condition. 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).

05 The development shall not be first occupied until the secure, covered cycle parking spaces to serve the development as shown on drawing 8531-07 P4 have been provided at the site and made available for use for occupiers of the development in full accordance with the approved plans or any other details that have previously been submitted to and approved in writing by the local planning authority under the terms of this condition. 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).

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

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

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

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

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

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

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

Reason: To ensure the residential units hereby approved provides high quality and flexible internal layouts to meet the changing needs of residents in accordance with National Planning Policy Framework, (2018), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM8 and Design and Townscape Guide (2009).

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

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

11 The scheme detailing how at least 10% of the total energy needs of the development will be supplied using on site renewable sources shall be implemented in full prior to the first occupation of any part of the development and in line with the detail approved under application 20/01517/AD or any other details that have previously been submitted to and approved in writing by the local planning authority under the terms of this condition. 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 Prior to occupation any part of the residential units hereby approved details of the water efficient design measures set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details before it is occupied and shall be retained as such in perpetuity.

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

13 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).

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

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

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

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

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

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

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

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

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

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

19 The development shall be undertaken in strict accordance with the findings, recommendations and conclusions of the approved Noise Assessment undertaken by Cass Allen reference RP01-17591 and the details approved under application 20/01517/AD or any other details that have previously been submitted to and approved in writing by the local planning authority under the terms of this condition. The development must be undertaken in accordance with the approved details prior to the first occupation of the development and thereafter retained as such in perpetuity.

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

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

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

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

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

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

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

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

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

24 The drainage strategy and SuDS design statement approved with application 19/02114/AD must be implemented in full accordance with the approved details or any other details that have previously been submitted to and approved in writing by the local planning authority under the terms of this condition before the development hereby approved is first occupied or brought into first use.

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

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

Reason: In order to protect the amenities of surrounding occupiers and to protect the character 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).

26 If, during the course of development, any contamination is found which has not been identified in the site investigation approved under 20/00100/AD, development shall stop and additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and these shall be fully implemented before the site is occupied.

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

27 The development shall be undertaken solely in accordance with the tree protection measures approved under application 18/02012/AD or any other details that have previously been submitted to and approved in writing by the local planning authority under the terms of this condition.

Reason: In the interests of the character and appearance of the area and to ensure that the development complies with the National Planning Policy Framework (2018), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the Design and Townscape Guide (2009)

28 The development shall be carried out in accordance with the details and mitigation measures contained in the site investigation and structural survey approved with application 18/02012/AD or any other details that have previously been submitted to and approved in writing by the local planning authority under the terms of this condition and shall be implemented and retained in perpetuity or for the duration that are necessary as per the approved details.

Reason: To ensure the development does not adversely affect stability of the surrounding land in accordance with Policy KP2 of the Core Strategy (2007) and DM14 of the Development Management Document (2015).

29 The development shall be carried out solely in accordance with the details and mitigation measures contained in the demolition method statement approved with application 18/02012/AD or any other details that have previously been submitted to and approved in writing by the local planning authority under the terms of this condition and shall be implemented and retained in perpetuity or for the duration that are necessary as per the approved details.

Reason: To ensure the demolition does not adversely affect stability of the surrounding land in accordance with Policy KP2 of the Core Strategy (2007) and DM14 of the Development Management Document (2015).

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

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

31 The development shall be implemented in full accordance with the details and specifications of the green roof contained within the submitted plans and documents Renolit Alkorgreen Information Sheet, Green Roof Build Up, Door Tresh Detail, Perimeter Upstand Detail, Renolit Alkorplan Sedum Blanket Datasheet and Renolit Alkorplan Extensive Sedum Green Roof Maintenance Schedule or any other details that have previously been submitted to and approved in writing by the local planning authority under the terms of this condition. The development shall be permanently retained as such thereafter.

Reason: In the interests of the character and appearance of the area and to ensure that the development complies with the National Planning Policy Framework (2018), Core

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

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

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

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_infrastructur_e_levy) or the Council's website (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 Essex & Suffolk Water are the enforcement agents for The Water Supply (Water Fittings) Regulations 1999 within our area of supply, on behalf of the Department for the Environment, Food & Rural Affairs. We understand that a planning application has been

made for the above premises which are to be notified under Regulation 5 of the Water Supply (Water Fittings) Regulations 1999.

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

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

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

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

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

9 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.

(c) In the event that the planning obligations or other means of securing the financial contribution referred to in part (a) above have not been completed by 14 April 2021 or an extension of this time as may be agreed, the Interim Director of Planning or Group Manager Planning & Building Control be authorised to refuse planning permission for the application on the grounds that the development would not provide adequate mitigation for the potential disturbance to European designated site, would not provide adequate levels of affordable housing, would not provide any secondary education contributions to mitigate the development contrary to National and Local planning policy.

961 20/02220/FUL - Southend Leisure and Tennis Centre, Garons Park, Southend on Sea (St Lukes Ward)
Proposal: Replace two existing outdoor tennis courts with four Padel tennis courts, incorporating fencing up to 4m high, external floodlights and erection of canopy roof over three courts (Amended Proposal)
Applicant: Mr Christopher Wilkinson
Agent: Kate Jennings of Whirledge & Nott

Resolved: -

That PLANNING PERMISSION be GRANTED subject to the following conditions:

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

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

02 The development hereby permitted shall be carried out in accordance with the approved plans: Location Plan, 1902-10-001-GA rev C, Site plan v1, 2533 TP-001, 1902-10-004 rev D, 1902-10-005 rev C.

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

03 The courts shall not be artificially illuminated between the hours of 22:00 and 08:00 on any day.

Reason: To ensure the lighting does not cause demonstrable harm to the Green Belt or the amenities of nearby residents, in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, the Development Management Document (2015) Policies DM1 and DM3 and advice contained within the Design and Townscape Guide (2009).

04 The external floodlighting hereby permitted shall be installed in accordance with the details and specifications shown on the approved drawings and the details of the external lighting contained within the Relux report dated 18.12.20 before it is brought into use and shall be permanently maintained as such in perpetuity thereafter.

Reason: To ensure the lighting does not cause demonstrable harm to the openness of the Green Belt, or the amenities of nearby residents, in accordance with the National Planning Policy Framework, Core Strategy (2007) Policies KP2 and CP4, the Development Management Document (2015) Policies DM1 and DM3 and advice contained within the Design and Townscape Guide (2009).

05 The tennis courts shall not be open for use outside the following hours: 08:00 to 22:00 hours on any day.

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

06 The development to which this planning permission relates shall not be implemented if any part of the development for which planning permission was granted by the Local Planning Authority on 25/09/2019 under planning permission reference 19/01029/FUL is commenced. Once the permission hereby granted is implemented, the previous permission with reference 19/01029/FUL shall not be implemented.

Reason: In the interests of maintaining the openness of the green belt, further to the National Planning Policy Framework (2019) and Policies KP1, KP2 and CP4 of the Southend-on-Sea Core Strategy (2007).

Informatives

1. 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.

2. Community Infrastructure Levy Liability Notice: You are advised that in this instance the chargeable amount for the Community Infrastructure Levy (CIL) has been calculated as zero under the CIL Regulations 2010 (as amended) due to the specific nature of the use. However, should the nature of the use change then you are advised to contact the Planning and Building Control Group to discuss the requirement for planning permission and CIL liability.

3. 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.

962 21/00229/FUL - Chalkwell Beach, Chalkwell Esplanade (Chalkwell Ward)
Proposal: Install temporary art sculptures comprising 15 wooden posts 2m – 2.8m tall with painted resin sculptures fixed to the top in the tidal sands near Chalkwell Beach
Applicant: M Freeman
Agent: R Warren of SKArchitects

Resolved: -

That PLANNIGN PERMISSION be GRANTED subject to the following conditions:

01 The development hereby permitted shall be for a limited period only from the date of this permission until the 3rd October 2021. At the end of this period the development hereby permitted shall be entirely removed from the site and the land restored to its condition before the development took place.

Reason: For the avoidance of doubt and in the interests of amenity in accordance with the National Planning Policy Framework (2019) and Policies KP1 and KP2 of the Core Strategy (2007).

02 The development hereby permitted shall be carried out in accordance with the following approved plans 596-P02C, 596-P12E, 596-P16A and 596-P17B.

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

03 The materials for the sculpture shall be natural timber posts and resin sculptures.

Reason: To safeguard the visual amenities of the area, 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).

04 Notwithstanding the details set out elsewhere in this application and permission the posts hereby approved shall only be installed prior to the 1st May 2021 and removed after the 30th September 2021.

Reason: To ensure that the installation and removal works does not harm biodiversity and give rise to sediment disturbance within the bathing water testing season which runs from May to September.

05 The development shall be installed in full accordance with the details set out in the Construction Method Statement by SKArchitects reference 596-08-19 Rev A, or any other Construction Method Statement that has been previously submitted to and approved in writing by the Local Planning Authority, and in a manner which minimises disturbance and dispersal of buried sediment. The location of the posts shall avoid any eelgrass beds.

Reason: This condition is needed in the interests of traffic safety and the amenities of the area and to prevent dispersal of contaminants in buried sediment pursuant to Policies KP1, CP3 and CP4 of the Core Strategy (2007) and Policies DM1, DM6 and DM15 of the Development Management Document (2015).

06 The development hereby approved shall be carried out in full accordance with the mitigation measures set out in the Risk Assessment and Method Statement by Metal and these mitigation measures shall remain in place throughout the lifetime of the installation.

Reason: This condition is needed in the interests of safety pursuant to Policies CP4 and CP6 of the Core Strategy (2007) and Policies DM1 and DM6 of the Development Management Document (2015).

07 The eight 180mm diameter green safety marker buoys, as detailed on plan reference 596-P12E and in the Risk Assessment by Metal, shall be in place from the installation of the first pole and remain in situ until the last pole is removed.

Reason: This condition is needed in the interests of safety pursuant to Policies CP4 and CP6 of the Core Strategy (2007) and Policies DM1 and DM6 of the Development Management Document (2015).

08 Construction Hours for the installation and removal of the development hereby approved shall be restricted to 8am – 6.30pm Monday to Saturday and not at all on Sundays or Bank Holidays.

Reason: In the interests of the amenities of neighbours pursuant to Policy CP4 of the Core Strategy (2007) and Policy DM1 of the Development Management Document (2015)

Informatives:

01 The site is owned by the Council and therefore a formal installation licence/lease will be required on the land. This will be subject to obtaining all necessary statutory consents and internal approvals. Please contact Antony Daniels antonydaniels@southend.gov.uk This needs to be completed prior to installation. The proposal may also require a Marine licence from the Marine Management Organisation (MMO) further details on this can be found here <https://www.gov.uk/guidance/construction-alteration-or-improvement-of-works>

02 The applicant is advised that a Highways Licence may be required. Please contact martinwarren@southend.gov.uk

03 You should be aware that in cases where damage occurs public during construction works to the highway in implementing this permission that Council may seek to recover the cost of repairing 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.

04 You are advised that as the proposed development does not involve the creation of new floorspace it benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable.

963 20/01589/FUL - Adalah Residential Rest Home, 20 Cliff Road (Chalkwell Ward)

Proposal: Convert residential home (Class C2) to 9 self-contained flats (Class C3), erect single storey rear extension, install balustrading, alter elevations, layout parking to front, erect balustrade to front and rear and erect raised platform to rear

Applicant: Mr Kandola

Agent: Mr Gary Cumberland of Form Architecture

Resolved: -

That PLANNING PERMISSION be GRANTED subject to the following conditions:

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

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

02 The development hereby permitted shall be carried out in accordance with the following approved plans: 1729/01 Rev A, 1729/02, 1729/03 Rev A & 1729/04

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

03 Water efficient design measures as set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems shall be installed and made available for use prior to the first occupation of the development hereby approved and retained in perpetuity.

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

04 Prior to the first occupation of the development hereby approved full details of refuse and recycling facilities at the site shall be submitted to and approved in writing by the Local Planning Authority. Prior to first occupation of the development hereby approved, refuse and recycling facilities shall be provided

and made available for use at the site in accordance with the approved details and retained in perpetuity thereafter for that use.

Reason: In the interests of residential amenity for future occupants, to ensure the provision of adequate cycle parking and in the interests of visual amenity as set out in the National Planning Policy Framework (2019), Core Strategy (2007) policies KP2 and CP4 and Policies DM1, DM8 and DM15 of the Development Management Document (2015) and the guidance within the Design and Townscape Guide (2009).

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

Reason: In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of the area. This is as set out in the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM1, and the advice in the Design and Townscape Guide (2009).

06 Prior to the first occupation of the development hereby approved, full details of secure bicycle storage facilities for the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Prior to first occupation of the development, refuse and bicycle storage facilities shall be provided at the site in accordance with the approved details and retained in perpetuity thereafter.

Reason: In the interests of residential amenity for future occupants, to ensure the provision of adequate cycle parking and in the interests of visual amenity as set out in the National Planning Policy Framework (2019), Core Strategy (2007) policies KP2 and CP4 and Policies DM1, DM8 and DM15 of the Development Management Document (2015) and the guidance within the Design and Townscape Guide (2009).

07 Prior to the first occupation of the dwellings hereby approved, full details of both hard and soft landscape works to be carried out at the site must be submitted to and approved in writing by the Local Planning Authority. The hard landscaping works shall be carried out in accordance with the approved details prior to first occupation of the development and the soft landscaping works within the first planting season following first occupation of the development, unless otherwise agreed in writing by the Local Planning Authority. The details submitted shall include, but not limited to: -

- i. means of enclosure, of the site including any gates or boundary fencing.
- ii. car parking layouts.
- iii. other vehicle and pedestrian access and circulation areas.
- iv. hard surfacing materials.
- 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: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policy CP4 of the Core Strategy (2007) and Policy DM1 of the Development Management Document (2015).

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

Reason: In order to protect the amenities of 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).

09 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 prior to occupation of the development hereby approved and implemented in full prior to the first occupation of the development. This provision shall be made for the lifetime of the development.

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

10 Prior to the occupation of the development hereby approved the car parking spaces shall be provided and made available for use in accordance with the details shown on approved plan 1729 03A and shall be permanently retained as such thereafter. The car parking spaces shall be kept available solely for the parking of motor vehicles of occupiers of the dwellings hereby approved and their visitors.

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 Development Management Document (2015).

11 Notwithstanding the details shown on the plans submitted, the external terraces shall not be used unless and until full details of privacy screens and balustrades have been submitted to and approved in writing by the local planning authority. The screens shall be provided in accordance with the approved details prior to first use of the terraces of the development hereby permitted and shall thereafter be retained in perpetuity in that form.

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) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and advice contained within the Design and Townscape Guide (2009).

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

Informative

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

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

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

- 964 20/02050/FUL - 275 Prince Avenue, Westcliff-on-Sea (St Laurence Ward)
Proposal: Change of use from vacant storage yard (Use Class B8) to car sales (Class Sui Generis) erect ancillary buildings to provide office, car wash and detailing area, security lighting and form hardstanding (Part-Retrospective).
Applicant: Marden Homes Ltd
Agent: Mr Alan Gloyne of SK Architects**

Resolved: -

That PLANNING PERMISSION be GRANTED subject to the following conditions:

01 The development hereby permitted shall be carried out in accordance with the approved plans: 688 SK01, 688 P01, 688 P02 & 13201 Drainage Plan

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

02 The use hereby permitted shall not be open to customers seeking to view or purchase cars at any time.

Reason: To ensure the development permitted complies with the terms of the consent sought and in the interests of protecting amenity in accordance with 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).

03 Prior to the first operation of the use hereby approved, details shall be submitted to and approved in writing by the local planning authority for the provision of the recycling and refuse storage and associated waste management plan including collection arrangements. The approved refuse arrangements shall be provided in full and made available for use by commercial operators prior to the first use of the car wash hereby approved and be retained as such in perpetuity.

Reason: Reason: To ensure the provision of adequate recycling and refuse storage in accordance with policy CP3 of the Core Strategy (2007) and policies DM8 and DM15 of Development Management Document (2015).

04 Notwithstanding the details submitted and otherwise hereby approved, details of drainage within the site including a separator or series of oil separators to prevent surface water being discharged into any watercourse, soakaway or surface water sewer shall be submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the occupation of the development and shall thereafter be retained and maintained throughout the lifetime of the development.

Reason: To reduce the risk of pollution to the water environment in accordance with the National Planning Policy Framework (2019) Policy KP2 and CP4 of the Core Strategy (2007) and Policy DM2 of the Development Management Document (2015)

05 No machinery or plant shall operate on the site in association with the use hereby permitted outside the following times: 8 am to 6 pm on any day.

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).

06 The Rating Level of noise for activities associated with the use hereby permitted shall not exceed 10dB(A) below the background level as measured at the closest residential property in accordance with BS4142:1997.

Reason: To protect residential amenity and general environmental quality in accordance with the National Planning Policy Framework (2018), 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).

07 The 'car washing' and 'car detailing' facilities hereby approved, as described in the application documents, shall remain ancillary to the main use of the site as a car sales facility and shall not operate as an independent planning uses at any time.

Reason: To ensure the development permitted complies with the terms of the consent sought and in the interests of protecting amenity in accordance with the National Planning Policy Framework (2018), 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).

08 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) and the Use Class Order 1987 (as amended) or any provisions equivalent to those Orders in any statutory instrument amending, revoking or re-enacting the Orders, with or without modification the development hereby approved, shall be used as a sui generis car sales business where customers do not visit the site and shall not be used for any other purpose, including any change of use permitted under the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any provision equivalent to that in any statutory instrument amending, revoking or re-enacting that Order, with or without modification.

Reason: To ensure the development permitted complies with the terms of the consent sought and in the interests of protecting amenity and the provision of employment uses in accordance with Policies CP1, KP1 and KP2 of the Core Strategy (2007) and Policies DM1, DM3, DM10 and DM11 of the Development Management Document (2015).

09 Other than the security lighting hereby approved, no external lighting shall be installed on site other than in accordance with details that have been previously submitted to and approved in writing by the local planning authority. All external lighting shall thereafter be retained on site in line with the details approved under this condition only.

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).

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 notices. 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 Planning Portal.

(www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy) or the Council's website at www.southend.gov.uk/cil.

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

03 Compliance with this decision notice does not bestow compliance with other regulatory frameworks. In particular your attention is drawn to the statutory nuisance provisions within the Environmental Protection Act 1990 (as amended) and also to the relevant sections of the Control of Pollution Act 1974. Contact 01702 215005 for more information.

- 965 20/02091/FUL - 570 Rayleigh Road, Eastwood (Eastwood Park Ward)**
Proposal: Erect single storey rear extension with associated elevation alterations and part change of use of ground floor commercial unit (use class E) to residential use (use class C3), together with remodelling of existing self-contained maisonette to form 2 self-contained flats, with associated landscaping, bin and cycle stores, lay out parking to rear, and extend existing vehicular access onto Eastwood Rise, following demolition of existing outbuildings.
Applicant: Chaya Parekh
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 begin not later than three years from the date of this decision.

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

02. The development hereby permitted shall be carried out in accordance with the following approved plans: 3694-11-2 Rev B, 3694-11-1 Rev B.

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

03. No development, including demolition, shall take place until a scheme for the protection of the oak trees adjacent to the site, in full accordance with British Standard BS5837 "Trees in Relation to Construction – Recommendations" has

been submitted to and agreed in writing by the local planning authority. The protection measures shall include a detailed tree protection plan and provide a methodology to be adhered to from the commencement of development and site preparation, and throughout the construction process. The development shall be implemented in full accordance with the approved statement, protection measures and methodology.

Reason: This pre-commencement condition is required in the interests of visual amenity and to ensure a satisfactory standard of tree protection, pursuant to Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM3 and the advice contained in the Design and Townscape Guide (2009).

04. Prior to commencement of the development above ground floor slab level, product details of materials to be used in the construction of all the external elevations of the extensions and alterations hereby approved shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out solely in accordance with the approved details before it is brought into use.

Reason: In the interests of visual amenities, 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 advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

05. No development above ground floor slab level shall take place until full details of hard and soft landscape works and boundary treatments to be carried out at the site have been submitted to and approved in writing by the local planning authority. The approved hard landscape works and boundary treatments shall be completed 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. details of external hard surfacing, to include permeable paving;
- ii. details of the number, size and location of trees, shrubs and plants to be planted together with a planting specification;
- iii. details of measures to enhance biodiversity within the site;
- iv. all and any means of subdividing and enclosing the site, which shall include details of visibility splays to the proposed vehicular access.

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

06. Construction hours for the development hereby approved shall be restricted to 8am to 6pm Monday to Friday, 8am to 1pm on Saturdays and not at all on Sundays or Public and Bank Holidays.

Reason: To protect the environment of people in neighbouring residential properties, in accordance with 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 Southend-on-Sea Design and Townscape Guide (2009).

07. A scheme detailing how at least 10% of the total energy needs of the development will be supplied, where feasible, 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 occupation of the development. This provision shall be made for the lifetime of the development.

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

08. The development 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 it is brought into use.

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

09. The development shall not be occupied until and unless details of covered refuse and recycling storage for use by occupiers of both ground and first floor flats, and the commercial unit, have previously been submitted to and approved in writing by the local planning authority. The approved refuse and recycling storage shall be provided and made available for use by the occupants of the development hereby approved prior to first occupation and shall be retained in perpetuity thereafter.

Reason: To protect the environment and provide suitable storage for waste and materials for recycling in accordance with the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007).

10. The development shall not be occupied until and unless details of secure, covered cycle storage for use by occupiers of both ground and first floor flats, and the commercial unit, have previously been submitted to and approved in writing by the local planning authority. The approved cycle storage shall be provided and made available for use by the occupants of the development hereby approved prior to first occupation and shall be retained in perpetuity thereafter.

Reason: To ensure the provision of adequate cycle parking in accordance with the National Planning Policy Framework (2019), Policies KP2 and CP3 of the Southend-on-Sea Core Strategy (2007), Policy DM15 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

11. The development hereby permitted shall not be occupied until and unless the two car parking spaces shown on the approved plans have been provided and made available for use by occupiers of the development and their visitors and shall be retained as such for the lifetime of the development thereafter.

Reason: In the interests of the living conditions of future occupiers and highway safety, further to the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2, CP3 and CP4, Development Management Document (2015) Policy DM15 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 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) or the Council's website (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 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.

4. There is clear evidence that the installation of Automatic Water Suppression Systems (AWSS) can be effective in the rapid suppression of fires. Essex County Fire & Rescue Service (ECFRS) therefore uses every occasion to urge building owners and developers to consider the installation of AWSS. ECFRS are ideally placed to promote a better understanding of how fire protection measures can reduce the risk to life, business continuity and limit the impact of fire on the environment and to the local economy. Even where not required under Building Regulations guidance, ECFRS would strongly recommend a risk based approach to the inclusion of AWSS, which can substantially reduce the risk to life and of property loss. We also encourage developers to use them to allow design freedoms, where it can be demonstrated that there is an equivalent level of safety and that the functional requirements of the Regulations are met.

966 20/02157/FUL - 34 Elmsleigh Drive, Leigh-on-Sea (Blenheim Park Ward)
Proposal: Demolish existing bungalow and erect no.3 new dwellings with associated amenity space, parking to front and form three new vehicle crossovers onto Elmsleigh Drive.
Applicant: Mr Duncan Reed of Eton-Southchurch Property Limited
Agent: Mr James Collinson of Design Spec Ltd

Resolved: -

That PLANNING PERMISSION be REFUSED for the following reason:

The proposal would by reason of its cramped and over-intensified nature represent an overdevelopment of the site harmful to the character and appearance of the site, the streetscene and wider surrounding area. This is unacceptable and contrary to the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the advice in the Southend-on-Sea Design and Townscape Guide (2009).

967 21/00075/FUL - 119 Southsea Avenue, Leigh-on-Sea (Leigh Ward)
Proposal: Erect single storey side and rear extension, alter elevations
Applicant: Mr Zyberi
Agent: SKArchitects

Mr Burges spoke as an objector to the application.

Resolved: -

That PLANNING PERMISSION be GRANTED subject to the following conditions:

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

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

02 The development shall be undertaken solely in accordance with the following approved plan(s): 690-P02 Rev A

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

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

Reason: In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of the area. This is as set out in the National Planning Policy Framework (2019), Core Strategy (2007) Policy KP2 and CP4, Development Management Document (2015) Policies DM1 and the advice contained in the Design and Townscape Guide (2009).

04 Prior to the first occupation of the development hereby approved full details of refuse and recycling storage facilities for the ground floor flat shall be submitted to and approved in writing by the Local Planning Authority. Prior to first occupation of the development, refuse and recycling facilities shall be provided at the site in accordance with the approved details and retained in perpetuity thereafter.

Reason: In the interests of residential amenity and to ensure the provision of adequate refuse and recycling storage in the interests of highway safety, residential and visual amenity as set out in the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4 and Policy DM1 of the Development Management Document (2015) and the guidance within the Design and Townscape Guide (2009).

05 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) and the Use Class Order 1987 (as amended) or any provisions equivalent to those Orders in any statutory instrument amending, revoking or re-enacting the Orders, with or without modification the development hereby approved shall only be used as a C3 (dwellinghouse) and shall not be used for any other purpose, including any change of use permitted under the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any provision equivalent to that in any statutory instrument amending, revoking or re-enacting that Order, with or without modification.

Reason: To ensure the development permitted complies with the terms of the consent and sought and to protect the character and appearance of the dwelling and surrounding area in accordance with Policies CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015) and the Design and Townscape Guide (2009)

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

Informatives

01 You are advised that as the proposed extension(s) or change of use to your property equates to less than 100sqm of new floorspace and does not involve the creation of a new dwelling (Class C3), the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See the Planning Portal (www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy) or the Council's website (www.southend.gov.uk/cil) for further details about CIL.

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

968 21/00383/FULH - The Lodge by The Bridge, Eastern Avenue (St Lukes Ward)

Proposal: Erect three single storey outbuildings to rear and convert existing outbuilding to be used as ancillary to main dwelling (Class use C3) (Retrospective).

Applicant: Mr Brian Ayling

Agent: N/A

Cllrs Ayling, Borton, Cowan, Dent, Garston, Jones, and Mulronev withdrew from the meeting for this item.

Resolved: -

That the Interim Director of Planning or Group Manager of Planning & Building Control be DELEGATED to GRANT PLANNING PERMISSION subject to no new material planning considerations being raised before the end of the statutory consultation period and subject to the following CONDITIONS:

01 The development hereby approved shall be retained in accordance with the approved plans: BA01-P101, BA01-P102.

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

02 The buildings hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as The Lodge

By The Bridge, Eastern Avenue, Southend-On-Sea. The buildings hereby permitted shall not be used for any other purpose including as an independent self-contained residential unit.

Reason: To ensure a satisfactory standard of accommodation and to protect the amenities of current and future occupiers, to protect the privacy and environment of people in neighbouring residential properties, and to prevent additional parking demand which cannot be met within the application site, in line with the stipulations of the National Planning Policy Framework (2019), the Core Strategy (2007) Policies KP1, KP2, CP3 and CP4, the Development Management Document (2015) Policies DM1, DM3 and DM15, and the Design and Townscape Guide (2009).

03 The buildings hereby permitted shall not be allowed to accommodate any cooking facilities.

Reason: To ensure a satisfactory standard of accommodation and to protect the amenities of current and future occupiers, to protect the privacy and environment of people in neighbouring residential properties, and to prevent additional parking demand which cannot be met within the application site, in line with the stipulations of the National Planning Policy Framework (2019), the Core Strategy (2007) Policies KP1, KP2, CP3 and CP4, the Development Management Document (2015) Policies DM1, DM3 and DM15, 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 You are advised that as the proposed extension(s) or change of use to your property equates to less than 100sqm of new floorspace, and does not involve the creation of a new dwelling (Class C3), the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See the Planning Portal (www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy) or the Council's website (www.southend.gov.uk/cil) for further details about CIL.

969 21/00199/FULH - 1 Highwood Close, Leigh-on-Sea (Blenheim Park Ward)
Proposal: Erect car port to front elevation
Applicant: Mr K Buck
Agent: Mr Paul Seager of APS Design Associates Ltd.

Cllrs Buck and Garston withdrew from the meeting for this item.

Resolved: -

That PLANNING PERMISSION be GRANTED subject to the following conditions:

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

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

02 The development shall be undertaken solely in accordance with the following approved plans: Drawing number 01; Drawing number 02; Drawing 03 Revision A.

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

03 All new work to the outside of the building must match existing original work in terms details of materials, method of construction and finished appearance. This applies unless differences are shown in approved plans.

Reason: In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of the area. This is as set out in the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

04 The roof of the car port hereby approved shall not be used as a balcony, roof garden or similar amenity area or for any other purpose unless express planning permission has previously been obtained. The roof can however be used for the purposes of maintenance or to escape in an emergency.

Reason: To protect the privacy and environment of people in neighbouring residential properties, in accordance with 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 Southend-on-Sea 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.

Informatives

01. You are advised that as the proposed extension(s) to your property equates to less than 100sqm of new floorspace the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations

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

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.

970 18/00228/UNAU_B - 2 Crowstone Close, Westcliff-on-Sea (Chalkwell Ward)

Breaches of Control: Without planning permission, the erection of a first-floor side extension.

Resolved: -

That ENFORCEMENT ACTION be AUTHORISED to;

- a) Remove the unauthorised first floor side extension, and.
- b) Remove from site all materials resulting from compliance with a) above
- c) Reinstate the single storey side extension to its former condition., or
- d) erect an extension in full accordance with either planning permission reference 18/02119/FULH or as amended by planning permission reference no. 19/00516/AMDT.

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

When serving an Enforcement Notice the local planning authority must ensure a reasonable time for compliance. In this case a compliance period of 4 months is considered reasonable for the removal of the 1st floor side extension or its amendment to comply with the planning permissions specified at 7.1 d).

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

Chair: _____

SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Development Control Committee

Date: Wednesday, 7th July, 2021
Place: Council Chamber - Civic Suite

6

Present: Councillor N Ward (Chair)
Councillors A Dear (Vice-Chair), J Beck, K Buck, T Cowdrey*,
M Dent, F Evans, D Garne, D Garston, S Habermel, D Jarvis,
A Jones, K Mitchell, C Mulroney, A Thompson, S Wakefield and
C Walker

*Substitute in accordance with Council Procedure Rule 31.

In Attendance: J Williams, K Waters, C Galforg, S Mouratidis, C White, M Warren
and R Harris

Start/End Time: 2.00 pm - 4.40 pm

117 Apologies for Absence

Apologies for absence were received from Councillor Cowan (substitute: Councillor Cowdrey).

118 Declarations of Interest

The following interest were declared at the meeting:

(i) Councillor Beck – Application No. 21/00312/FUL - Wimpy, 40B - 42 Marine Parade, Southend on Sea – Non-pecuniary interest: has responded to objectors in respect of the application;

(ii) Councillor Buck – Application No. 21/00781/FUL - Meyrin House, 35 Holeythick Lane, Westcliff on Sea – Non-pecuniary interest: Has received correspondence with residents in the Ward;

(iii) Councillor Cowdrey – Application No. 21/00312/FUL - Wimpy, 40B - 42 Marine Parade, Southend on Sea – Non-pecuniary interest: Has given advice to residents on how to make a comment or objection on the application;

(iv) Councillor Cowdrey – Application No. 21/00641/FUL - Land at Marks Court, Southend on Sea – Non-pecuniary interest: Sought clarification from planning officers on behalf of residents and gave advice to them accordingly;

(v) Councillor Dent – Application No. 21/00312/FUL - Wimpy, 40B - 42 Marine Parade, Southend on Sea – Non-pecuniary interest: Has been in correspondence from objectors and the applicant;

(vi) Councillor Dent – Application No. 21/00641/FUL - Land at Marks Court, Southend on Sea – Non-pecuniary interest: Has given advice to objectors;

- (vii) Councillor F Evans – Application No. 21/00781/FUL - Meyrin House, 35 Hobbeythick Lane, Westcliff on Sea – Non-pecuniary interest: Knows the speaker who has objected to the application as former Councillor and Mayor of the Borough;
- (viii) Councillor D Garston – Application No. 21/00641/FUL - Land at Marks Court, Southend on Sea – Non-pecuniary interest: Son owns flats in the St Mark’s Court development;
- (ix) Councillor D Garston – Application No. 21/00781/FUL - Meyrin House, 35 Hobbeythick Lane, Westcliff on Sea – Non-pecuniary interest: Has received correspondence from objectors and knows the speaker who has objected to the application as former Councillor and Mayor of the Borough;
- (x) Councillor Jones – Application No. 21/00781/FUL - Meyrin House, 35 Hobbeythick Lane, Westcliff on Sea – Non-pecuniary interest: Lives next door to an HMO;
- (xi) Councillor Wakefield – Application No. 21/00641/FUL - Land at Marks Court, Southend on Sea – Non-pecuniary interest: Had undertaken work on behalf of the management agent of St Mark’s Court;
- (xii) Councillor Wakefield – Application No. 21/00781/FUL - Meyrin House, 35 Hobbeythick Lane, Westcliff on Sea – Non-pecuniary interest: Owns an HMO;
- (xiii) Councillor Walker – Application No. 21/00781/FUL - Meyrin House, 35 Hobbeythick Lane, Westcliff on Sea – Non-pecuniary interest: Knows the speaker who has objected to the application as former Councillor and Mayor of the Borough; and
- (xiv) Councillor Ward – Application No. 21/00312/FUL - Wimpy, 40B - 42 Marine Parade, Southend on Sea – Non-pecuniary interest: Has Spoken with the applicant regarding the application.

119 **Supplementary Report**

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

120 **21/00312/FUL - Wimpy, 40B - 42 Marine Parade, Southend on Sea (Kursaal Ward)**

Proposal: Demolish upper floors, erect three storey building over existing ground floor restaurant to form 9no. self-contained flats with balconies to rear and associated bin and cycle storage

Applicant: Mr G Gill

Agent: Mr Andrew Cooke of Dovetail Architects Ltd

Mr N Kullman, a local resident, spoke as an objector to the application. Mr A Cooke, the applicant’s agent, responded.

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

General Conditions

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

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

02 The development hereby approved shall be carried out in accordance with the approved plans: 4083_L01, 4083_PL01, 4083_PL02, 4083_PL03, 4083_PL04, 4083_PL05, 4083_PL06, 4083_PL07, 4083_PL08, 4083_PL09, 4083_PL10.

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

Design and Related Conditions

03 Notwithstanding the details shown on the plans submitted and otherwise hereby approved the development hereby permitted shall not commence, other than for site preparation works, unless and until full details and specifications of the materials to be used for all the external surfaces of the proposed building at the site including facing materials, roof detail, windows (including sections, profiles and reveals), doors, balustrading, fascia and balconies 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 details before the dwellings hereby approved are first occupied.

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).

Living Conditions

04 The use of the ground floor unit shall be solely within Use Class E as defined within the Town and Country Planning (Use Classes) Order 1987 as amended.

Reason: To determine the scope of the permission in the interest of the character and functionality of the area in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP1, Development Management Document (2015) Policies DM10, DM11 and DM12 and Southend Central Area Action Plan (2015) Policies DS1 and PA1.

05 The hours of operation of the ground floor commercial unit shall be 7 am to 11 pm.

Reason: In the interest of the living conditions of future 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).

06 Prior to the first use of the commercial unit hereby approved, a detailed vibration and noise assessment shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall include vibration and noise mitigation measures where needed along with a verification of their effectiveness on site after they have been carried out. The rating level of noise for all plant (including but not exclusively the ventilation, refrigeration and air conditioning equipment) installed at the site determined by the procedures in British Standards BS 4142:2014, shall be at least 10dB(A) below the background noise level with no tonal elements at all times. The LA90 to be determined according to the guidance in British Standard BS 4142:2014 at 3.5m from ground floor facades and 1m from all facades above ground floor level to residential premises. The assessment shall be carried out by a suitably qualified and experienced acoustic consultant who would normally be a member of the Institute of Acoustics. The equipment shall be maintained in good working order thereafter. The plant must not have distinctive tonal or impulsive characteristics.

Reason: To ensure the resulting noise from the commercial unit would not be detrimental to living conditions of future 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).

07 Prior to commencement of development on site, other than demolition and site preparation works, details of vibration mitigation and noise mitigation measures to ensure that all habitable rooms achieve the requirements of British Standard BS 8233:2014, shall have been submitted to and approved in writing by the Local Planning Authority. The measures shall be fully implemented as approved prior to the first residential occupation of any part of the development hereby approved.

Reason: To mitigate the noise from the uses in the area in the interest of the living conditions of future 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).

Impact on Residential Amenity of Neighbours

08 No development shall take place, including any works of demolition, unless and until a Demolition and Construction Management Plan and Strategy (to include Noise and Dust Mitigation Strategies) has been submitted to and approved by the Local Planning Authority pursuant to this condition. The approved Demolition and Construction Management Plan and Strategy shall be adhered to in full throughout the construction period. The Strategy shall provide, amongst other things, for:

- (i) the parking of vehicles of site operatives and visitors
- (ii) loading and unloading of plant and materials
- (iii) storage of plant and materials used in constructing the development
- (iv) the erection and maintenance of security hoarding
- (v) measures to control the emission of dust, dirt and noise 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.
- (vii) a dust management plan to include mitigation and boundary particulate monitoring during demolition and construction.

(viii) details of the duration and location of any noisy activities.

Reason: A pre-commencement condition is justified 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).

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 Notwithstanding the details shown in the plans submitted and otherwise hereby approved the development hereby granted planning permission shall not be occupied unless and until plans and other appropriate details are submitted to the Local Planning Authority and approved in writing which specify the size, design, obscenity, materials and location of all privacy screens to be fixed to the building, including on proposed balconies and terraces where needed. Before the development hereby approved is occupied, the privacy screens shall be installed in full accordance with the details and specifications approved under this condition and shall be permanently retained as such thereafter.

Reason: In the interests of the residential amenity of future occupiers and adjoining residents and the character and appearance of the area and to ensure that the development complies with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the Design and Townscape Guide (2009).

Highways

11 Notwithstanding the details shown in the plans submitted and otherwise hereby approved prior to the first occupation of the residential units hereby approved nine (9) covered and secure cycle parking spaces shall be provided and made available for use on site in full accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. The cycle parking spaces shall be retained for the benefit of the future occupiers of the approved development in perpetuity.

Reason: To ensure the provision of adequate cycle parking in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policy CP3 and Development Management Document (2015) Policies DM3, DM8 and DM15.

Waste Management

12 No part of the development hereby approved shall be brought into residential use unless and until the bin store area shown on approved plan 4083_PL06 have been created solely in accordance with design details which have previously been

submitted to and approved in writing by the Local Planning Authority, equipped with at least two 1100 litre waste and recycling containers and one 150 litre food waste container and are available for use and operation in accordance with a waste management plan which has previously been submitted to and approved in writing by the Local Planning Authority. The bin storage areas shall thereafter be maintained for the lifetime of the development.

Reason: To ensure the provision of adequate waste, recycling and food waste storage and in the interest of visual amenity in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2, CP3 and CP4, Development Management Document (2015) Policies DM1, DM3, DM8 and DM15, and the advice contained within the National Design Guide (2019), the Design and Townscape Guide (2009), and the Waste Storage, Collection and Management Guide for New Developments (2019).

13 No part of the development hereby approved shall be brought into commercial use unless and until details of commercial waste storage and management have been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. The approved waste storage facilities shall be provided and made available for use prior to the first use of the commercial use here by approved and shall thereafter be maintained for the lifetime of the development and managed in accordance with the approved details.

Reason: To ensure the provision of adequate waste, recycling and food waste storage and in the interest of visual amenity in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2, CP3 and CP4, Development Management Document (2015) Policies DM1, DM3, DM8 and DM15, and the advice contained within the National Design Guide (2019), the Design and Townscape Guide (2009), and the Waste Storage, Collection and Management Guide for New Developments (2019).

Flood Risk

14 The development hereby approved shall be implemented and undertaken in strict accordance with the findings, recommendations, mitigation and resilience measures contained within the submitted Flood Risk Assessment by Evans report reference 2614/RE/12-20/01 dated December 2020.

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.

Energy and Water Sustainability

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 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).

17 The dwellings hereby approved shall not be brought into first use unless internal storage space to meet the Nationally Described Space Standards for each dwelling has been provided and made available on site in accordance with internal layout floor plans which have previously been submitted to and approved in writing by the Local Planning Authority pursuant to this condition.

Reason: To ensure the development hereby approved provide high quality internal layouts to meet the needs of future 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), the National Housing Standards (2015) and the Technical Housing Standards Policy Transition Statement (2015).

Positive and Proactive Statement

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 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) or the Council's website (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.

121 21/00600/FULH - 15 Bohemia Chase, Leigh-on-Sea (Belfairs Ward)
Proposal: Erect dormer to front to form habitable accommodation in the loftspace (amended proposal)
Applicant: Steven Dore
Agent: N/A

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

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

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

02 The development hereby permitted shall be carried out in accordance with the following approved plans: P01C, P02A.

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

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

Reason: In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of the area. This is as set out in the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM1, and advice in the Southend-on-Sea 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.

Informatives

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

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

- 122 21/00641/FUL - Land at Marks Court, Southend on Sea (Kursaal Ward)**
Proposal: Erect three storey building comprising of four self-contained flats with terraces to first floor east elevation, associated amenity space, parking, cycle spaces and refuse store
Applicant: RG Airspace Developments Limited
Agent: Davies Murch

Mrs L Stevens, a local resident, spoke as an objector the application. Mr J Murch, the applicant's agent, responded.

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

01 The development hereby permitted shall begin no later than 3 (three) years from the date of this decision.

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

02 The development hereby permitted shall be carried out in accordance with the approved plans: WP-0758-A-0001 Revision A; WP-0758-A-0002 Revision A; WP-0758-A-0003 Revision A; WP-0758-A-0100 Revision B; WP-0758-A-0110 Revision B; WP-0758-A-0111 Revision B; WP-0758-A-0200 Revision B; WP-0758-A-0201 Revision B; WP-0758-A-202 Revision B; WP-0758-

A-0203 Revision B; WP-0758-A-0204 Revision B; WP-0758-A-0300 Revision B; WP-0758-A-DAS.

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

03 Notwithstanding the details shown on the plans submitted and otherwise hereby approved the development hereby permitted shall not commence other than for groundworks and site preparation works unless and until details and appropriately sized samples of the materials to be used for all the external surfaces of the proposed building at the site including for elevations, brickwork, glazing, doors, windows and roofing materials have been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall be implemented in full accordance with the details and samples approved under this condition before it is occupied.

Reason: In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of the area. This is as set out in the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3, and the guidance contained within the Design and Townscape Guide (2009).

04 Prior to the first occupation of the dwellings hereby approved, full details of both hard and soft landscaping works to be carried out at the site must be submitted to and approved in writing by the Local Planning Authority. The approved hard landscaping works shall be carried out in accordance with the approved details 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. car parking layouts;
- iii. other vehicle and pedestrian access and circulation areas;
- iv. hard surfacing materials;
- 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: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policy CP4 of the Core Strategy (2007) and Policy DM1 of the Development Management Document (2015).

05 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the development hereby permitted shall not be first occupied unless and until a car park management plan has been submitted to and approved in writing by the local planning authority. The car park management plan must be

implemented in full accordance with the details approved under this condition prior to first occupation of any part of the development hereby approved and shall be maintained as such in perpetuity.

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

06 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 prior to occupation of the development hereby approved and implemented in full prior to the first occupation of the development. This provision shall be made for the lifetime of the development.

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

07 Water efficient design measures as set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems shall be installed and made available for use prior to the first occupation of the development hereby approved and retained in perpetuity.

Reason: To minimise the environmental impact of the development through efficient use of water in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) policy KP2, Development Management Document (2015) policy DM2 and the guidance within the Design and Townscape Guide (2009).

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

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

09 The existing cycle parking facilities on the site which serves the existing Marks Court dwellings shall not be removed unless and until details of the re-provision of the cycle parking has been submitted to and approved in writing by the local planning authority. Prior to the removal of the existing cycle parking facilities, the approved cycle parking facilities to serve the existing Marks Court dwellings shall have been provided in accordance with the approved details and retained as such in perpetuity thereafter.

Reason: In the interests of residential amenity for the existing occupants and to ensure the provision of adequate cycle parking and in the interests of visual amenity as set out in the National Planning Policy Framework (2019), Core

Strategy (2007) policies KP2 and CP4 and Policies DM1, DM8 and DM15 of the Development Management Document (2015) and the guidance within the Design and Townscape Guide (2009).

10 Prior to the first occupation of the development hereby approved, full details of refuse, recycling and secure covered bicycle storage facilities for the flats hereby approved and shall be submitted to and approved in writing by the Local Planning Authority. Prior to first occupation of the development, the refuse, recycling and bicycle storage facilities shall be provided at the site in accordance with the approved details and retained in perpetuity thereafter.

Reason: In the interests of residential amenity for future occupants, to ensure the provision of adequate cycle parking and refuse and recycling stores and in the interests of visual amenity as set out in the National Planning Policy Framework (2019), Core Strategy (2007) policies KP2 and CP4 and Policies DM1, DM8 and DM15 of the Development Management Document (2015) and the guidance within the Design and Townscape Guide (2009).

11 Notwithstanding the details shown in the plans submitted and otherwise hereby approved, the flats hereby granted consent shall not be occupied unless and until plans and other appropriate details are submitted to the Local Planning Authority and approved in writing which specify all windows in the proposed flats to be permanently glazed with obscured glass (to at least Level 4 on the Pilkington Levels of Privacy, or such equivalent) and fixed shut or provided with only a fanlight opening and the manner and design in which these windows are to be implemented. Before the dwellings hereby approved are occupied the development shall be implemented in full accordance with the details and specifications approved under this condition and shall be permanently retained as such thereafter.

Reason: To safeguard the privacy and amenities of occupiers of neighbouring residential properties and the future occupiers of the proposed residential dwellings, in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) policy CP4, Development Management Document (2015) policy DM1 and advice contained in The Design and Townscape Guide (2009).

12 Notwithstanding the details shown in the plans submitted and otherwise hereby approved the development hereby granted consent shall not be occupied or brought into use unless and until plans and other appropriate details are submitted to the Local Planning Authority and approved in writing which specify the size, design, materials, specification and location of all privacy screens and panels to be implemented as part of the development. The development hereby permitted shall be implemented and completed in full accordance with the details approved under this condition before it is first occupied or brought into use and shall be permanently retained as such thereafter.

Reason: To safeguard the privacy and amenities of occupiers of neighbouring residential properties and the future occupiers of the proposed residential dwelling 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 advice contained within the Design and Townscape Guide (2009).

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

Reason: To ensure the dwelling houses 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), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM2 and Design and Townscape Guide (2009).

14 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 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 including decorative displays and facilities for public viewing, where appropriate
- v. wheel washing facilities
- vi. measures to control the emission of noise, dust and dirt during construction
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: This pre-commencement condition is needed to minimise the environmental impact and disturbance to existing residents, during construction of the development in accordance with National Planning Policy Framework (2019), Core Strategy (2007) policies KP2 and CP4; and Development Management Document (2015) policies DM1 & DM3.

15 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.

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 notices. This contains details including the chargeable amount when this is payable and when and how exemption or relief on

the charge can be sought. You are advised that a CIL Commencement Notice (CIL Form 6) must be received by the Council at least one day before commencement of development. Receipt of this notice will be acknowledged by the Council. Please ensure that you have received both a CIL Liability Notice and acknowledgement of your CIL Commencement Notice before development is commenced. Most claims for CIL relief or exemption must be sought from and approved by the Council prior to commencement of the development. Charges and surcharges may apply, and exemption or relief could be withdrawn if you fail to meet statutory requirements relating to CIL. Further details on CIL matters can be found on the Council's website at www.southend.gov.uk/cil.

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

03 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.

04 The applicant's attention is drawn to condition 09 which requires the replacement of the existing cycle parking which serves the wider Marks Court development as part of this proposal. The applicant is encouraged to consider replacing the existing hoops with covered and secure cycle parking which would make this cycle storage more usable.

123 21/00781/FUL - Meyrin House, 35 Hobleythick Lane, Westcliff on Sea (Prittlewell Ward)
Proposal: Change of use from care home (Class C2) to 15 bed HMO (Sui Generis) with associated amenity space, parking, cycle and bin store
Applicant: Vivienne Goddard
Agent: Union 4 Planning

Mr R Price, a local resident, spoke as an objector to the application. Miss V Goddard, the applicant, responded.

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

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

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

02 The development hereby permitted shall be carried out in accordance with the following approved plans: Sht-1, Sht-2 Existing Plans, Sht-2 Proposed Plans, Sht-4, Sht-5.

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

03 Notwithstanding the provisions of the Town and Country Planning Act 1990 (as amended) the building hereby approved shall not at any time be adapted to enable formation of more than 15 bedrooms and the property shall not have more than 15 persons residing in it at any one time.

Reason: To ensure the use hereby approved would offer acceptable living conditions for its occupiers in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM3 and DM8.

04 Notwithstanding the submitted plans otherwise hereby approved, the development shall not be brought into first use unless and until full details of appropriately sized, covered and ventilated refuse storage facilities for the development have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be provided and made available for use prior to first occupation of the HMO and shall be thereafter retained thereafter for the lifetime of the development.

Reason: In the interests of the living conditions of future occupiers, and the amenities of the area, further to the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the Design and Townscape Guide (2009).

05 Notwithstanding the submitted plans otherwise hereby approved, the development shall not be brought into first use unless and until full details of appropriately secure, covered cycle storage facilities for the development comprising provision for no fewer than 15 cycles, have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be provided and made available for use prior to first occupation of the HMO and shall be thereafter retained thereafter for the lifetime of the development.

Reason: In the interests of the living conditions of future occupiers, further to the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2, CP3 and CP4.

06 The six existing car parking spaces in the areas shown on approved plan Sht-1 shall be available prior to the first use of the HMO hereby approved and retained for the lifetime of the development for the purposes of car parking solely for residents of the approved use on site and their visitors.

Reason: To ensure the provision of adequate parking in accordance with National Planning Policy Framework (2019), Policy CP3 of the Core Strategy (2007) and Policies DM3, DM8 and DM15 of the Development Management Document (2015).

07 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).

08 The development 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).

09 The development shall not be occupied until details of the measures to be put in place to ensure that the occupiers of the 4 bedrooms without en-suite facilities have been provided with adequate toilet and washing facilities. The development shall thereafter be occupied only in full accordance with the approved details and maintained as such in perpetuity.

Reason: In the interests of the living conditions of future occupiers, further to the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2, CP3 and CP4.

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

Informatives:

01 You are advised that as the proposed extension(s) or change of use to your property equates to less than 100sqm of new floorspace and does not involve the creation of a new dwelling (Class C3), the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See the Planning Portal: (www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy) or the Council's website (www.southend.gov.uk/cil) for further details about CIL.

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

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

124 17/00195/UNAU_B & 21/00141/UNAU_B - 78 Beach Avenue, Leigh-on-Sea (Chalkwell Ward)
Breach of Control: Raised roof parapet and balustrade forming a roof terrace

Resolved:- That ENFORCEMENT ACTION be AUTHORISED to:

- (a) require the unauthorised roof parapet and balustrade to be removed; and
- (b) remove from site all materials resulting from compliance with (a) above.

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

When serving an Enforcement Notice the Local Planning Authority must ensure a reasonable time for compliance. In this case a compliance period of 3 months is considered reasonable for the above works.

Chair: _____

This page is intentionally left blank

DEVELOPMENT CONTROL COMMITTEE

AGENDA: 21st July 2021

WARD	APP/REF NO.	ADDRESS
-------------	--------------------	----------------

Main Plans Report		
Eastwood Park	20/01895/FUL	366 Rayleigh Road Eastwood
St Laurence	21/00289/FUL & 21/00416/LBC	Cockethurst Eastwoodbury Lane
Milton	21/00344/FUL	23 - 29 Clarence Street Southend-On-Sea
Milton	21/00468/FUL	48 Argyll Road Westcliff-On-Sea
Blenheim Park	21/00769/FUL	Land Adjacent to 4 Stonehill Road Leigh-on-Sea
Eastwood Park	21/00902/FUL	364 Rayleigh Road Eastwood
St Laurence	21/00994/AMDT	56 Whitehouse Road Eastwood
Blenheim Park	21/01133/FULH	1 Highwood Close Leigh-On-Sea

DEVELOPMENT CONTROL COMMITTEE

DEVELOPMENT CONTROL COMMITTEE

INTRODUCTION

- (i) **Recommendations in capitals at the end of each report are those of the Deputy Chief Executive and Executive Director (Growth & Housing), are not the decision of the Committee and are subject to Member consideration.**
- (ii) All plans have been considered in the context of the Borough Council's Environmental Charter. An assessment of the environmental implications of development proposals is inherent in the development control process and implicit in the reports.
- (iii) Reports will not necessarily be dealt with in the order in which they are printed.
- (iv) The following abbreviations are used in the reports: -

CIL	-	Community Infrastructure Levy
DAS	-	Design & Access Statement
DEFRA	-	Department of Environment, Food and Rural Affairs
DPD	-	Development Plan Document
EA	-	Environmental Agency
EPOA	-	Essex Planning Officer's Association
JAAP	-	Southend Airport and Environs Joint Area Action Plan
MHCLG	-	Ministry of Housing, Communities and Local Government
NDG	-	National Design Guide
NDSS	-	Nationally Described Space Standards
NPPF	-	National Planning Policy Framework
PPG	-	National Planning Practice Guidance
RAMS	-	Recreation disturbance Avoidance and Mitigation Strategy
SCAAP	-	Southend Central Area Action Plan
SPD	-	Supplementary Planning Document
SSSI	-	Sites of Special Scientific Interest. A national designation. SSSIs are the country's very best wildlife and geological sites.
SPA	-	Special Protection Area. An area designated for special protection under the terms of the European Community Directive on the Conservation of Wild Birds.
Ramsar Site	-	Describes sites that meet the criteria for inclusion in the list of Wetlands of International Importance under the Ramsar Convention. (Named after a town in Iran, the Ramsar Convention is concerned with the protection of wetlands, especially those important for migratory birds)

Background Papers

- (i) Planning applications and supporting documents and plans
- (ii) Application worksheets and supporting papers
- (iii) Non-exempt contents of property files
- (iv) Consultation and publicity responses
- (v) NPPF and PPG including the NDG
- (vi) NDSS
- (vii) Core Strategy SPD
- (viii) Development Management DPD
- (ix) JAAP

DEVELOPMENT CONTROL COMMITTEE

- (x) SCAAP
- (xi) Design and Townscape Guide
- (xii) Technical Housing Standards Policy Transition Statement
- (xiii) Waste Storage, Collection and Management Guide for New Developments
- (xiv) Essex Coast RAMS SPD
- (xv) CIL Charging Schedule

NB Other letters and papers not taken into account in preparing this report but received subsequently will be reported to the Committee either orally or in a supplementary report.

DEVELOPMENT CONTROL COMMITTEE

Use Classes

(Generally, in force from 1st September 2020)

Class B1	Business
Class B2	General industrial
Class B8	Storage or distribution
Class C1	Hotels
Class C2	Residential institutions
Class C2A	Secure residential institutions
Class C3	Dwellinghouses
Class C4	Houses in multiple occupation
Class E	Commercial, Business and Service
Class F.1	Learning and non-residential institutions
Class F.2	Local community
Sui Generis	A use on its own, for which any change of use will require planning permission.

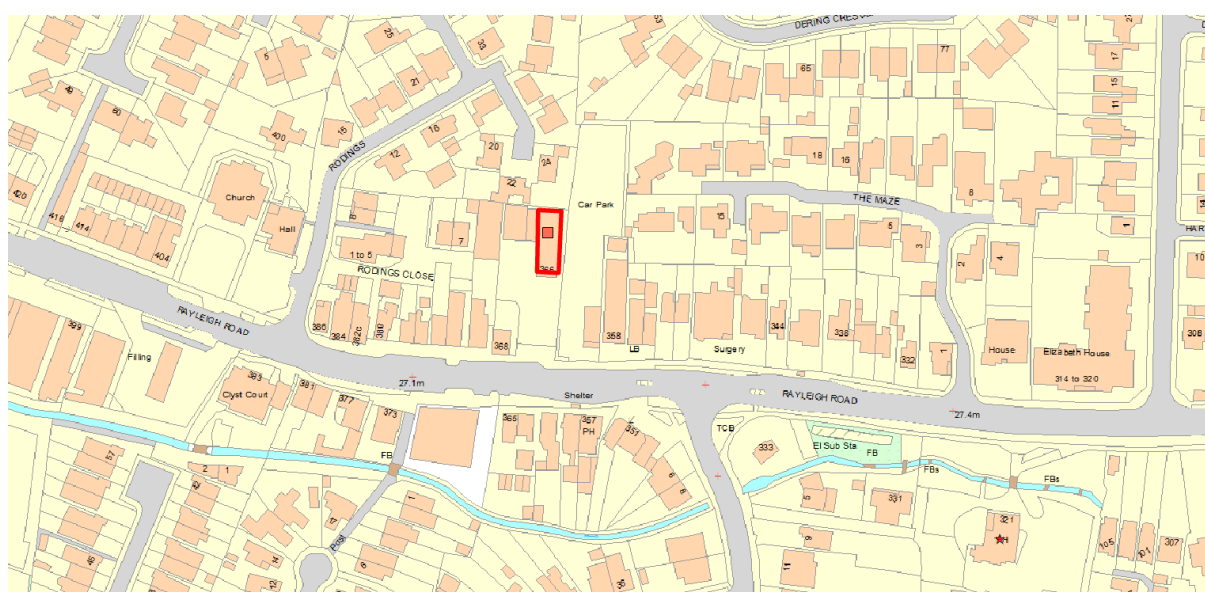
Deleted Use Classes

(Limited effect on applications for prior approval and other permitted development rights until 31st July 2021)

Class A1	Shops
Class A2	Financial and professional services
Class A3	Restaurants and cafes
Class A4	Drinking establishments
Class A5	Hot food takeaways
Class D1	Non-residential institutions
Class D2	Assembly and leisure

This page is intentionally left blank

Reference:	20/01895/FUL	<h1>8</h1>
Application Type:	Full Application	
Ward:	Eastwood Park	
Proposal:	Change of use from storage/distribution (Class B8) to Boxing Gym (Class E) (Retrospective)	
Address:	366 Rayleigh Road, Eastwood, Essex	
Applicant:	Mr Pinnock	
Agent:	Plainview Planning	
Consultation Expiry:	17th December 2020	
Expiry Date:	26th July 2021	
Case Officer:	Robert Lilburn	
Plan Nos:	Site Location Plan, Existing and Proposed Floor Plans, Existing Elevations	
Supporting Documents:	Planning Statement 2703/JDCM dated October 2020 Noise Impact Assessment by Nova Acoustics dated 07/06/2021	
Recommendation:	GRANT PLANNING PERMISSION subject to conditions	



1 Site and Surroundings

- 1.1 The application relates to a single storey brick building, part of a small complex of buildings situated towards the rear of a yard space and including an area of hard standing. The building is somewhat dated and of commercial character, with a roof in corrugated sheeting. Together with the surrounding curtilage it is part of a mix of uses including tyre sales and fitting and used car sales. Business rates records describe uses at the site as including storage, warehouse, workshop and car sales. The application form identifies that the property had previously been in use as a gym from 2016 to 2019.
- 1.2 The site is bordered to the east by a public car park, to the north by semi-detached dwellings and private gardens at nos.22-24 The Rodings, and to the west by a single storey commercial unit and then dwellings at Rodings Close. Ground levels rise from the north border of the site. The Rayleigh Road frontage nearby is characterised by commercial uses with flats above.
- 1.3 The application site lies partly within the identified secondary shopping frontage along Rayleigh Road. The subject building is located principally outside the secondary shopping frontage, however its access through the hard standing area is within the secondary shopping frontage as shown on the policies map of the Development Management Document. The site is located within flood zone 1.

2 The Proposal

- 2.1 The application seeks to regularise the current use of the north-east portion of the building as a boxing gym. The submitted plan identifies the siting of a boxing ring at the north end of the building and a mixed gym area along the remaining length of the unit.
- 2.2 The applicant describes that the gym would operate on a membership basis only providing personal and group training sessions. Within this a maximum of 20 members would be permitted at any one time.
- 2.3 Equipment provided includes punch bags, free weights and aerobic equipment. Showers, toilets and changing facilities are available within the premises. Opening times are described as Monday - Friday 09:00 - 21:00; Saturday 09:00 - 15:00; Sunday 10:00 - 14:00.
- 2.4 No external alterations have been carried out as part of the development. The submitted Noise Impact Assessment states that air conditioning should be installed to allow for suitable mitigation of noise while maintaining indoor temperatures. No specific details of air conditioning equipment have been provided.
- 2.5 The application has been submitted with a supporting Planning Statement. A Noise Impact Assessment by Nova Acoustics dated 07/06/2021 has been provided. The application has been submitted following planning enforcement enquiries.
- 2.6 Submission of the Noise Impact Assessment has been delayed because of the coronavirus lockdown measures, given the associated logistical issues and the need to establish a realistic assessment scenario.

- 2.7 The application has been called into Development Control Committee by Councillor Collins.

3 Relevant Planning History

- 3.1 08/00504/FUL: Use Industrial unit (Class B8) and Retail unit (Class A1) as Car Wash and Valeting (Sui Generis). Withdrawn.
- 3.2 05/01691/FUL: Erect two storey building comprising ground floor retail unit (Class A1) and two self-contained flats with roof terraces at first floor level and lay out three parking spaces at rear. Approved.
- 3.3 04/01038/FUL: Demolish existing building and erect 2 storey building comprising ground floor retail unit (Class A1) and 1 self-contained flat to first floor (Class C3) (Amended proposal). Approved.
- 3.4 04/00261/FUL: Erect 2 storey building comprising ground floor retail unit (Class A1) and 1 self-contained flat to first floor (Class C3). Refused.
- 3.5 00/00931/CLE: Motor and trailer repairs (Certificate of Lawful Use as Existing). Refused.
- 3.6 99/0207: Demolish building and erect single storey motorcycle sales unit (102m. square) to rear of 364 Rayleigh Road with associated forecourt sales area. Approved.
- 3.7 98/1081: Use part of building in storage use (class b8) for retail purposes (class a1). Approved.

4 Representation Summary

4.1 Public Consultation

15 neighbouring properties were notified and a site notice was posted. Four letters of representation have been received, three from the occupiers of one neighbouring property objecting to the application and one in support.

4.2 The objections are summarised as follows:

- Impacts of noise on amenities of neighbouring occupiers within dwellings and gardens, as a result of the use and the ventilation arrangements;
- Impacts on health and well-being of neighbouring occupiers;
- Length of time for Council to deal with the case;
- Effects of alterations on asbestos and health concerns;
- Effect on house prices

4.3 The support letter states that the development keeps the building in use and brings business to the local centre.

4.4 In addition, the applicant has provided ten letters of support from nearby business and gym customers which are summarised as follows:

- Benefits for young people and community.

4.5 The concerns raised are noted and where relevant to material planning considerations they have been taken into account in the assessment of the application. The points raised in objection are not found to justify refusing planning permission in the circumstances of this case.

4.6 **Essex Fire Service**

No objections, subject to informatives relating to water supplies for firefighting and sprinkler systems.

4.7 **Environmental Health**

The submitted details demonstrate that impact of noise on the external amenity areas of the nearest residents could be reasonably controlled through planning conditions. These include post completion testing to demonstrate the success of the mitigation measures proposed.

5 Planning Policy Summary

5.1 The National Planning Policy Framework (NPPF) (2019)

5.2 Planning Practice Guidance and National Design Guide (2019)

5.3 Core Strategy (2007): Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP1 (Employment Generating Development), CP3 (Transport and Accessibility), CP4 (Environment and Urban Renaissance), CP6 (Community Infrastructure) and CP7 (Sport, Recreation and Green Space)

5.4 Development Management Document (2015): Policies DM1 (Design Quality), DM3 (Efficient and Effective Use of Land), DM10 (Employment Sectors), DM11 (Employment Areas), DM13 (Shopping Frontage Management outside the Town Centre) and DM15 (Sustainable Transport Management)

5.5 Design & Townscape Guide (2009)

5.6 CIL Charging Schedule (2015)

6 Planning Considerations

6.1 The main considerations in relation to this application are the principle of the development, design and impact on character of the area, impact on residential amenity, traffic and transportation issues and CIL.

7 Appraisal

Principle of Development

7.1 The site is partially located within a Secondary Shopping Frontage. Policy DM13 states that Secondary shopping frontages will be managed to reinforce their attractiveness, vitality and viability.

- 7.2 The development does not materially affect the secondary shopping frontage given the position and characteristics of the subject building. The proposed use brings footfall to the local centre, and in this regard is a positive aspect of the proposal generating economic activity and maintaining the site in active use. This is a consideration to be weighed in the balance.
- 7.3 Policy DM11 states that outside the Employment Areas an appraisal will be required in order to satisfy the loss of employment floorspace and/ or employment land in instances where planning permission is required. This should take the form of a qualitative appraisal referencing the quality of the building, its ability to serve a range of employment uses and any constraints on its future use for employment purposes.
- 7.4 No evidence has been provided by the applicant on marketing or suitability of the building for its on-going established use. Paragraph 22 of the National Planning Policy Framework (NPPF) states that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. In such situations, applications for alternative uses of land and buildings should be considered having regard to certain factors.
- 7.5 The applicant notes that the building has not been in a B8 use since 2016 and states that this demonstrates there is no demand for the site in this form of use. This is not considered to be conclusive evidence that there is no demand, and the failure to provide a market analysis is a negative aspect of the application. However, the qualities of the site, given the building's small size and intermingling with the car-sales lot, do not obviously lend it to a modern storage and distribution (class B8) use.
- 7.6 The application states that the use as a gym would retain employment on the site and as such there would not be loss of employment. As a Class E use, they note that a grant of planning permission would not prevent future commercial, business and service uses occupying the premises, with associated employment opportunity.
- 7.7 The representations submitted by the applicant identify public benefits associated with the development. These would be consistent with the objectives of Core Strategy Policies CP6 and CP7, supporting health and well-being within the community. The site is readily accessible being situated along a bus route and adjacent to the local centre.
- 7.8 On balance therefore given the site-specific characteristics with respect to a B8 use, its location alongside the local centre where it is accessible and benefits the shopping area, together with the identified community benefits, the use as a gym is acceptable and compliant with strategic policies in principle.

Design and Impact on the Character of the Area

- 7.9 The importance of good design is reflected in Policies KP2 and CP4 of the Core Strategy and also in Policies DM1 and DM3 of the Development Management Document. These policies seek to maintain and enhance the amenities, appeal and character of residential areas.
- 7.10 The Design and Townscape Guide also states that "*the Borough Council is committed to good design and will seek to create attractive, high-quality living environments*" and that "*proposed development [should] make a positive contribution to the local area*".

- 7.11 As noted above no external alterations have taken place in association with the change of use to the boxing gym. The submitted Noise Impact Assessment identifies the need for windows to be kept closed in the interests of neighbour amenities and therefore for an air conditioning system to be installed.
- 7.12 No details of external plant or equipment have been provided as part of the application. Such equipment would be functional in appearance. Given the qualities of the subject building, and the space available within its curtilage, it is considered that this matter can be reasonably dealt with through a condition of planning permission as the site can absorb the installation of such equipment – subject to detail – without significant detriment to its character and appearance. The proposal is therefore acceptable and policy compliant in these regards.

Impact on Residential Amenity

- 7.13 Policy DM1 of the Development Management Document requires all development to be appropriate in its setting by respecting neighbouring development and existing residential amenities “*having regard to privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight.*”
- 7.14 The site is located close to a busy main road and the frontage surroundings nearby are other diverse commercial uses mostly of typical ‘town centre’ characteristics (e.g. shops and takeaways). There are flats located nearby above shops and commercial units. There are dwellings in close proximity to the site, and a domestic rear garden immediately adjoining the north boundary, away from the site’s active curtilage.
- 7.15 The established use of the application unit has potential to generate a level of noise and activity during typical hours of operation. No record of an existing planning condition restricting hours of operation for the established B8 use has been identified.
- 7.16 The site is located at its frontage in the context of the busy main road environment. Its passive side elevation – adjacent to which there is an empty narrow strip separating the building from the public car park – incorporates banks of windows.
- 7.17 The rear of the building is situated next to the domestic fence separating the site from the relatively large rear and rear/side garden of no.24 The Rodings. There is a substantial rise in ground level from the application site to the garden of no.24 The Rodings.
- 7.18 The narrow rear of the building, in which there are no window openings, is largely obscured from the rear of no.24, such that only the roof apex of the subject building is visible over the fence. The rear windows of no.24 face towards the public car park, and there are no side windows facing directly towards the subject building. The rear of no.22 The Rodings faces obliquely towards the application site.
- 7.19 It is considered that in this relatively active context, given the relationship between the application site and the nearest neighbouring domestic buildings and private amenity spaces, that a commercial use is capable of operating without significant detriment to the amenities of the nearest occupiers, subject to conditions.

- 7.20 The hours of operation described in the application are reasonably commensurate with the setting. The submitted Noise Impact Assessment (NIA) identifies mitigation measures to overcome the potential for outbreak of noise which could be harmful to neighbour amenities. The NIA identifies that it has been carried out on a 'worst case scenario' basis.
- 7.21 These measures are described as follows:
- Suspended ceiling sound insulation;
 - Blocking up gable end vent at the north gable using single leaf of masonry brick;
 - Windows to remain fully closed during operation of the gym;
 - Installation of a double door entry system with forced door closers;
 - Distributed public address system;
 - Cowled acoustic 'hit and miss' ventilator system;
 - External air conditioning condenser units of specification 38dB noise rating at nearest sensitive receptor.
- 7.22 The measures identified satisfactorily mitigate the potential noise breakout and associated amenity impacts on the nearest sensitive receptors. The provision of these measures can be reasonably secured through a condition of planning permission, in the interests of neighbour amenities, within a specified timeframe. A period of three months is considered reasonable for implementation in the circumstances of this case.
- 7.23 The comings and goings from the site would not be significantly harmful given the site context and the hours of use. Subject to conditions, the development would be acceptable and comply with policy in regard to neighbour amenities.

Traffic and Transportation Issues

- 7.24 Policy CP3 of the Core Strategy and Policy DM15 of the Development Management Document aim to improve road safety, quality of life and equality of access for all. Policy DM15 of the Development Management Document requires a maximum provision of one space per 10sqm of floor area for this use. In this case that would be a maximum of 16 spaces.
- 7.25 The application identifies 2 spaces within the wider curtilage of the yard, these are not within the application site. A public car park is adjacent. There are no highway objections to this proposal as the site benefits from being in a sustainable location with regards to public transport links. The proposed use has the potential to provide linked trips to other shops and services within the surrounding area.
- 7.26 No cycle parking is shown on the submitted plans or referenced in the submission. Details and provision of secure cycle storage can be required by a planning condition, as there is scope available.
- 7.27 It is not considered that parking conditions or highway safety are harmed by the development.

Community Infrastructure Levy (CIL)

- 7.28 The development is a commercial change of use with no increase in floor space. It is therefore not CIL liable as it benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable.

8 Conclusion

- 8.1 Having taken all material planning considerations into account, it is found that subject to compliance with the attached conditions, the development is acceptable and compliant with the objectives of the relevant development plan policies and guidance. The development acceptably maintains the character and appearance of the site, street scene and the locality more widely. It would have public benefits associated with employment and health and well-being to be weighed in the balance. The amenities of neighbouring occupiers would not be significantly harmed subject to measures controllable by planning conditions. There are no significantly adverse traffic, parking or highways impacts caused by the development.

9 Recommendation

GRANT PLANNING PERMISSION subject to the following conditions:

- 01. The development is hereby permitted in accordance with the following approved plans: Site Location Plan, Existing and Proposed Floor Plans, Existing Elevations.**

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

- 02. The premises shall not be open for customers outside the following hours: Monday - Friday 09:00 - 21:00; Saturday 09:00 - 16:00; Sunday 10:00 - 16:00.**

Reason: To protect the environment of people in neighbouring properties in accordance with the National Planning Policy Framework, Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015).

- 03. Amplified music shall not be played on the premises outside the following hours: Monday - Friday 09:00 - 21:00; Saturday 09:00 - 16:00; Sunday 10:00 - 16:00.**

Reason: In accordance with the submitted Noise Impact Assessment, to safeguard the amenities of neighbouring occupiers in accordance with the National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy, Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015).

- 04. The exterior windows and doors of the unit shall remain closed at all times during the operation of the use hereby approved.**

Reason: To safeguard the amenities of the neighbouring properties in accordance with the National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy, Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015).

- 05.i) Within three months of the date of this permission, a detailed noise mitigation scheme, with timetable for implementation, based on the noise impact assessment and outline recommendations made in the reports *Noise Impact Assessment Site Address: 366 Rayleigh Road, Eastwood, Essex, SS9 5PT Date: 22/03/2021 Project Number 5751MP Version Reference 001* and *Noise Impact Assessment Site Address: 366 Rayleigh Road, Eastwood, Essex, SS9 5PT Date: 07/06/2021 Project Number 6145MP Version Reference 001 5751MP* shall be submitted to and approved by the Local Planning Authority.**
- ii) The agreed detailed noise mitigation scheme shall be installed in full accordance with the approved timetable**
- iii) a post completion noise survey must be undertaken in accordance with the approved timetable, by a suitably qualified acoustic consultant, and within the approved timetable a report shall be submitted to and approved in writing by the Local Planning Authority. The post-completion testing shall assess performance of the agreed scheme. The gymnasium use shall thereafter and at all times be operated in full accordance with these approved noise mitigation measures in perpetuity.**
- iv) If the noise levels set out in the Noise Impact Assessment are exceeded, the use shall cease until additional noise mitigation measures have been implemented in accordance with details that are to have previously been submitted to and approved in writing by the Local Planning Authority.**

Reason: To safeguard the amenities of the neighbouring properties in accordance with the National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy, Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015).

- 06. Prior to installation of any external air conditioning units or equipment, at the premises subject of this permission, details of their specification, position and appearance shall be submitted to and agreed in writing by the Local Planning Authority. The units shall be implemented in accordance with the approved details and the specifications of the approved noise mitigation scheme before they are brought into use. If the noise levels set out in the scheme are exceeded, the use hereby approved shall cease until additional noise mitigation measures have been implemented in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority.**

Reason: In the interests of visual amenity and neighbour amenities further to the National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy, Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and the Design and Townscape Guide (2009).

07.i) Noise from plant and equipment at the premises subject of this planning permission including extract ventilation at the maximum operating speed shall be limited to 10 dB(A) below the background noise level measured and expressed as a LA90,15 minutes from the boundary of the nearest residential property. This shall include any penalties for noise characteristics such as tone, intermittency, etc. Background noise levels shall be established for the following periods:

- Daytime 0700 to 1900**
- Evening 1900 to 2300**
- Night 2300 to 0700**

In order to establish background noise level a representative survey shall be undertaken in accordance with BS 4142:2014+A1:2019 and/or the most suitable method to fully represent any noise source and impact at the boundary of the nearest residential properties. This shall be undertaken by a suitably competent person.

ii) Prior to operation of any plant and equipment associated with this planning permission a post completion noise survey must have been undertaken by a suitably qualified acoustic consultant, and a report submitted to and approved in writing by the Local Planning Authority. Where the proposed or actual plant and equipment noise levels are predicted to be in excess of 10 dB(A) above background noise levels a noise mitigation scheme shall be implemented in accordance with details previously agreed in writing with the Local Planning Authority.

Reason: In the interests of visual amenity and neighbour amenities further to the National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy, Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015).

08. Within three months of the date of this permission, details of secure cycle storage, together with a timetable for its implementation, shall have been submitted in writing to the Local Planning Authority for agreement. The approved secure cycle storage shall be provided at the site and made available for use by staff and/or customers within 28 days of the agreement being given by the Local Planning Authority and in accordance with the agreed details and shall be retained for the lifetime of the development thereafter.

Reason: In the interests of accessibility further to the National Planning Policy Framework, Policies KP2, CP3 and CP4 of the Southend-on-Sea Core Strategy (2007), and Policy DM15 of the Southend-on-Sea Development Management Document (2015).

09. Within three months of the date of this permission, details of refuse and recycling storage, together with a timetable for its implementation, shall have been submitted in writing to the Local Planning Authority for agreement. Refuse and recycling storage shall be provided in accordance with the approved details and made available for use by staff and customers of the premises within 28 days of agreement of the details and shall be retained for the lifetime of the development thereafter.

Reason: In the interests of neighbour amenities further to the National Planning Policy Framework, Policies KP2, CP3 and CP4 of the Southend-on-Sea Core Strategy (2007), and Policy DM15 of the Southend-on-Sea Development Management Document (2015).

10. Construction hours for the development hereby approved shall be restricted to 8am to 6pm Monday to Friday, 8am to 1pm on Saturdays and not at all on Sundays or Bank Holidays.

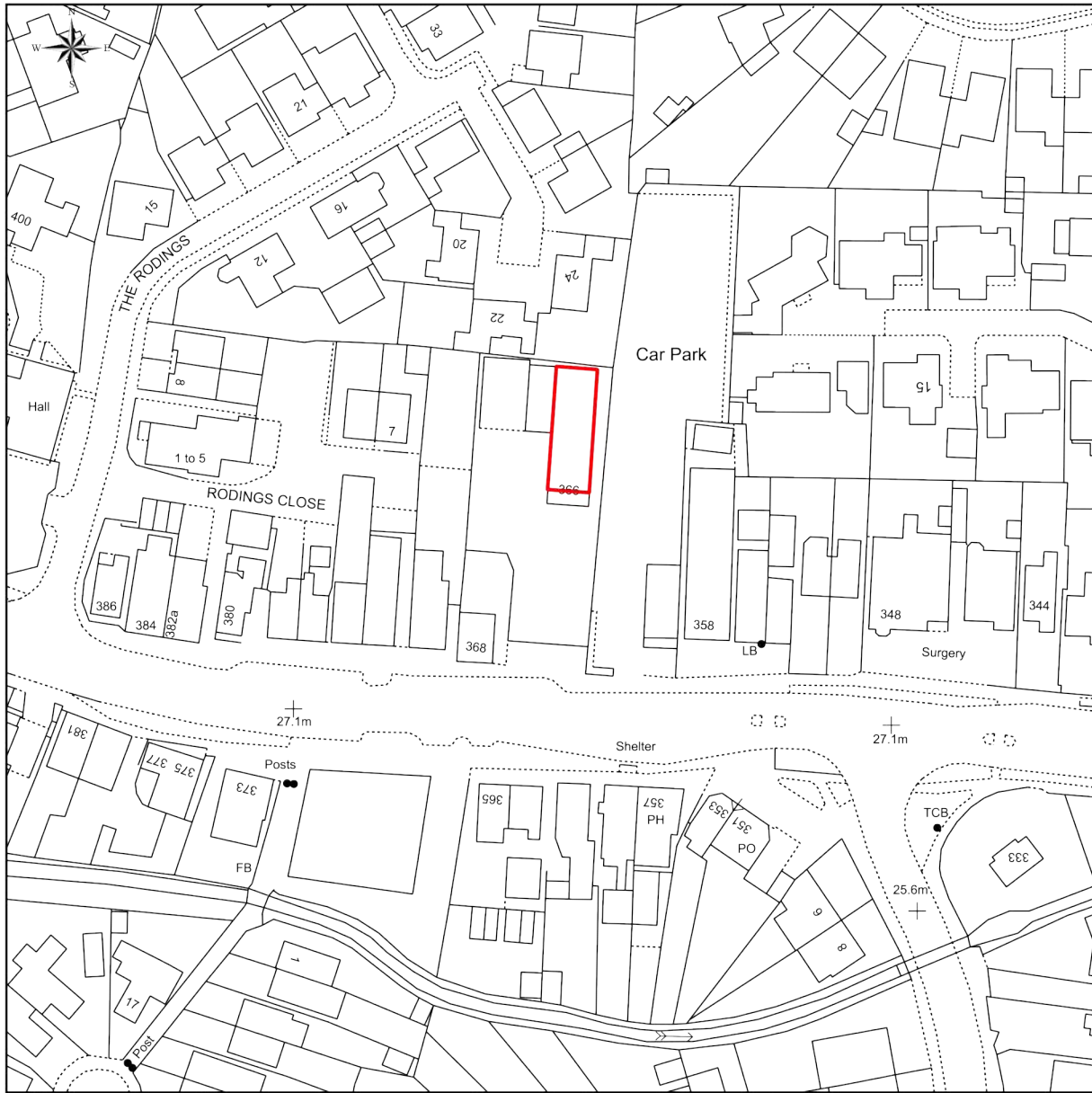
Reason: To protect the environment of people in neighbouring residential properties, in accordance with the National Planning Policy Framework, Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015).

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.

10 Informatives:

- 1 The proposal is a commercial change of use creating no new floor space and is not CIL liable.**
- 2 There is clear evidence that the installation of Automatic Water Suppression Systems (AWSS) can be effective in the rapid suppression of fires. Essex County Fire & Rescue Service (ECFRS) therefore uses every occasion to urge building owners and developers to consider the installation of AWSS. ECFRS are ideally placed to promote a better understanding of how fire protection measures can reduce the risk to life, business continuity and limit the impact of fire on the environment and to the local economy. Even where not required under Building Regulations guidance, ECFRS would strongly recommend a risk based approach to the inclusion of AWSS, which can substantially reduce the risk to life and of property loss. We also encourage developers to use them to allow design freedoms, where it can be demonstrated that there is an equivalent level of safety and that the functional requirements of the Regulations are met.**
- 3 Prior to any alterations to the existing building an appropriate Asbestos survey of the building should be undertaken and a scheme implemented to remove and safely dispose of any asbestos-containing materials in accordance with the Control of Asbestos Regulations 2012 and the applicant's/developer's Waste duty of care.**

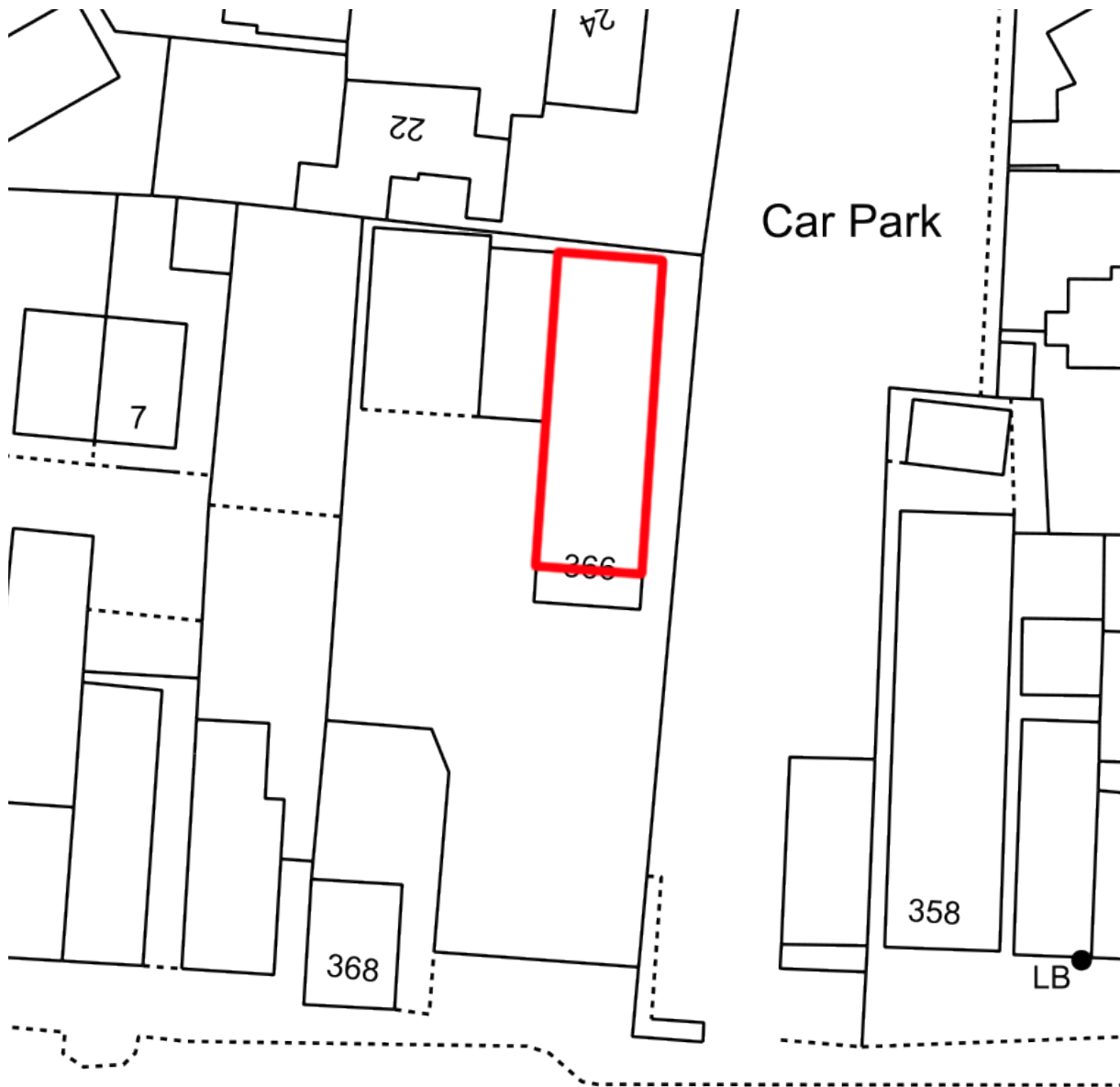
- 4 If construction works are to be considered outside of normal hours especially overnight or are expected to cause a nuisance to existing receptors it is recommended that the applicant applies for a prior consent application under section 61 of the Control of Pollution Act 1974. A consent enables the 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 will need an acoustically qualified person who will be able to calculate the predicted noise levels from the operation and the impact on nearby residents and then be able to evaluate mitigation measures that can be used. If the local authority become aware of any works that are highly likely to cause a nuisance a notice may be served under section 60 of the Control of Pollution Act 1974 to prevent this. A breach of this will represent a criminal offence. The application form and guidance are available on the Southend-On-Sea Borough Council website. The applicant can also contact the Regulatory Services Team at Southend-on-Sea Borough Council for details.**



This Plan includes the following Licensed Data: OS MasterMap Black and White PDF Location Plan by the Ordnance Survey National Geographic Database and incorporating surveyed revision available at the date of production. Reproduction in whole or in part is prohibited without the prior permission of Ordnance Survey. The representation of a road, track or path is no evidence of a right of way. The representation of features, as lines is no evidence of a property boundary. © Crown copyright and database rights, 2020. Ordnance Survey 0100031673



SITE LOCATION PLAN - 1:1250 @ A4



This Plan includes the following Licensed Data: OS MasterMap Black and White PDF Location Plan by the Ordnance Survey National Geographic Database and incorporating surveyed revision available at the date of production. Reproduction in whole or in part is prohibited without the prior permission of Ordnance Survey. The representation of a road, track or path is no evidence of a right of way. The representation of features, as lines is no evidence of a property boundary. © Crown copyright and database rights, 2020. Ordnance Survey 0100031673



SITE PLAN - 1:500 @ A4

This page is intentionally left blank



Site to left (roof visible) viewed from public car park to east, with boundary to no.24 The Rodings pictured on right



Site behind public car park, with Rayleigh Road on centre left of picture



Site entrance from Rayleigh Road, car sales office and tyre business premises visible in foreground, nos.22-24 The Rodings behind



Entrance to gym at right



PART WORN
TYRES
FITTED WHILE YOU WAIT

KAY'S TYRES
NEW & PART WORN TYRES

Operating Hours:
Monday - Fri: 9am - 5pm
Saturday: 9am - 4pm
Sunday: Closed
Tyre Fitting:
13" - 14" £20 +
15" - 16" £25 +
17" - 18" £30 +
19" - 20" £35 +
21" - 22" £40 +
23" - 24" £45 +
25" - 26" £50 +
27" - 28" £55 +
29" - 30" £60 +

Gym

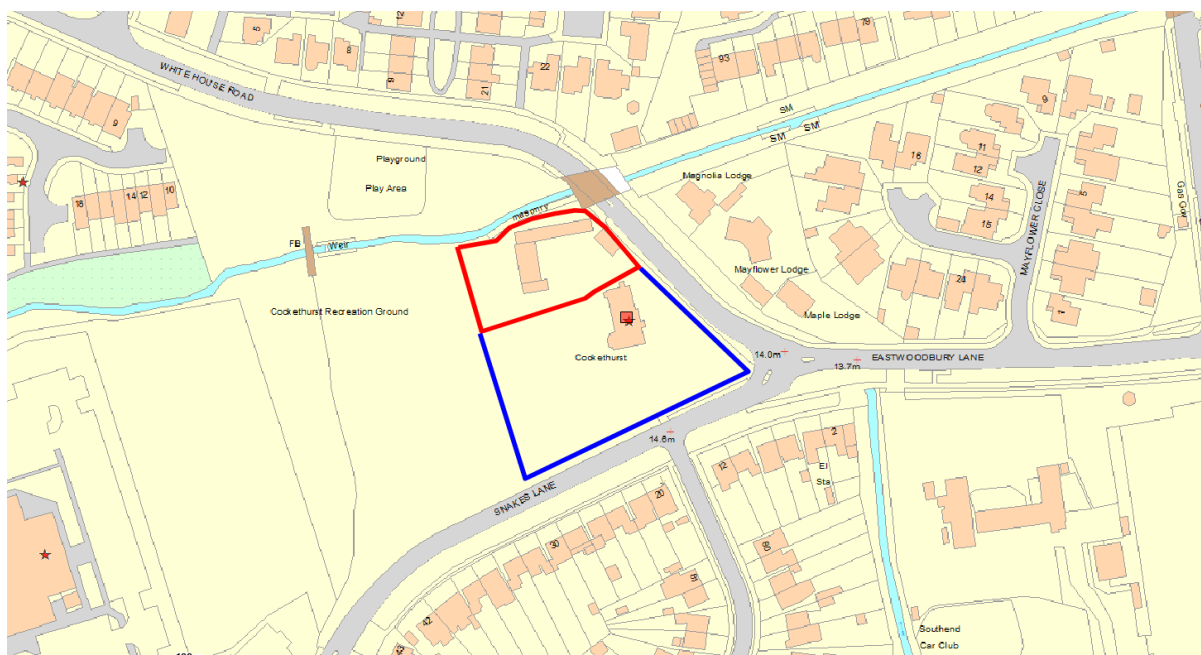


View northwest from within site, across low-rise commercial unit to 7 Rodings Close and dwellings at The Rodings behind



Reference:	1. 21/00289/FUL 2. 21/00416/LBC	<h1>9</h1>
Application Type:	Full Application	
Ward:	St Laurence	
Proposal:	1. Convert existing farm buildings into single dwelling house 2. Convert existing farm buildings into single dwelling house (Listed Building Consent)	
Address:	Cockethurst, Eastwoodbury Lane, Southend-On-Sea	
Applicant:	Mr David Dedman	
Agent:	SKArchitects	
Consultation Expiry:	19 th March 2021	
Expiry Date:	22 nd July 2021	
Case Officer:	Abbie Greenwood	
Plan Nos:	<p>10186-01, 10186-02, 10186-03, 10186-04, 504_P308B, 504_P400A, 504_P401A, 504_P402A, 504_P403B, 504_P404, 504_P405A, 504_P406A, 504_P407A, 504_P409, 504_P410A, 504_P411A</p> <p>Planning, Design and Access Statement by SKArchitects reference 504-05-18 dated Feb 2021</p> <p>Heritage Statement by Martin O'Rourke dated Feb 2021</p> <p>Historic Building Survey by BJHC dated 10.04.2018</p> <p>Gazetteer of Historic Features by SKArchitects reference 504B</p> <p>Structural Survey by Crucis Designs reference 18028 dated 03.10.18</p> <p>Flood Risk Assessment by SLR reference 402.08714.00004 dated Feb 2020</p> <p>Exceptions Test by SKArchitects reference 504-05-18</p> <p>Technical Note by SLR reference 402.08714.00004 dated 09.03.20</p> <p>Arboricultural Impact Assessment by Owen Allpress reference 2322 dated 25.02.21</p> <p>Contamination Screening Report by Landmark Information reference 273676172 dated 10.3.21</p> <p>Ecology Reports by Cherryfield Ecology dated 23.02.21 (Nesting Birds) and 30.6.21 (Bats)</p>	

Recommendation:	Members are recommended to: 1. GRANT PLANNING PERMISSION 2. GRANT LISTED BUILDING CONSENT
------------------------	--



1 Site and Surroundings

1.1 **Cockethurst Farm is a grade II listed building situated at the junction of Snakes Lane and Whitehouse Road. It is a substantial and handsome farm house of red brick with old clay plain tiles roofs. The timber framed core dates to the sixteenth century and the prominent Flemish gables and brick elevations are of the seventeenth century. The property no longer operates as a farm but the outbuildings to the north-west of the house, which include the former stables, cart shelter, cattle shed/dairy/poultry house, tack room and coach house, serve as a reminder to its farming origins. The farmhouse and outbuildings are set in large grounds surrounded by mature trees and this has maintained a rural like setting for the buildings. The mature trees on the southern boundary are covered by TPO 5/87.**

1.2 **The Historic England Listing Description reads as follows**

'A C16-C17 red brick house with Dutch gables at the north and south ends. A wing extends to the west at the south end. Two storeys and attics. Four window range on the east front, double hung sashes with glazing bars, in plan reveals. A central brick porch has a Dutch gable. Roof tiled, mansard, with three gabled dormer windows and a chimney stack with grouped rectangular shafts. This house was the home of Samuel Vassal in the early C17 and remained in the family until the death of Asser Vassal the last of the line (1808).'

- 1.3 **The outbuildings are simple single storey farm buildings arranged in a U shape around a central courtyard which is enclosed on its southern side by the main farmhouse. There is a large willow tree in the centre of the courtyard which acts as a focal point for the space. The outbuildings are currently in use to provide car parking, workshop and storage areas for the main house.**
- 1.4 **The outbuildings date from between 1820 and 1922, evolving over time to suit the changing needs of the farm. The buildings are timber framed with a mixture of weatherboarded and brick walls, pantile and corrugated metal roofs. Although various alterations and repairs have been made to the buildings over the years a significant amount of the original materials and features still remain including waney edged weatherboarding, original doors, internal timber framed partitions and farming fixtures and fittings including stalls, an iron hayrack, harness trees and rings and a fireplace. The condition of the buildings varies. Some areas are in need of structural repairs, some would benefit from general maintenance and some are in good condition.**
- 1.5 **The buildings are part of the immediate setting of the farmhouse and provide positive and historically significant companions for this listed building. The Heritage Statement submitted with the application describes them as ‘vital to’ and a ‘key component of the farmstead nature of the site’ and this is readily apparent on site.**
- 1.6 **The wider area around the listed buildings is now substantially built up and is predominantly low to medium density residential development. Adjacent to the site to the east and north are recreation grounds, the northern area of which is separated from the site by Eastwood Brook a tributary of the River Roach. These open areas also contribute to the open setting of the listed buildings.**
- 1.7 **The application site has no specific allocation on the Development Management Document’s Proposals Map. The site is located directly to the south of Eastwood Brook. The Environment Agency Flood maps show it so be part within Flood Zone 3a and part within Flood zone 2 but the Environment Agency have now confirmed that the topographical survey confirms that the site is within flood zone 2.**

2 The Proposal

- 2.1 The proposal seeks to convert the outbuildings into a single 3 bed 6 person dwelling. This will involve an infill extension within the cart bay. The dwelling would have 1 dedicated car parking space within the site but additional informal parking is also possible within the courtyard area. The dwelling would also have its own amenity area to the west of the buildings. The former coach house is proposed to be converted to a gym which would be ancillary to the use of the proposed dwelling.
- 2.2 The proposed infill extension within the cart bay will create an additional internal space which measures 6.2m x 13.2m. This will be enclosed to the courtyard by a sliding glass wall.

Background to the Applications

- 2.3 The proposal is an amended scheme following the approval of the conversion of the outbuildings into two dwellings in 2020, references (20/00320/FUL and 20/00321/LBC). The main differences between the two schemes are:
- Reduction in the number of units from two dwellings to one.
 - Full infill extension of the cart lodge – previously this was infilled for approximately 2/3 its length leaving space for 1 car to be parked at the northern end.
 - Alteration to the fenestration including 6 additional windows .
 - Removal of 1 covered parking space.
 - Amended internal layout.
- 2.4 Previous to these applications in 2020 a proposal for the conversion of the buildings into 6 dwellings was refused (references 18/02007/FUL and 18/02008/LBC) because of concerns relating to flood risk, harm to the unique setting of the listed farmhouse, harm to the character of the historic outbuildings and poor living environment. These reasons were adequately addressed in the 2 unit scheme.

3 Relevant Planning History

- 3.1 20/00320/FUL and 20/00321/LBC - Convert existing farm buildings into 2 dwelling houses (Listed Building Consent)- granted
- 3.2 18/02007/FUL and 18/02008/LBC - Convert existing farm buildings into 6 dwellinghouses and layout associated amenity space (Listed Building Consent) – refused
- 3.3 97/0166 - Convert outbuildings to nursery and revert house to private accommodation – granted but not implemented
- 3.4 92/0402 and 92/0403 – Convert outbuildings into 4 residential units – refused and dismissed on appeal
- 3.5 00/00809/FUL- Erect detached dwellinghouse and garage on site of former car park (south west corner of wider site)– refused and dismissed at appeal
- 3.6 88/0475 - Demolish parts of outbuildings re-roof outbuilding carry out internal alterations install rooflights and erect 1.8 metres high fence to snakes lane boundary all in connection with use of hotel as dwellinghouse – granted
- 3.7 87/1481 - Use part of curtilage of listed building as extension of adjoining cockethurst park – granted
- 3.8 87/1398 - Use hotel as offices (class b1(a)) with ancillary residential accommodation – granted
- 3.9 87/1397 - Use hotel as offices (class b1(a)) with ancillary residential accommodation – granted
- 3.10 86/0767 - Demolish outbuildings and lay out land as public open space – granted

- 3.11 85/0805 - Demolish outbuilding change of use of farmhouse from hotel to wardens accommodation and ancillary facilities erect 34 old persons flats in single and two storey blocks alter vehicular access to Whitehouse road and lay out 13 parking spaces – refused.

4 Representation Summary

Public Consultation

- 4.1 7 neighbouring properties were consulted, a press notice published and a site notice displayed. No letters of representation have been received.

Historic England

- 4.2 On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation adviser.

Environment Agency

- 4.3 No objections. The Flood Risk Assessment contains a Topographic Survey, which confirms that the site levels along the Eastwood Brook are at 15.20m AOD. The current day 1% (1 in 100) flood level is 14.69m AOD and as such the site is not in Flood Zone 3a. The site is wholly in Flood Zone 2, as such no flood risk comments from the Environment Agency.

The applicant may need an environmental permit for flood risk activities if they want to do work in, under, over or within 8 metres (m) from a fluvial main river and from any flood defence structure or culvert or 16m from a tidal main river and from any flood defence structure or culvert. The Eastwood Brook is designated a 'main river'.

Highways Team

- 4.4 No objections.

Environmental Health

- 4.5 No objection subject to conditions relating to

- Acoustic glazing
- Refuse and recycling provision
- Hours of construction
- Land contamination

Parks (Trees)

- 4.6 The Arboricultural Impact Assessment and method statement address the relevant points. The ash tree recommended for removal is a moderate specimen and probably a self-seed. It does have some visual amenity but it is a large growing species in close proximity to the building. There is no objection to its removal.

If the building footprints remain unaltered the impact on the retained trees should be minimal. The works should proceed, and the retained trees should be protected in line with the arboricultural method statement produced by Owen Allpress dated 25.02.21

Parks (Ecology and Landscape)

- 4.7 The ecology surveys have been reviewed and are pretty thorough. The proposed ecology mitigation measures should be conditioned to be implemented as recommended in these reports.

Drainage Engineer

- 4.8 No objections subject to conditions

Committee Call In

- 4.9 The application was called to committee by Councillor Flewitt and Councillor Walker.

5 Planning Policy Summary

- 5.1 The National Planning Policy Framework (NPPF) (2019) and National Design Guide (2019)
- 5.2 Core Strategy (2007) Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Transport and Accessibility), CP4 (The Environment and Urban Renaissance), CP8 (Dwelling Provision)
- 5.3 Development Management Document (2015) Policies DM1 (Design Quality), DM3 (The Efficient and effective use of land), DM5 (Southend's Historic Environment), DM8 (Residential Standards) and DM15 (Sustainable Transport Management)
- 5.4 Design & Townscape Guide (2009)
- 5.5 National Technical Housing Standards (2015)
- 5.6 CIL Charging Schedule (2015)
- 5.7 Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS) Supplementary Planning Document (2020)

6 Planning Considerations

- 6.1 The main considerations in relation to this application are the principle of the development, flood risk, design and impact on the character and setting of the listed buildings, the historic barns and the wider area, living conditions for future occupiers, impact on neighbouring properties, any traffic and transport issues, ecology, trees and sustainability and CIL. The basis of decision on the 2020 planning permission carries significant weight in the assessment and determination of this application.

7 Appraisal

Principle of Development

- 7.1 The property is located within a residential area. Amongst other policies to support sustainable development, the NPPF requires local planning authorities to boost the supply of housing by delivering a wide choice of high quality homes.

- 7.2 In relation to development within a flood risk area policy KP1 states: *'Where the Environment Agency's Flood Zone Maps or other considerations, including the South Essex Strategic Flood Risk Assessment, indicate that a risk of flooding may remain, all development proposals shall be accompanied by a detailed flood risk assessment appropriate to the scale and nature of the development and the risk. Development will only be permitted where that assessment clearly demonstrates that it is appropriate in terms of its type, siting and the mitigation measures proposed, using appropriate and sustainable flood risk management options which safeguard the biodiversity importance of the foreshore and/or effective sustainable drainage measures.'*
- 7.3 Policy KP2 requires that *'all new development contributes to economic, social, physical and environmental regeneration in a sustainable way'*.
- 7.4 In relation to the efficient and effective use of land Policy DM3 states: *'The Council will seek to support development that is well designed and that seeks to optimise the use of land in a sustainable manner that responds positively to local context and does not lead to over-intensification, which would result in undue stress on local services, and infrastructure, including transport capacity.'*
- 7.5 **The results of the Housing Delivery Test (HDT) published by the Government show that there is underperformance of housing delivery in the Borough. Similarly, the Council's Five-Year Housing Land Supply (5YHLS) figure shows that there is a deficit in housing land supply in the Borough. The South Essex Strategic Housing Market Assessment (SESHMA) identifies that Southend has a higher proportion of flats/maisonettes and a housing stock comprised of a greater proportion of one-bed units and smaller properties a consequence of which is that there is a lower percentage of accommodation of a suitable size for families. For the proposed provision of housing the HDT and 5YHLS weigh in favour of the principle of this type of development. The proposed new dwelling would be of a type which would be likely to be suitable for a family. There is greater need for this type of housing as identified by the SESHMA. In these circumstances, the provision of additional housing is a consideration which should be given increased weight in a balancing exercise. Although, it should also be noted that a scheme for this quantum of housing would have limited effect on the overall supply of housing.**

Flood Risk

- 7.6 The Environment Agency (EA) flood maps show that the site is part located within Flood Zone 3a, the high risk zone and but the majority of the site is within Flood Zone 2 and the Environment Agency have now confirmed that the levels in the topological survey effectively means that the site is zone 2 - medium risk.
- 7.7 The flood risk assessment which has been submitted with the application is the same as that submitted with the previous application. This proposes raising the finished floor levels across the development to 14.90m AOD, which is above the 1% (1 in 100) annual probability flood level including a 35% allowance for climate change, and raising the floor level in the master bedroom to 15.50m AOD to be above the 0.1% (1 in 1000) annual probability flood event, including allowance for climate change, to provide a safe refuge for the occupants. The master bedroom will be equipped with an emergency flood kit. Temporary floodgates and flood resilience materials are also proposed throughout the development. These measures were previously found to be acceptable by the Environment Agency and this remains the case for the current application.

- 7.8 A Sequential Test and an Exceptions Test have also been submitted. The aim of the sequential test is to steer new development to areas with the lowest risk of flooding. In relation to the Sequential Test the FRA comments that *'as this is a redevelopment of outbuildings associated with the Cockethurst property, there is no scope to consider development elsewhere.'* This argument is noted however it does not consider that the building could be used for other purposes.
- 7.9 The purpose of the Exceptions Test is to ensure that the development would provide wider sustainability benefits to the community that outweigh the flood risk and that the development will be safe for its lifetime taking into account the vulnerability of its users without increasing flood risk elsewhere. The submitted Exceptions Test comments that the proposal will secure the long-term future of these vulnerable historic buildings for the benefit of the wider community and that they will be sensitively adapted using sustainable materials to ensure that they are flood-resilient and the occupants have a safe refuge in the event of a flooding incident. Whilst an argument can be made that these buildings could be adapted for other uses which would be less vulnerable in terms of flooding, it is noted that the impact of the proposal in terms of flood risk was previously found to be acceptable and this remains the case with the current applications. The principle of the proposal is acceptable and the proposal is policy compliant in this regard subject to the detailed considerations set out below.

Design and Impact on the character and significance of the listed buildings and wider area

- 7.10 In determining this application the Council has a statutory duty under section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.
- 7.11 Paragraphs 194 and 196 of the NPPF states that *'Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.'* And *'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'*
- 7.12 Paragraph 124 of the NPPF states *'the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations and how these will be tested, is essential for achieving this.'*
- 7.13 Policy KP2 advocates the need for all new development to *'respect the character and scale of the existing neighbourhood where appropriate and secure improvements to the urban environment through quality design'*. Policy CP4 states *'development proposals will be expected to contribute to the creation of a high quality, sustainable urban environment which enhances and complements the natural and built assets of Southend by maintaining and enhancing the amenities, appeal and character of residential areas, securing good relationships with existing development, and respecting the scale and nature of that development.'*

- 7.14 Policy DM1 advocates the need for good quality design that contributes positively to the creation of successful places. All developments should respect the character of the site, its local context and surroundings in terms of its architectural approach, height, scale, form and proportions.
- 7.15 In relation to development affecting a listed building Policy DM5 states: *‘Development proposals that result in the total loss of or substantial harm to the significance of a designated heritage asset, including listed buildings and buildings within conservation areas, will be resisted, unless there is clear and convincing justification that outweighs the harm or loss. Development proposals that are demonstrated to result in less than substantial harm to a designated heritage asset will be weighed against the impact on the significance of the asset and the public benefits of the proposal and will be resisted where there is no clear and convincing justification for this.’*
- 7.16 Cockethurst Farm is a grade II listed farmhouse which dates from the late C16, early C17. It is an attractive and imposing red brick farmhouse with distinctive Dutch gables and tall decorative chimneys. This application concerns the farm outbuildings including the former dairy, stables, cart shed and coach house. These date mainly date from the C19 and are located directly adjacent to the listed farmhouse arranged around a central courtyard. The outbuildings are not specifically mentioned in the listing description, however they were constructed before 1 July 1948 when listing was introduced, are clearly within the curtilage of the main farmhouse, are intrinsically linked to its use and were in the same ownership as the farmhouse when it was listed in 1951. They are therefore considered to be curtilage listed and listed building consent is required for their alteration. The impact of the proposal must therefore be assessed both in respect of the setting of the main farmhouse and also in respect of the historic character of the outbuildings themselves.
- 7.18 The significance of the outbuildings can be summarised as follows:
- Good examples of early-late C19 farm outbuildings.
 - Simple and unpretentious designs which complement and form an intimate relationship with the main farmhouse and are historically significant companions.
 - Various surviving historic fabric showcasing development of farm over time.
 - The grouping of the house and outbuildings and the large garden area represents a composite unit and are of an arrangement and scale which still enables the once rural character of the farm to be appreciated - this is considered to be rare in an urban location.
- 7.19 Therefore, and consistent with the basis of decision on the approved 2020 scheme for two residential units, whilst the outbuildings do have historic interest in their own right, a key component of their heritage significance resides in their interrelationship with the main farm house including providing a historically important setting for this key listed building. This is a rare occurrence and key aspect of their combined significance.
- 7.20 The proposal seeks to convert the buildings into a single 3 bedroom dwelling. The similar proposal for the conversion of the buildings into two dwellings was approved in 2020 (references 20/00320/FUL and 20/00321/LBC). The current design is broadly similar to this previously approved scheme. The key differences include the complete infilling of the cart lodge to create a habitable link between the stables and dairy (previously this area was only partly infilled) and alterations to the positioning of the fenestration and internal partitions and the change from two dwellings to one.

- 7.21 Overall, as with the previously approved scheme, the amended proposal has maintained a simple and low key approach to the principal elevations facing the internal courtyard. This will preserve the traditional agricultural character of the outbuildings and maintain the existing positive relationship with the listed farmhouse which is important to its setting. This is a similar approach to the previously approved scheme. The historic doors to the dairy are still proposed to be retained and this is also positive. The exact positioning of new fenestration has been amended from the previously approved scheme but the positioning of openings is currently irregular and they have been carefully detailed to reference the simple designs and proportions of the existing openings. As such these changes are considered to be acceptable subject to the agreement of detailing.
- 7.22 Additional glazing is proposed to the west elevation facing the garden area. This elevation is not seen in conjunction with the main listed building so there is greater scope for change here. Again, the openings have been kept simple and unfussy so as not to compete with the historic character of the outbuildings. These changes are therefore also considered to be acceptable.
- 7.23 Internally the new partitions have been adjusted in places but the submitted details confirm that the remaining historic agricultural features including the exposed timber framing, the harness tree, tethering ring, hay brackets, inscribed poem and internal weatherboarding will be retained and this will help to ensure that the agricultural character of the building is preserved. Overall it is considered that the amended layout is acceptable.
- 7.24 As with the previous application the proposal includes various internal changes to the buildings to make them suitable for habitation including fitting breathable insulation and lime plaster to the walls and roof, installing a replacement insulated floor, installing kitchens and bathrooms and services. New bathrooms will be treated as 'standalone pods' with integrated walls and ceiling to maintain visibility of the exposed roof beams. Externally the ground will be built up slightly around the entrances to ensure level thresholds. Full details of these aspects of the proposal have been provided and are considered to be acceptable.
- 7.25 Externally the same informal approach to landscaping and boundaries within the 2020 approved scheme is proposed. This sought to use informal soft landscaping to divide the external spaces without the need for formal boundaries to ensure that the unobstructed relationship between the main listed farmhouse and the courtyard and outbuildings is preserved and rural character of the site maintained. This arrangement remains acceptable.
- 7.26 The proposed change of use and associated alterations will have an impact on the existing character of the outbuildings and the contribution they make to the setting of the listed farmhouse but the harm caused in this case is considered to be less than substantial. As noted above, the NFFP states '*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.*' In this case the main public benefit of the proposal is considered to be assuring the future retention and viability of the historic outbuildings and as far as possible, seeking to preserve their sensitive relationship with the listed farmhouse. The provision of a new housing unit is also a benefit but this has limited weight in the tilted balance as compared to heritage issues. In the previous applications the public impacts were, on balance, considered to have compensated for the level of harm proposed. In the current applications, due to its slightly reduced level of change arising from the reduced number of units, the level of harm is lower in relation to similar public benefits.

It therefore follows that the current applications are considered to achieve a satisfactory balance between harm and public benefits and are acceptable and policy compliant in relation to design and heritage impacts.

Quality of accommodation for future occupiers

Floor space standards

7.27 All new homes are required to meet the National Technical Housing Standards in terms of floorspace. The required size for a single storey, 3 bed 6 person household is 95 sqm The minimum standards for bedrooms are:

- Master min - area 11.5 sqm, min width 2.75m
- Other doubles – min area 11.5 sqm, min width 2.55m

7.28 The proposal comfortably meets these standards and the proposal is acceptable and policy compliant in this regard.

Building Regulations M4(2) – Accessible and Adaptable Dwellings

7.29 As the proposal is for conversion of existing buildings there is no policy requirement to meet Building Regulations M4(2).

Quality of Living Space

7.30 All habitable rooms are considered to have good light and outlook. The Council's Environmental Health Officer has recommended that, given the proximity of the airport, acoustic glazing is used to reduce internal noise levels. This can be required by condition. Subject to this condition the proposal is acceptable and policy compliant in this regard.

Amenity Provision

7.31 The proposal has a generous garden to the rear of the building and is acceptable and policy compliant in this regard.

7.32 Overall it is considered that the amended scheme an acceptable living standard for future occupiers and the scheme is acceptable and policy compliant in this regard.

Impact on Residential Amenity

7.33 Policy DM1 requires all development to be appropriate in its setting by respecting neighbouring development and existing residential amenities "*having regard to privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight.*"

7.34 The proposal seeks to convert the existing buildings only. No extensions are proposed except for the infilling of the cart shed although there will be a number of additional windows.

- 7.35 The outbuildings are isolated from the surrounding properties except for the main farm house which is around 2m from the site boundary and 10m to the nearest outbuilding. There are no issues with the proposal being materially overbearing or causing overlooking of this neighbour given the existing situation and separation distances. The impact from noise and disturbance arising from the change of use, potential number of residential using the site and associated car parking is also considered to be acceptable.
- 7.36 No other properties are materially affected by the development. The proposal is considered to be acceptable and policy compliant in this regard.

Traffic and Transportation Issues

- 7.37 Policy DM15 requires that all new 3 bedroom dwellinghouses outside the central area provide a minimum of 2 off street car parking space per property. The Design and Access Statement comments that 1 dedicated parking space will be provided adjacent to the Coach House and additional flexible parking space will be available in the courtyard. The site layout also includes space for turning. The existing gated access will remain unchanged.
- 7.38 The Council's Highways Officer has no objections to the proposal. The proposed parking arrangement is therefore considered to be acceptable and the scheme is policy compliant in this regard.
- 7.39 The courtyard is currently used for parking for the existing farmhouse but the Design and Access Statement and site history also confirms that planning permission has been obtained to erect a garage in the southwest corner of the site to provide replacement garaging for the main farmhouse (reference 19/00996/FULH). This provision will be in addition to the existing off street parking on the front driveway of this property. In terms of parking provision this meets the requirements for a large house in this location.

Refuse and Cycle Storage

- 7.40 The submitted plans show that dedicated refuse and cycle storage will be provided between the dairy and the coach house where is it convenient but out of sight. Full details of the stores have been provided and are considered acceptable. The proposal is therefore policy compliant in this regard.
- 7.41 Overall it is considered that the proposal is acceptable and policy complaint in the above regards.

Impact on Trees

- 7.42 The Council seeks to protect trees which make a positive contribution to the amenity of the area from the impact of new development.

- 7.43 There are a number of large trees at the site which contribute to the setting of the listed buildings and the rural character of the site. Four trees on the southern boundary of the farm house garden are preserved but these are not affected by the proposal. Eight are located on or close to the site. A tree survey has been submitted with the application. This proposes the removal of an ash tree which is growing directly adjacent to the Dairy and crown lifting works to two further trees which are also close to the buildings. The survey also provides details of proposed tree protection measures for the remaining trees. These works are the same as found acceptable in the previously approved application.
- 7.44 The self-seeded ash tree is very close to the building such that it will threaten its future. There is therefore no objection to the removal of this tree. Other trees at the site will remain and this is positive for the setting and will help to maintain the more rural character of the site. The Council's Arboricultural Officer has not raised any objections to the proposed works. This is the same conclusion as reached in respect of trees for the previous application. The proposal is therefore considered to be acceptable and policy compliant in this regard.

Sustainable Development

- 7.45 Policy KP2 requires that '*at least 10% of the energy needs of new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources).*' Policy DM2 of the Development Management Document states that '*to ensure the delivery of sustainable development, all development proposals should contribute to minimising energy demand and carbon dioxide emissions*'. This includes energy efficient design and the use of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting.
- 7.46 The proposal relates to the conversion of historic buildings which is itself more sustainable than new build and the statements confirm the intention to use natural and breathable materials. The statement suggests that air source heat pumps or PVs could be installed as part of the proposal.
- 7.47 As a conversion scheme there is no policy requirement for renewables to be provided and in this case, and consistent with the basis of the 2020 decision, it is considered that they would be detrimental to the character of the existing historic buildings and setting of the listed farmhouse and would not be appropriate.
- 7.48 However, it is considered that as the proposal relates to a conversion to residential use including the installation of new bathrooms, a condition should be imposed to require the use of water efficient fittings. Subject to that the proposal is therefore acceptable and policy compliant in this regard.

Sustainable Drainage

- 7.49 The Flood Risk Assessment and supplementary Technical Note includes an assessment of surface water flooding and proposals for sustainable drainage at the site. The document comments that green field run off rates are unachievable given the size of the site. Instead it is proposed to use a number of SuDS techniques to attenuate for surface water run off at the site including:
- Below ground attenuation crates below the proposed parking area which would store water and control discharge

- Catch pits
- French drains

7.50 The report concludes that:

- The development will not result in an increase in surface water flooding as compared to the existing situation and
- Exceedance events have been considered in the design of the facility with flows guided by suitable depressions on the site to areas of low risk.
-

7.51 The risk from surface water flooding will therefore be improved over the existing situation and this is considered reasonable in the context of the development. The Council's Drainage Engineer has reviewed the documents and confirms that the measures are acceptable subject to conditions. The proposal is therefore acceptable and policy compliant in this regard subject to conditions.

Contamination

7.52 A contamination screening report has been submitted but this is a very high level screening document and includes only very limited detail in relation to the site itself. Given the previous agricultural and storage uses of the buildings, a contamination condition will be required to ensure that the site is safe for residential use. It is recommended that a preliminary site investigation is carried out to determine whether any contamination is present and whether remediation measures are necessary. Subject to this condition the proposal is acceptable and policy compliant in this regard.

Ecology

7.53 Core Strategy policy KP2 and Development Management Policy DM2 require development to respect, conserve and enhance biodiversity.

Protected Species - Bats and nesting birds

7.54 Two Ecology Surveys have been submitted with the application. The first is an overview of all protected species. This recommends that further bat surveys are carried out. The second sets out the findings and recommendations of these additional bat surveys. This document concludes that, in the 3 dusk and dawn surveys recently undertaken, 1 common Pipistrelle bat was seen emerging from the Cart Shed during one of the dusk surveys and that the surrounding garden areas are used by foraging and commuting bats. This bat roost will therefore be lost when the works are carried out so alternate roosts will need to be provided prior to the commencement of development. The following mitigation measures are proposed:

- Prior to commencement of the works a minimum of 2 Schweglar 1FF or similar bat boxes will be hung on the trees at the recommended height and orientation.
- It is also recommended that bat tiles or tubes could be fitted to the existing roofs.
- It requires works in the vicinity of the existing roost to be carried out by hand and any bats found to be removed by an ecologist and placed in the bat boxes which have been previously installed.
- A Natural England Protected Species Licence will be required for these works.

- 7.55 In relation to nesting birds the report concludes that the development should either be undertaken outside the nesting period (March - August) or that works should be supervised by an ecologist. An ecology plan has been submitted showing the location of the bat and bird boxes.
- 7.56 The Council's Parks Team has reviewed the ecology survey and recommend the mitigation measures are conditioned to be implemented as recommended. Subject to this condition the proposal is acceptable and policy compliant in this regard.

Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS)

- 7.57 The site falls within the Zone of Influence for one or more European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS). It is the Council's duty as a competent authority to undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation. Any new residential development has the potential to cause disturbance to European designated sites and therefore the development must provide appropriate mitigation. This is necessary to meet the requirements of the Conservation of Habitats and Species Regulations 2017. The RAMS Supplementary Planning Document (SPD), was adopted by Full Council on 29th October 2020, requires that a tariff of £125.58 (index linked) is paid per dwelling unit. This will be transferred to the RAMS accountable body in accordance with the RAMS Partnership Agreement. Subject to the confirmation of this payment, which can be secured via a S106 legal agreement or by other suitable means, the proposal is considered to be acceptable and policy compliant in this regard. This has been paid.

Community Infrastructure Levy (CIL)

- 7.58 This application is CIL liable and there will be a CIL charge payable. In accordance with Section 70 of the Town and Country Planning Act 1990 (as amended by Section 143 of the Localism Act 2011) and Section 155 of the Housing and Planning Act 2016, CIL is being reported as a material 'local finance consideration' for the purpose of planning decisions. The proposed development includes a gross internal area of 279 sqm, which may equate to a CIL charge of approximately £7146.69 (subject to confirmation).

8 Conclusion

- 8.1 Having taken all material planning considerations into account, it is found that subject to compliance with the attached conditions, the proposed development would be acceptable and compliant with the objectives of the relevant development plan policies and guidance. The principle of the proposal including flood risk is considered to be acceptable. The design and overall impact on the listed building and its setting would cause only less than substantial harm which is outweighed by the public benefits of the proposal. In this respect as this proposal provides new housing, where and if any harm is identified, including those elements identified within this report's analysis of the proposal, it would be necessary to demonstrate that in reaching the decision an appropriate balancing exercise has been undertaken considering the benefits of the proposal and any such harm. The Council has a deficit in housing land supply. Hence, the tilted balance in favour of sustainable development should be applied when determining the application as relevant. The test set out by the NPPF is whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when considered against the policies of the NPPF taken as a whole.

In providing a family sized dwelling the proposal would make a contribution to the housing needs of the borough which must be given increased weight in the planning balance, albeit the weight to be attached to this would not be significant in this instance in view of the number involved. The standard of accommodation for future occupiers is satisfactory as is the impact on the amenity of neighbouring occupiers, impact on traffic and transportation, ecology and sustainability. These applications are therefore recommended for approval subject to conditions.

9 Recommendation

GRANT PLANNING PERMISSION 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 10186-01, 10186-02, 10186-03, 10186-04, 504_P308B, 504_P400A, 504_P401A, 504_P402A, 504_P403B, 504_P404, 504_P405A, 504_P406A, 504_P407A, 504_P409, 504_P410A, 504_P411A

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 dated Feb 2020 and plans reference 504_P411A and 504_409 before the approved dwelling is 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 only be as specified on plans reference 504_308B, 504_P403B, 504_P404, 504_P406A, 504_P409 unless alternative material details are otherwise submitted to and agreed in writing with the local planning authority under the scope of this planning condition .

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 by SKArchitects reference 504B and plans reference 504_409 and 504_410A before the dwelling hereby approved is brought into use.

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 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no new windows, doors or rooflights shall be installed unless and until full detailed design drawings and cross sections of the proposed new doors including shutters where appropriate, windows and rooflight detailing to be installed in the dairy roof vents at a scale of 1:20 or 1:10 as appropriate have first been submitted to and agreed in writing by the local planning authority. The development shall be carried out in accordance with the approved details before it is brought into use.

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 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).

08 The soft landscaping at the site shall be carried out in full accordance with the details and specifications shown in landscaping plan reference 504_P402 before the dwelling hereby approved is 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).

09 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).

10 Prior to the commencement of the development hereby approved, tree protection measures, as set out in the Arboricultural Impact Assessment by Owen Allpress reference 2322 dated 25.02.21, shall be implemented in full 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).

11 The development hereby approved shall not be occupied until and unless 1 car parking space has been provided at the site and made available for use solely for occupiers of the residential unit hereby approved and their visitors all in accordance with the details shown on drawing 504_P401A. 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).

12 The development hereby approved shall not be occupied until and unless the cycle parking store and the refuse and recycling store, as shown on drawing 504_P403B, have been provided at the site in full accordance with the approved plans and made available for use for the occupiers of the dwelling 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).

13 Prior to occupation of the dwelling 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 Prior to any drainage infrastructure being installed, in accordance with the submitted Flood Risk Assessment by SLR reference 402.08714.00004 dated Feb 2020 and Technical Note by SLR reference 402.08714.00004 dated 09.03.20, 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:

- a. A detailed drainage plan including pipe diameters, cover levels and invert levels, conveyance and failure/exceedance routes;**
- b. A comment on the effects of high-water levels in the watercourse in the site drainage systems;**
- c. A detailed construction drawing for the proposed geocellular storage and the flow-control chamber;**
- d. Evidence of the assessment of any health and safety risks;**
- e. A method statement detailing the effect of surface water during the construction phase;**
- f. Details of the body that will be responsible for the maintenance of the drainage system throughout the lifetime of the development including a management statement and schedule to outline the required maintenance for the geocellular storage and filter drains;**
- g. Measures to ensure damage to the drainage system resulting from associated construction activities must be considered and minimised;**
- h. Where required proposals for foul drainage.**

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).

15 All glazing to habitable rooms within the new and replacement windows shall be acoustic glazing RW 39 to meet the requirements of British Standard 8233:2014 unless alternative details are otherwise submitted to and agreed in writing with the local planning authority under the scope of this planning condition .

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

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).

17 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no works associated with this consent shall be undertaken unless and until 2 x Schweglar bat boxes are installed in accordance with plan reference 504_P402A. The proposed site clearance and construction works shall then be carried out in full accordance with the recommended mitigation measures nesting birds as set out on page 5 of the Ecology Report by Cherryfield Ecology dated 23.2.21 and the mitigation measures for bats set out in Section 4.3 of the Ecology Report by Cherryfield Ecology dated 30.6.21 or any other details that have been previously agreed in writing by the Local Planning Authority under the terms of this condition.

Reason: A condition is required to ensure any bats or nesting birds 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.

18 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.

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.

04 The applicant is advised that an environmental permit for flood risk activities may be needed if works are proposed in, under, over or within 8 metres (m) from a fluvial main river and from any flood defence structure or culvert or 16m from a tidal main river and from any flood defence structure or culvert. The Eastwood Brook, is designated a 'main river'. Application forms and further information can be found at: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>. It should be noted that anyone carrying out these activities without a permit where one is required, is breaking the law.

05 The applicant is reminded that a bat mitigation licence must be obtained prior to commencement of the works.

GRANT LISTED BUILDING CONSENT

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 10186-01, 10186-02, 10186-03, 10186-04, 504_P308B, 504_P400A, 504_P401A, 504_P402A, 504_P403B, 504_P404, 504_P405A, 504_P406A, 504_P407A, 504_P409, 504_P410A, 504_P411A

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_308B, 504_P403B, 504_P404A, 504_P406A, 504_P409 unless alternative material details are otherwise submitted to and agreed in writing with the local planning authority under the scope of this planning condition .

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 impacted by the development hereby approved shall be carried out in full accordance with the specifications set out in the Gazetteer of Historic Features by SKArchitects reference 504B and plans reference 504_409 and 504_410A before the dwelling hereby approved is brought into use.

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).

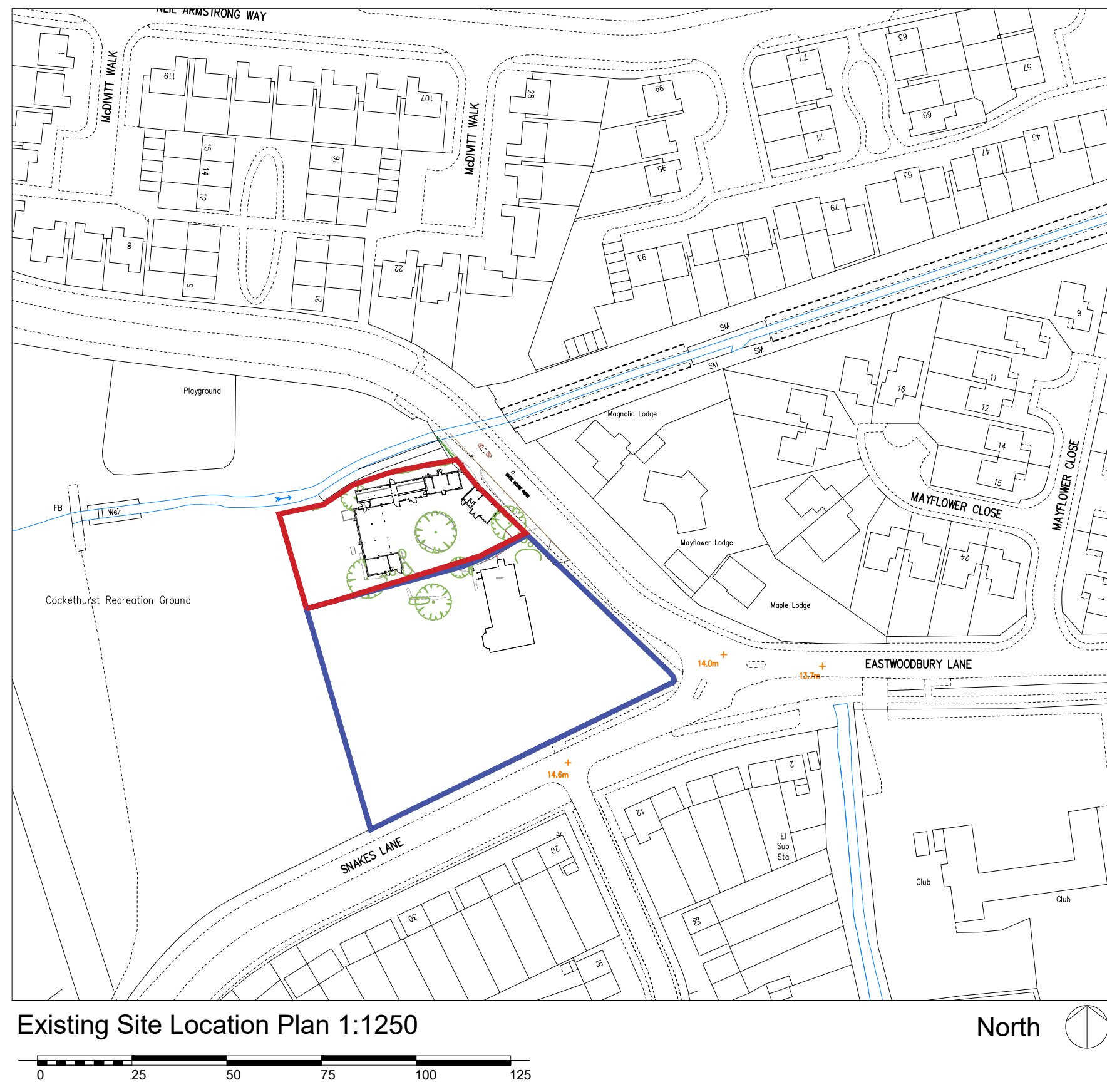
05 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no new windows, doors or rooflights shall be installed unless and until full detailed design drawings and cross sections of the proposed new doors including shutters where appropriate, windows and rooflight detailing to be installed in the dairy roof vents at a scale of 1:20 or 1:10 as appropriate have first been submitted to and agreed in writing by the local planning authority. The development shall be carried out in accordance with the approved details before it is brought into use.

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 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.

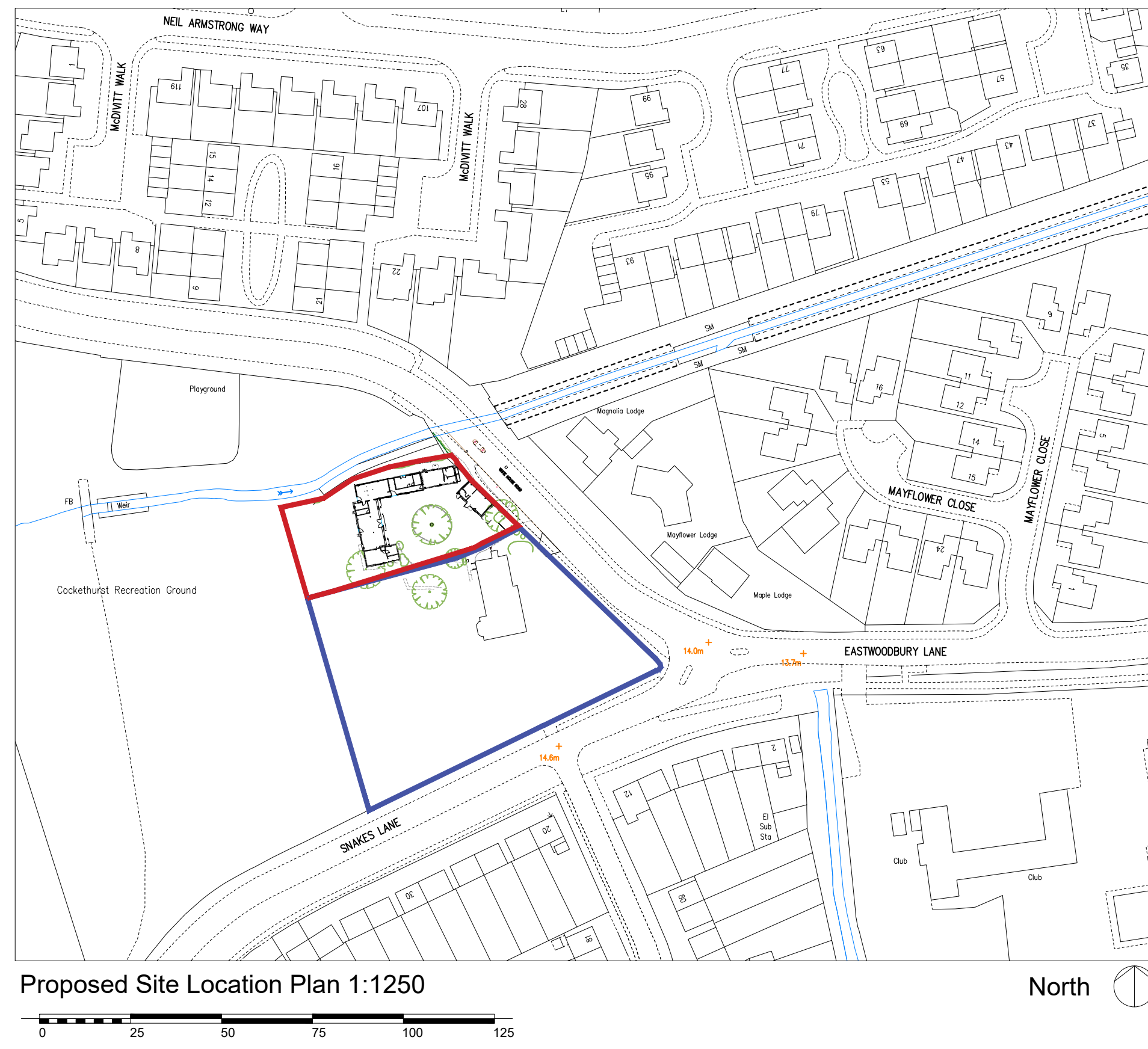
Reason: To safeguard character and appearance of surrounding area in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM5 of the Development Management Document (2015).

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.



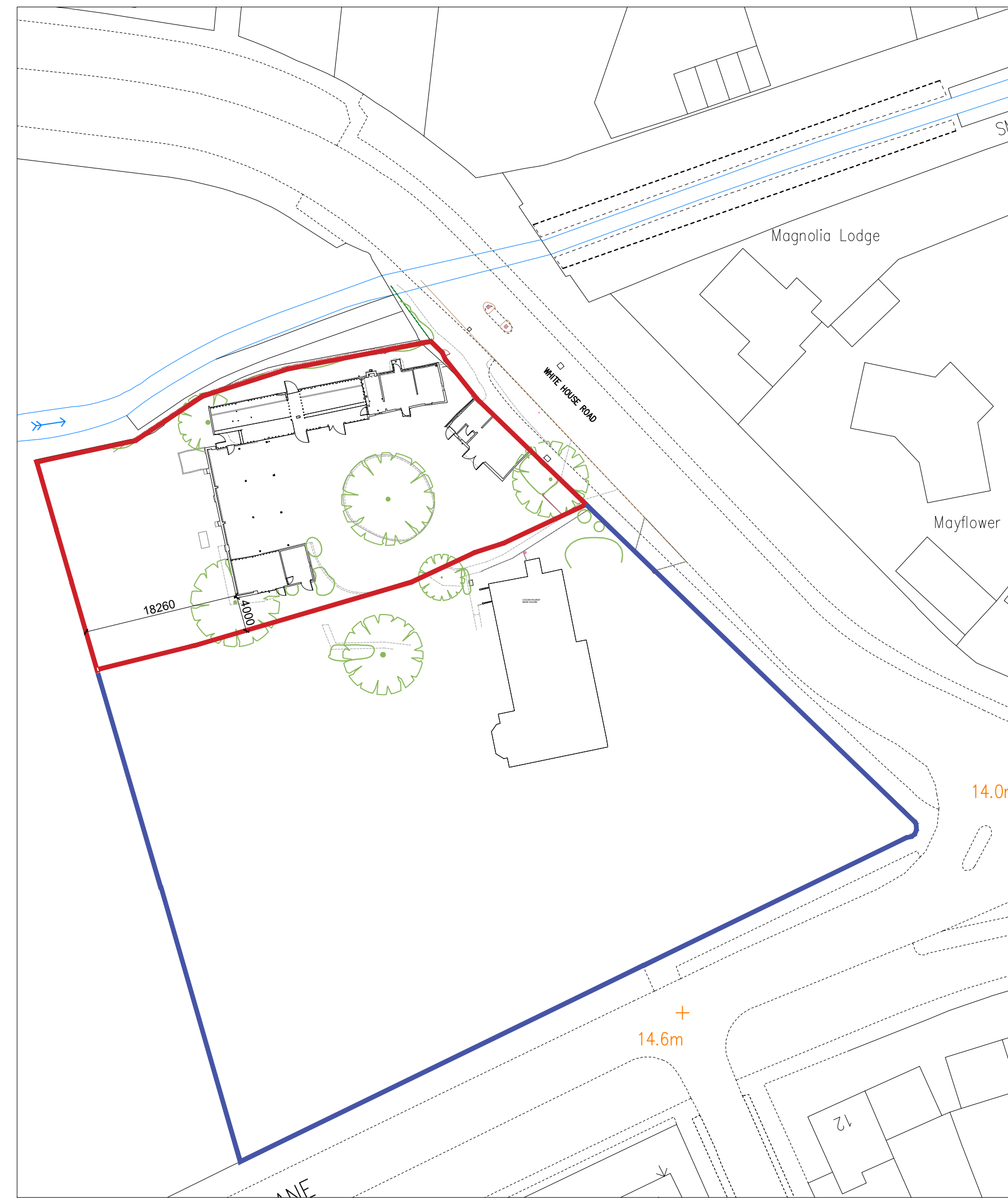
Existing Site Location Plan 1:1250

North



Proposed Site Location Plan 1:1250

North



Existing Block Plan 1:500

North



Proposed Block Plan 1:500

North

Notes:			
A	Planning Amendment	DS	11/03/2021
Rev	Comment	By	Date
Stage: 2 & 3 - Stage			
Client: DAVID DEDMAN			
Project: COCKETHURST EASTWOODBURY LANE SOUTHEAST ON SEA SS2 6UE ESSEX			
Drawing Title: SITE AND BLOCK PLANS			
Drawing no:	SD4_P400	Revision:	A
Project no:	504-05-18	Drawn by:	DS
Scale:	1:500, 1:250 @ A1	Chkd by:	SK
SKARCHITECTS 853-855 London Road Westcliff-on-Sea SS0 9E2 Tel: 01702 509250 Email: info@skarchitects.co.uk			
<small> We do not scale from this drawing. Drawing to be read in conjunction with all other issued drawings, documents and relevant consultant information. All information on this drawing is for guidance purposes only. All dimensions must be checked on site. This information is subject to Building Control requirements and the requirements of all relevant statutory authorities and other provisions. © SKARCHITECTS Ltd 2018 </small>			

This page is intentionally left blank

Abbreviations	
AB	As Built
AV	Air Valve
BS	Belted Beacon
BGP	Break Glass Point
BK	Block
BD	Boiler
BS	Bus Stop
BT	British Telecom cover
C	Floor to ceiling height
CB	Close Board
CL	Cover Level
CL	Chain Link
CO	Column
CONC	Concrete
CPL	Coping Level
CPS	Concrete Paving Slabs
CTV	Cable Television Cover
DK	Drop Keel
DH	Door Height
EP	Electric Pipe
ER	Earthing Rod
FR	Flower Bed
FC	False Ceiling
FE	Fire Escape
FH	Fire Hydrant
FHR	Fire Hose Reel
FL	Floor Level
FP	Flag Pole
GU	Gate Post
GV	Gas Valve
H	Cell to head height
HT	Height
IC	Insulation Cover
IL	Invert Level
IR	Iron Railings
JB	Junction Box
KD	Keel Detail
LB	Liter Bin
LP	Lamp Post
LW	Light Well
MH	Manhole
MK	Marker
MT	Mercury
OH	Overhead
PM	Parking Meter
PS	Post Box
PR	Post & Rail
PT	Post
PIW	Post & Wire
RE	Road Sign
RET	Retaining
RSE	Road Sign
RSS	Roled Steel Station
RSSJ	Roled Steel Joint
RWP	Rain Water Pipe
SC	Shop Cook
SV	Soil Vent Pipe
TB	Telephone Call Box
TBM	Temp. Bench Mark
TP	Telephone Pole
TL	Traffic Light
TK	Tank
UTL	Unable To Lift
V	Vent
VP	Water Meter
WM	Water Meter
WP	Water Pipe
WV	Water Stop Cock
WV	Water Valve

Notes	
Roof Height	Arch
Level	Radiator
Floor Level	Station
Ceiling Level	Hedge
Suiff Level	Sleep slope
False Ceiling Level	Fence
Floor to cill height	Foul pipe
Cill to head height	Storm pipe
Door height	

Survey Coordinates and Grid
Please note that the grid shown on this drawing is as follows:

- Arbitrary
- Arbitrary but related to building line
- Arbitrary but approx. related to North
- Best fit to an Ordnance Survey Digital Sheet
- Related to the Ordnance Survey National Grid

Levels
Please note that the levels shown on this drawing are as follows:

- Arbitrary and related to a temporary bench mark
- Related to an Ordnance Survey Bench Mark
- Related to the Ordnance Survey National GPS Network

Level positions are indicated by a cross or the decimal point

Bench Mark

Type	Ordnance Survey
Position	N/A
Value	N/A

Trees
All trees sizes are approximate and should be checked on site before using information. Where guaranteed tree species become important the services of a tree expert should be employed

Drainage
Where drainage covers have been fitted data has been recorded for each individual manhole from the surface and connections to other manholes, pipes or gullies are assumed. Where information is required by accessing the manhole or tracing to other manholes then a services trace will be needed.

Notes

Revision	Date	By

CADPLAN
PRECISION MEASUREMENTS

Land Surveys - Measured Building Surveys - 3D Laser Scanning
Utility Surveys - Lease Plans - 3D Models - Rights of Light Surveys

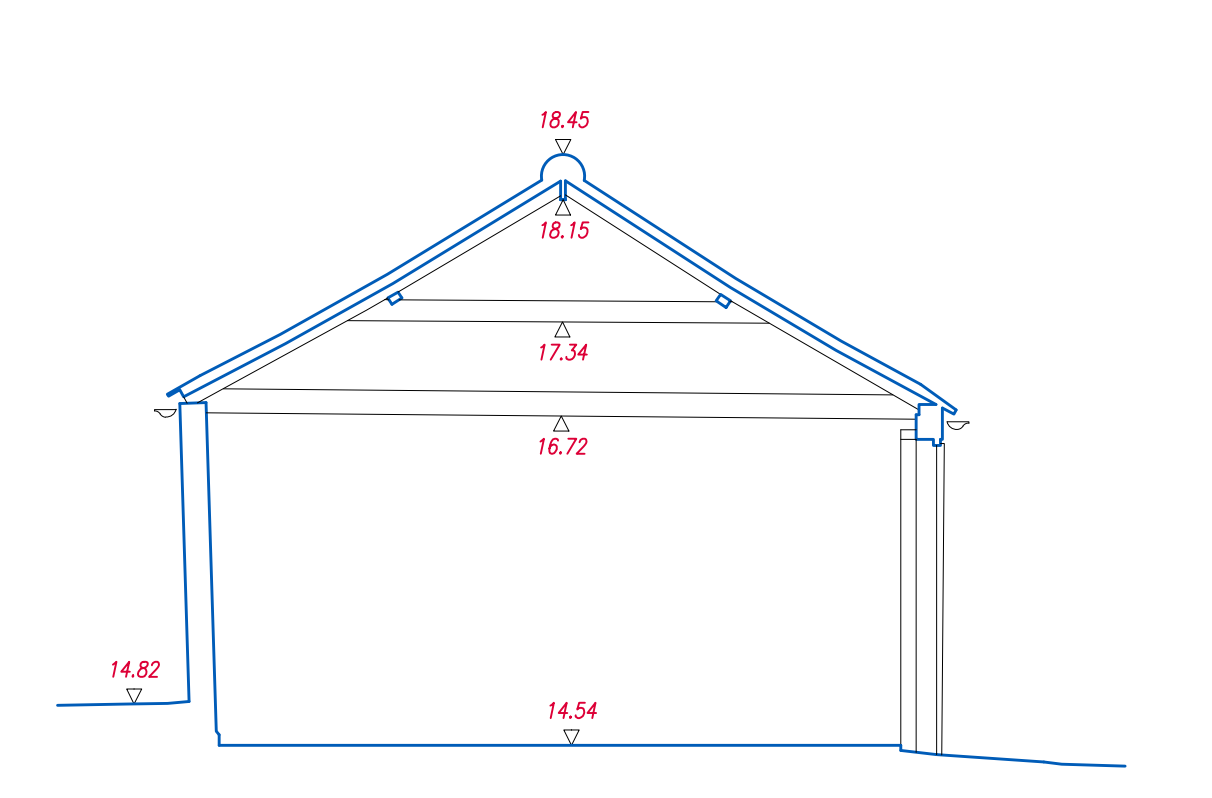
Club Tree House Osbury Lane Igham Kent TN15 9DA
Tel: 01732 489100 Fax: 01732 489101 E: post@cadplan.co.uk

Client
David Dedman

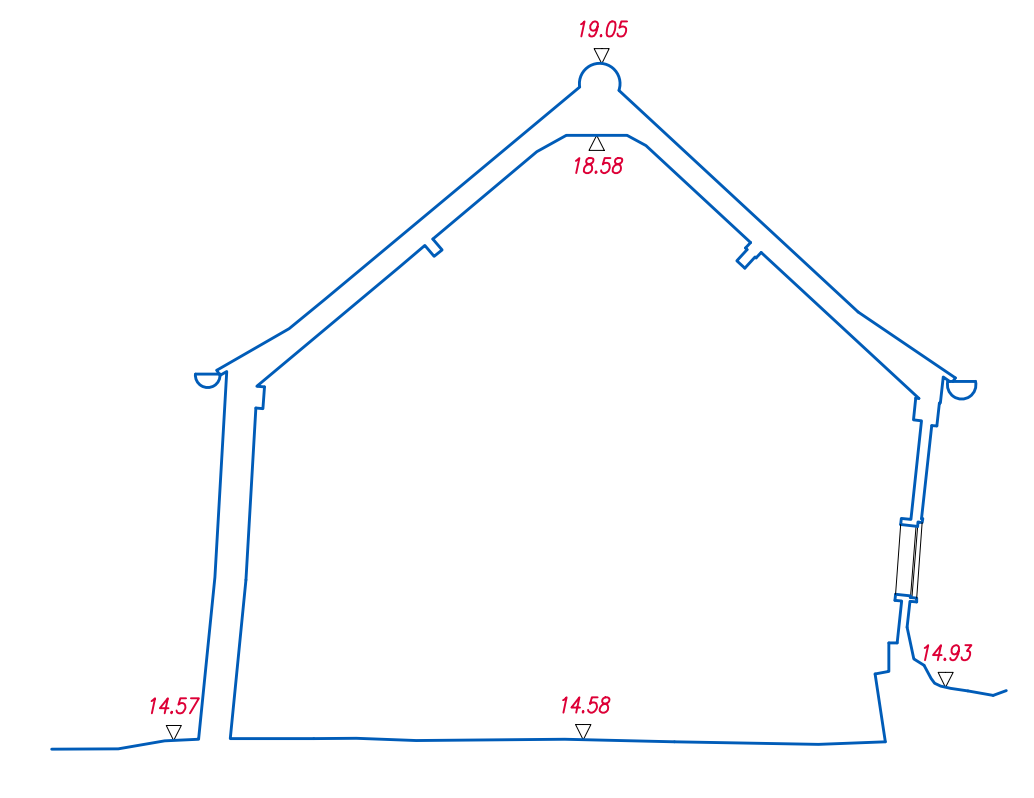
Project
**Cockethurst
Eastwoodbury Lane
Southend on Sea
SS2 6UE**

Drawing Title
Sections

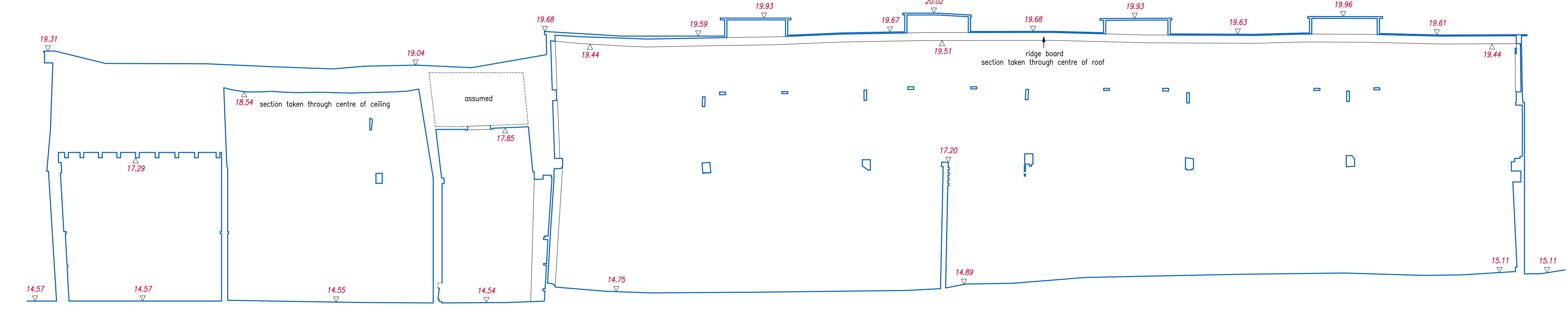
Sheet/Scale	Date	Drawn	Checked
A0@1:50	11/04/18	W.K.D.	C.S.D.
Project No.	Drawing No.	Preliminary	Revision
10186	04		



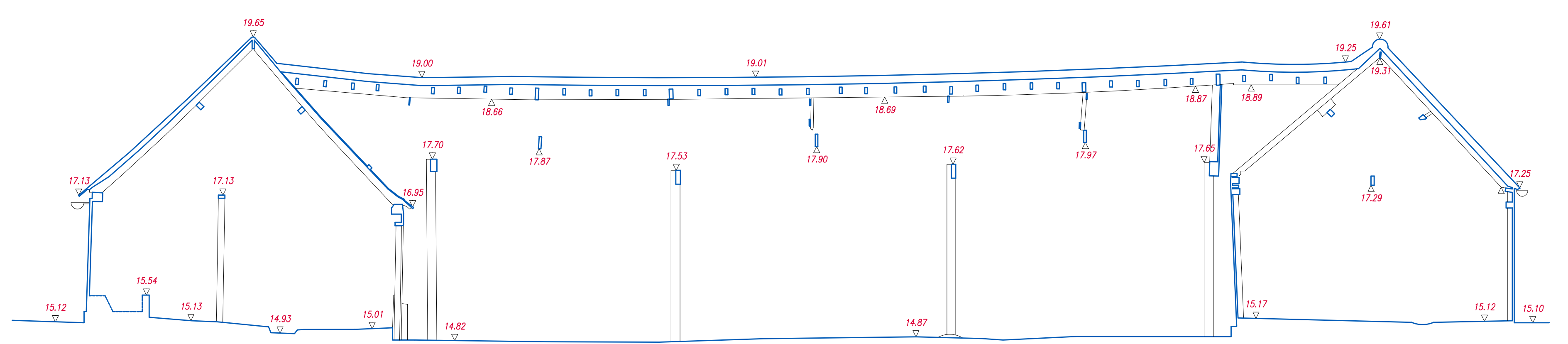
Section 1



Section 2



Section 3



Section 4







Scale in Metres @ 1:50

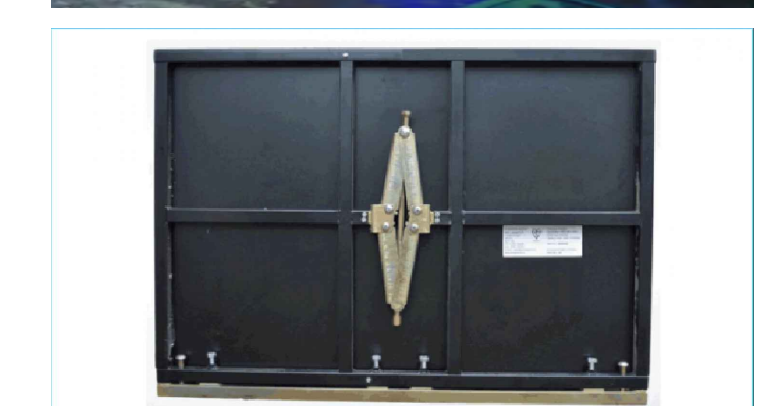
This page is intentionally left blank

This page is intentionally left blank

This page is intentionally left blank



-  AREAS CURRENTLY BELOW 14.90 AOD TO BE RAISED TO 14.90 AOD
-  SAFE REFUGE AREA TO BE RAISED TO 15.50 AOD AND BE EQUIPPED WITH AN EMERGENCY FLOOD KIT
-  COACH HOUSE AS NON-HABITABLE SPACE TO BE RAISED TO 14.55 AOD
-  TEMPORARY FLOODGATE BARRIERS TO BE USED IN THE EVENT OF A FLOOD/FLOOD WARNING
BARRIER IS FULLY TEMPORARY AND DOES NOT REQUIRE ANY PERMANENT FIXINGS



Proposed Plan - Flood Defenses and Safe Refuge Areas 1:100



Notes:			
Rev	Comment	By	Date
A	Planning Amendment	DS	11/03/2021
-	PRODUCTION OF DRAWING	DS	10/02/2021
Stage: 2 & 3 - Stage			
Client: DAVID DEDMAN			
Project: COCKETHURST EASTWOODBURY LANE SOUTHEND ON SEA SS2 6UE ESSEX			
Drawing Title: PROPOSED FLOOD DEFENSES			
Drawing no:	504_P411	Revision:	A
Project no:	504-05-18	Drawn by:	DS
Scale:	1:100 @ A1	Chkd by:	SK
SKARCHITECTS 853-855 London Road Westcliff-on-Sea SS0 9SZ Tel: 01702 509250 Email: info@skarchitects.co.uk			
<small> We do not scale from this drawing. Drawing to be read in conjunction with all other issued drawings, documents and relevant consultant information. All information on this drawing is for guidance purposes only. All dimensions must be checked onsite. This information is subject to Building Control requirements and the requirements of all relevant statutory authorities and service providers. © SKARCHITECTS Ltd 2018 </small>			

This page is intentionally left blank



Proposed Site and Floor Plan 1:100



Notes:			
--------	--	--	--

A	Planning Amendment	DS	11/03/2021
Rev	Comment	By	Date
-	PRODUCTION OF DRAWING	DS	10/02/2021

Stage:
2 & 3 - Stage

Client:
DAVID DEDMAN

Project:
COCKETHURST
EASTWOODBURY LANE
SOUTHEND ON SEA SS2 6UE
ESSEX

Drawing Title:
PROPOSED FLOOR PLAN - FULL SITE

Drawing no:	504_P401	Revision:	A
Project no:	504-05-18	Drawn by:	DS
Scale:	1:100 @ A1	Chkd by:	SK

SKARCHITECTS
853-855 London Road
Westcliff-on-Sea
SS0 9S2
Tel: 01702 509250
Email: info@skarchitects.co.uk

We do not scale from this drawing. Drawing to be read in conjunction with all other issued drawings, documents and relevant consultant information. All information on this drawing is for guidance purposes only. All dimensions must be checked on site. This information is subject to Building Control requirements and the requirements of all relevant statutory authorities and service providers.
© SKARCHITECTS Ltd 2018

This page is intentionally left blank

SPECIES	QUANTITY	MIN. HEIGHT TO BE PLANTED (m)	MAINTENANCE	BIODIVERSITY
Phlox paniculata	4	40	Pruned by division in spring	
Phlox paniculata 'Silver Queen' (Ph)	2	40	Pruned by semi-hardwood cuttings in summer. No water pruning necessary. Remove diseased, damaged, congested or crossing shoots. After pruning, mulch and water.	Bee
Phlox paniculata 'Vanessa' (Ph)	3	30	Pruned by semi-hardwood cuttings. Prune out any diseased, damaged or dead shoots and the old crowded stems. After pruning, plants benefit from mulching and watering.	Bee
Phlox paniculata 'Marianne' (Ph)	3	30	Pruned by division in spring. Dead or damaged stems may be removed in spring.	Bee, Butterfly and other pollinating insects
Phlox paniculata 'Marianne' (Ph)	7	30	Pruned by semi-hardwood cuttings in summer.	Bee, Butterfly and other pollinating insects
Phlox paniculata 'Marianne' (Ph)	6	40	Pruned by seed sown in spring or sown in by division in spring	Bee, Butterfly, Mantis



Proposed Roof Plan and Landscape Schedule 1:100



Schwegler 1FF bat box - at min. 3m from ground level

Notes:

Rev	Comment	By	Date
A	BAT BOXES PRODUCTION OF DRAWING	DS	30/06/2021
-		DS	10/02/2021

Stage:
2 & 3 - Stage

Client:
DAVID DEDMAN

Project:
COCKTHURST
EASTWOODBURY LANE
SOUTHEND ON SEA SS2 6UE
ESSEX

Drawing Title:
PROPOSED ROOF PLAN - FULL SITE

Drawing no:	504_P402	Revision:	A
Project no:	504-05-18	Drawn by:	DS
Scale:	1:100 @ A1	Chkd by:	SK

SKARCHITECTS
85-85 London Road
WardOff on Sea
SS0 9S2
Tel: 01702 509250
Email: info@skarchitects.co.uk

We do not scale from this drawing. Drawing to be read in conjunction with all other issued drawings, documents and relevant consultant information. All information on this drawing is for guidance purposes only. All dimensions must be checked on site. This information is subject to Building Control requirements and the requirements of all relevant statutory authorities and service providers. © SKARCHITECTS Ltd 2020

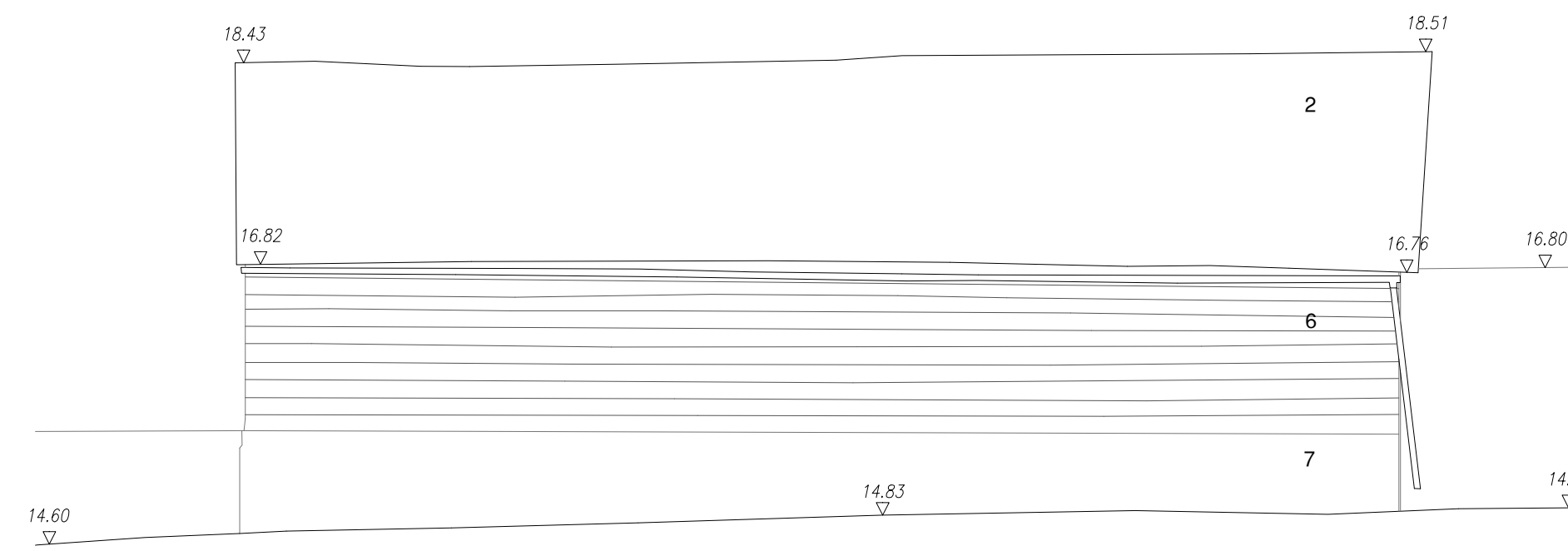
211

This page is intentionally left blank



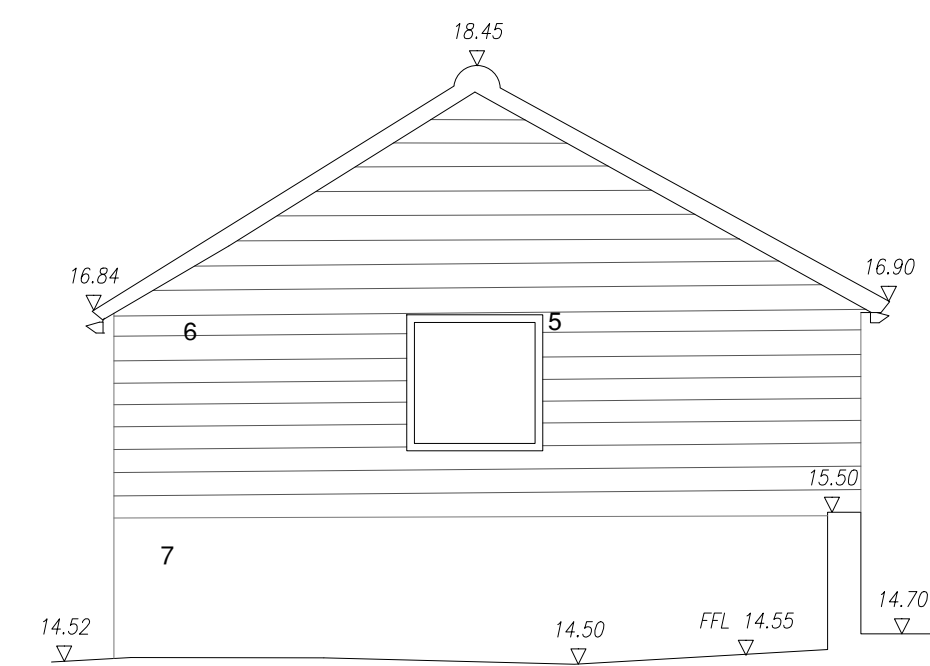
Existing Floor Plan - Coach House 1:50

North

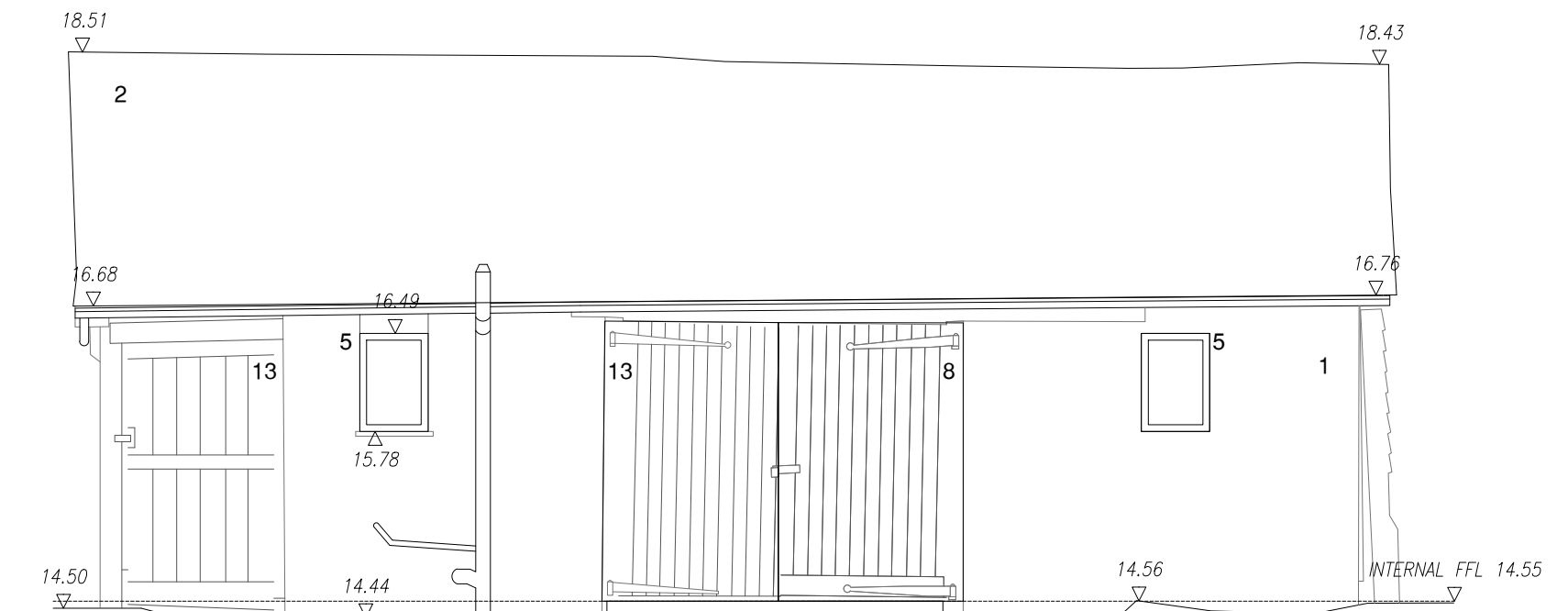


Proposed North Elevation (Elevation 1)

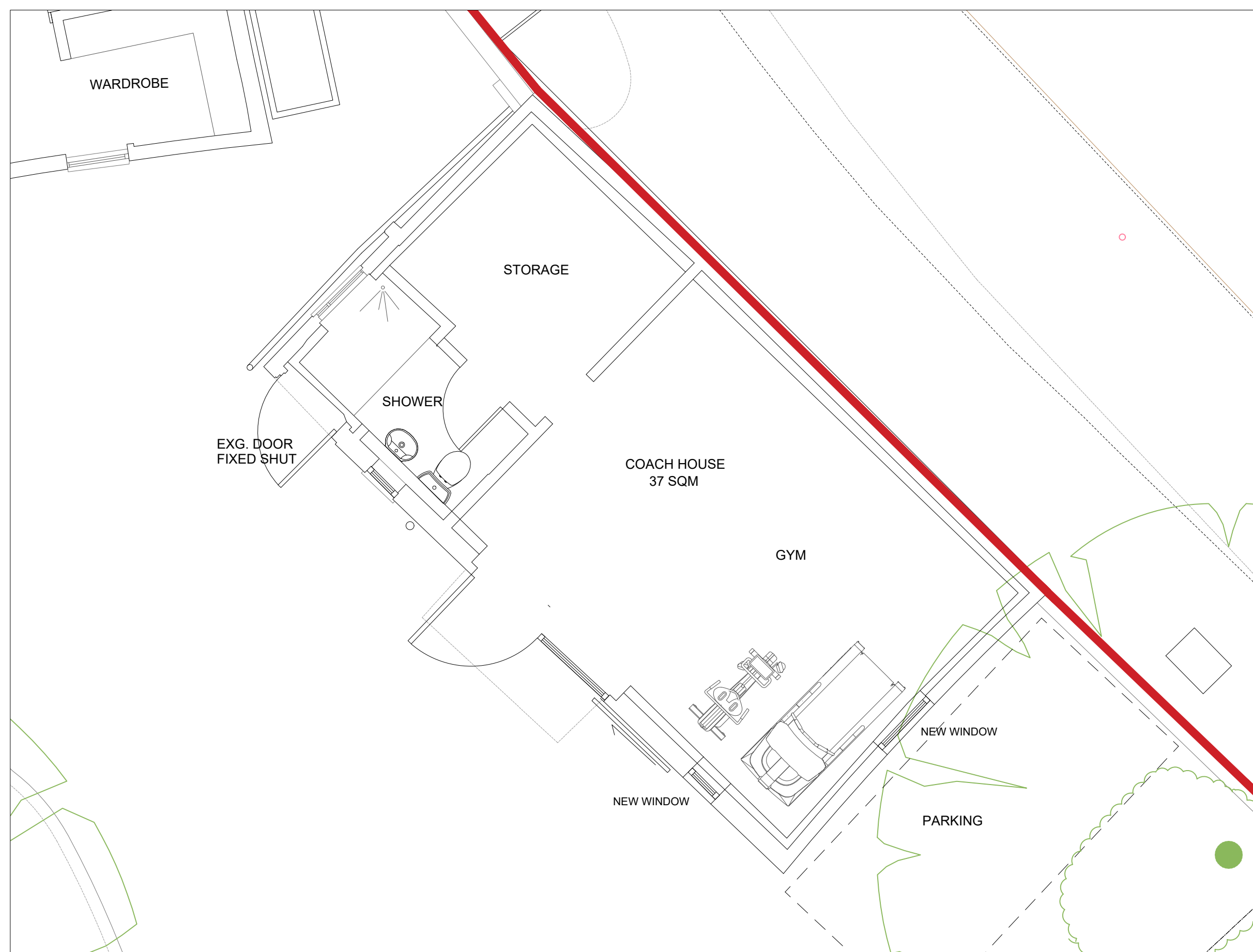
- MATERIAL KEY:**
1. EXISTING RED BRICK
 2. EXISTING RED TILES
 3. BLACK RAINWATER GOODS - EXISTING TO BE REPLACED WHERE NECESSARY
 4. TIMBER LINTEL PAINTED BLACK
 5. NEW TIMBER FRAMED WINDOWS AND DOORS. FRAME TO BE BLACK.
 6. EXISTING BLACK PAINTED TIMBER CLADDING
 7. RENDERED PLINTH PAINTED BLACK
 8. TIMBER SHUTTER - EXISTING DOORS TO BE USED WHERE POSSIBLE
 9. EXISTING TIMBER SHUTTER TO BE RESTORED/RETAINED WHERE POSSIBLE
 10. TERRACOTTA CORRUGATED SHEET ROOF - TO BE RETAINED AND REPAIRED WHERE NECESSARY
 11. EXISTING YELLOW STOCK BRICK
 12. NEW BLACK TIMBER CLADDING TO MATCH EXISTING
 13. EXISTING TIMBER SHUTTER TO BE RETAINED
 14. NEW BOUNDARY MESH FENCE WITH PLANTING



Proposed East Elevation (Elevation 2)

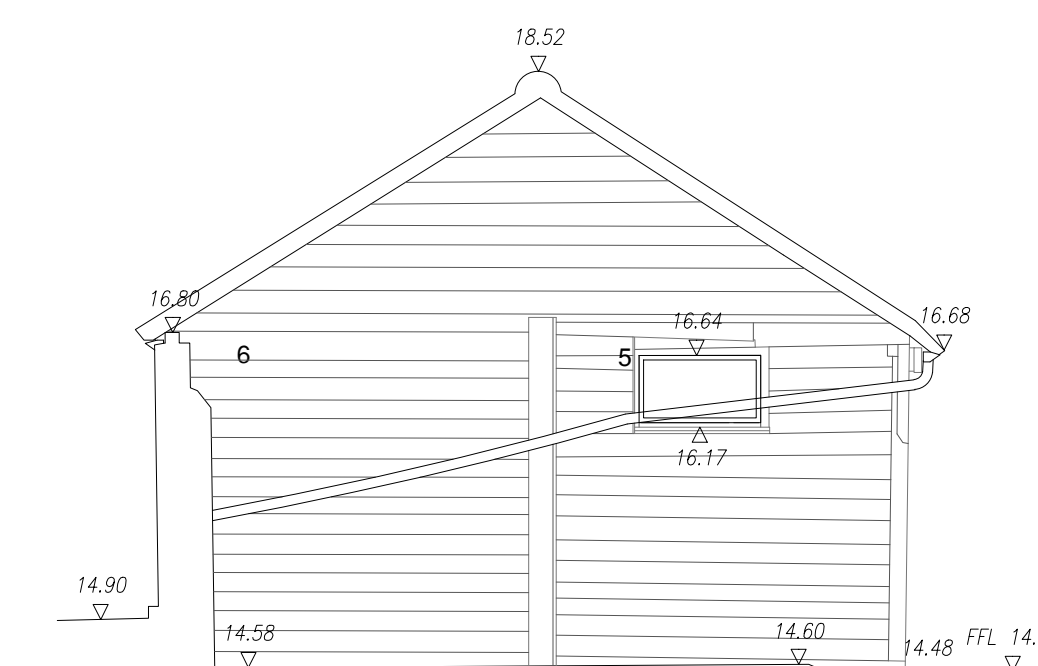


Proposed South Elevation - Closed Shutter (Elevation 3)

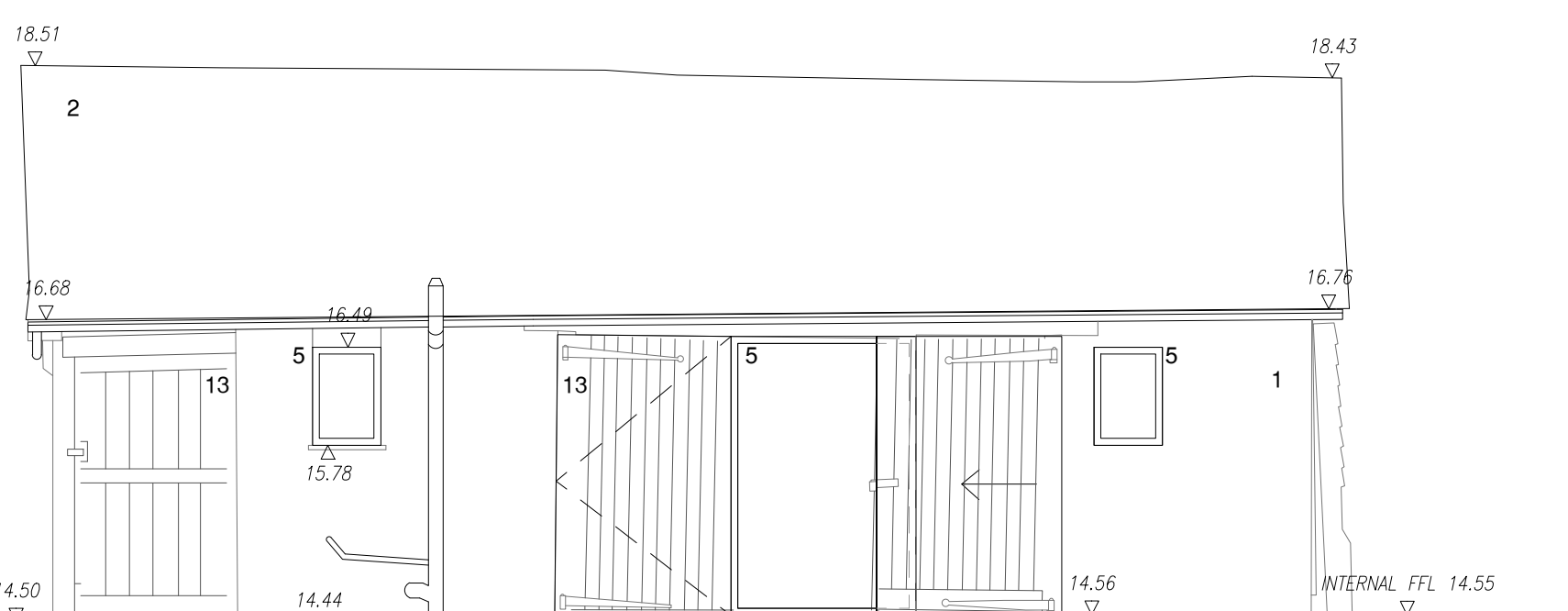


Proposed Floor Plan - Coach House 1:50

North

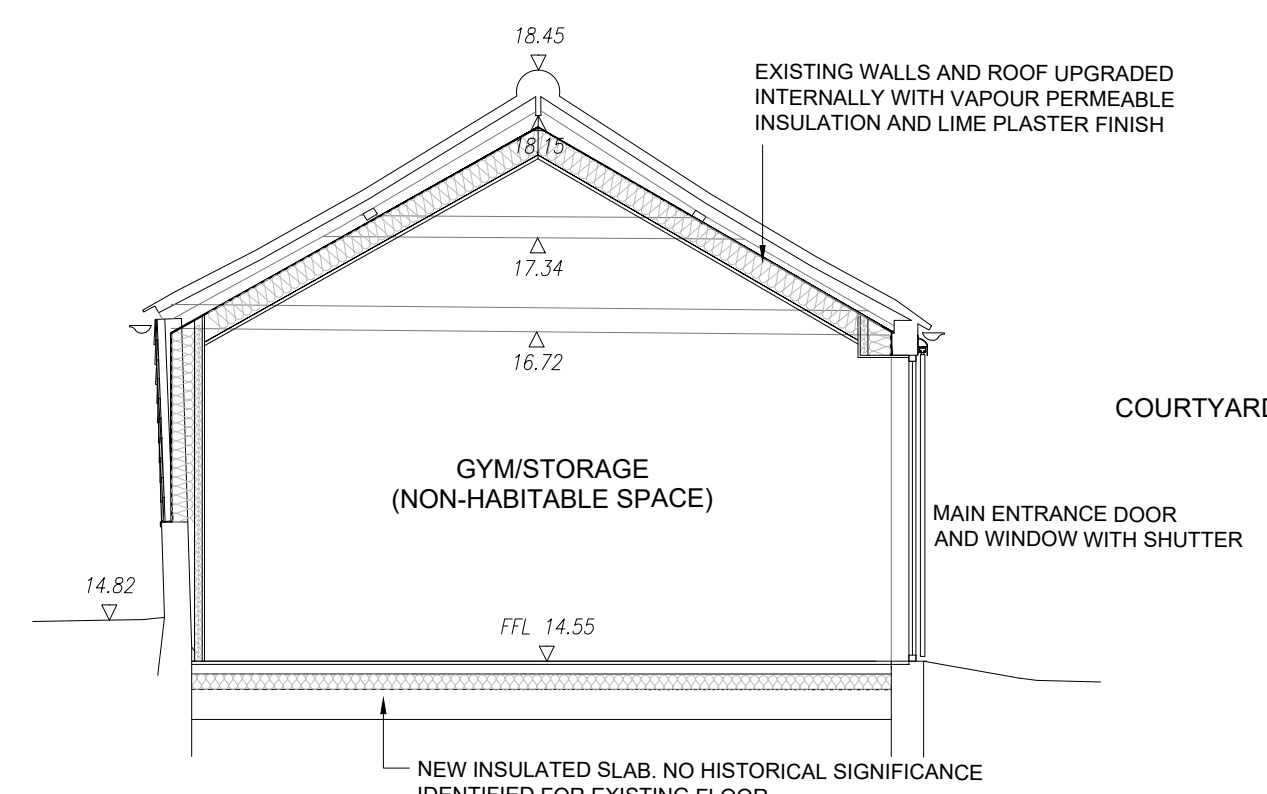


Proposed West Elevation (Elevation 4)



Proposed South Elevation - Open Shutter (Elevation 3)

Proposed Elevations - Coach House 1:50



Proposed Section - Coach House 1:50



Notes:			
--------	--	--	--

Rev	Comment	By	Date
-	PRODUCTION OF DRAWING	DS	10/02/2021

Stage: 2 & 3 - Stage

Client: DAVID DEDMAN

Project: COCKETHURST
CASTWOODBURY LANE
SOUTHDON ON SEA SS2 6UE
ESSEX

Drawing Title: PROPOSED - COACH HOUSE

Drawing no: 504_P404 Revision: .

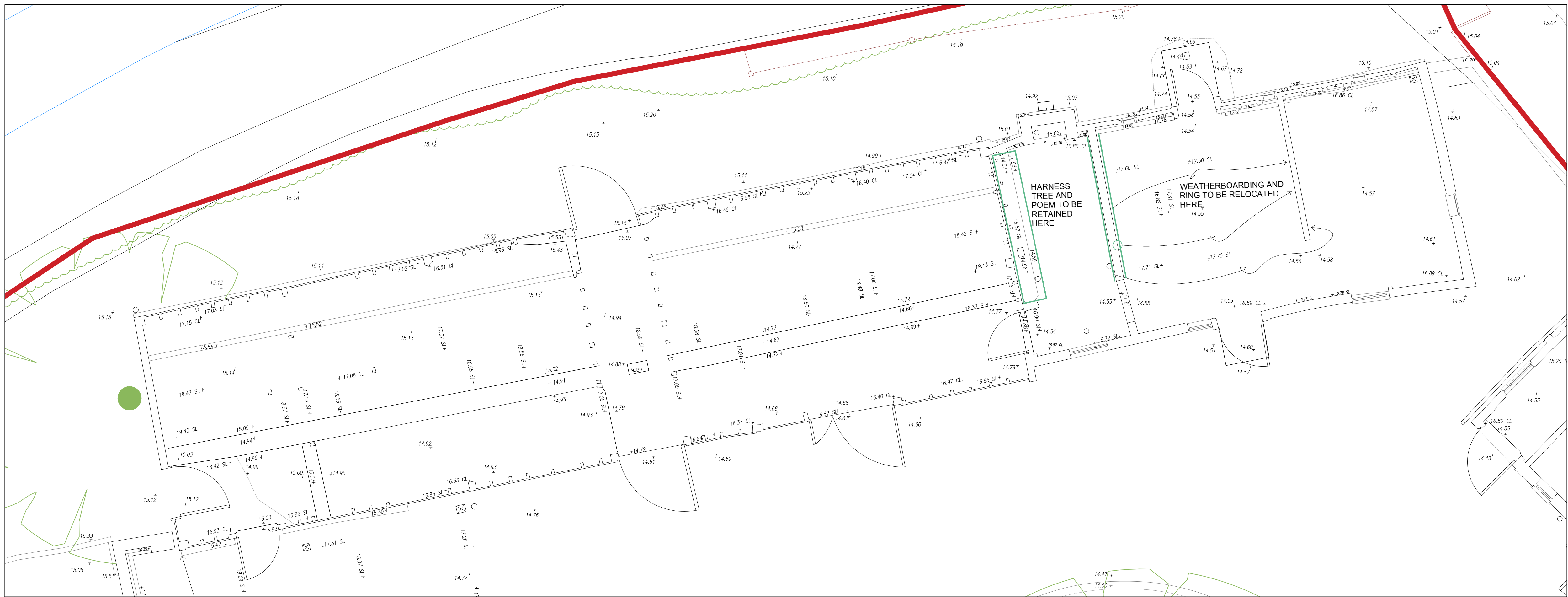
Project no: 504-05-18 Drawn by: DS

Scale: 1:50 @ A1 Chkd by: SK

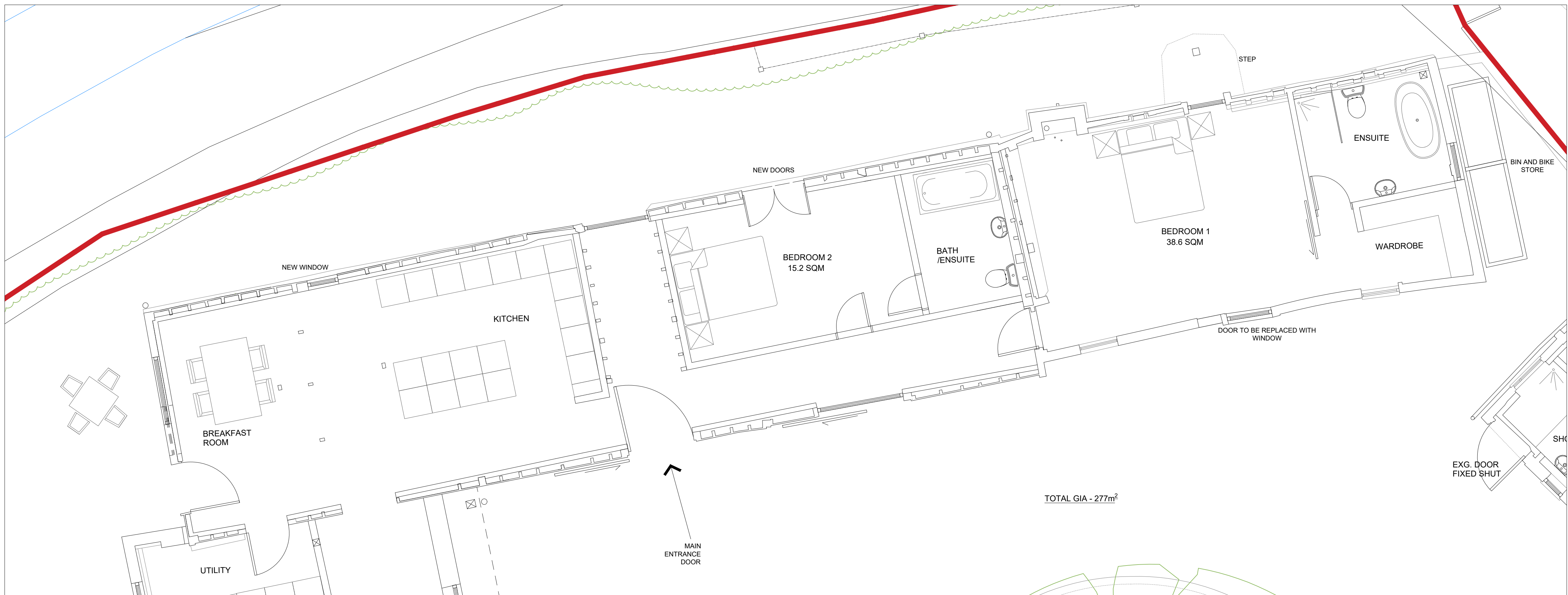
SKARCHITECTS
853-855 London Road
Westcliff-on-Sea
SS0 9E2
Tel: 01702 509250
Email: info@skarchitects.co.uk

We do not scale from this drawing. Drawing to be read in conjunction with all other issued drawings, documents and related consultant information. All information on this drawing is for guidance purposes only. All dimensions must be checked onsite. This information is subject to Building Control requirements and the requirements of all relevant statutory authorities and service providers. © SKARCHITECTS Ltd 2020

This page is intentionally left blank



Existing Floor Plan - Dairy 1:50



Proposed Floor Plan - Dairy 1:50



Notes			

Rev	Comment	By	Date
A	Planning Amendment	DS	11/03/2021
-	PRODUCTION OF DRAWING	DS	10/02/2021

Stage:
2 & 3 - Stage

Client:
DAVID DEDMAN

Project:
COCKETHURST
EASTWOODHURRY LANE
SOUTHEND ON SEA SS2 6UE
ESSEX

Drawing Title:
PROPOSED PLAN - DAIRY

Drawing no:	SD4_P405	Revision:	A
Project no:	504-05-18	Drawn by:	DS
Scale:	1:50 @ A1	Chkd by:	SK

SKARCHITECTS
853-855 London Road
Westcliff-on-Sea
SS0 9SD
Tel: 01702 509250
Email: info@skarchitects.co.uk

We do not scale from this drawing. Drawing to be read in conjunction with all other issued drawings, documents and relevant consultant information. All information on this drawing is for guidance purposes only. All dimensions must be checked on site. This information is subject to Building Control requirements and the requirements of all relevant statutory authorities and service providers.
© SKARCHITECTS Ltd 2018

This page is intentionally left blank



Existing Floor Plan - Stables 1:50



Proposed Floor Plan - Stables 1:50



Notes:			
--------	--	--	--

A	Planning Amendment	DS	11/03/2021
-	PRODUCTION OF DRAWING	DS	10/02/2021
Rev	Comment	By	Date

Stage:
2 & 3 - Stage

Client:
DAVID DEDMAN

Project:
COCKETHURST
EASTWOODBURY LANE
SOUTHEND ON SEA SS2 6UE
ESSEX

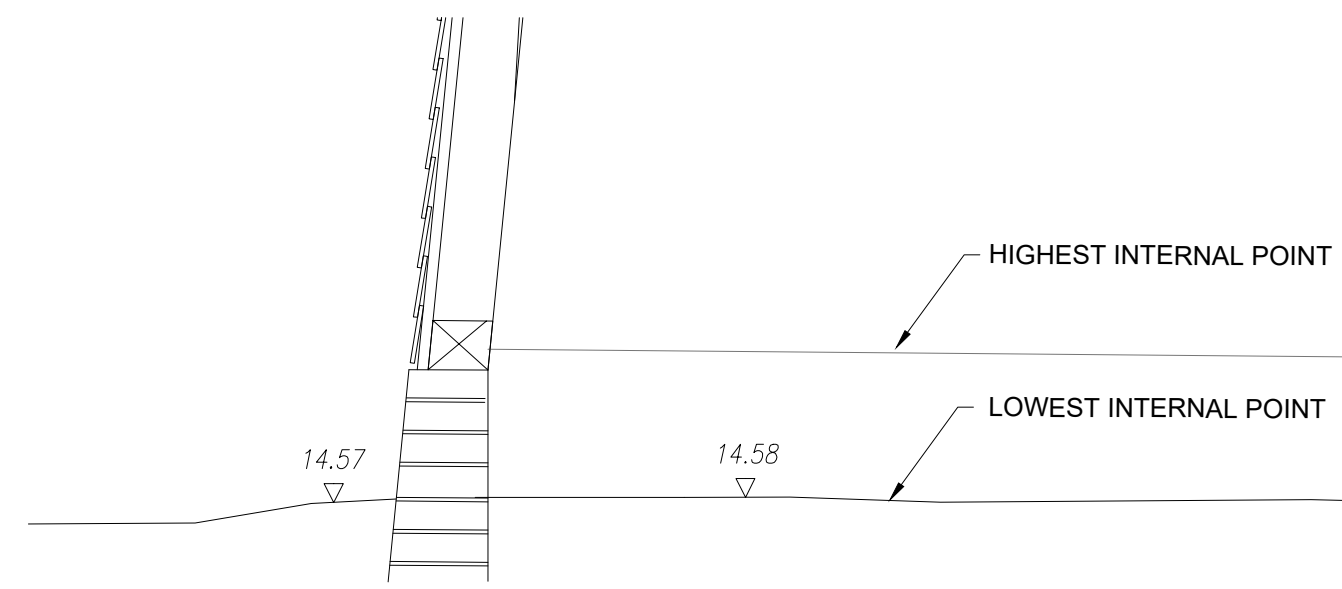
Drawing Title:
PROPOSED PLAN - STABLES

Drawing no:	SD4_P407	Revision:	A
Project no:	504-05-18	Drawn by:	DS
Scale:	1:50 @ A1	Chkd by:	SK

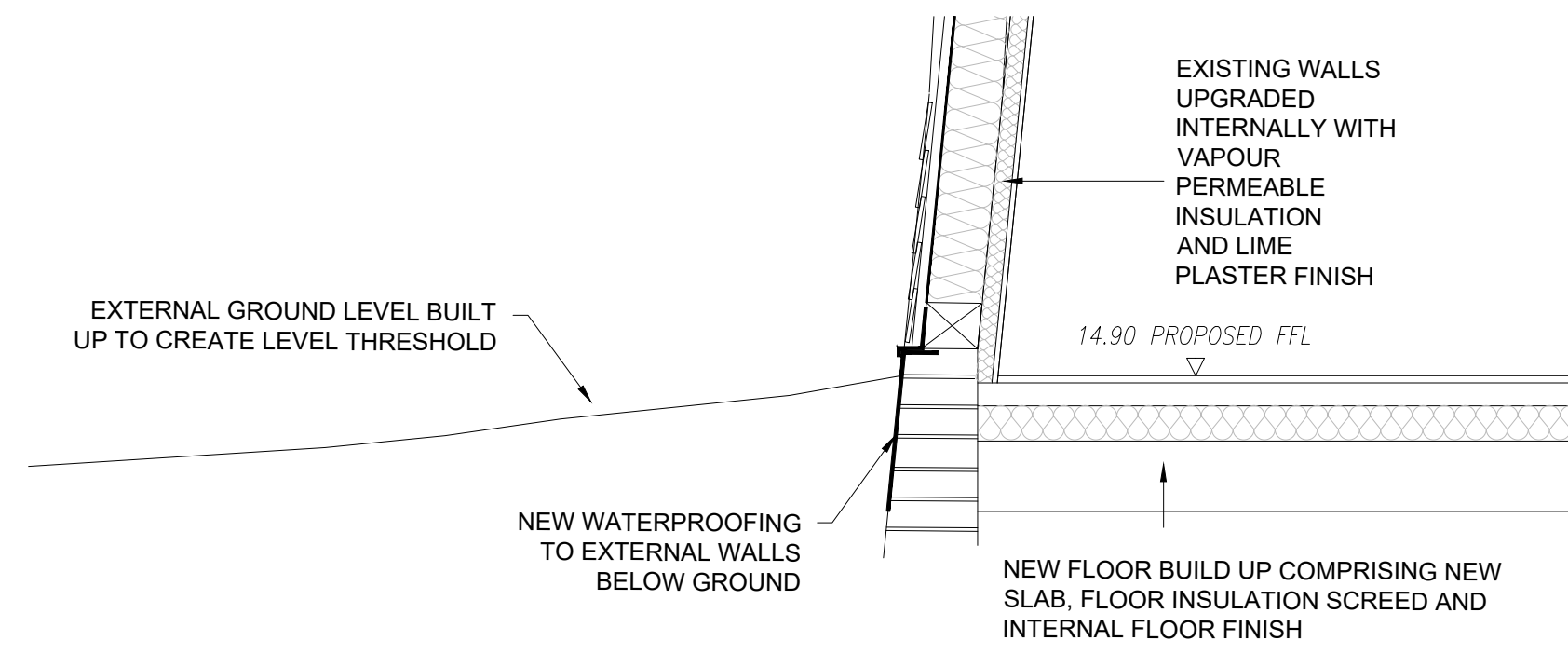
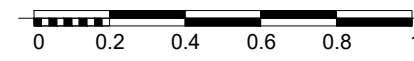
SKARCHITECTS
853-855 London Road
Westcliff-on-Sea
SS0 9SZ
Tel: 01702 509250
Email: info@skarchitects.co.uk

We do not scale from this drawing. Drawing to be read in conjunction with all other issued drawings, documents and relevant consultant information. All information on this drawing is for guidance purposes only. All dimensions must be checked onsite. This information is subject to Building Control requirements and the requirements of all relevant statutory authorities and service providers.
© SKARCHITECTS LTD 2018

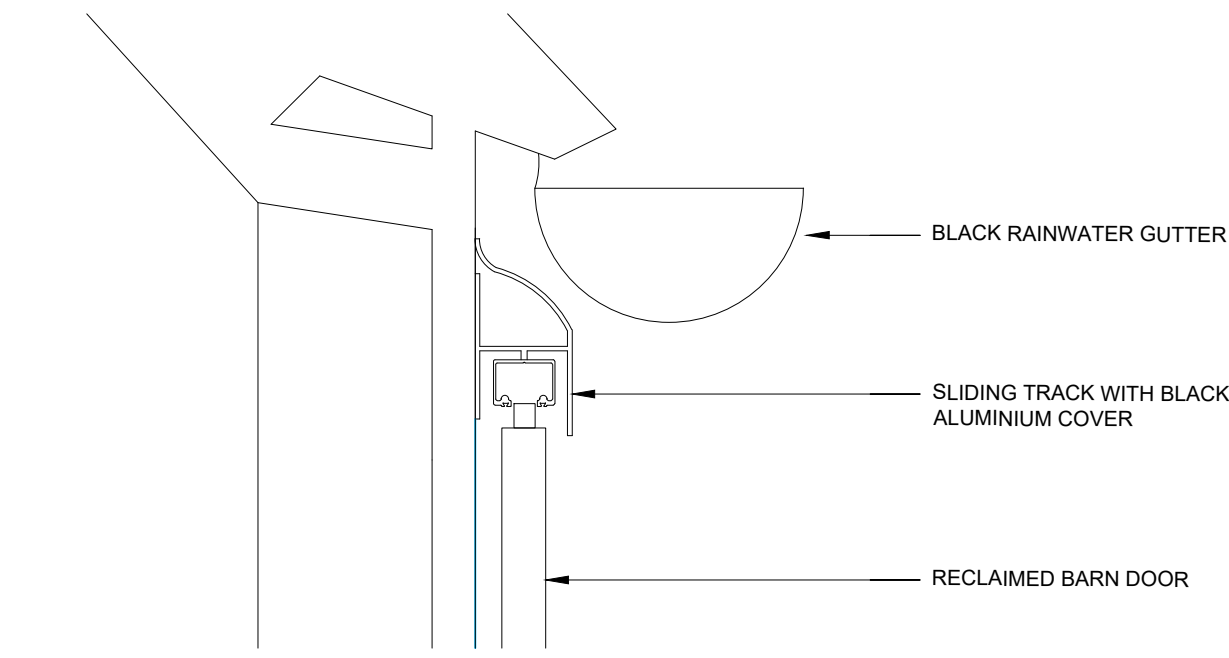
This page is intentionally left blank



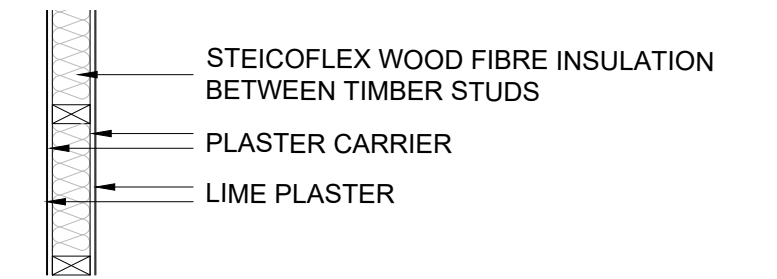
Existing Floor Detail 1:20



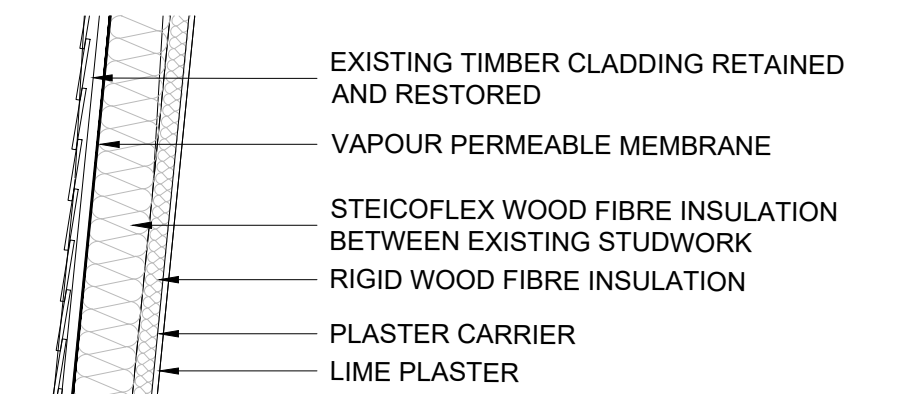
Proposed Floor Detail 1:20



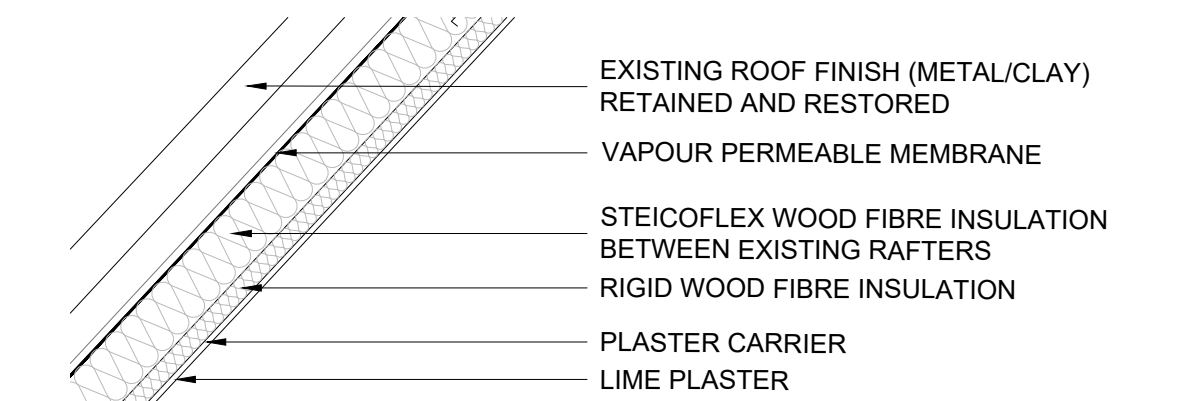
Proposed Sliding Shutter Detail 1:5



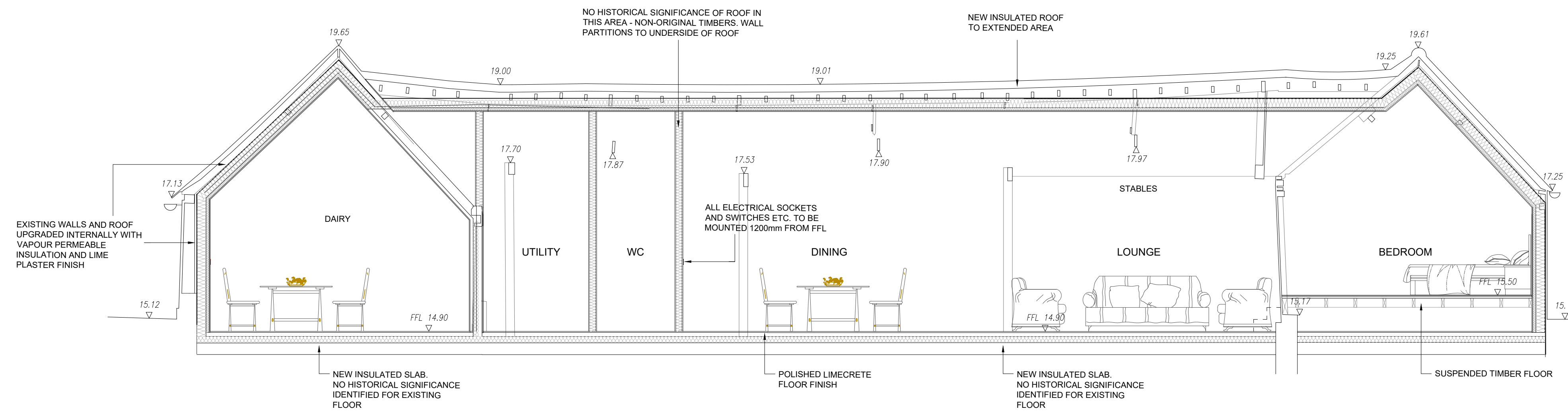
Standard Internal Wall Detail 1:20



Standard External Wall Detail 1:20

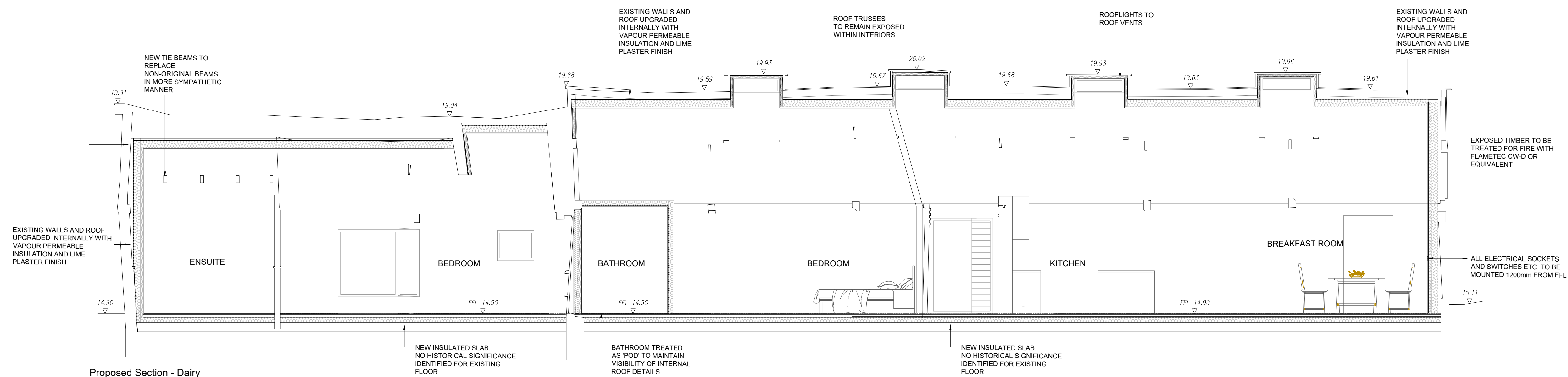


Standard Roof Detail 1:20



Proposed Section - Dairy and Stables

219



Proposed Section - Dairy

Proposed Sections 1:50



Notes			

PRODUCTION OF DRAWING	DS	10/02/2021
Rev	Comment	Date

Stage: 2 & 3 - Stage

Client: DAVID DEDMAN

Project: COCKETHURST EASTWOODBURY LANE SOUTHEND ON SEA SS2 6UE ESSEX

Drawing Title: PROPOSED SECTIONS

Drawing no: S04_P409 Revision: .

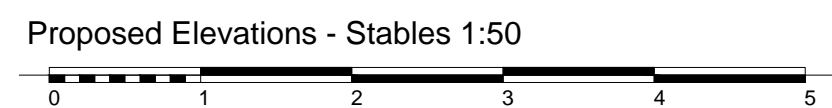
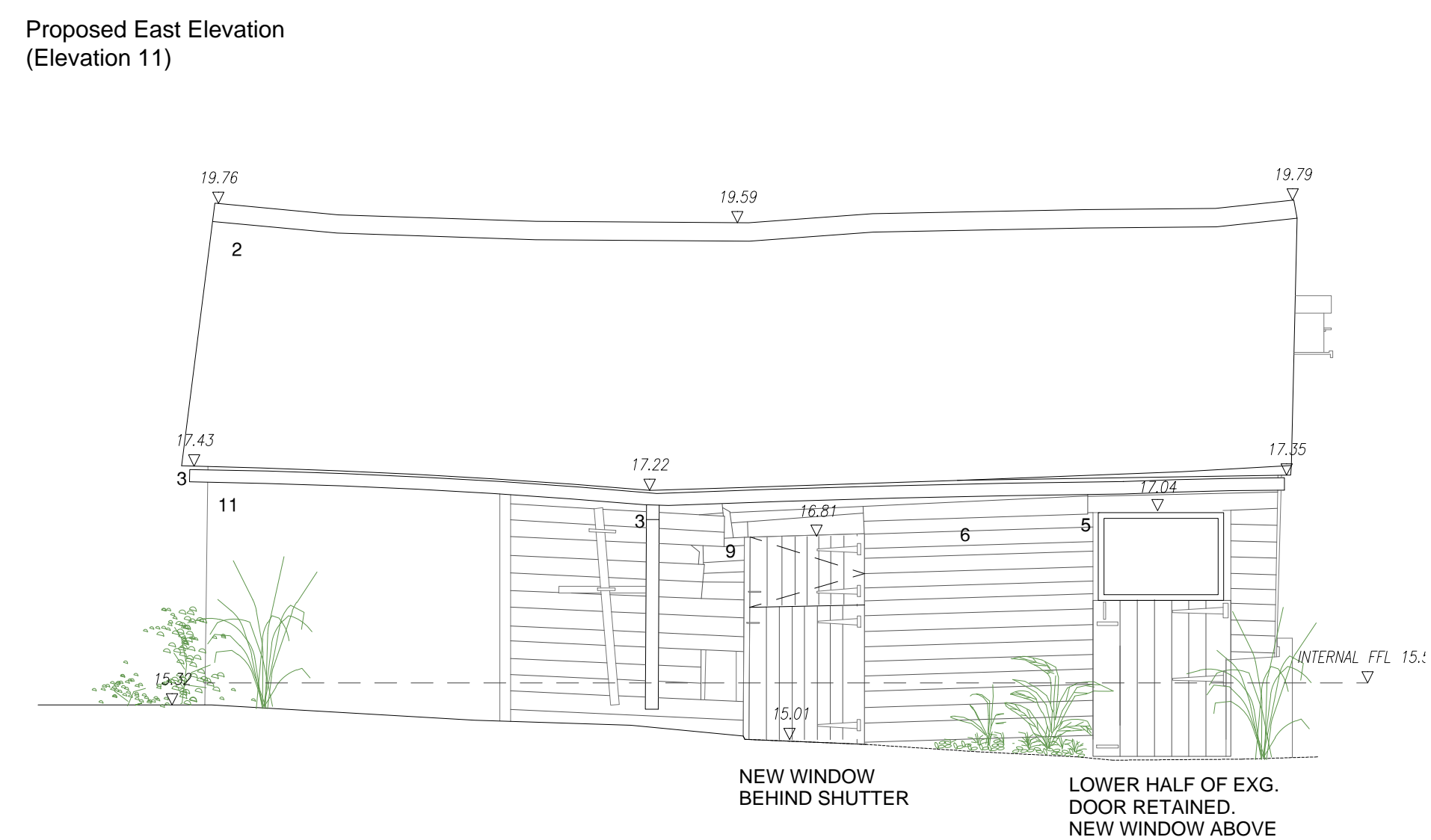
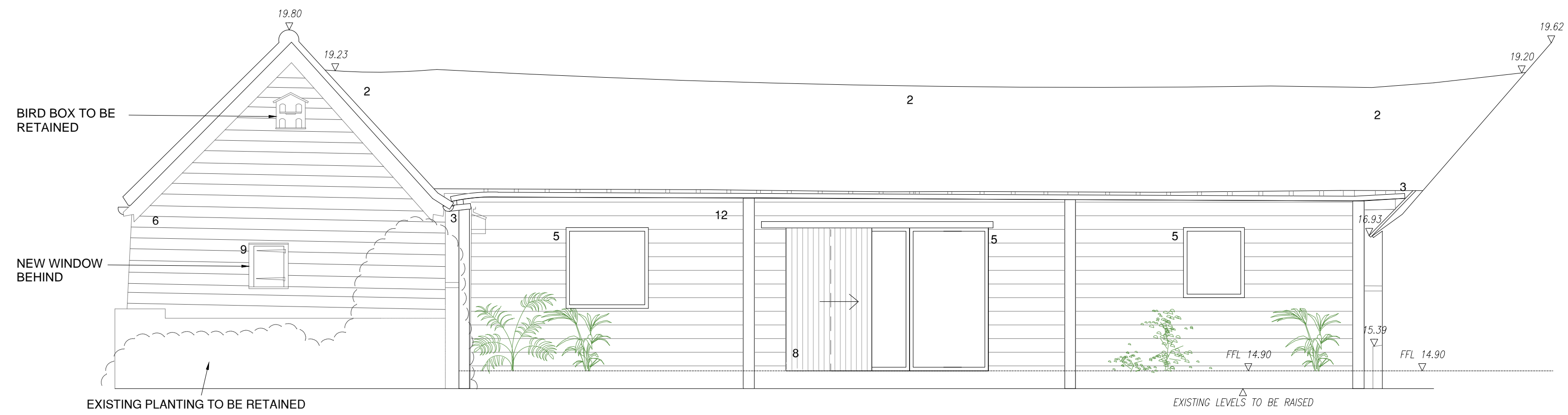
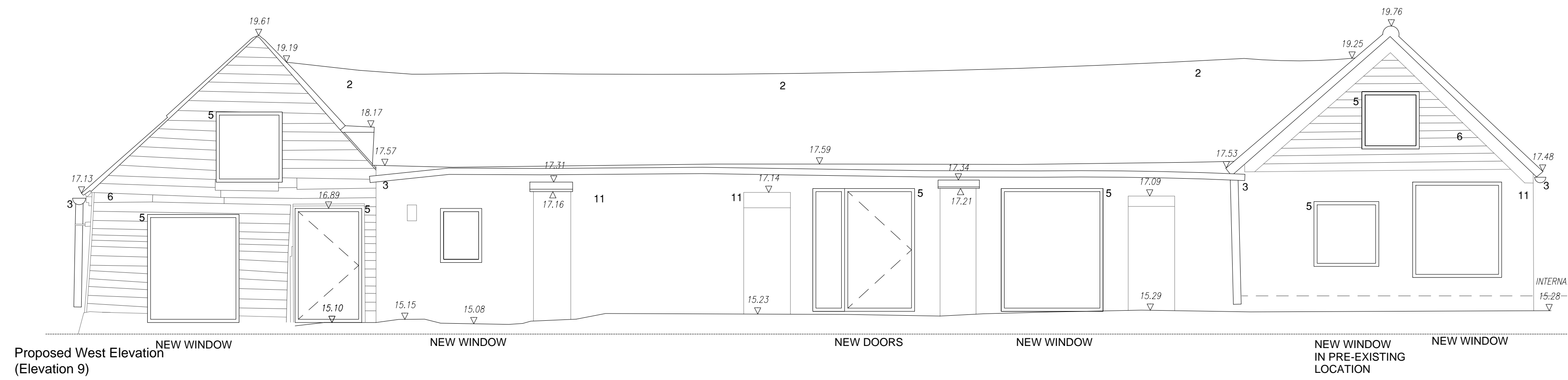
Project no: 504-05-18 Drawn by: DS

Scale: 1:5, 1:20, 1:50 @ A1 Chkd by: SK

SKARCHITECTS
853-855 London Road
Westcliff-on-Sea
SS0 9E2
Tel: 01702 509250
Email: info@skarchitects.co.uk

We do not scale from this drawing. Drawing to be read in conjunction with all other issued drawings, documents and relevant consultant information. All information on this drawing is for guidance purposes only. All dimensions must be checked on site. This information is subject to Building Control requirements and the requirements of all relevant statutory authorities and service providers. © SKARCHITECTS Ltd 2018

This page is intentionally left blank



MATERIAL KEY:

1. EXISTING RED BRICK
2. EXISTING RED TILES
3. BLACK RAINWATER GOODS - EXISTING TO BE REPLACED WHERE NECESSARY
4. TIMBER LINTEL PAINTED BLACK
5. NEW TIMBER FRAMED WINDOWS AND DOORS. FRAME TO BE BLACK.
6. EXISTING BLACK PAINTED TIMBER CLADDING
7. RENDERED PLINTH PAINTED BLACK
8. TIMBER SHUTTER - EXISTING DOORS TO BE USED WHERE POSSIBLE
9. EXISTING TIMBER SHUTTER TO BE RESTORED/RETAINED WHERE POSSIBLE
10. TERRACOTTA CORRUGATED SHEET ROOF - TO BE RETAINED AND REPAIRED WHERE NECESSARY
11. EXISTING YELLOW STOCK BRICK
12. NEW BLACK TIMBER CLADDING TO MATCH EXISTING
13. EXISTING TIMBER SHUTTER TO BE RETAINED
14. NEW BOUNDARY MESH FENCE WITH PLANTING

Notes:			
--------	--	--	--

Rev	Comment	By	Date
B	Retention of bird box	DS	30/06/2021
A	Planning Amendment	DS	11/03/2021
-	PRODUCTION OF DRAWING	DS	10/02/2021

Stage:	2 & 3 - Stage
--------	---------------

Client:	DAVID DEDMAN
---------	--------------

Project:	COCKETHURST CASTLEWOODS LANE SOUTHEND ON SEA SS2 6UE ESSEX
----------	---

Drawing Title:	PROPOSED ELEVATIONS - STABLES
----------------	-------------------------------

Drawing no:	504_P308	Revision:	B
-------------	----------	-----------	---

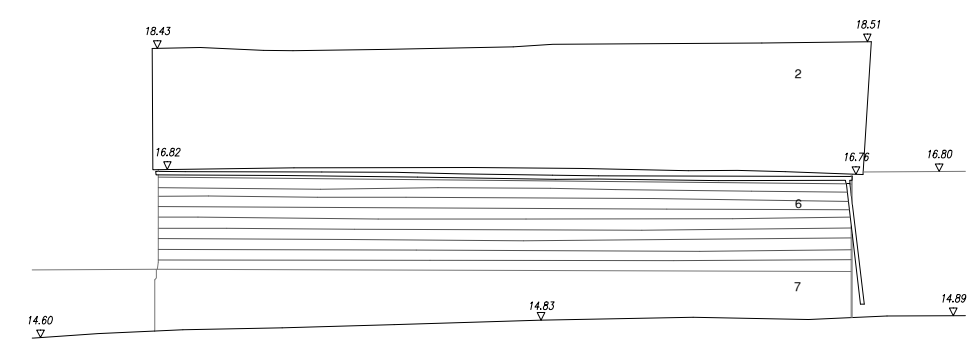
Project no:	504-05-18	Drawn by:	DS
-------------	-----------	-----------	----

Scale:	1:50 @ A1	Chkd by:	SK
--------	-----------	----------	----

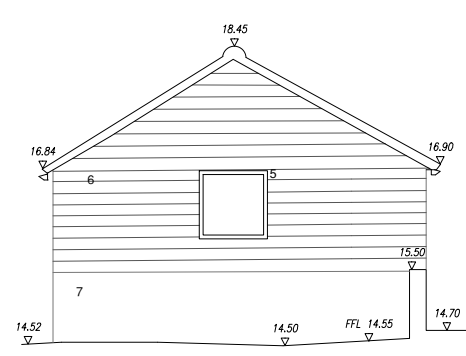
SKARCHITECTS
853 855 London Road
WardOff on Sea
SS0 9S2
Tel: 01702 509250
Email: info@skarchitects.co.uk

We do not scale from this drawing. Drawing to be read in conjunction with all other issued drawings, documents and relevant consultant information. All information on this drawing is for guidance purposes only. All dimensions must be checked on site. This information is subject to Building Control requirements and the requirements of all relevant statutory authorities and service providers.
© SKARCHITECTS Ltd 2018

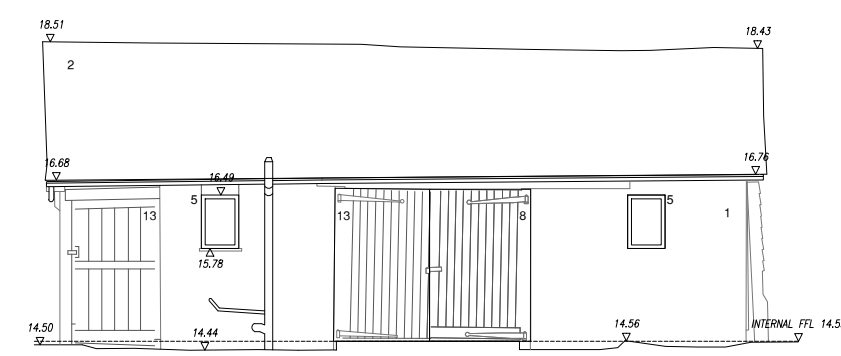
This page is intentionally left blank



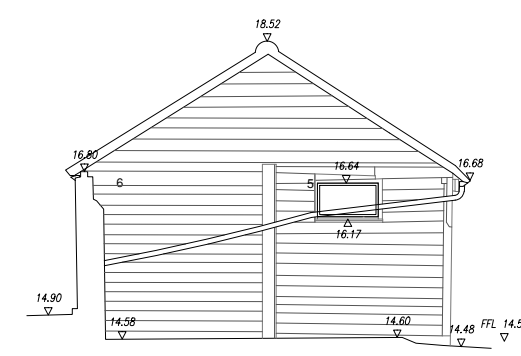
Proposed North/East Elevation (Elevation 1)



Proposed East Elevation (Elevation 2)

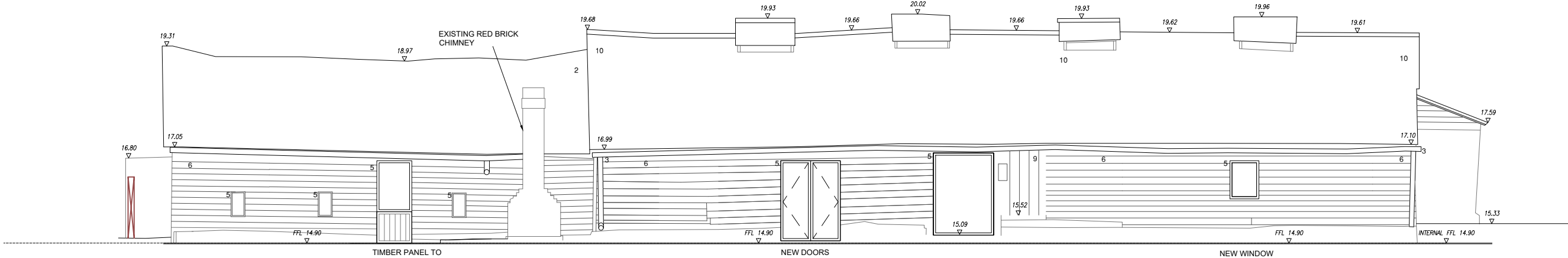


Proposed South Elevation (Elevation 3)

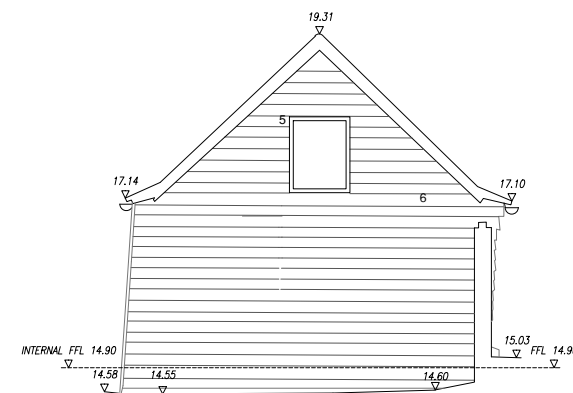


Proposed West Elevation (Elevation 4)

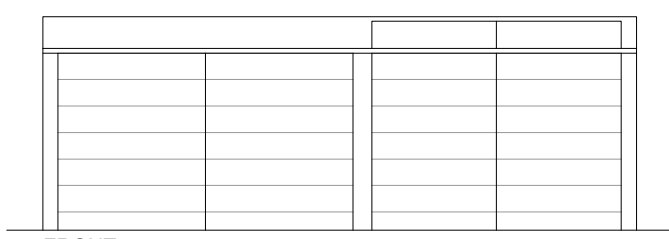
- MATERIAL KEY:
- EXISTING RED BRICK
 - EXISTING RED TILES
 - BLACK RAINWATER GOODS - EXISTING TO BE REPLACED WHERE NECESSARY
 - TIMBER LINTEL PAINTED BLACK
 - NEW TIMBER FRAMED WINDOWS AND DOORS: FRAME TO BE BLACK
 - EXISTING BLACK PAINTED TIMBER CLADDING
 - RENDERED PLINTH PAINTED BLACK
 - TIMBER SHUTTER - EXISTING DOORS TO BE USED WHERE POSSIBLE
 - EXISTING TIMBER SHUTTER TO BE RESTORED/RETAINED WHERE POSSIBLE
 - TERRACOTTA CORRUGATED SHEET ROOF - TO BE RETAINED AND REPAIRED WHERE NECESSARY
 - EXISTING YELLOW STOCK BRICK
 - NEW BLACK TIMBER CLADDING TO MATCH EXISTING
 - EXISTING TIMBER SHUTTER TO BE RETAINED
 - NEW BOUNDARY MESH FENCE WITH PLANTING



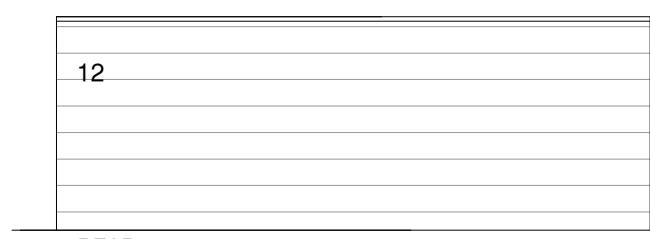
Proposed North Elevation (Elevation 5)



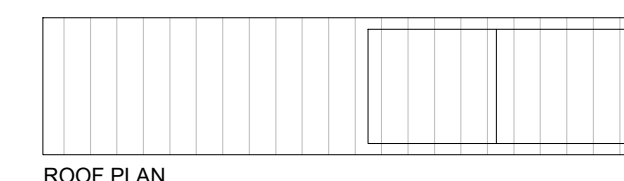
Proposed East Elevation (Elevation 6)



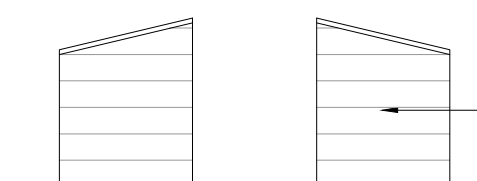
FRONT



REAR



ROOF PLAN



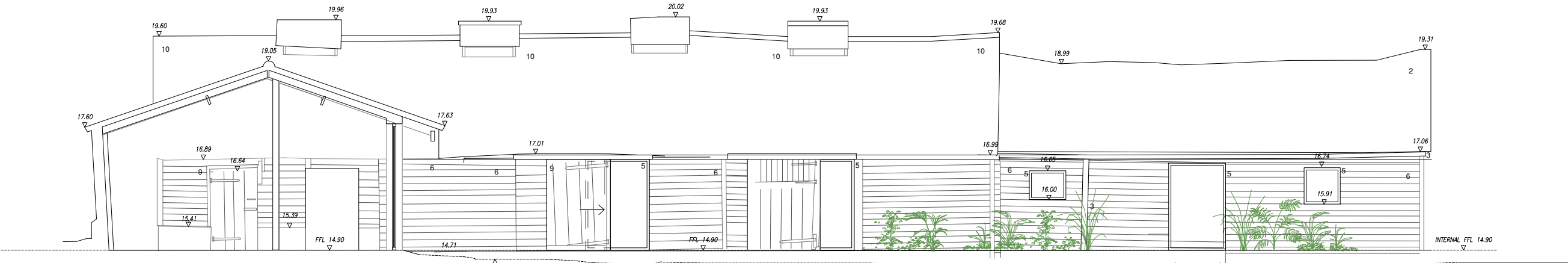
SIDE

SIDE

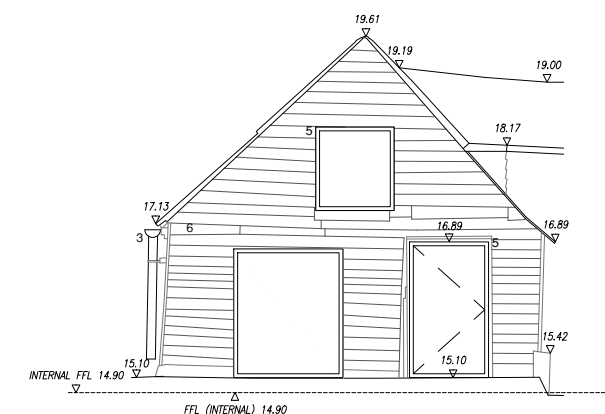
BLACK TIMBER CLADDING TO MATCH EXISTING

PLAN

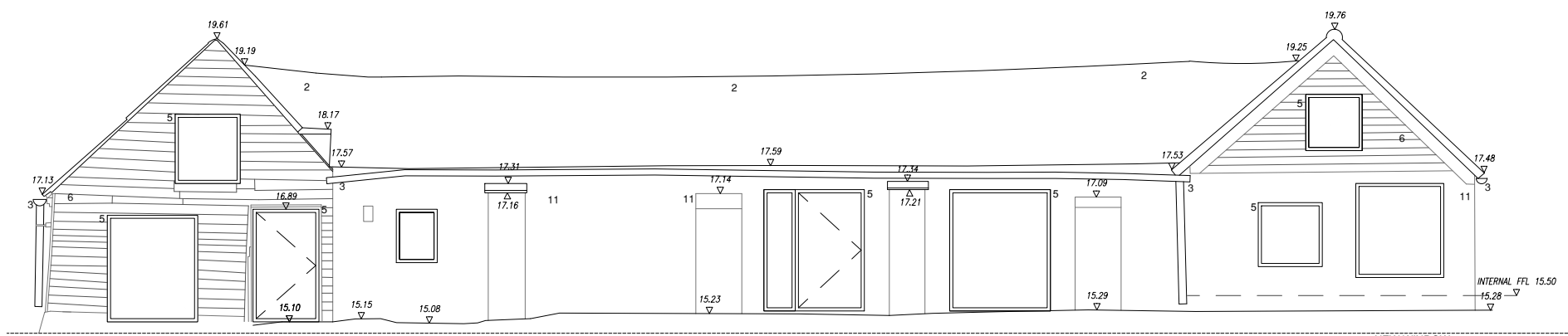
TIMBER BIN AND BIKE STORE 1:50



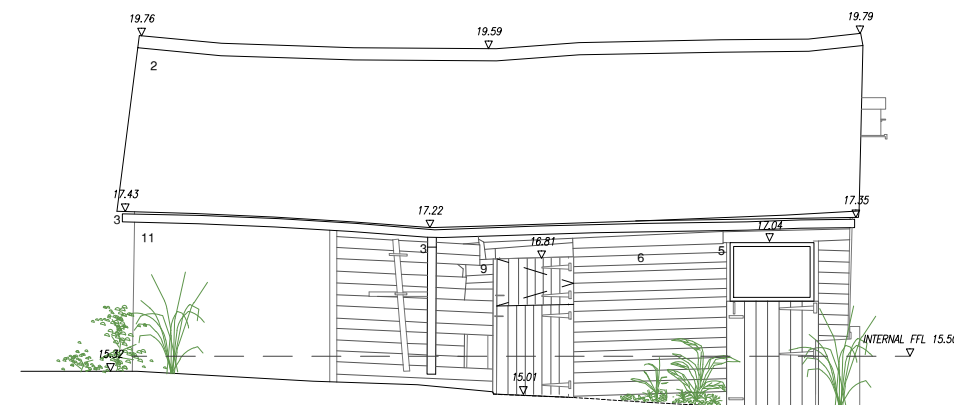
Proposed South Elevation (Elevation 7)



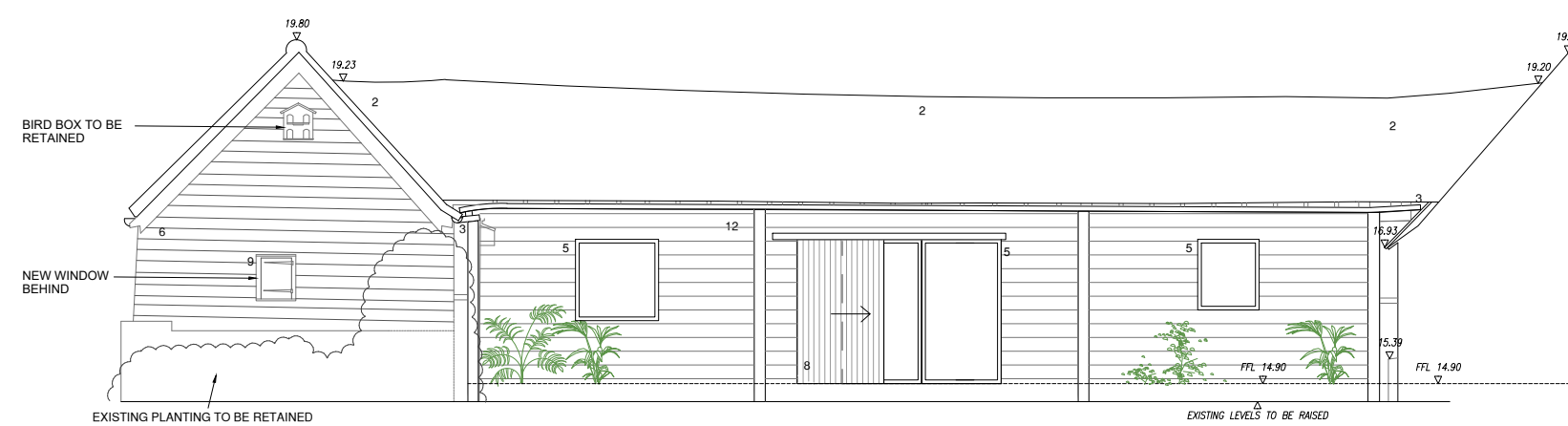
Proposed West Elevation (Elevation 8)



Proposed West Elevation (Elevation 9)

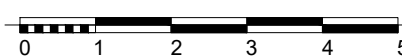


Proposed South Elevation (Elevation 10)



Proposed East Elevation (Elevation 11)

Proposed Elevations 1:100



Notes:			
--------	--	--	--

Rev	Comment	By	Date
B	Retention of bird box	DS	30/06/2021
A	Planning Amendment	DS	11/03/2021
-	PRODUCTION OF DRAWING	DS	10/02/2021

Stage:
2 & 3 - Stage

Client:
DAVID DEDMAN

Project:
COCKETHURST
CASTWOODBURY LANE
SOUTHEND ON SEA SS2 6UE
ESSEX

Drawing Title:
PROPOSED ELEVATIONS

Drawing no:	504_P403	Revision:	B
Project no:	504-05-18	Drawn by:	DS
Scale:	1:50, 1:100 @ A1	Chkd by:	SK

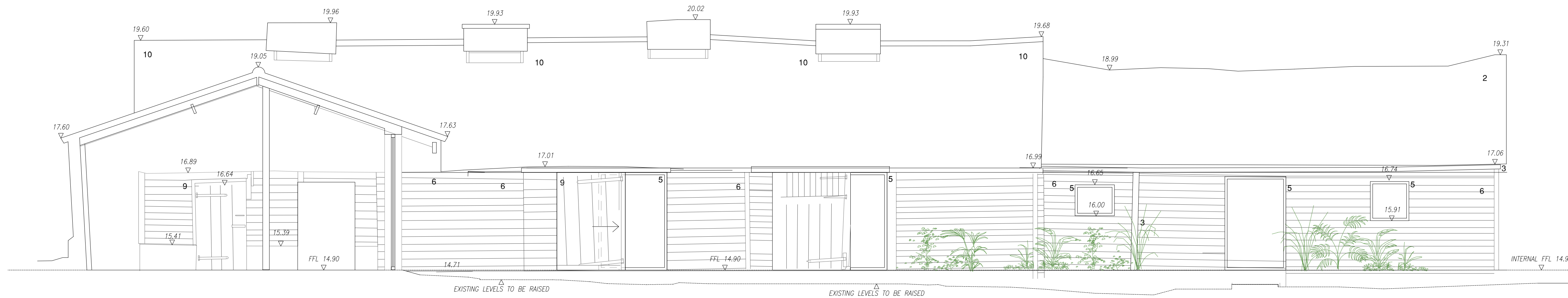
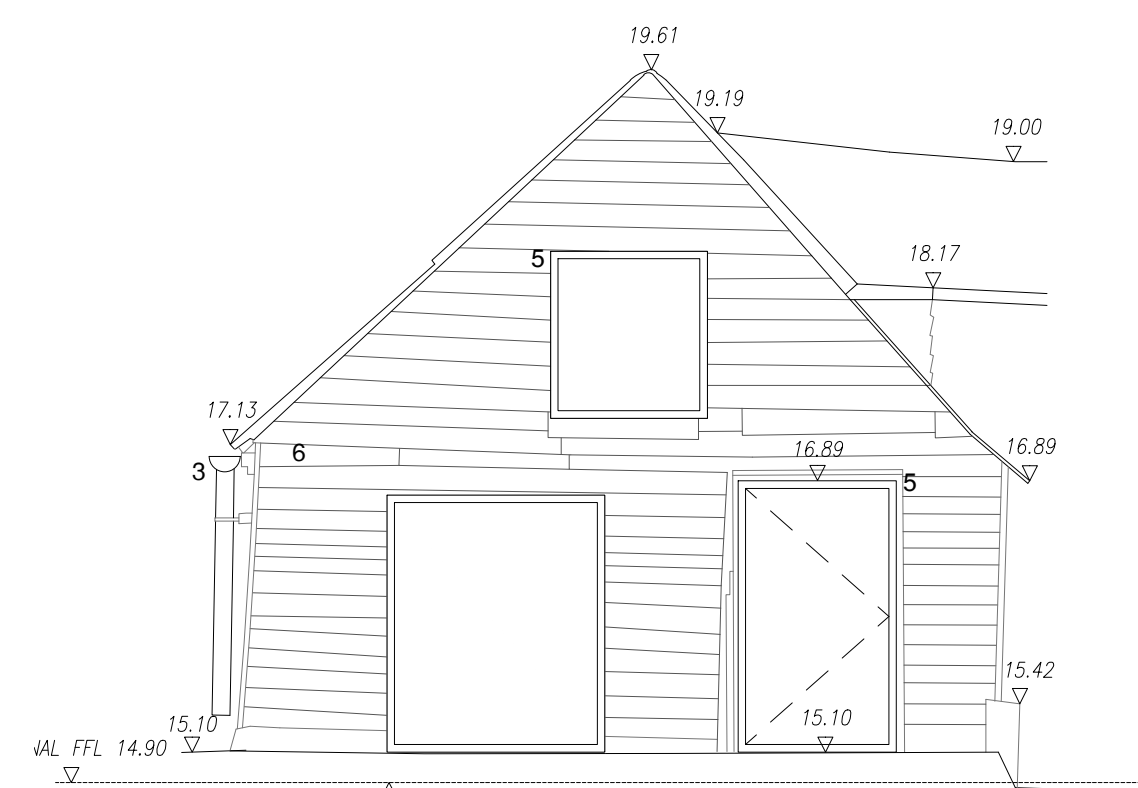
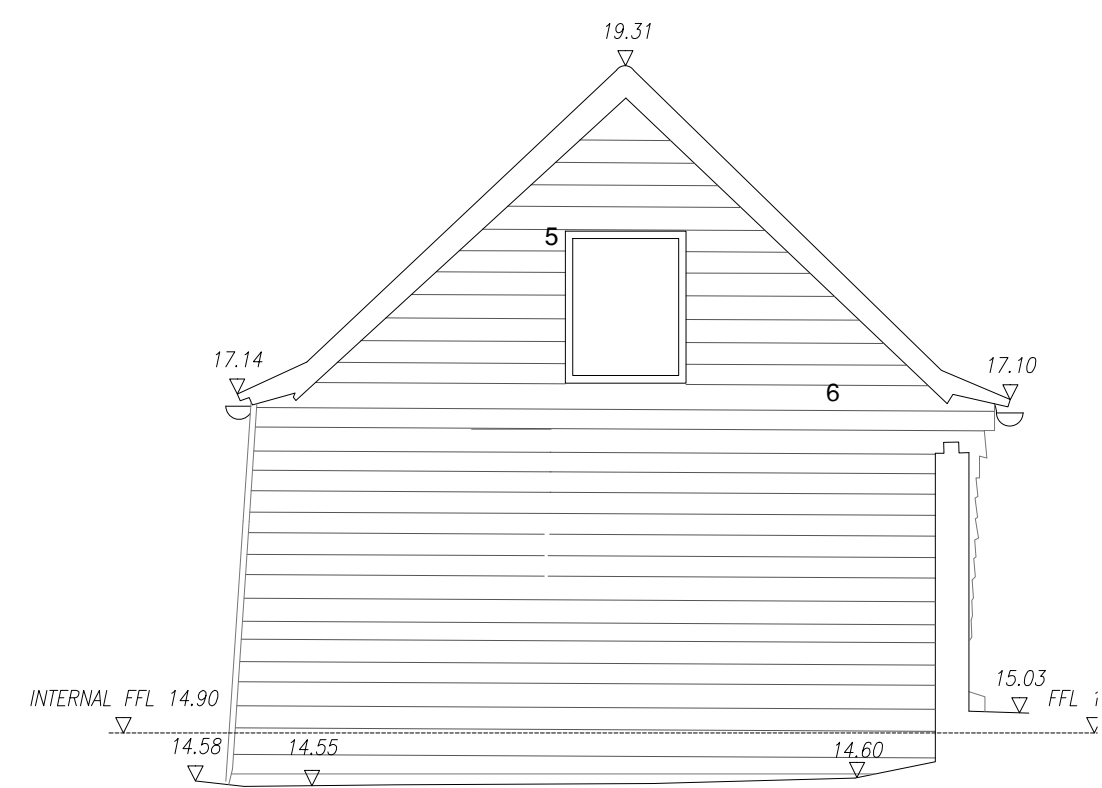
SKARCHITECTS
853-855 London Road
Westcliff-on-Sea
SS0 9E2
Tel: 01702 509250
Email: info@skarchitects.co.uk

We do not scale from this drawing. Drawing to be read in conjunction with all other issued drawings, documents and relevant consultation information. All information on this drawing is for guidance purposes only. All dimensions must be checked onsite. This information is subject to Building Control requirements and the requirements of all relevant statutory authorities and external providers. © SKARCHITECTS Ltd 2018

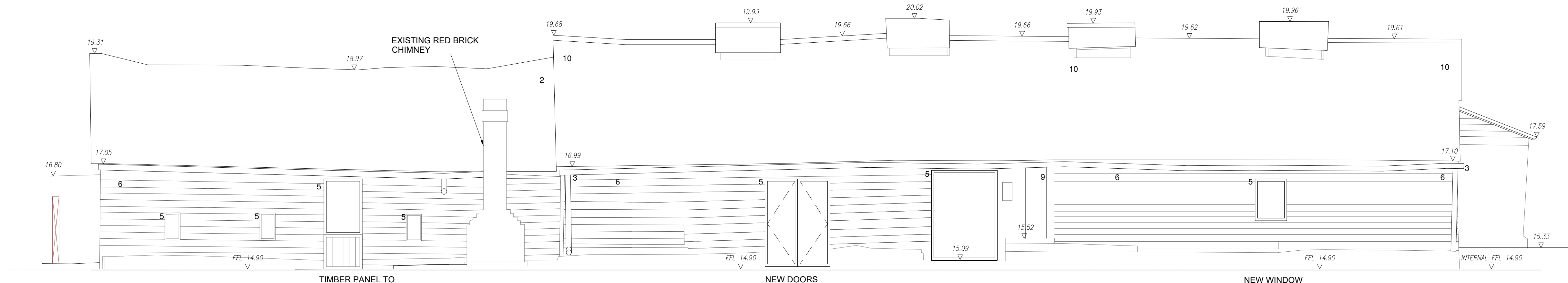
This page is intentionally left blank

MATERIAL KEY:

1. EXISTING RED BRICK
2. EXISTING RED TILES
3. BLACK RAINWATER GOODS - EXISTING TO BE REPLACED WHERE NECESSARY
4. TIMBER LINTEL PAINTED BLACK
5. NEW TIMBER FRAMED WINDOWS AND DOORS. FRAME TO BE BLACK.
6. EXISTING BLACK PAINTED TIMBER CLADDING
7. RENDERED PLINTH PAINTED BLACK
8. TIMBER SHUTTER - EXISTING DOORS TO BE USED WHERE POSSIBLE
9. EXISTING TIMBER SHUTTER TO BE RESTORED/RETAINED WHERE POSSIBLE
10. TERRACOTTA CORRUGATED SHIET ROOF - TO BE RETAINED AND REPAIRED WHERE NECESSARY
11. EXISTING YELLOW STOCK BRICK
12. NEW BLACK TIMBER CLADDING TO MATCH EXISTING
13. EXISTING TIMBER SHUTTER TO BE RETAINED
14. NEW BOUNDARY MESH FENCE WITH PLANTING



Proposed South Elevation (Elevation 7)



Proposed North Elevation (Elevation 5)

Proposed Elevations - Dairy 1:50



Notes:			
--------	--	--	--

Rev	Comment	By	Date
A	Planning Amendment	DS	11/03/2021
-	PRODUCTION OF DRAWING	DS	10/02/2021

Stage:
2 & 3 - Stage

Client:
DAVID DEDMAN

Project:
COCKETHURST
EASTWOODBURY LANE
SOUTHEND ON SEA SS2 6UE
ESSEX

Drawing Title:
PROPOSED ELEVATIONS - DAIRY

Drawing no: S04_P406 Revision: A

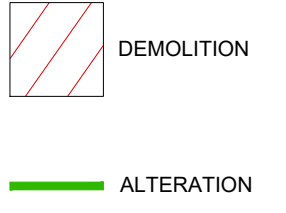
Project no: S04-05-18 Drawn by: DS

Scale: 1:50 @ A1 Chkd by: SK

SKARCHITECTS
85-85 London Road
Westcliff-on-Sea
SS0 9E2
Tel: 01702 509250
Email: info@skarchitects.co.uk

We do not scale from this drawing. Drawing to be read in conjunction with all other issued drawings, documents and relevant consultant information. All information on this drawing is for guidance purposes only. All dimensions must be checked onsite. This information is subject to Building Control requirements and the requirements of all relevant statutory authorities and service providers. © SKARCHITECTS Ltd 2018

This page is intentionally left blank



WHITE HOUSE ROAD

COCKTHORPE MAIN HOUSE

227

Proposed Alteration Plan 1:100



Notes:			
Rev	Comment	By	Date
A	Planning Amendment	DS	11/03/2021
-	PRODUCTION OF DRAWING	DS	10/02/2021
Stage: 2 & 3 - Stage			
Client: DAVID DEDMAN			
Project: COCKTHORPE CASTWOODBURY LANE SOUTHEND ON SEA SS2 6UE ESSEX			
Drawing Title: PROPOSED ALTERATIONS PLAN			
Drawing no:	504_P410	Revision:	A
Project no:	504-05-18	Drawn by:	DS
Scale:	1:100 @ A1	Chkd by:	SK
SKARCHITECTS 853-855 London Road Westcliff-on-Sea SS0 9E2 Tel: 01702 509250 Email: info@skarchitects.co.uk			
<small> We do not scale from this drawing. Drawing to be read in conjunction with all other issued drawings, documents and relevant consultant information. All information on this drawing is for guidance purposes only. All dimensions must be checked on site. This information is subject to Building Control requirements and the requirements of all relevant statutory authorities and service providers. © SKARCHITECTS Ltd 2018 </small>			

This page is intentionally left blank

Cockethurst farm

Outbuildings and relationship with
main farm house

View of outbuildings from entrance

230



Coach House



Dairy



Dairy



Cart shed and Stables



Stables



Southern elevation and open garden



Relationship of farmhouse to courtyard



View of farmhouse from courtyard



Typical door



Fireplace and hanging trees Dairy



Tethering ring and typical partition detail Dairy



Dairy



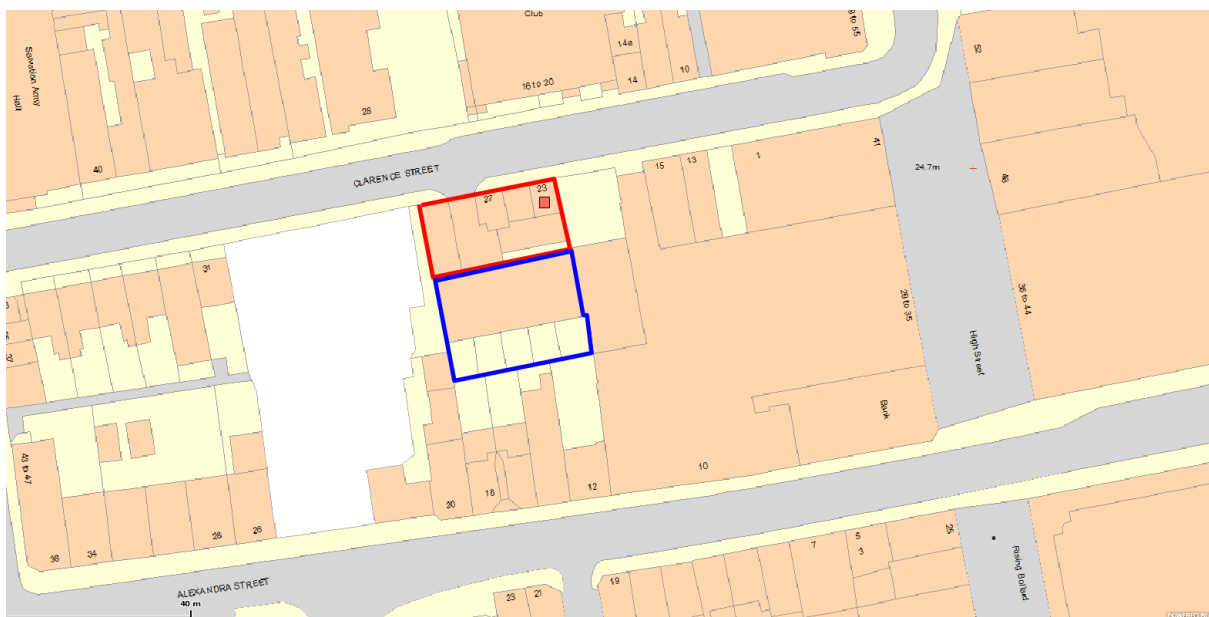
Dairy



Rear of Dairy 1 and Dairy 2



Reference:	21/00344/FUL	<h1>10</h1>
Application Type:	Full Application	
Ward:	Milton	
Proposal:	Change of use and convert existing takeaway and restaurant at ground floor level and A2 office space at first floor level into 4No. self-contained houses, amenity space to rear at first floor level with privacy screen and alterations to front, side and rear elevations	
Address:	23 - 29 Clarence Street, Southend-On-Sea, Essex, SS1 1BH	
Applicant:	Stockvale Investments Ltd.	
Agent:	SKArchitects	
Consultation Expiry:	08.06.2021	
Expiry Date:	22.07.2021	
Case Officer:	Janine Rowley	
Plan Nos:	400-P101; 400-P102, Design, Access and Heritage Statement Ref. 400-11-16, Daylight and Sunlight Report by Right of Light Consulting dated 29 th June 2021	
Recommendation:	GRANT PLANNING PERMISSION	



1 Site and Surroundings

- 1.1 The application relates to a two storey building located on the south side of Clarence Street. The streetscene is characterised by commercial premises to the ground floor including offices fronting the highway. The existing building has most recently been used as a takeaway and restaurant at ground floor with office space at first floor.
- 1.2 The site is not within flood zones 2 or 3 or located within a Conservation Area. The site is located within the Clifftown Policy Area as identified on the Southend Central Area Action Plan (SCAAP) Policies Map and defined as a Frontage of Townscape Merit and locally listed building but is not subject to any other site-specific planning policies. The site falls outside the Town Centre Primary Shopping Area and is not allocated as part of the primary or secondary shopping frontages.

2 The Proposal

- 2.1 Planning permission is sought for a change of use; to convert the existing takeaway and restaurant at ground floor level and A2 office space at first floor level into 4 dwellings with amenity space to the rear at first floor level with privacy screens and alterations to the external elevations.
- 2.2 The proposed units would include the following mix:
- 1 bedroom (2 persons) 58sqm with 18sqm amenity space (winter garden);
 - 1 bedroom (2 persons) 58sqm with 26sqm amenity space (winter garden);
 - 2 bedroom (4 persons) 117sqm with 18.5sqm amenity space (winter garden);
 - 1-bedroom (2 persons) 82sqm with 18.5sqm amenity space (winter garden).
- 2.3 The changes proposed include changes to the fenestration to the front internally at ground floor level as a result of new shutters that are proposed inside the windows and new party walls and internal alterations to subdivide the building into 4 self-contained units. A replacement side door on the west elevation, new doors and windows to the south (rear) elevation overlooking/providing access to the winter gardens and installation of privacy screens within the winter garden amenity spaces are also proposed. The proposal provides no off-street parking and no details of cycle parking or refuse storage have been provided.
- 2.4 A design and heritage statement and a daylight and sunlight report have been submitted with the application.

3 Relevant Planning History

- 3.1 17/00839/FUL - Erect single storey infill extension to courtyard to form kitchen- Planning permission granted.
- 3.2 Change use of rear building from storage (Class B8) to five dwellinghouses (Class C3) (Prior Approval)- 17/00844/PA3COU- Prior Approval Granted.

4 Representation Summary

4.1 Public Consultation

44 neighbouring properties were consulted and a site notice displayed. Three letters of representation including one from the Milton Society have been received which make the following summarised comments:

- No more flats;
- Loss of the restaurant now the takeaway;
- Destruction of character;
- Locally listed building is one of the best in the town;
- The residential use will result in a dead frontage;
- A commercial premises to the ground floor adds to the vitality and viability of the town centre;
- Developer profits.

4.2 Milton Conservation Society representation

- Should be refused planning permission;
- Property is a landmark building for Arts and Crafts style;
- The applicant is required to submit a statement of historical significance (policy DM5) which they have not. On these grounds alone the application should not have been registered.
- This building has historical significance and this includes not just the front facade but also the interior spaces, particularly the former yard area with lantern light. The building had an arched horse and cart entry to the yard and is believed to have been a bakery, the shop fronts no doubt displaying foods and the activity within. These spaces were maintained by the former use as a bar, as were other interior finishes, not least the yard's original cobble stone floor. Sadly, these became eroded or lost by the conversion to a fish and chip shop. But at least the shop fronts maintained their active frontage as a restaurant.
- These shop fronts themselves play an important part in describing the former use and the Council seeks to protect active frontages (policy DS1). Now, under this proposal these historic spaces would be completely lost, given over to private use, divided by newly introduced party walls. The shop windows would, no doubt, become screened and curtained for the required residential privacy for the proposed habitable spaces, immediately adjacent to the street footpath. It would be a completely inappropriate misuse of the historic commercial building.
- The proposal includes windowless kitchen-dining spaces and disconnected, undersized, overlooked and very poor quality amenity space. This should not be acceptable.
- Then there is the building to the rear. Here former storage was converted to residential development. This site is land locked and is probably one of the worst, almost Dickensian residential developments in our town. It relies on alley way access and overlooking at first floor level, directly into the now proposed 'amenity' spaces for 2 of the 4 houses. These spaces then rely upon introduced privacy screens placed 1.5m from the existing residence windows. This is essentially slum planning that should not be allowed. The other two houses are proposed with 'wintergarden amenity space'. The point about amenity space is that it should afford amenity, the first of which is fresh air. A 'wintergarden' might sound quaintly evocative but it is not a substitute for proper amenity space. There is no car parking provision, no cycle storage provision and no refuse storage provision.

- If we move to allow conversion of all buildings to residential use, we will destroy the future balance of our town centre.

Officer comment: The concerns raised are noted and they have been taken into account in the assessment of the proposal. They have not been found to justify refusing planning permission in the circumstances of this case.

4.3 Councillor Nevin and Councillor Mitchell have requested the application be referred to the Development Control Committee.

4.4 **Parks**

No comment.

4.5 **Environmental Health**

No objections subject to conditions relating to construction hours and waste management.

Highways

4.6 There are no highway objections to this proposal as the site benefits from being in a sustainable location with regard to public transport with good links in close proximity. The applicant should provide secure cycle parking as part of the development. Future occupiers will not be eligible for a town centre residential parking permit. It is not considered that the proposal will have a detrimental impact on the local highway network.

5 **Planning Policy Summary**

5.1 National Planning Policy Framework (2019)

5.2 Core Strategy (2007) Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP1 (Employment Generating Development), CP2 (Town Centre and Retail Development), CP3 (Transport and Accessibility) and CP4 (Environment & Urban Renaissance)

5.3 Development Management Document (2015) Policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM5 (Southend-on-Sea's Historic Environment), DM11 (Employment Areas) DM13 (Shopping Frontage Management outside the Town Centre) and DM15 (Sustainable Transport Management)

5.4 Southend Central Area Action Plan (SCAAP) (2018) Policies DS1 (A Prosperous Retail Centre), DS5 (Transport, Access and Public Realm), PA6 (Cliff town Policy Area Development Principles)

5.5 Design and Townscape Guide (2009)

5.6 Community Infrastructure Levy (CIL) Charging Schedule (2015)

5.7 Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS) Supplementary Planning Document (SPD) (2020)

5.8 Housing Transition Statement (2015)

5.9 Waste Storage, Collection and Management Guide for New Developments (2019)

6 Planning Considerations

- 6.1 The main considerations in relation to this application are the principle of development, design and impact on the character of the area and impact on the Locally Listed Building and the Frontage of Townscape of Merit, standard of accommodation for future occupiers, impact on amenity of neighbouring occupiers; traffic generation; access and parking implications, sustainability, Community Infrastructure Levy (CIL) and RAMS.

7 Appraisal

Principle of Development

- 7.1 Paragraph 117 of the NPPF states *'Planning policies and decisions should promote an effective use of land in meeting the need for homes and other users, while safeguarding and improving the environment and ensuring safe and healthy living conditions.'*
- 7.2 Paragraph 124 of the NPPF states; *"The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this.'*
- 7.3 Policy DM3 of the Development Management Document states: *"Alterations and additions to a building will be expected to make a positive contribution to the character of the original building and the surrounding area through:*
- (i) The use of materials and detailing that draws reference from, and where appropriate enhances, the original building and ensures successful integration with it; and*
 - (ii) Adopting a scale that is respectful and subservient to that of the original building and surrounding area; and*
 - (iii) Where alternative materials and detailing to those of the prevailing character of the area are proposed, the Council will look favourably upon proposals that demonstrate high levels of innovative and sustainable design that positively enhances the character of the original building or surrounding area."*
- 7.4 The existing site is not located within a primary or secondary shopping frontage and is located outside the Town Centre Primary Shopping Area as designated by the Development Management Document and the SCAAP. As such, there are no policies safeguarding the existing ground floor commercial - restaurant/takeaway use. Whilst it is regrettable for the loss of the restaurant and takeaway, the provision of residential use is acceptable in principle subject to compliance with other relevant planning policies and guidance.
- 7.5 The results of the Housing Delivery Test (HDT) published by the Government show that there is underperformance of housing delivery in the Borough. Similarly, the Council's Five Year Housing Land Supply (5YHLS) figure shows that there is a deficit in housing land supply in the Borough. The HDT and 5YHLS weigh in favour of the principle of the development, particularly in light of the tilted balance in favour of sustainable residential development as required by paragraph 11 of the NPPF. However, the proposal would make a modest contribution to the housing supply of the Borough and it is for one and two-bed dwellings, a type of housing for which there is not as great a need as for other types of units as identified within the South Essex Strategic Housing Market Assessment.

7.6 In terms of the loss of the offices at first floor, Policy DM11 states *'Outside the Employment Areas, proposals for alternative uses on sites used (or last used) for employment purposes, including sites for sui-generis uses of an employment nature, will only be permitted where it can be demonstrated that:*

- (i) It will no longer be effective or viable to accommodate the continued use of the site for employment purposes; or*
- (ii) Use of the site for B2 or B8 purposes gives rise to unacceptable environmental problems*

It will need to be demonstrated that an alternative use or mix of uses will give greater potential benefits for the community and environment than continued employment use.'

7.7 In this respect, firstly it is noted that the applicant states that the first floor has been used for A2 purposes (financial and professional services) rather than B1a office use within the Design and Access Statement submitted. The details included within the Design and Access Statement also indicate that the applicant has tried for over 2 years to diversify the commercial offering at the site, however, it remains unviable. On balance, given this and given the advice within the NPPF which states that planning policies and decisions should *'promote and support development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting spaces above shops...'* (paragraph 118) and that planning policies should *'recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites.'* (paragraph 85), it is considered, in this instance, that the loss of the first floor office space would be acceptable and policy compliant.

7.8 The principle of the proposed development is therefore found to be acceptable.

Design and Impact on the Character of the Area and the Locally Listed Building and Frontage of Townscape Merit

7.9 The NPPF states that *'Good design is a key aspect of sustainable development'* and this is referenced throughout the NPPF as well as in policies KP2 and CP4 of the Core Strategy and policies DM1 and DM5 of the Development Management Document. The Design and Townscape Guide states that the Council is committed to good design and the preservation and enhancement of heritage assets.

7.10 In regard to development affecting heritage assets policy DM5 states that *'Development proposals that result in the loss of or harm to the significance of a non-designated heritage asset, such as a locally listed building or frontages of townscape merit, will normally be resisted, although a balanced judgement will be made, having regard to the scale of any harm or loss, the significance of the asset and any public benefits.'*

7.11 Paragraph 197 of the NPPF states *'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'*

- 7.12 Paragraph 322 of the Design and Townscape Guide states *‘The street frontages of some buildings not subject to other conservation control can, nevertheless, contribute significantly to the quality of the local townscape by their architectural character as a group and their prominence in the streetscene. Such frontages are identified by the Council as Frontages of Townscape Merit. They are situated in parts of the town centre and Hamlet Court Road. The Council intends that such frontages are retained and that their architectural character is respected by proposals for fascias, shopfronts and other alterations and will seek enhancements in applications for replacement shopfronts and other alterations where appropriate.’*
- 7.13 The proposed external alterations to the elevations solely relate to the side and rear elevations including a replacement door to the west side and new windows and doors to the rear which will not be particularly visible from the streetscene. The proposed materials will match the existing including timber windows and doors and this can be controlled by condition.
- 7.14 In terms of appearance, the existing frontage will be retained however, the plans indicate internal shutters and party walls to subdivide the premises into new residential properties are proposed. The existing property is locally listed and within a frontage of townscape merit. The internal changes to facilitate a residential use will alter the building’s appearance when viewed from the street but given their location within the building, on balance, it is not considered that the proposed changes would significantly harm the overall character, appearance or setting of the historic building, especially given that the external frontage remains unaltered. Taking into account the external appearance of the building remains unaltered and specific conditions can be imposed in relation to the internal alterations on balance, it is not considered that the proposed changes would result in significant harm to this historic building and the proposal is therefore found acceptable in this regard. Overall, it is considered that any harm to the non-designated heritage asset would be less than substantial and that the public benefits of the proposal, including providing a viable use for the building and the provision of 4 additional dwellings within a highly sustainable location would clearly outweigh this limited harm.

Living Conditions for Future Occupiers

- 7.15 Delivering high quality homes is a key objective of the NPPF.
- 7.16 Policy DM3 of the Development Management Document (i) states: proposals should be resisted where they “Create a detrimental impact upon the living conditions and amenity of existing and future residents or neighbouring residents”.

Space Standards and Quality of Habitable Rooms.

- 7.17 All new homes are required to meet the National Technical Housing Standards in terms of overall floorspace and bedroom sizes. The standards require; 1 bedroom 2 person units over 2 storeys to have a minimum of 58sqm internal floorspace and 2 bedroom 4 persons units over 2 storeys to have a minimum of 79sqm of floorspace.
- 7.18 The proposal provides 3 x 1 bed 2 person dwellings over 2 storeys with internal floorspaces ranging from 58sqm to 82sqm and 1 x 2 bed 4 person dwelling over 2 storeys with 117sqm internal floorspace. As such, all of the units are compliant with or exceed the National Technical Housing Standards. The proposal is acceptable and policy compliant in this regard.

Light, Privacy and Outlook

- 7.19 The building is north facing. The layout of the dwellings at ground floor includes open plan layouts with the lounge areas facing onto Clarence Street with the kitchen/dining areas located to the rear of the building with their main source of light from a rooflight above. The agent has confirmed that the flat rooflights to be installed within the single storey flat roofs to serve the dwellinghouses provide greater daylight than a vertical window and would be 'walk-on-glass' not impacting the usability of the amenity space above. The applicant has submitted a Daylight and Sunlight Report which demonstrates that all habitable rooms surpass the BRE minimum Average Daylight Factor (ADF) recommendations. In terms of the sunlight to windows the BRE guide acknowledges that, in some cases, it may not be possible for every dwelling to achieve ideal levels of sunlight. The guide explains that, where groups of dwellings are planned, the aim should be to maximise the number of dwellings that have at least one main window that faces within 90 degrees of due south, and to have at least one window to a main living room that meets the BRE numerical targets. In this case of this development, 3 of the 4 proposed houses have a living room window which faces within 90 degrees of due south and the layout has been designed to maximise sunlight availability where possible. Given the above report findings showing achievement of acceptable levels and noting limitations of conversions of such buildings it is considered on balance that internal living conditions would be acceptable including by providing future residents with sufficient outlook and light.

The proposal is acceptable and policy compliant in the above regards.

M4(2) – Accessibility

- 7.20 Policy DM8 requires all new dwellings to be accessible and adaptable to Building Regulations M4(2) standards. Given this proposal seeks to convert an existing building this is not applicable in this instance.

Amenity Provision

- 7.21 The property has previously been extended to the rear at first floor with a fully glazed roof. The applicant's intention is to use this area as amenity space and to form winter gardens ranging from 18sqm to 26sqm per dwelling. It is considered in this instance on balance, taking into account the town centre location and type of accommodation proposed (3 x 1 bedroom units and 1 x 2 bedroom unit) that the provision of such winter gardens as amenity space is acceptable, subject to a condition requiring full details of these winter gardens to be submitted and approved by the local planning authority. A further condition is recommended to prevent the amenity areas being converted into habitable accommodation.

Interlooking and overlooking into the site

- 7.22 The applicant is proposing visibility screens between the winter gardens which would satisfactorily mitigate any significantly harmful interlooking between the proposed units, full details of which can be secured via condition.

- 7.23 There are existing windows to the immediate rear of the site which serve residential units (bedrooms) which are located in close proximity to the site and which have the potential to overlook the proposed units and their amenity areas. These windows are approximately 5.8m from the first floor flank wall of the application building. However, the ground floor includes no additional ground floor rear windows and the additional first floor openings serve bathrooms or access doors to the winter gardens. It is considered that any overlooking can be suitably mitigated with a condition requiring full details of the enclosures to the winter gardens, which will need to be obscure glazed and/or obscure glazing to the rear fenestration. Subject to suitable privacy screens/obscure glazing being provided, it is not considered that the development would result in significant overlooking or a significantly harmful loss of privacy to the existing residents to the rear of the site, nor the future occupiers of the dwellings. It should also be noted that a degree of overlooking is often to be reasonably expected in a Town Centre, built up environment of this nature.

Impact on Residential Amenity

- 7.24 Local and national planning policies and guidance seek to secure high quality development which protects amenity. Policy DM1 of the Development Management Document specifically identifies that development should protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight. Further advice on how to achieve this is set out in the Council's Design and Townscape Guide.
- 7.25 The proposal does not seek to increase the size of the existing building and as such the proposal would not result in any harm in terms of dominance, an overbearing impact or sense of enclosure over and above the existing situation. Given the existing surrounding, mainly commercial uses, the extent of the existing windows in the existing building and the relationship of the site to neighbouring land uses, it is considered that the proposal would not result in any material overlooking or harmful loss of privacy to adjoining residents. As set out above, any significant overlooking to the dwellings to the immediate rear of the site can be suitably mitigated with the imposition of a condition requiring full details of the privacy screens and/or obscure glazing to the first floor fenestration to the rear.
- 7.26 Subject to such conditions, the development is acceptable and policy compliant in the above regards.

Traffic and Transportation Issues

- 7.27 Policy DM15 of the Development Management Document requires all development to provide adequate parking and sets a minimum parking standard of 1 parking space per dwellinghouse in this Town Centre location. Any lower or higher provision would need to be justified in accordance with Policy DM15. The existing site has no off-street parking and the proposed development would similarly not benefit from any off-street parking. Taking into account the existing use of the site and the highly sustainable location of the site with good access to shops and services within the Town Centre, the bus service interchange and close proximity to Southend Central Train Station, no objection is raised in this instance in accordance with policy DM15 which allows a flexible approach to parking provisions in highly sustainable locations of this nature. Highways have raised no objection to the proposal on this basis.

Cycle Parking and Refuse Storage

- 7.28 Development Management Document Policy DM15 requires a minimum of 1 secure and covered cycle space per dwelling. No details of the cycle storage for the proposed dwellings have been submitted but this can be controlled by condition.
- 7.29 In relation to refuse storage the Waste Storage, Collection and Management Guide for New Developments requires edge of property sacks for waste, recycling, and 20l food waste containers for dwellings of this nature. As the proposed development is for dwellinghouses rather than flats, a formal refuse store is not required. Satisfactory kerbside collection can be provided. The proposal is therefore acceptable and policy compliant in the above regards.

Sustainability

- 7.30 Policy KP2 of the Core Strategy states: *“All development proposals should demonstrate how they will maximise the use of renewable and recycled energy, water and other resources. This applies during both construction and the subsequent operation of the development. At least 10% of the energy needs of new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources), such as those set out in Design and Townscape Guide”.*
- 7.31 Given that the application building is existing and locally listed it is not considered necessary or reasonable, in this instance to require the development to meet the above requirement.
- 7.32 Policy DM2 (iv) of the Development Management Document requires all new development to provide *“water efficient design measures that limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption). Such measures will include the use of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting.”* Details have not been submitted for consideration with the application and but can be satisfactorily addressed by a planning condition.

Community Infrastructure Levy (CIL)

- 7.33 This application is CIL liable and there will be a CIL charge payable. In accordance with Section 70 of the Town and Country Planning Act 1990 (as amended by Section 143 of the Localism Act 2011) and Section 155 of the Housing and Planning Act 2016, CIL is being reported as a material ‘local finance consideration’ for the purpose of planning decisions. The application site is located within Zone 2 therefore a CIL rate of £38.42 per sqm is required for the proposed development. The proposed development equates to approximately 365 sqm of new residential floorspace which may equate to a CIL charge of approximately £14,024.42 (subject to confirmation). Any existing floor area that is being retained/demolished that satisfies the “in-use building” test, as set out in CIL Regulation 40, may be deducted from the chargeable area thus resulting in a reduction in the chargeable amount.

Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS)

- 7.34 Core Strategy policy KP2 and Development Management Policy DM2 require development to respect, conserve and enhance biodiversity.
- 7.35 The site falls within the Zone of Influence for one or more European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS). It is the Council's duty as a competent authority to undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation. Any new residential development has the potential to cause disturbance to European designated sites and therefore the development must provide appropriate mitigation. This is necessary to meet the requirements of the Conservation of Habitats and Species Regulations 2017. The RAMS Supplementary Planning Document (SPD), which was adopted by Full Council on 29th October 2020, requires that a tariff of £127.30 (index linked) is paid per dwelling unit. This will be transferred to the RAMS accountable body in accordance with the RAMS Partnership Agreement. The applicant has made this this payment so the ecological implications of the site can be considered acceptable and policy compliant.

Permitted Development

- 7.36 Given the constrained nature of the site, in this instance, it is necessary to remove permitted development rights for the dwellings in terms of Class A (enlargement, improvement or other alterations) and Class B (enlargements consisting of an addition or alteration to its roof) in the interests of residential amenity.

8 Conclusion

- 8.1 Having taken all material planning considerations into account, it is found that subject to compliance with the attached conditions, the proposed development would be acceptable and compliant with the objectives of the relevant development plan policies and guidance. The principle of the development is found to be acceptable and the proposal would have an acceptable impact on the character and appearance of the application site, its locally listed building, the streetscene including the Frontage of Townscape Merit and on the amenities of neighbouring occupiers.
- 8.2 This proposal provides new housing. Therefore where and if any aspects of harm were identified, including those identified within this report's analysis of the proposal, it would be necessary to demonstrate that in reaching the decision an appropriate balancing exercise has been undertaken considering the benefits of the proposal and any such harm. The Council has a deficit in housing land supply so the tilted balance in favour of sustainable development should be applied when determining the application as relevant. The test set out by the NPPF is whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when considered against the policies of the NPPF taken as a whole. The proposal would make a contribution to the housing needs of the borough which must be given increased weight in the planning balance, albeit the weight to be attached to this would not be so significant in this instance in view of the number and nature of units involved. The development provides adequate living conditions for future occupiers and is acceptable in terms of parking and highways impacts and the RAMS payment has been paid. This application is recommended for approval subject to conditions.

9 Recommendation

9.1 Members are recommended to GRANT PLANNING PERMISSION subject to the following conditions:

- 1 The development hereby permitted shall begin no later than 3 (three) years from the date of this decision.**

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

- 2 The development hereby permitted shall be carried out in accordance with the approved plans: 400-P101; 400-P102.**

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

- 3 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no development shall take place until and unless samples of the external materials and full details of the windows, doors, internal shutters, privacy screens and party walls subdividing the dwellings have been submitted to and approved in writing by the Local Planning Authority. The works must then be carried out in accordance with the approved materials. The development shall be carried out in full accordance with the approved details before it is first occupied.**

Reason: In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of the area. This is as set out in the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM3, DM5 and the guidance contained within the Design and Townscape Guide (2009).

- 4 Notwithstanding the provisions of Classes A & B of Part 1 of Schedule 2 to the Town and Country Planning General Permitted Development Order 2015 (or any statutory modification or re-enactment or replacement thereof (as the case may be), no development falling within those classes shall be undertaken at the site unless express planning permission has been obtained from the Local Planning Authority.**

Reason: To safeguard the design and appearance of the proposed development in the interest of visual amenities of the locality and in order to protect the amenities of surrounding occupiers 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 Design and Townscape Guide (2009).

- 5 Prior to the first occupation of the dwellings hereby approved, full details of the 'winter gardens'/amenity spaces at first floor shown on the plans otherwise hereby approved shall be submitted to and approved in writing by the Local Planning Authority. These details shall include full details of the hard and soft landscaping within the winter gardens and full details and specifications of all privacy screens associated with them.**

The winter gardens and privacy screens shall be implemented in accordance with the approved details prior to first occupation of the development hereby approved and the approved privacy screens shall thereafter be retained as approved for the lifetime of the development. The 'winter gardens'/amenity spaces at first floor shall be permanently retained for amenity spaces for future occupiers of the dwellings and not used for any other purpose whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order) unless express planning permission has been obtained from the Local Planning Authority.

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

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

- 7 Prior to the first occupation of the development hereby approved full details of covered and secure bicycle storage facilities for the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Prior to first occupation of the development, the bicycle storage facilities shall be provided and made available for use at the site in accordance with the approved details and thereafter retained for the lifetime of the development.

Reason: In the interests of residential amenity for future occupants, to ensure the provision of adequate cycle parking and in the interests of visual amenity as set out in the National Planning Policy Framework (2019), Core Strategy (2007) policies KP2 and CP4 and Policies DM1, DM8 and DM15 of the Development Management Document (2015) and the guidance within the Design and Townscape Guide (2009).

- 8 Notwithstanding the details shown in the plans submitted and otherwise hereby approved none of the dwellings hereby granted consent shall be first occupied unless and until plans and full details (including the Pilkington level of obscured glass) have been submitted to and approved in writing by the Local Planning Authority which specify full details of the obscure glazing and any restrictions to the openings to the first floor rear fenestration Before the dwellings hereby approved are first occupied the development shall be implemented in full accordance with the details and specifications approved under this condition and shall be permanently retained as such thereafter.

Reason: To safeguard the privacy and amenities of occupiers of neighbouring residential properties and the future occupiers of the proposed residential dwellings, in accordance with the National Planning Policy Framework, Core Strategy (2007) policy CP4, Development Management Document (2015) policy DM1 and advice contained in The Design and Townscape Guide (2009).

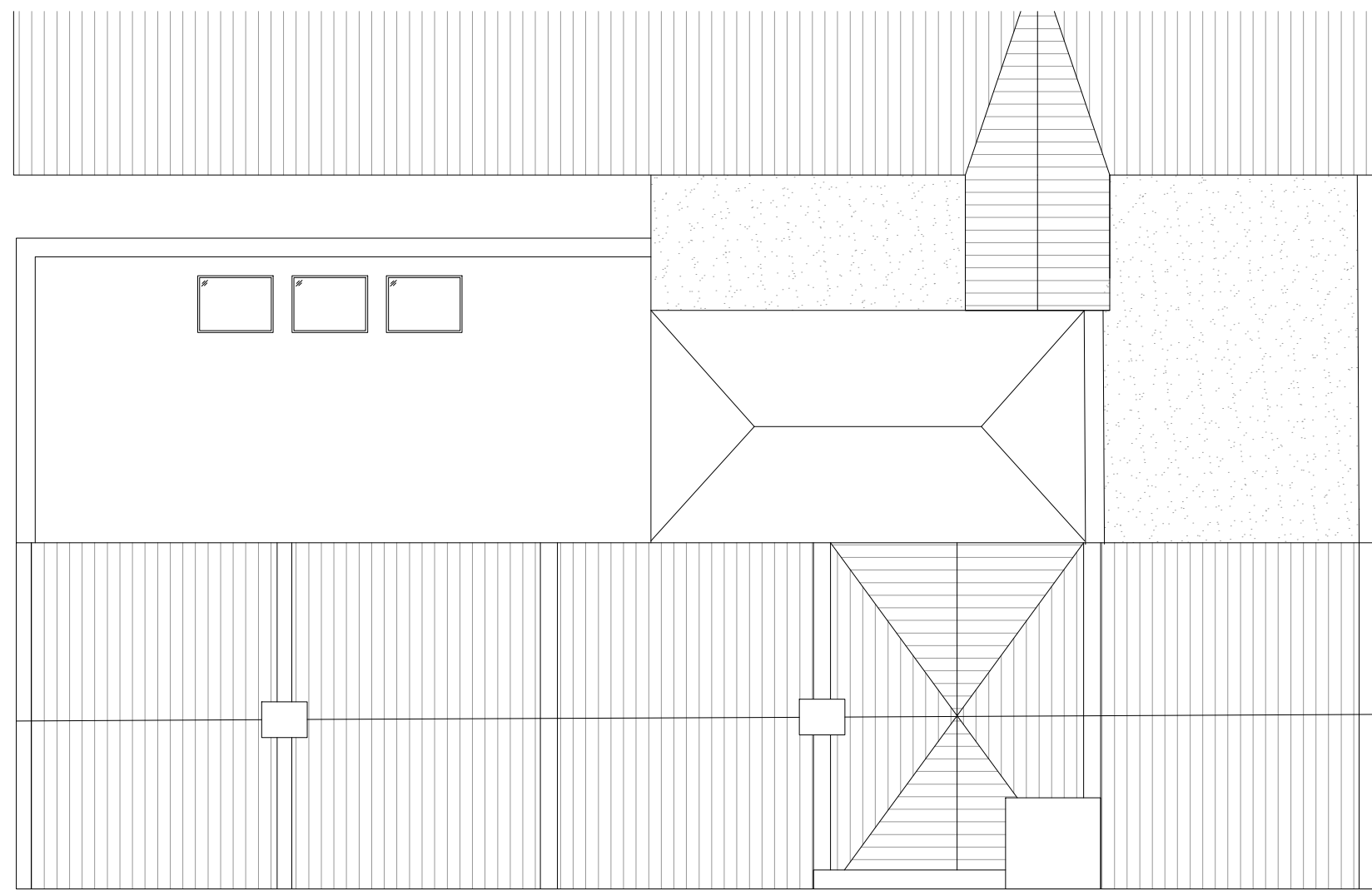
- 9 Water efficient design measures as set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (l_{pd}) (110 l_{pd} when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems shall be installed and made available for use prior to the first occupation of the development hereby approved and retained in perpetuity.**

Reason: To minimise the environmental impact of the development through efficient use of water in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) policy KP2, Development Management Document (2015) policy DM2 and the guidance within the Design and Townscape Guide (2009).

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

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 notices. 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.**
- 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.**



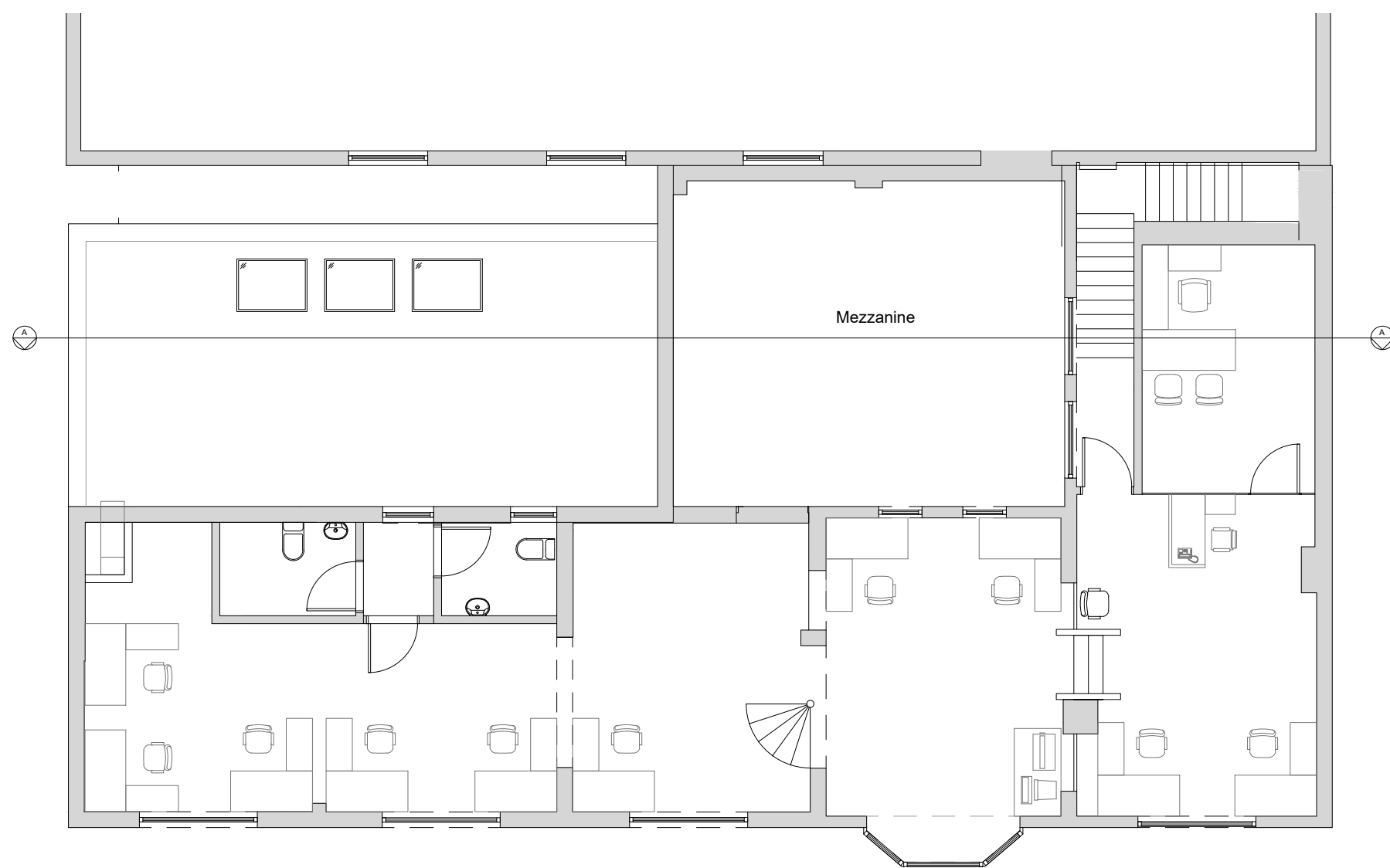
Existing Roof Plan 1:100



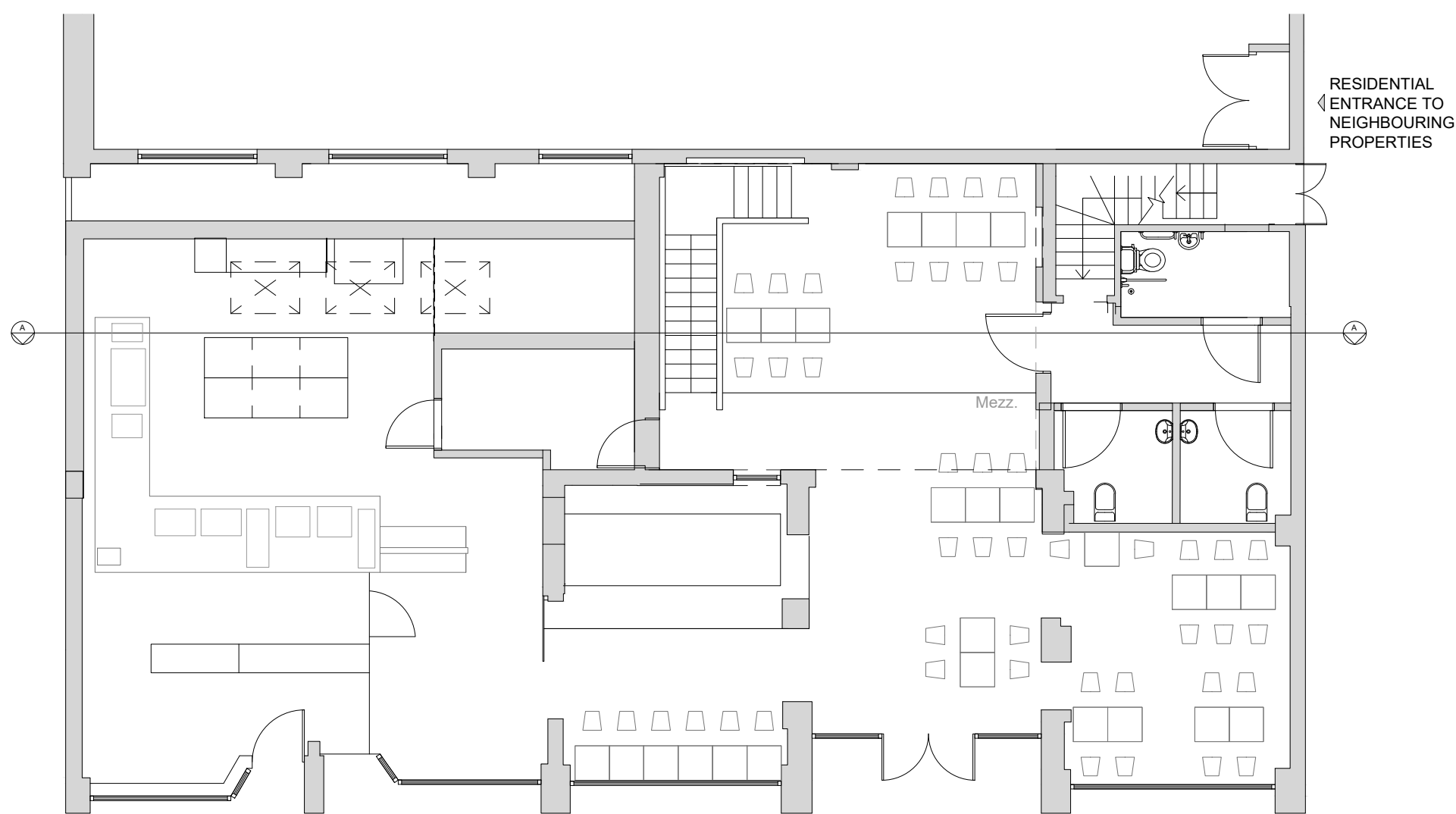
Existing Block Plan 1:500



Existing Location Plan 1:1250



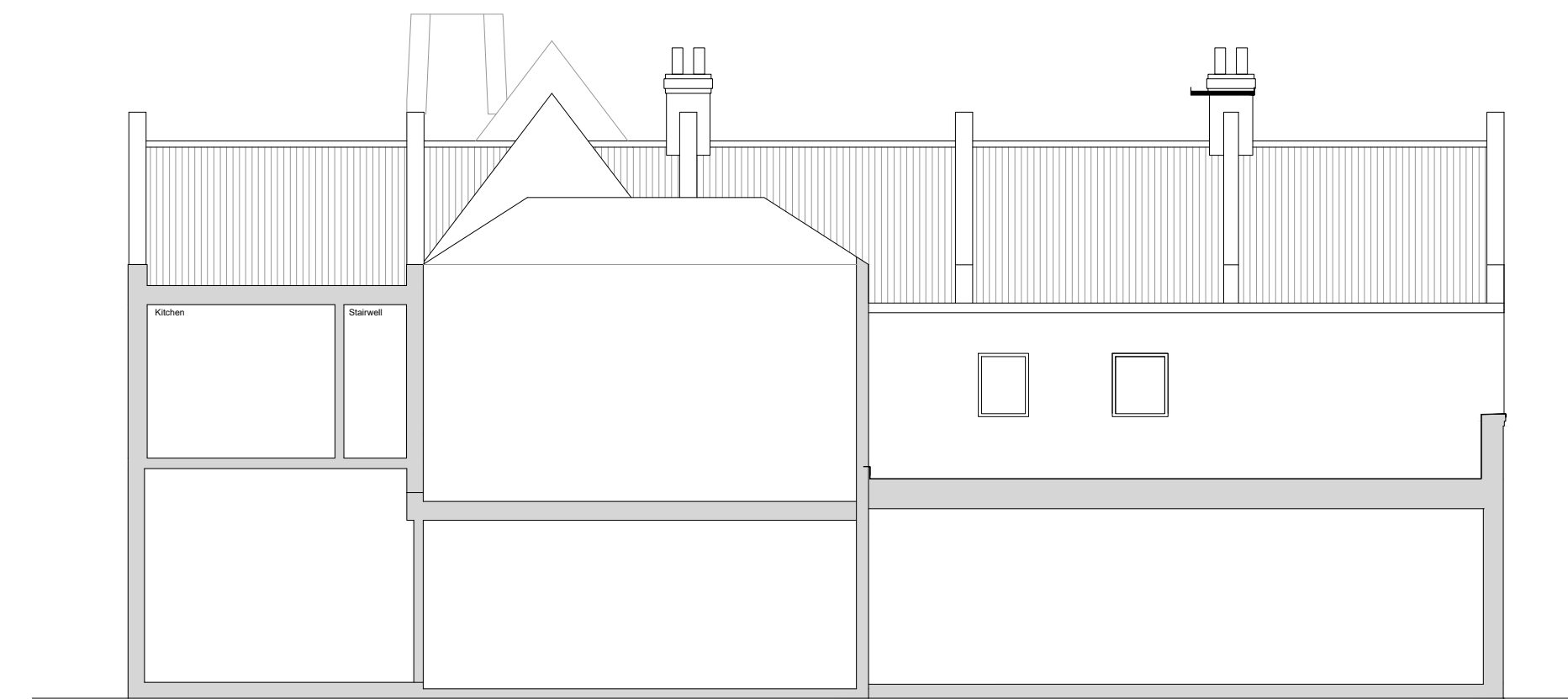
Existing First Floor Plan 1:100



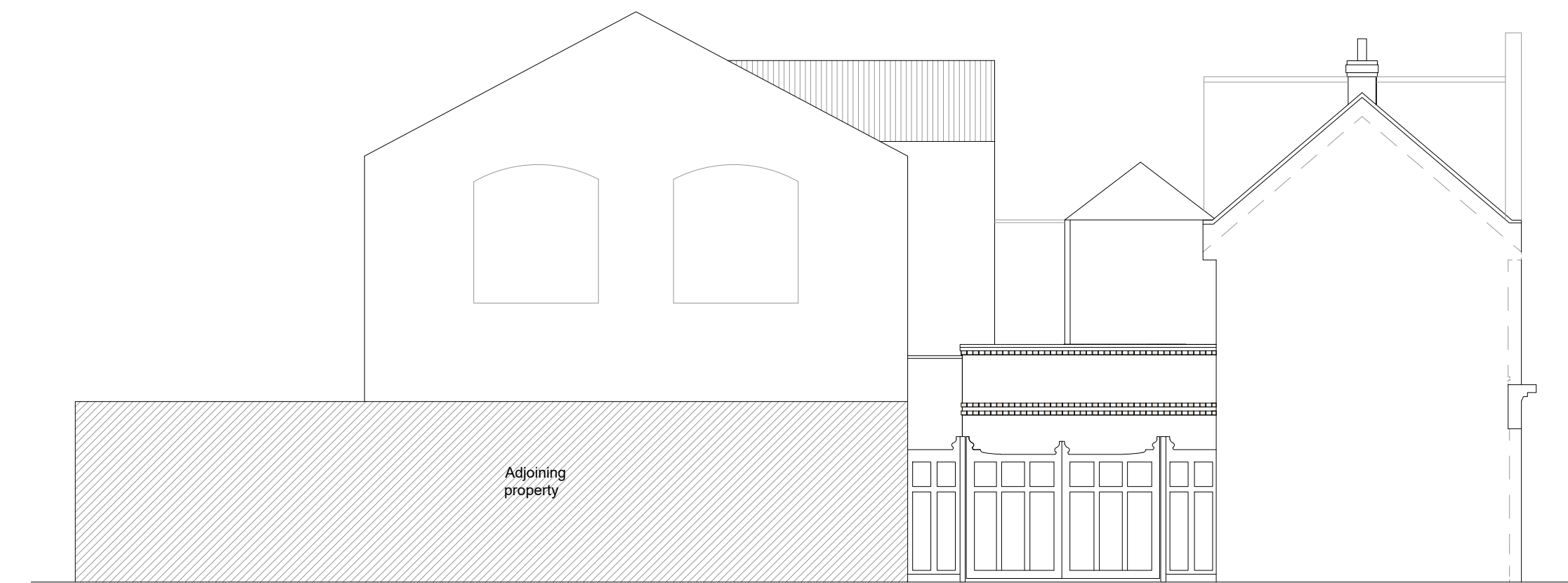
Existing Ground Floor Plan 1:100



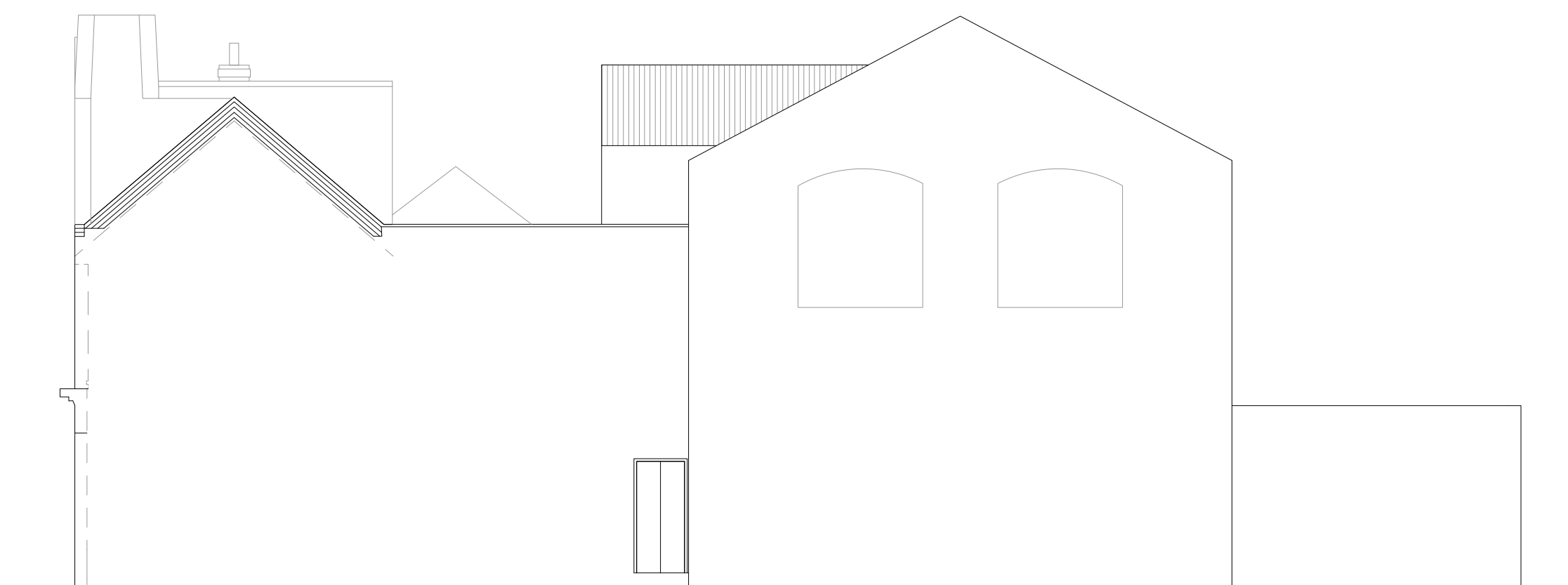
Existing North Facing Elevation 1:100



Existing South Facing Elevation/ Section A 1:100



Existing East Facing Elevation 1:100



Existing West Facing Elevation 1:100

Notes:

Rev	Comment	By	Date
-	Production of drawing	DS	05/01/2021

Stage:
3 - Planning

Client:
Stockvale

Project:
Clarence Yard
23-29 Clarence Street
Southend-on-Sea
SS1 1BH

Drawing Title:
Existing

Drawing no:
400-P101

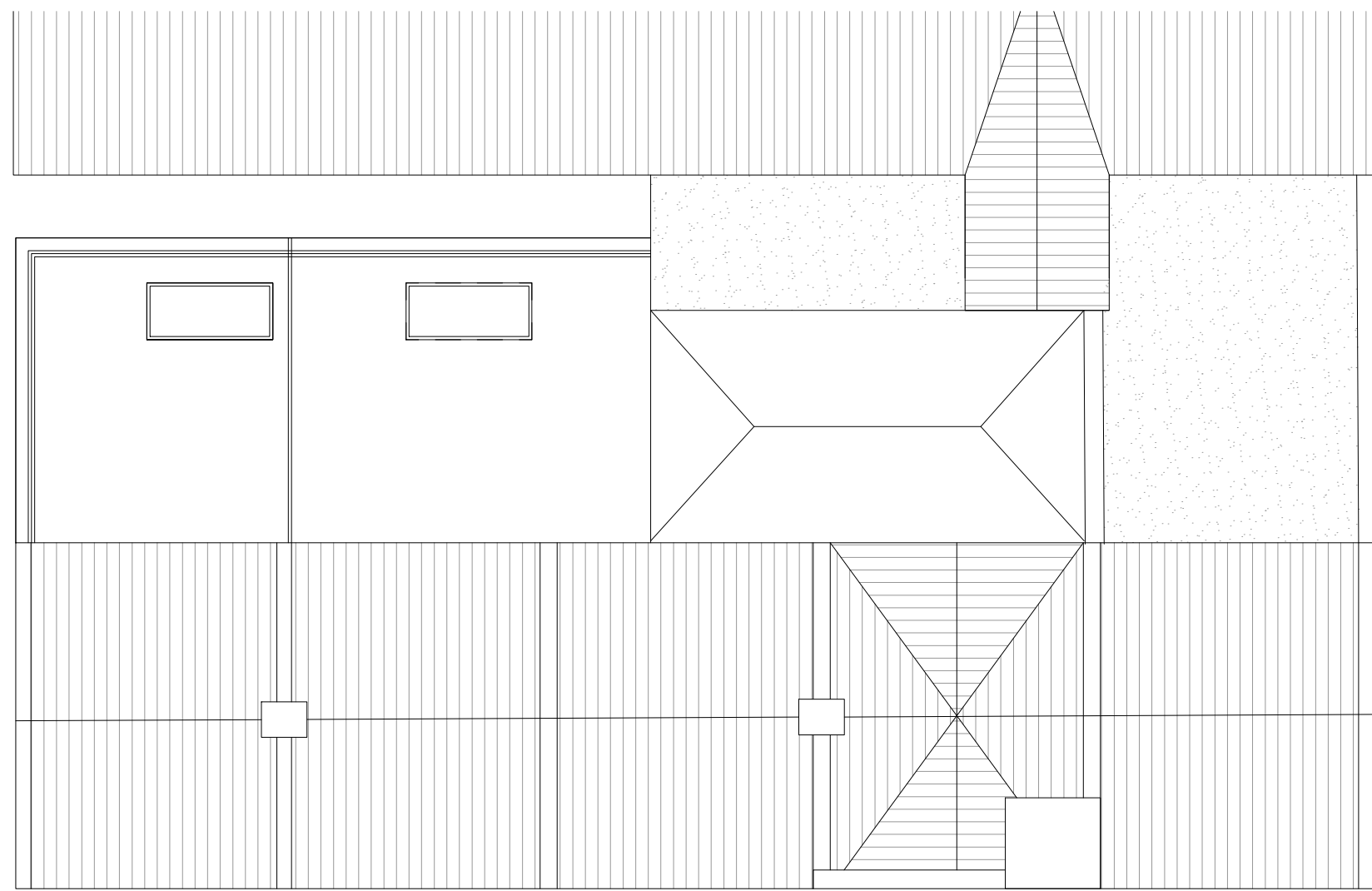
Revision: -
Project no: **400**

Scale: 1:100, 1:500, 1:1250 @ A1

SKARCHITECTS
853-855 London Road
Westcliff-on-Sea
SS0 9EJ
Tel: 01702 502500
Email: info@skarchitects.co.uk

18
Do not scale from this drawing.
Drawing to be read in conjunction with all other issued drawings, documents and reports contained herein.
All information on this drawing is for guidance purposes only. All dimensions must be checked on site.
This information is subject to Building Control requirements and the requirements of all relevant statutory authorities and service providers.
© Skarchitects Ltd 2021

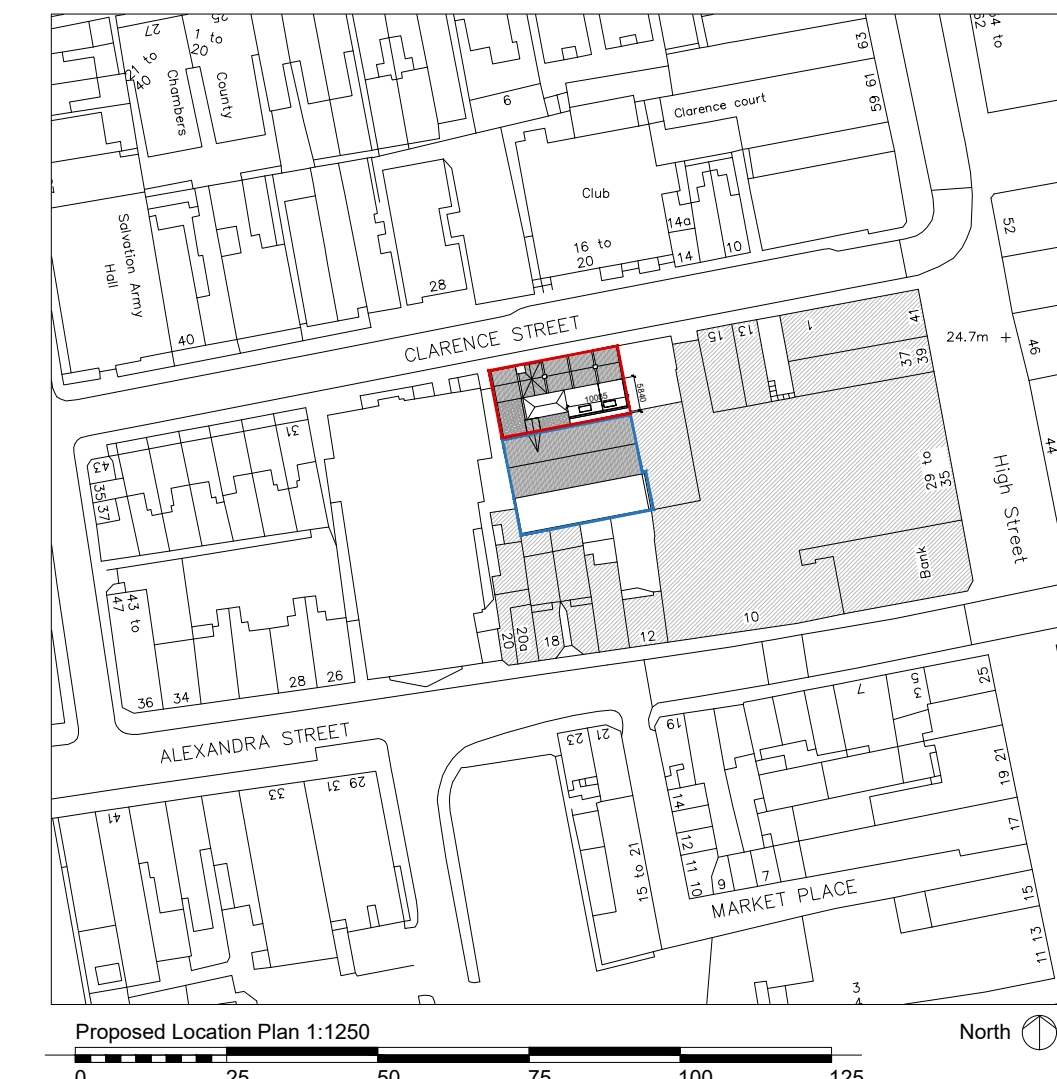
This page is intentionally left blank



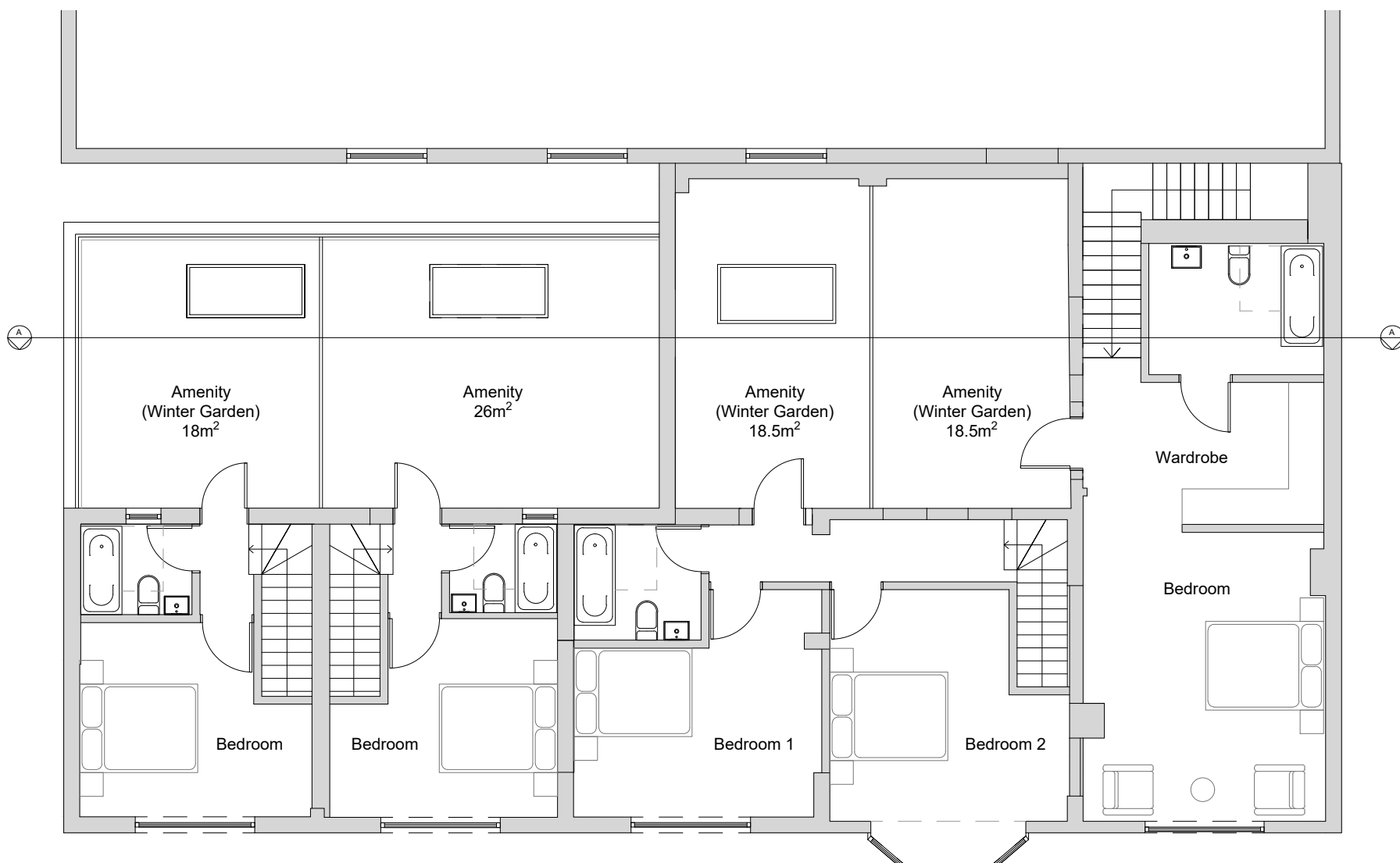
Proposed Roof Plan 1:100
0 1 2 3 4 5



Proposed Block Plan 1:500
0 10 20 30 40 50 North



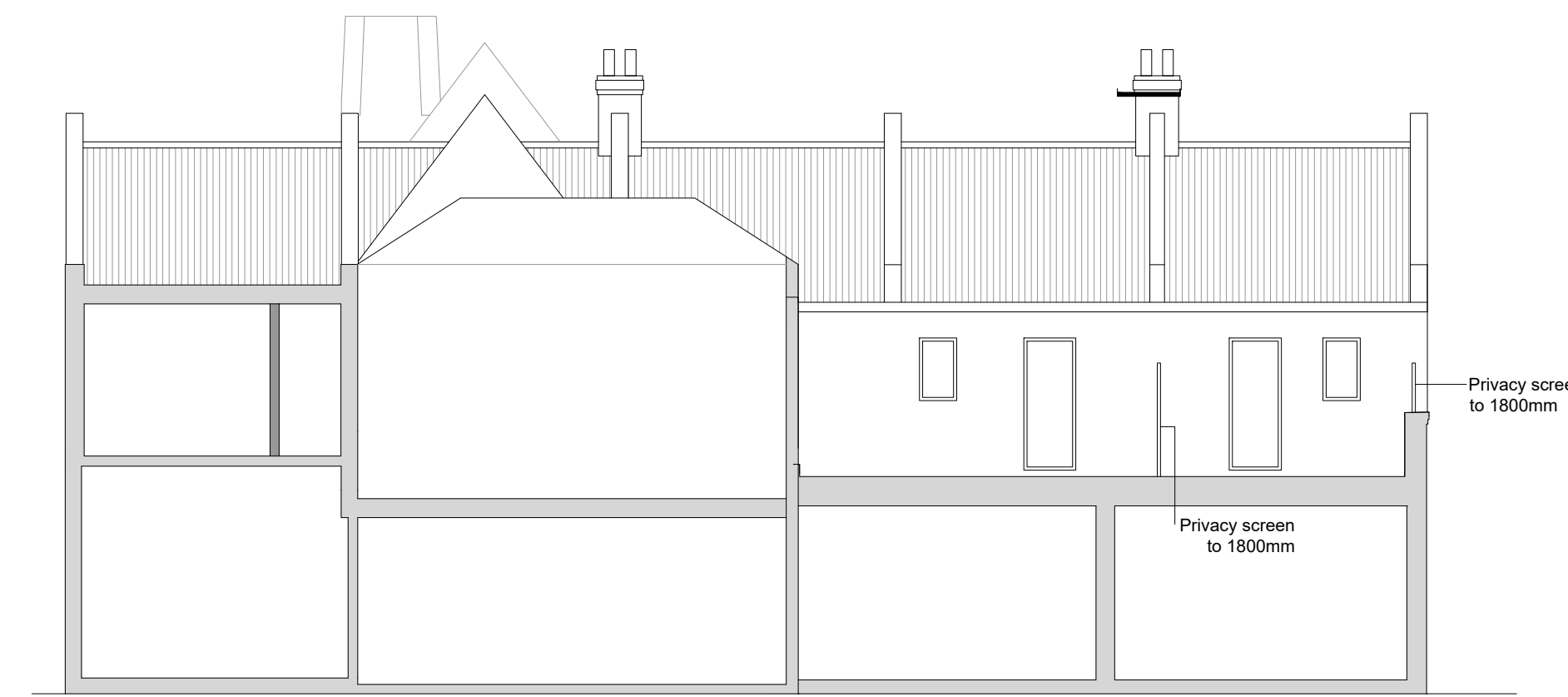
Proposed Location Plan 1:1250
0 25 50 75 100 125 North



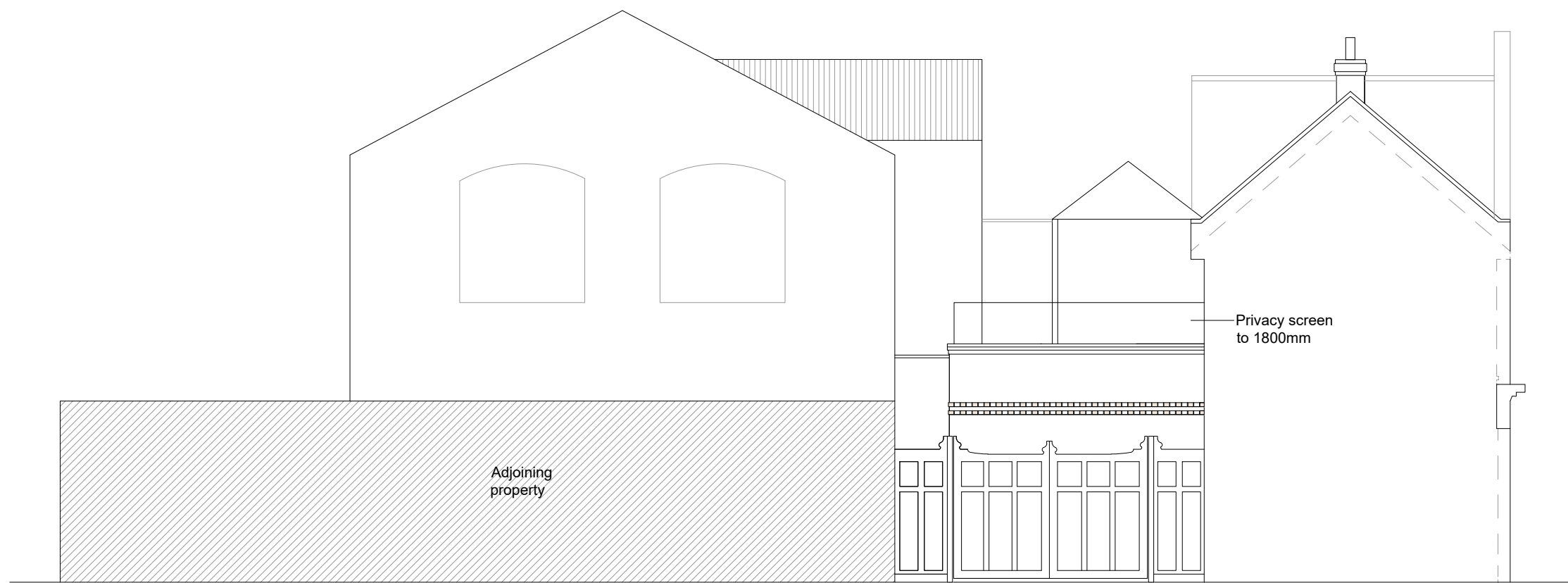
Proposed First Floor Plan 1:100
0 1 2 3 4 5



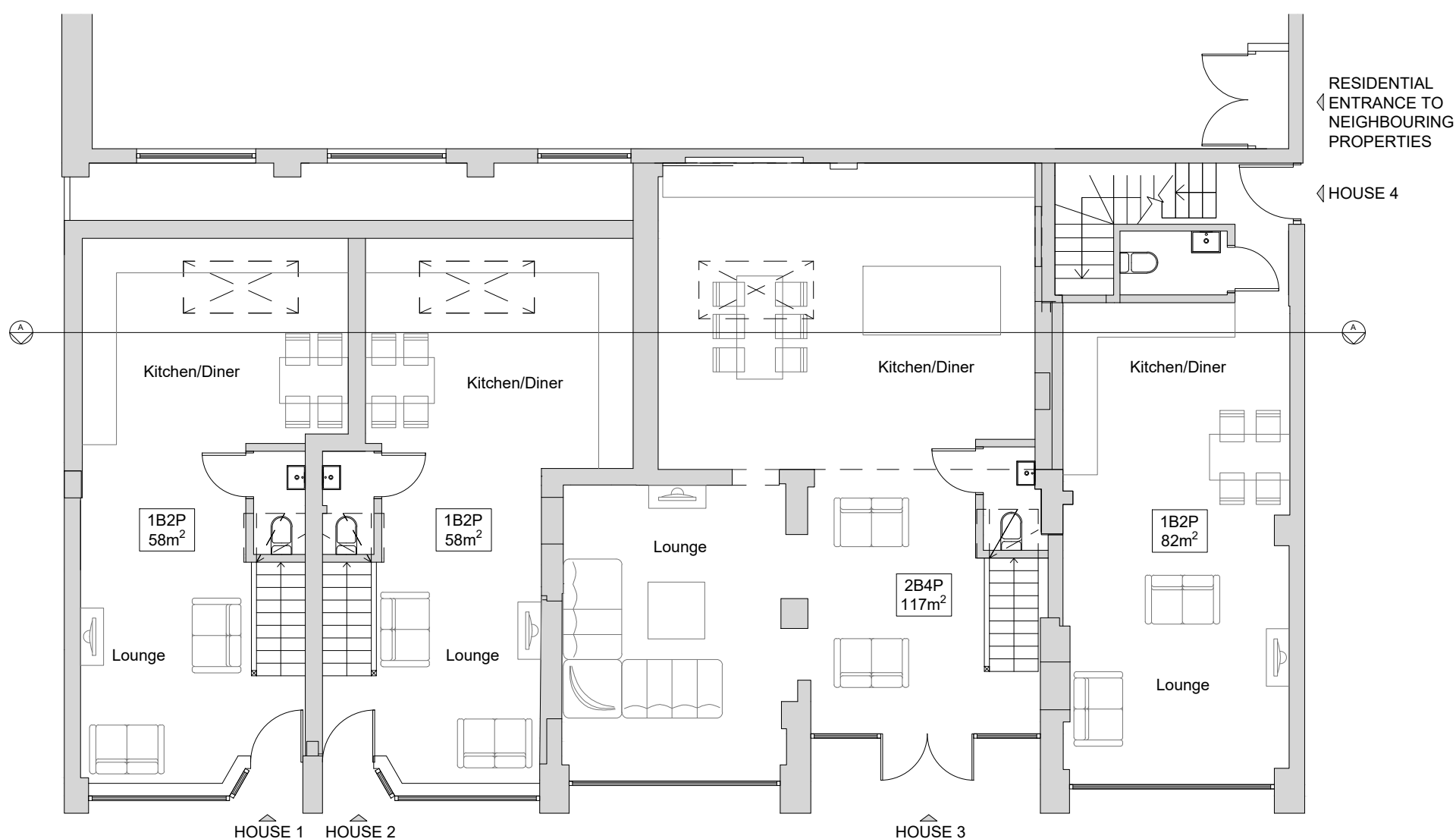
Proposed North Facing Elevation 1:100
0 1 2 3 4 5



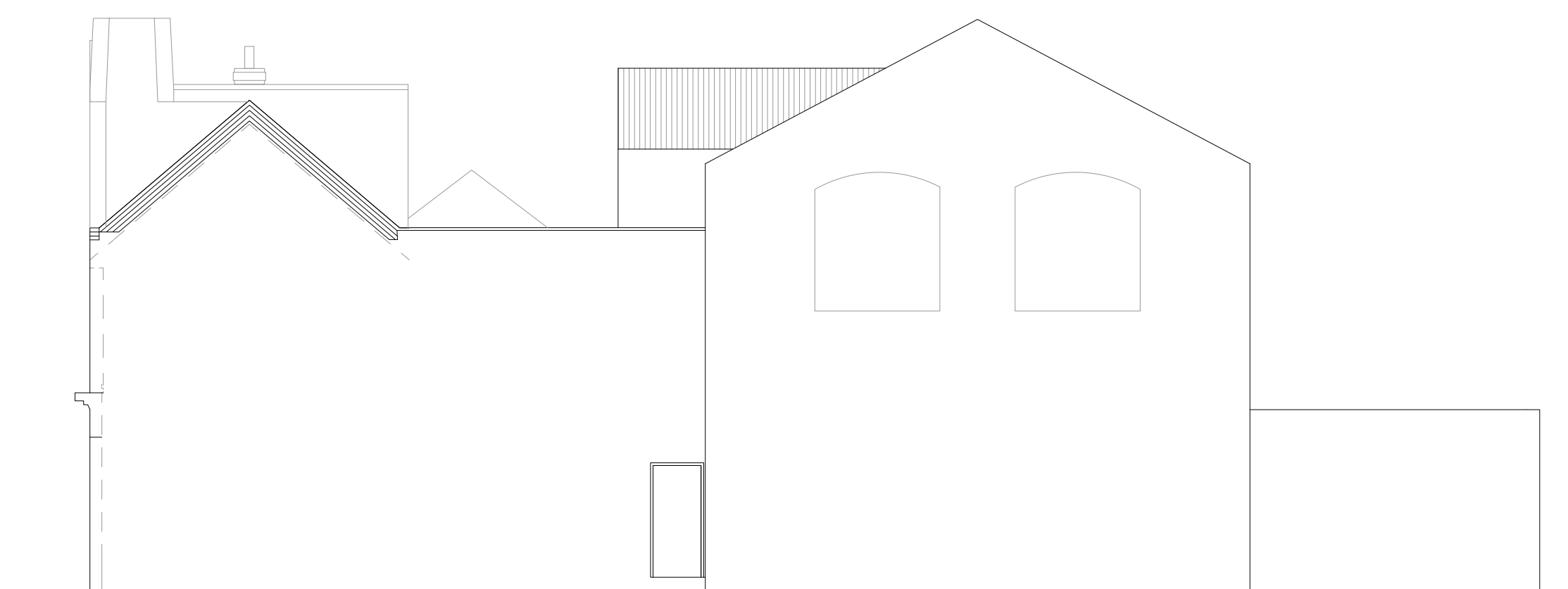
Proposed South Facing Elevation/ Section A 1:100
0 1 2 3 4 5



Proposed East Facing Elevation 1:100
0 1 2 3 4 5



Proposed Ground Floor Plan 1:100
0 1 2 3 4 5



Proposed West Facing Elevation 1:100
0 1 2 3 4 5

Notes:

Rev	Comment	By	Date
-	Production of drawing	DS	01/02/2021

Stage:
3 - Planning

Client:
Stockvale

Project:
Clarence Yard
23-29 Clarence Street
Southend-on-Sea
SS1 1BH

Drawing Title:
Proposed Houses

Drawing no:
400-P102

Revision: -
Project no: **400**

Scale: 1:100, 1:500, 1:1250 @ A1
Drawn by: DS
Chkd by: SK

SKARCHITECTS
853-855 London Road
Westcliff-on-Sea
SS0 9EJ
Tel: 01702 560250
Email: info@skarchitects.co.uk

16
Do not scale from this drawing.
Drawing to be read in conjunction with all other issued drawings, documents and reports contained herein.
All information on this drawing is for guidance purposes only. All dimensions must be checked onsite.
This information is subject to Building Control requirements and the requirements of all relevant statutory authorities and service providers.
© SkArchitects Ltd 2021

This page is intentionally left blank

Front of the site

263



Front of the site

264



East elevation of the site



West side of the site



Rear of the site



Location of the orangery and winter gardens



Location of the orangery and winter gardens



Location of the orangery and winter gardens



Orangery

271



This page is intentionally left blank

Reference:	21/00468/FUL	<h1>11</h1>
Application Type:	Full Application	
Ward:	Milton	
Proposal:	Change of use of first floor of existing doctor's surgery and convert in to one (1no.) self-contained flat, erect linked two storey building at rear, to be used as two (2no.) self-contained flats and layout associated amenity space, cycle and bin stores	
Address:	48 Argyll Road, Westcliff-On-Sea, Essex	
Applicant:	Dr B Bekas	
Agent:	Mr Colin Stone of Stone Me Ltd	
Consultation Expiry:	14th April 2021	
Expiry Date:	23rd July 2021	
Case Officer:	Spyros Mouratidis	
Plan Nos:	1825 10, 1825 11 a, 1825 15, 1825 16, 1825 17	
Supporting Documents:	Design and Access Statement, Letter from Dr Velmurgan	
Recommendation:	GRANT PLANNING PERMISSION subject to conditions	



1 Site and Surroundings

- 1.1 The application site is located on the south-western side of London Road and the western side of Argyll Road. It is occupied by a mid-terrace, two-storey building which is currently used as a doctor's surgery. The London Road frontage is hardsurfaced and used as a car parking area for five parking spaces. The Argyll Road frontage contains the principal elevation of the building and a hard surfaced area used as two parking spaces. The ground level on site slopes upwards towards the south-east.
- 1.2 London Road in this area has a mixture of uses with a town centre character, offering a vibrant street scene with active frontages. Argyll Road is predominantly a residential street with two-storey buildings with traditional gabled roofs and bays. No planning-related designations affect the application site or the area.

2 The Proposal

- 2.1 Planning permission is sought for the conversion of the upper floor of the existing surgery to one (1no.) residential unit, the demolition of an existing single storey rear extension and the erection of a two-storey building to accommodate two (2no.) additional residential units. The proposed building would be connected to the existing building with a single storey link.
- 2.2 The proposed building would have a "T"-shaped layout at ground floor, with gabled ends above first floor level on the front and the flanks and a single storey, hipped-roofed part to the western side of the building. It would measure up to 8.8m in height, 5.4m for the hipped element, with the eaves respectively at 5.6m and 2.9m above ground level. The proposed building would have a frontage on London Road measuring some 11.9m with the width of the building being 7.4m. The proposed building would be finished with clay tiles on the roof, grey uPVC fascia and soffits, white render over orange/brown facing brickwork on the walls, grey metal windows and dark grey composite doors.
- 2.3 Three private amenity spaces would be created to the rear between the existing and the proposed building on site. A pedestrian access to all flats is proposed on the London Road frontage. Three cycle parking spaces and a bin storage area are proposed adjacent to the pedestrian access. Two car parking spaces accessed from Argyll Road would be retained to serve the GP surgery.
- 2.4 During the course of the application the proposal was amended to propose the retention of the ground floor of the GP surgery and to reduce the scale of the proposed building. The proposal is an amended application following the withdrawal of a scheme for the erection of a similar building on the London Road frontage of the site submitted under application 21/00544/FUL (the "2020 Application"). The main differences are:
- The proposed use is currently for three flats and the retention of the ground floor of the existing building as a GP surgery, previously it was proposed to use the new building as a nine-room detox centre retaining the GP surgery.
 - The proposed design of the front elevation of the proposed building has been amended and simplified.
 - The scale of the proposed building has been reduced on the western side.

3 Relevant Planning History

3.1 The most relevant planning history of the site is shown on Table 1 below:

Table 1: Relevant Planning History of the Application Site

Reference	Description	Outcome [Date]
19/00976/PREAPF	Erect attached building to form nine-bedroom rehabilitation accommodation.	Response provided [27.09.2019]
19/01962/PREAPF	Follow up Pre Application for 19/00976/PREAPF to erect attached building to form nine-bedroom rehabilitation accommodation. larger waiting area, new reception and additional surgery space	Response provided [30.12.2019]
20/00544/FUL (the "2020 Application")	Erect attached two storey building to rear to form nine-bedroom rehabilitation accommodation, layout associated amenity space	Withdrawn [27.07.2020]

3.2 The 2020 Application was withdrawn after the officer's report to the Council's Development Control Committee was made publicly available. The officer's report recommended refusal of the 2020 Application for three reasons. The first reason was related to the proposed use at that time. The second reason was related to the impact of the proposed building to the residential amenity of neighbours and in particular an overbearing effect and sense of enclosure at 46 Argyll Road and properties at 402 London Road and a loss of outlook for the ground floor occupiers at 402 London Road. The third reason related to parking and the fact that it was not demonstrated that parking stress and impact on the free flow of traffic would not be created as a result of the proposal. As the application was not determined the recommendation carries limited weight in the determination of this application.

4 Representation Summary

4.1 The application has been called in for consideration by the Development Control Committee by Councillor George.

Public Consultation

4.2 Thirty-three (33) neighbouring properties were consulted and a site notice was displayed both for the original proposal and as now amended. Representations from five interested third parties have been received. The objections and comments are summarised as follows:

Principle of development/ proposed use

- The application form states that the proposed housing would be in use class C2 – residential institutions which was previously found to be unacceptable.
- Conflict with council policy in relation to care homes.
- Previous reasons for refusal have not been addressed.
- The application documents state that the proposal would meet building regulation M2 which is not for residential properties.
- The application form states that there will be no change to the number of employees on site.
- The location is not appropriate for this development.

Impact on residential amenity of neighbours

- Adverse impact on the local environment.
- Impact in neighbours' residential amenity in relation to noise and disturbance, overlooking and creation of an overbearing environment.

Parking and access

- Inadequate parking provision on site and poor parking conditions in the area.
- Loss of access to neighbouring property.

Other matters

- The application form has not been fully completed.
- Supporting letter by Dr Velmurgan is not publicly available.
- Conflict with council policy in relation to pre-application engagement with affected parties.
- Strong opposition from the local community towards the previous application.

- 4.3 The comments have been taken into consideration and those matters relevant to planning are discussed in the relevant sections of the report. The objecting points raised by the representations are not found to represent justifiable reasons for recommending refusal of the planning application in the circumstances of this case.

Highways

- 4.4 No objection – The site benefits from being in a sustainable location with good links to public transport. Cycle parking is proposed to be provided. The existing use of the site has the potential to generate significantly more parking demand and vehicle trips than the proposed use.

Environmental Health

- 4.5 No objection subject to conditions regarding hours of construction, waste management and noise mitigation measures against traffic noise from London Road.

Parks

- 4.6 No comments.

Fire Safety Officer

- 4.7 No objections.

5 Planning Policy Summary

- 5.1 The National Planning Policy Framework (NPPF) (2019)
- 5.2 Planning Practice Guidance (PPG) – National Design Guide (NDG) (2019)
- 5.3 National Housing Standards (2015)
- 5.4 Core Strategy (2007): Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP1 (Employment Generating Development), CP3 (Transport and Accessibility), CP4 (Environment and Urban Renaissance), CP6 (Community Infrastructure).

- 5.5 Development Management Document (2015): Policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM11 (Employment Areas), DM15 (Sustainable Transport Management).
- 5.6 Design & Townscape Guide (2009)
- 5.7 Technical Housing Standards Policy Transition Statement (2015)
- 5.8 Waste Storage, Collection and Management Guide for New Developments (2019)
- 5.9 Essex Coast Recreational Avoidance Mitigation Strategy (RAMS) Supplementary Planning Document (SPD) (2020)
- 5.10 Community Infrastructure Levy (CIL) Charging Schedule (2015)

6 Planning Considerations

- 6.1 The main considerations in relation to this application include the principle of the development, design and impact on the street scene and wider area, residential amenity for neighbouring occupiers, the amenities of future occupiers, traffic and parking implications, waste storage and management, energy and water sustainability and whether the development would be liable for CIL.

7 Appraisal

Principle of Development

- 7.1 Paragraph 117 of the NPPF states: "Planning policies and decisions should promote an effective use of land in meeting the need for homes and other users, while safeguarding and improving the environment and ensuring safe and healthy living conditions." Furthermore, policy DM3 of the Development Management Document stipulates that the Council will support development that seeks to optimise the use of land in a sustainable manner that does not lead to over-intensification, which would result in undue stress on local services and infrastructure.

Erection of building

- 7.2 Policy DM3 of the Development Management Document states that: "All development on land that constitutes backland and infill development will be considered on a site-by-site basis. Development within these locations will be resisted where the proposals:
 - (i) Create a detrimental impact upon the living conditions and amenity of existing and future residents or neighbouring residents; or
 - (ii) Conflict with the character and grain of the local area; or
 - (iii) Result in unusable garden space for the existing and proposed dwellings in line with Policy DM8; or
 - (iv) Result in the loss of local ecological assets including wildlife habitats and significant or protected trees."

- 7.3 Criteria (i) and (iii) are discussed in detail in the relevant section of the report. In summary it is considered that the impact of the proposal on the residential amenity of neighbouring occupiers, including the impact on their garden space, on balance, would not be detrimental to a degree as to justify the refusal of the application for this reason. The proposed building would not conflict with the character and grain of the local area in line with criterion (ii). As the site is already hardsurfaced, there would be no loss of ecological assets in accordance with the stipulations of criterion (iv). The principle of erecting a building in this location is considered acceptable.

Loss of healthcare facilities and provision of housing

- 7.4 Paragraph 117 of the NPPF states: "Planning policies and decisions should promote an effective use of land in meeting the need for homes and other users, while safeguarding and improving the environment and ensuring safe and healthy living conditions." Furthermore, the NPPF requires development to boost the supply of housing by delivering a wide choice of high quality homes.
- 7.5 The results of the Housing Delivery Test (HDT) published by the Government show that there is underperformance of housing delivery in the Borough. Similarly, the Council's Five Year Housing Land Supply (5YHLS) figure shows that there is a deficit in housing land supply in the Borough. The HDT and 5YHLS weigh in favour of the principle of the development, particularly in light of the tilted balance in favour of sustainable residential development as required by paragraph 11 of the NPPF. However, the proposal would make a modest contribution to the housing supply of the Borough and it is for one and two bed apartments, a type of housing for which there is no significant need as identified within the South Essex Strategic Housing Market Assessment.
- 7.6 The lawful use of the application site is a doctor's surgery (Use Class D1). Policy CP6 seeks to ensure the needs of all residents and visitors, including the disabled and other vulnerable groups, are met, providing for health and social care facilities and supporting improvements to existing, and the provision of new, facilities to support the needs of education, skills and lifelong learning strategies.
- 7.7 The applicant has supported his application with a letter from Dr Vlemurgan who advised that there is no need for the GP surgery to remain. For the 2020 Application there was a letter from Ayers & Cruiks stating what marketing had been undertaken for the property and that there was no interest for the currently lawful use of the site as a doctor's surgery. The supporting Access and Design Statement states that the surgery will not be needed in the long-term given the Clinical Commissioning Group's steer for closing smaller practices and amalgamating services at larger practices such as the Valkyrie Surgery. The ground floor of the existing premises will be retained in a healthcare use. The retained unit could viably be used for the current use or other community infrastructure uses. It is not considered that the loss of the upper floor of the doctor's surgery would significantly harm the provision of community infrastructure in the area.
- 7.8 Balancing the considerations in favour and against the proposal, it is considered that the limited loss of community infrastructure is significantly outweighed by the retention of the ground floor in the existing use and the provision of housing, albeit modest.
- 7.9 Overall, the principle of the development is acceptable. Other material planning considerations are discussed in the following sections of the report.

Design and Impact on the Character of the Area

- 7.10 Good design is a fundamental requirement of new development to achieve high quality living environments. Its importance is reflected in the NPPF, in Policies KP2 and CP4 of the Core Strategy and also in Policy DM1 of the Development Management Document. The Design and Townscape Guide also states that: “the Borough Council is committed to good design and will seek to create attractive, high-quality living environments.”
- 7.11 Paragraph 124 of the NPPF states that: “The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.” Policy DM1 of the Development Management Document states that all development should: “add to the overall quality of the area and respect the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, layout, proportions, materials, townscape and/or landscape setting, use, and detailed design features.”
- 7.12 Regarding the layout of development, as already discussed in previous sections of the report, the provision of an infill development would not be unacceptable in principle on this site. The grain of local development would not prohibit an infill development. The proposed building would respond positively to the constraints of the site and would follow the established notional building lines resulting in an acceptable layout. The scale of the proposed building would respect the scale of other development within the streetscene and would not appear out of place.
- 7.13 The form of the building would not be incongruous in the area. The use of a front projecting gabled feature to create interest is a traditional style of building. The proposed scheme has borrowed some visual cues and design features, including materials, from nearby buildings. The frontage of the proposed building would appear suitably defined and balanced. The proposed openings are well proportioned and would provide a satisfactory internal environment for users in terms of daylight, sunlight and outlook. Whilst the vertical alignment of the openings could have been better, this is a point about detailing and in the round, the proposal would be of acceptable form and appearance. The choice of materials would also be a traditional combination, they would not be out of keeping and would be acceptable.
- 7.14 The proposed corridor access to the proposed first floor flat on the existing building would be an unusual feature, which results in a convoluted form of access. Whilst this particular feature of the proposal is not of great aesthetical merit which is a negative of the scheme, its visual effect on the character and appearance of the area would not be significantly different if the existing single-storey rear projection were to be retained.
- 7.15 The indicative landscaping to the front would soften the appearance of the proposal. Details of species and maintenance, as well as details of the hard landscaping, including the boundary treatment of the site, can be secured by conditions.
- 7.16 Overall, subject to conditions, the proposal would have an acceptable impact on the character and appearance of the area and would be policy compliant in the above regards.

Standard of Accommodation and Living Conditions for Future Occupiers

- 7.17 Delivering high quality homes is a key objective of the NPPF and it is reflected in policy DM8 of the Development Management Document. Policy DM3 of the Development Management Document states that proposals should be resisted where they create a detrimental impact upon the living conditions and amenity of existing and future residents or neighbouring residents. Policy DM1 requires developments to provide an internal and external layout that takes account of all potential users. Policy DM8 requires new dwellings to comply with the residential space standards, to be flexible to meet the changing needs of residents and ensure the provision of outdoor amenity space.
- 7.18 All new homes are required to meet the Nationally Described Space Standards (NDSS) in terms of floorspace, bedroom size and storage sizes. The required overall sizes for residential units and the minimum standards for bedrooms are shown on the following table. The relevant dimensions of the proposed scheme are also shown on the table below:

Table 2: Housing Standards

Type	Area (m ²)	Bedroom 1	Bedroom 2	Storage area (m ²)	Amenity (m ²)
Standard for 1 bed 1 person (one storey)	39	7.5m ² Wmin=2.15m	N/A	1	N/A
Standard for 1 bed 2 person (two storeys)	58	11.5m ² Wmin=2.75m	N/A	1.5	N/A
Standard for 2 bed 3 person (one storey)	61	11.5m ² Wmin=2.75m	7.5m ² Wmin=2.15m	2.0	N/A
Proposed GF Flat (1 bed 1 person, 1 storey)	46.6	11.3m ² Wmin=2.6m	N/A	1	14.7
Proposed FF Flat (1 bed 2 person, 2 storeys)	69.3	19.4m ² W = 2.75m	N/A	4.1	14.7
Proposed First Existing Floor Flats (2 bed 3 person, 1 Storey)	70.6	12.6m ² W = 3.1m	12.5m ² W = 2.4m	2.2	11.7

- 7.19 The table shows that the proposed flats would meet the overall space, the bedroom area and dimensions requirements of the NDSS. All flats would also meet the minimum internal storage space required by the NDSS.
- 7.20 All habitable rooms would have acceptable outlook and benefit from suitable levels of daylight and sunlight. All units would benefit from private amenity space which would be sufficiently private, accessible and of adequate size. The proposed level of amenity provision is considered acceptable.

- 7.21 Accessibility requirements are not a strict policy requirement for extensions to existing buildings. The proposal is technically for the extension of the existing building. Whilst the proposed upper floor units would not benefit from step-free access, there is no conflict with policy in this regard.
- 7.22 Given that the proposed building would front London Road, sound insulation measures would need to be incorporated in the fabric of the building and its openings to avoid any materially harmful impact to future users. A condition to secure details and implementation of such measures is suggested. The Council's Environmental Health service raised no objection subject to such a condition.
- 7.23 Overall, it is considered that the proposal would not result in substandard accommodation for future occupiers and would not be detrimental to their living conditions. The proposal is acceptable and policy compliant in the above regards.

Impact on Residential Amenity

- 7.24 Policy DM1 of the Development Management Document requires all development to be appropriate in its setting by respecting neighbouring development and existing residential amenities and also: "having regard to privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight."
- 7.25 The proposed building would be located some 3.4m to the north of the amenity space of 46 Argyll Road. It would also be located some 2.4m to the east of the private amenity space of the flats at 402 London Road at ground floor level and some 5.6m at first floor level. The scale and bulk of the development coupled with its form and distance from the neighbouring properties would create some overbearing impact to neighbouring occupiers but, on balance, it is not considered that the level of harm would be so significant to justify the refusal of the application on this ground.
- 7.26 Given the location of proposed windows and distance from neighbouring properties it is not considered that the proposed units on the new building would cause any significantly harmful overlooking or loss of privacy to any neighbouring property despite the potential perceived overlooking. This is subject to a condition requiring the first floor south facing windows to be obscured glazed.
- 7.27 No harmful loss of daylight or sunlight has been identified. It is noted that the proposed conversion of the first floor of the existing building would not alter the scale, form or openings of that part of the building.
- 7.28 Concerns have been raised by third parties about noise and disturbance. Given the nature of use proposed it is not considered that the proposal would result in any detrimental increase in noise level in the area. It is noted that London Road is an area with high ambient noise levels. A condition to control the hours of construction is suggested.
- 7.29 In the round, the proposed development is, on balance, acceptable and in line with policy in the above regards.

Traffic and Transportation Issues

- 7.30 Policy DM15 of the Development Management Document states: “Development will be allowed where there is, or it can be demonstrated that there will be, physical and environmental capacity to accommodate the type and amount of traffic generated in a safe and sustainable manner”. The policy also requires that adequate parking should be provided for all development in accordance with the adopted vehicle parking standards.
- 7.31 The proposal does not include any provision for car parking and would result in the loss of five existing car parking spaces. Although not a formal arrangement, it is understood that the existing spaces were used by patients of the existing GP surgery. The parking standards require a minimum of one car parking space per flat and a maximum of four spaces for the existing GP surgery. The surgery benefits from two spaces accessible from Argyll Road. The site benefits from being in a sustainable location, with good links to public transport and with a range of services and facilities within walkable distance. The relevant policy allows for relaxation of the minimum standards in such circumstances. On this basis, it is considered that the retention of two parking spaces for the benefit of the surgery would be an acceptable level of parking provision.
- 7.32 The parking standards require the provision of at least one cycle parking space per dwelling. A policy compliant provision is proposed and can be secured by condition. The Council’s Highways service raised no objection to the proposed development.
- 7.33 The proposal is acceptable and policy compliant in the above regards.

Refuse and Recycling Storage

- 7.34 The submitted plans show an area for waste storage accessed from London Road. The quantum of development does not require a bespoke provision of waste storage facilities. According to the Waste Storage and Management Guidance, residential development for up to five units is expected to utilise the Council’s kerbside sack collection scheme. A condition is suggested to ensure that, in the particular circumstances of this case, the proposed waste storage facility would not be provided.
- 7.35 Subject to such a condition, the proposal is acceptable and policy compliant in this regard.

Flooding and surface water drainage

- 7.36 National policy requires that any development is safe from flooding and does not increase the risk of flooding elsewhere. The proposal would be erected on top of existing impermeable areas and would not significantly increase the runoff of surface water. It is expected that the development would be connected to the sewer system.
- 7.37 The development would be acceptable and policy compliant in these regards.

Energy and Water Sustainability

- 7.38 Policy KP2 of the Core Strategy requires that: “at least 10% of the energy needs of new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources)”. Policy DM2 of the Development Management Document states that: “to ensure the delivery of sustainable development, all development proposals should contribute to minimising energy demand and carbon dioxide emissions”. This includes energy efficient design and the use of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting.
- 7.39 No information has been provided regarding proposed renewable energy to demonstrate how the proposal meets the 10% policy requirement. However, it is considered that the requirement for renewable energy and restrictions on water usage could be controlled with conditions provided any such externally mounted technologies respect the character and appearance of the area if the proposal were otherwise found to be acceptable.
- 7.40 This aspect of the proposal is therefore considered to be acceptable and policy compliant in this regard, subject to conditions.

Ecology - Essex Coast RAMS

- 7.41 The site falls within the Zone of Influence for one or more European designated sites scoped into the Essex Coast RAMS. It is the Council’s duty as a competent authority to undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation. Any new residential development has the potential to cause disturbance to European designated sites and therefore the development must provide appropriate mitigation. This is necessary to meet the requirements of the Conservation of Habitats and Species Regulations 2017. The Essex Coast RAMS SPD, which was adopted by the Council on 29 October 2020, requires that a tariff of £127.30 (index linked) is paid per dwelling unit. This will be transferred to the RAMS accountable body in accordance with the RAMS Partnership Agreement.
- 7.42 The developer has paid the relevant tariff. The development offers suitable mitigation of the in-combination effect of the net increase of three dwellings on habitats and species.
- 7.43 The development is acceptable and in line with policies in this regard.

Community Infrastructure Levy (CIL)

- 7.44 This application is CIL liable and there will be a CIL charge payable. In accordance with Section 70 of the Town and Country Planning Act 1990 (as amended by Section 143 of the Localism Act 2011) and Section 155 of the Housing and Planning Act 2016, CIL is being reported as a material ‘local finance consideration’ for the purpose of planning decisions. The proposed development includes a gross internal area of some 146.5m², which may equate to a CIL charge of approximately £3,752.65 (subject to confirmation). Any existing floor area that is being retained/demolished that satisfies the ‘in-use building’ test, as set out in the CIL Regulations 2010 (as amended), may be deducted from the chargeable area thus resulting in a reduction in the chargeable amount.

8 Conclusion

- 8.1 Having taken all material planning considerations into account, it is found that subject to compliance with the recommended conditions, the proposed development would be acceptable and compliant with the objectives of the relevant local and national policies and guidance. The proposal is acceptable in principle and subject to conditions, it would, on balance, have an acceptable impact on the character and appearance of the area, the living conditions of future occupiers and the residential amenity of neighbouring occupiers. Subject to conditions the proposal would also be acceptable in relation to highway and parking conditions in the area, waste management, energy and water sustainability and it would provide acceptable drainage strategy on site. The development would offer suitable mitigation for its in-combination effects to protected ecology sites.
- 8.2 This proposal creates new housing. Therefore, where and if any harm were identified, including those identified within this report's analysis of the proposal, it would be necessary to demonstrate that in reaching the decision an appropriate balancing exercise has been undertaken considering the benefits of the proposal and any such harm. The Council has a deficit in housing land supply. Hence, the tilted balance in favour of sustainable development should be applied when determining the application as relevant. The test set out by the NPPF is whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when considered against the policies of the NPPF taken as a whole. The proposal would make a contribution to the housing needs of the borough which must be given increased weight in the planning balance, albeit the weight to be attached to this would not be significant in this instance in view of the number of units involved. This application is recommended for approval subject to conditions.

9 Recommendation

9.1 Members are recommended to:

GRANT PLANNING PERMISSION subject to the following conditions:

General Conditions

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

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

- 02 **The development hereby approved shall be carried out in accordance with the approved plans: 1825 10, 1825 11 a, 1825 15, 1825 16, 1825 17**

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

Design and related conditions

- 03 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the development hereby permitted shall not commence, other than for site preparation works, unless and until full details and specifications of the materials to be used for all the external surfaces of the proposed building at the site, including facing materials, roof detail, windows, doors, fascia and soffits, 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 details before the dwellings hereby approved are first occupied.**

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 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no waste or recycle bin storage facilities shall be provided on either frontage of the application site.**

Reason: In the interest of visual amenity in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2, CP3 and CP4, Development Management Document (2015) Policies DM1, DM3, DM8 and DM15, and the advice contained within the National Design Guide (2019), the Design and Townscape Guide (2009), and the Waste Storage, Collection and Management Guide for New Developments (2019).

- 05 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 in line with details which have previously been submitted to and approved in writing by the Local Planning Authority under the provisions of these conditions. The soft landscaping scheme be implemented, completed and maintained thereafter in full accordance with the approved 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).

- 06** 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 with the relevant Reserved Matters application. 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, DM3 and DM5, and the advice contained within the National Design Guide (2019) and the Design and Townscape Guide (2009).

Living Conditions

- 07** Prior to commencement of development on site, other than demolition and site preparation works, details of vibration mitigation and noise mitigation measures to ensure that all habitable rooms achieve the requirements of British Standard BS 8233:2014, shall have been submitted to and approved in writing by the Local Planning Authority. The measures shall be fully implemented as approved prior to the first residential occupation of any part of the development hereby approved.

Reason: To mitigate the noise from the uses in the area in the interest of the living conditions of future 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).

Impact on residential amenity of neighbours

- 08** 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).

- 09** The proposed first floor south facing windows and the eastern most ground floor south facing window (annotated as 'high level obscure' on the approved plan 1825 15) of 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) and 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 interior room or area 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 on the Pilkington scale.

Reason: To ensure the development has an acceptable design and protects the amenities of neighbouring occupiers in accordance with policy DM1 of the Development Management Document (2015).

Highways

- 10** Prior to the first occupation of the residential units hereby approved the three (3) cycle parking spaces as shown on approved plan 825 15 shall be provided and made available for use on site solely in accordance with the details which have previously been submitted and approved in writing by the Local Planning Authority under the provisions of this condition. The cycle parking spaces shall be retained for the benefit of the future residential occupiers of the approved development in perpetuity.

Reason: To ensure the provision of adequate cycle parking in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policy CP3 and Development Management Document (2015) Policies DM3, DM8 and DM15.

Energy and water sustainability

- 11** 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).

- 12** 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 (lppd) (110 lppd when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting before they are occupied.

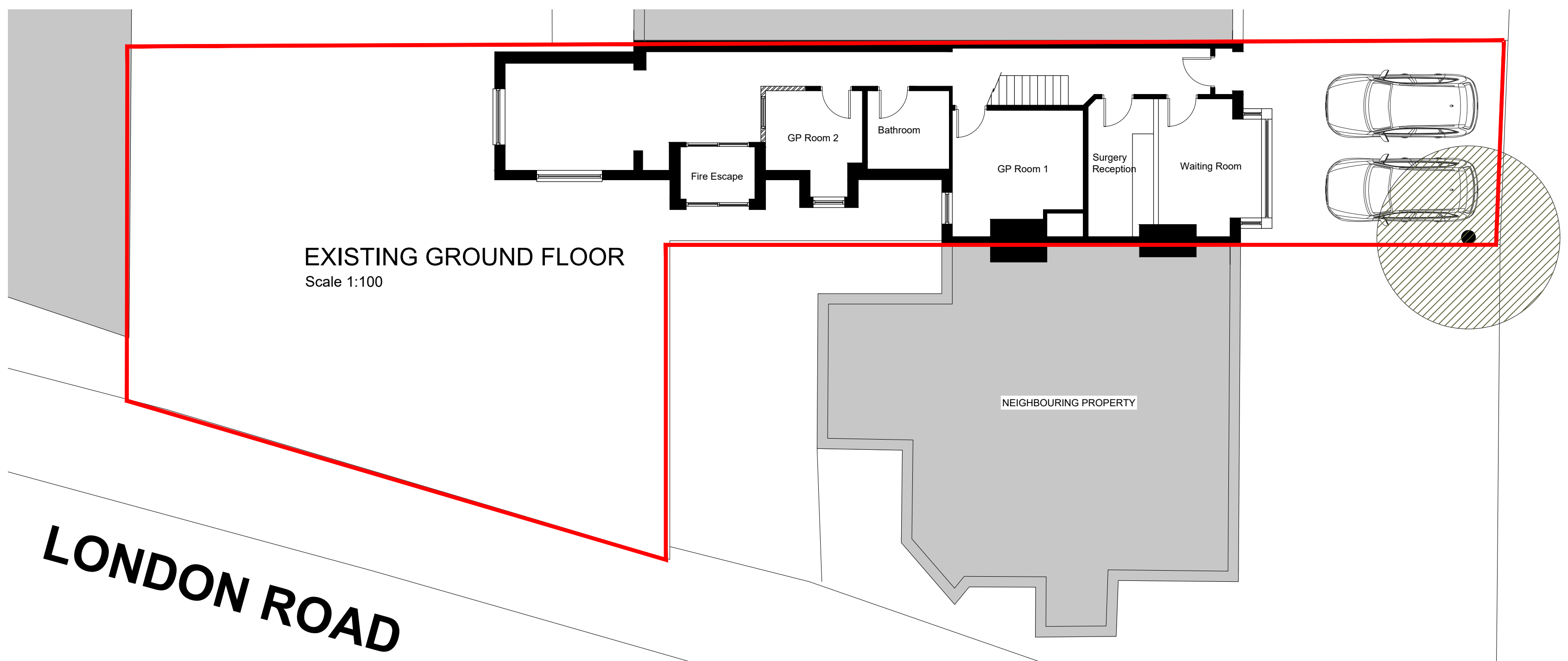
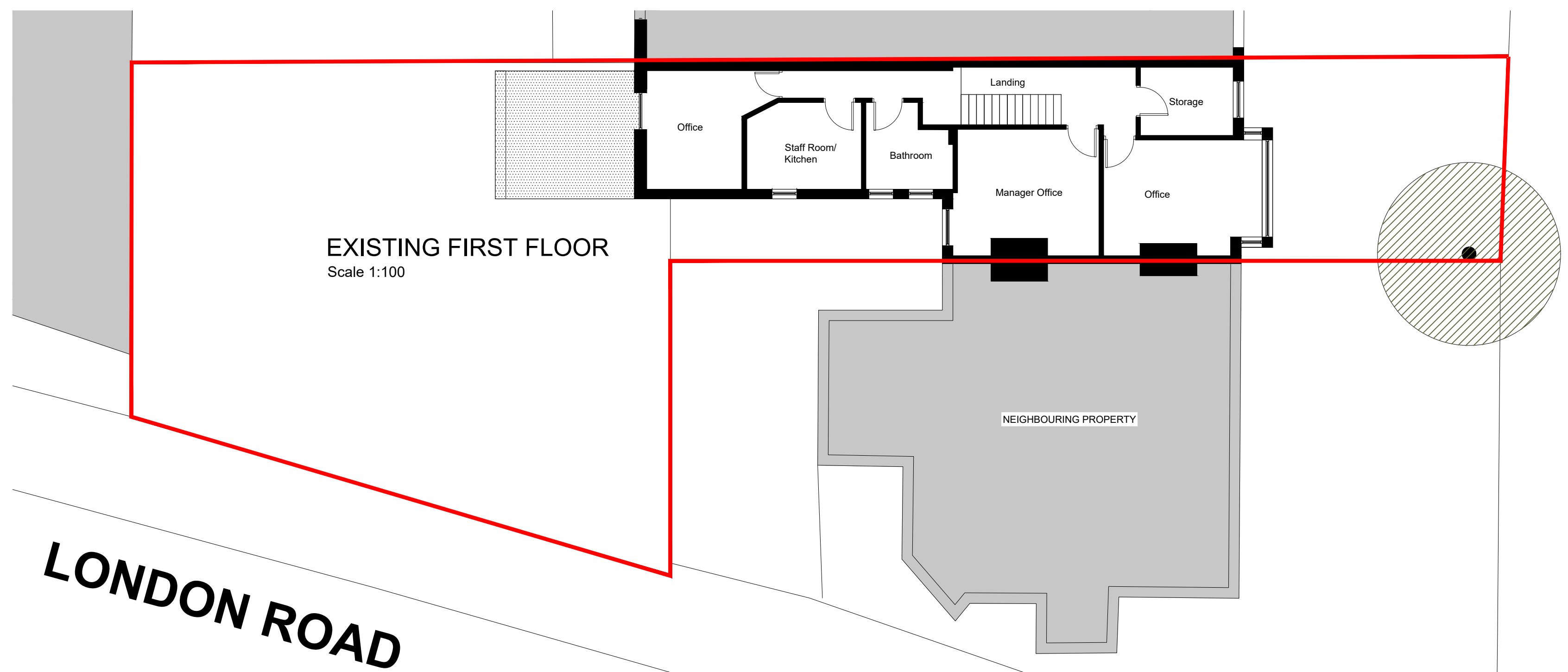
Reason: To minimise the environmental impact of the development through efficient use of resources and better use of sustainable and renewable resources in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015)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

Positive and proactive statement

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) or the Council's website (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.



The contractor is to check and verify all building and site dimensions, levels, and sewer invert levels at connection points before work starts.
 This drawing must be read with and checked against any structural or other specialist drawings provided.
 Any discrepancies found on this drawing are to be notified to STONE ME! DESIGN LTD prior to commencement of work.
 The contractor is to comply in all respects with the current Building Regulations whether or not specifically stated on these drawings.
 This drawing is not intended to show details of foundations or ground conditions. Each area of ground relied upon to support the structure depicted must be investigated by the contractor and suitable methods of foundations provided.
 This drawing is to be read in conjunction with all other standard STONE ME! DESIGN LTD specifications and documentation.
 STONE ME! DESIGN LTD reserves the right to withdraw any drawings from any applications or third parties should disputes arise between the client and STONE ME! DESIGN LTD.
 This drawing remains the copyright of STONE ME! DESIGN LTD and cannot be reproduced without prior permission.

REV:	DATE:	AMENDMENT:
------	-------	------------



5 FOUNTAIN LANE, HOCKLEY, ESSEX, SS5 4ST
 Tel: 01702 203333
 E: info@stoneme.com W: www.stoneme.com

Client: DR B BEKAS

Project: 48 Argyll Road
 WESTCLIFF-ON-SEA
 SSO 7HN

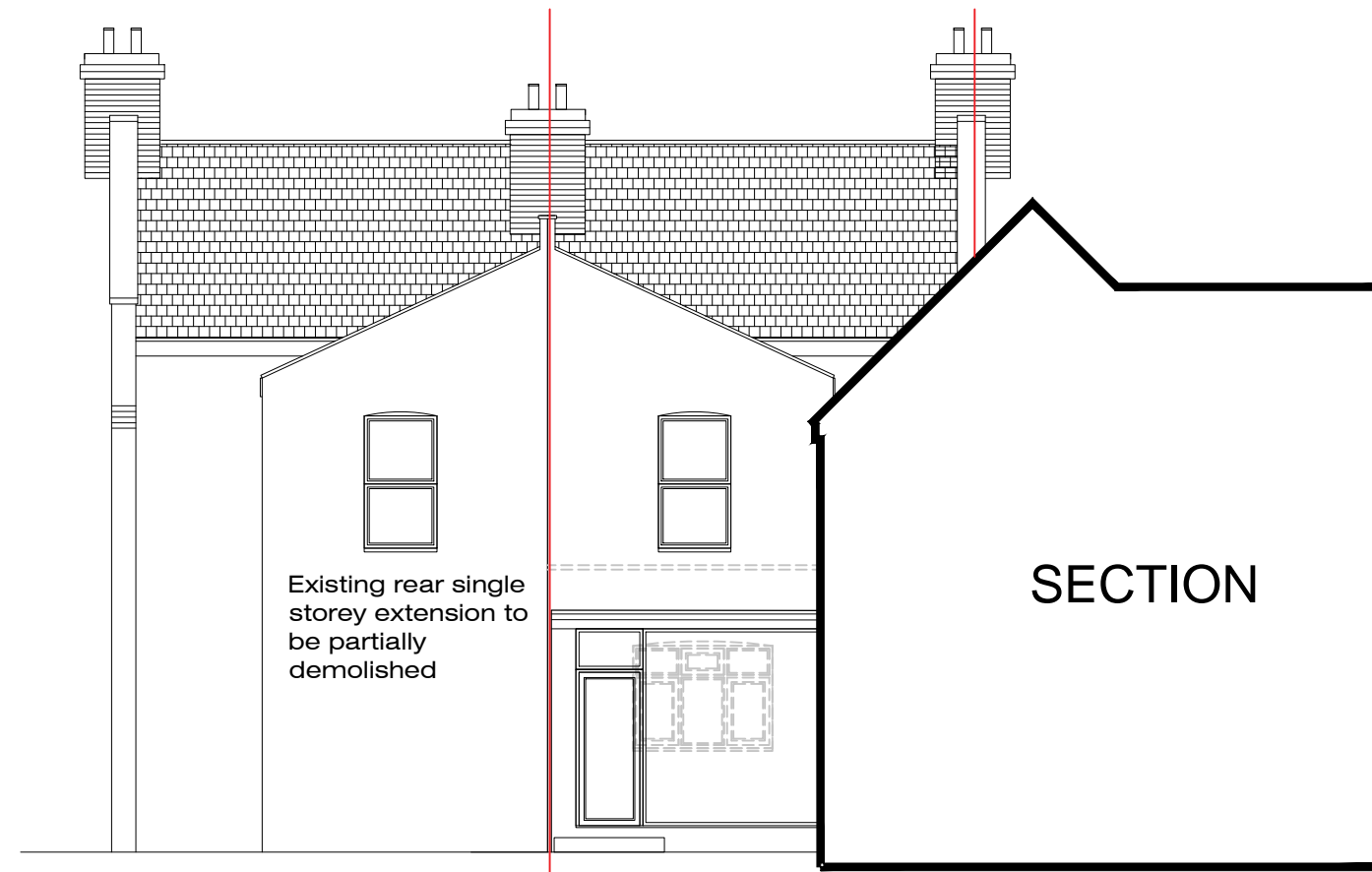
Drawing: EXISTING GROUND AND FIRST FLOOR PLANS

Issue:	Client	Pre-App	Planning	B.Cont	As Built	Other
	●					

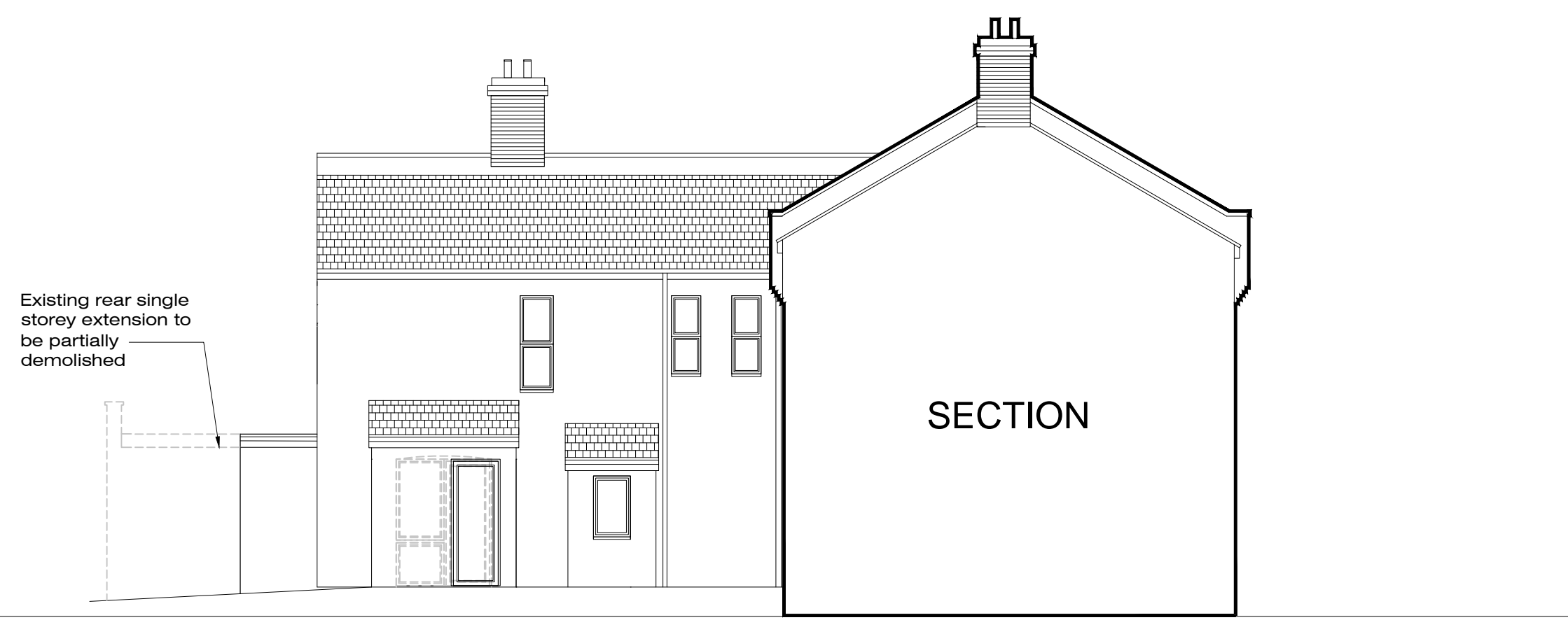
Date: 31.01.2020 Scale: 1:100 @ A1

Project No.: 1825 Drawing No.: 10

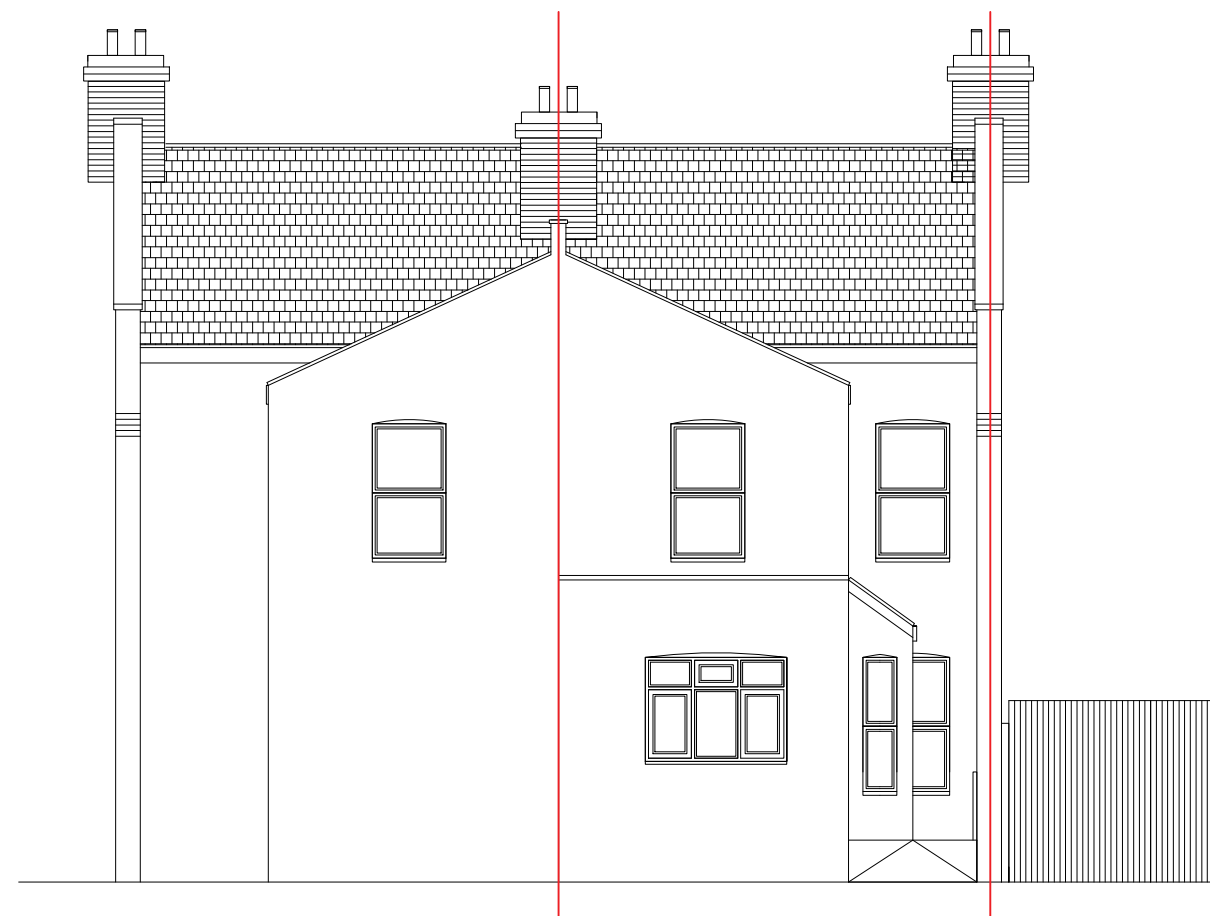
This page is intentionally left blank



PROPOSED REAR ELEVATION
Scale 1:100



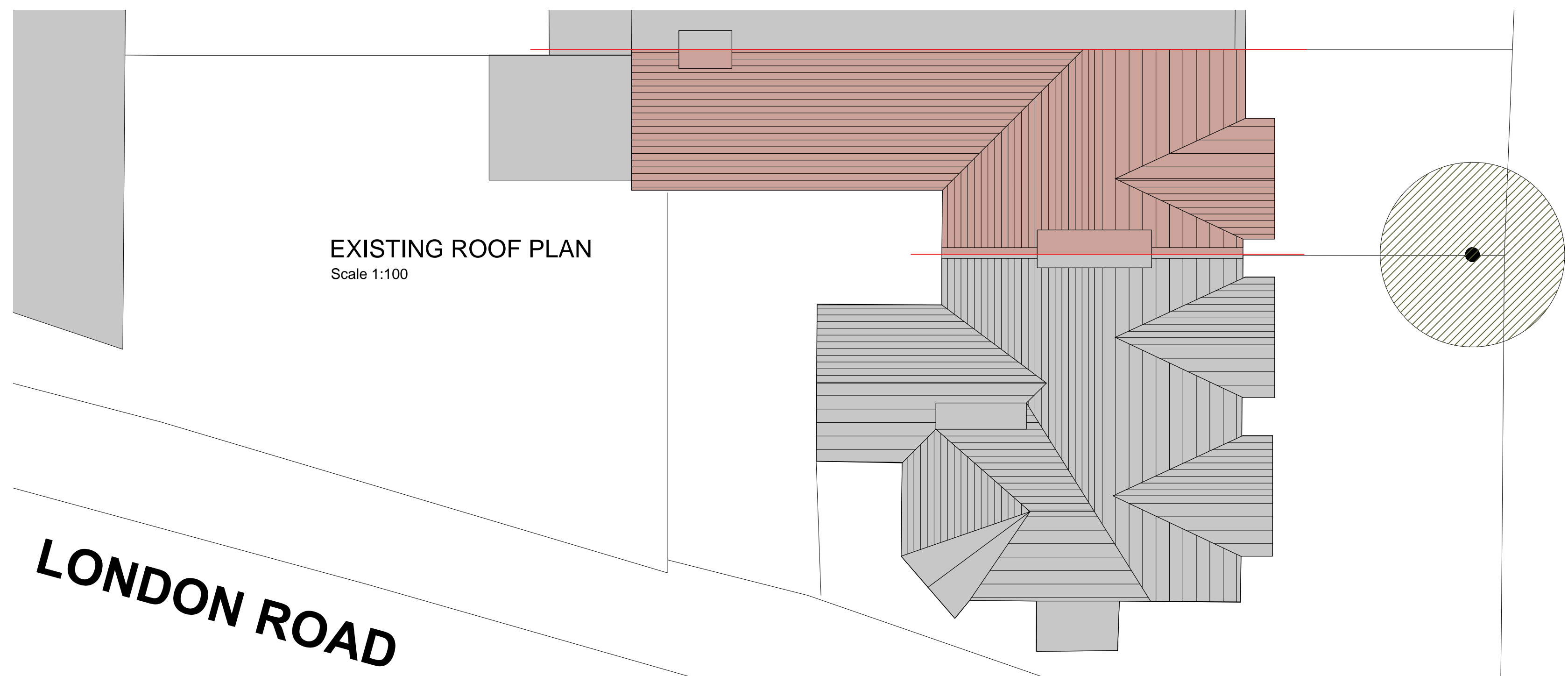
PROPOSED SIDE ELEVATION
Scale 1:100



EXISTING REAR ELEVATION
Scale 1:100



EXISTING SIDE ELEVATION
Scale 1:100



EXISTING ROOF PLAN
Scale 1:100

LONDON ROAD



The contractor is to check and verify all building and site dimensions, levels, and sewer invert levels at connection points before work starts.
This drawing must be read with and checked against any structural or other specialist drawings provided.
Any discrepancies found on this drawing are to be notified to STONE ME! DESIGN LTD prior to commencement of work.
The contractor is to comply in all respects with the current Building Regulations whether or not specifically stated on these drawings.
This drawing is not intended to show details of foundations or ground conditions. Each area of ground relied upon to support the structure depicted must be investigated by the contractor and suitable methods of foundations provided.
This drawing is to be read in conjunction with all other standard STONE ME! DESIGN LTD specifications and documentation.
STONE ME! DESIGN LTD reserves the right to withdraw any drawings from any applications or third parties should disputes arise between the client and STONE ME! DESIGN LTD.
This drawing remains the copyright of STONE ME! DESIGN LTD and cannot be reproduced without prior permission.

REV: DATE: AMENDMENT:

STONE Me!
ARCHITECTURE & INTERIOR DESIGN
5 FOUNTAIN LANE, HOCKLEY, ESSEX, SS5 4ST
Tel: 01702 203333
E: info@stoneme.com W: www.stoneme.com

Client: **DR B BEKAS**

Project: **48 Argyll Road
WESTCLIFF-ON-SEA
SSO 7HN**

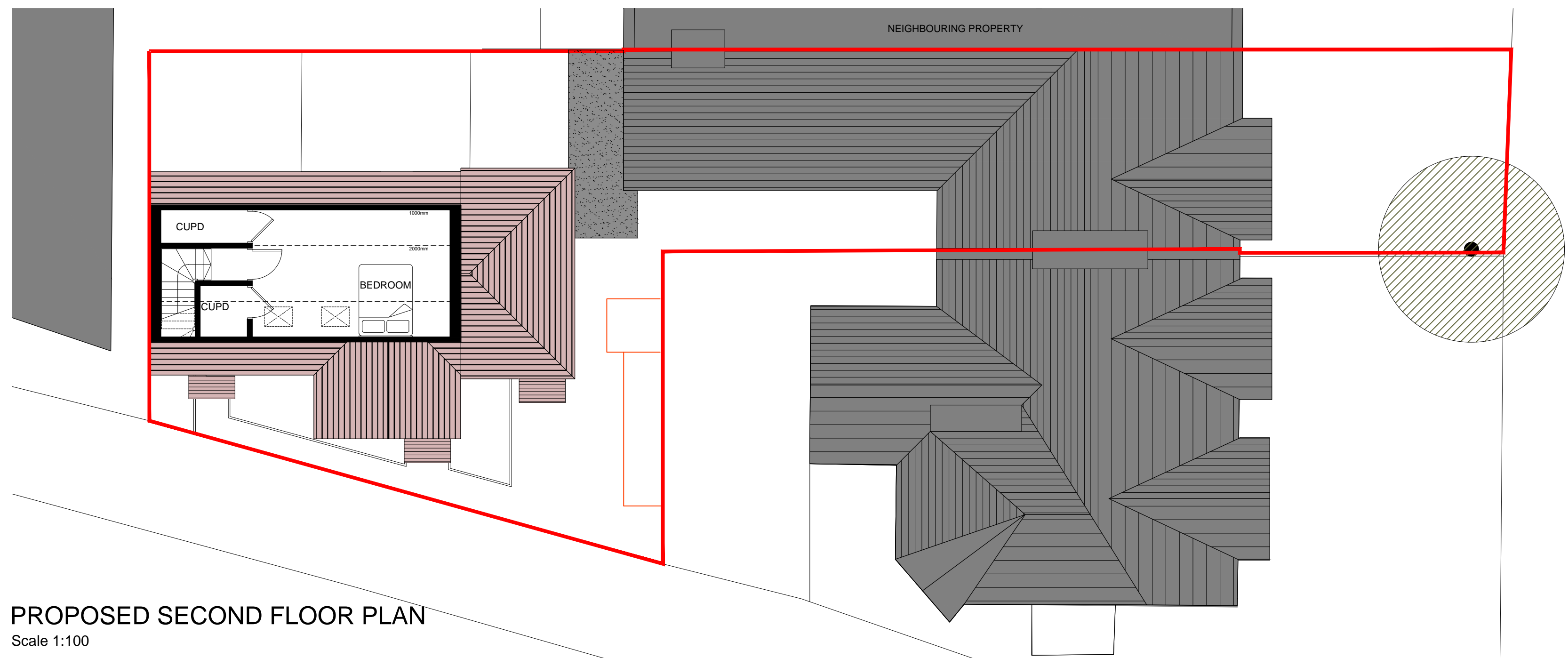
Drawing: **EXISTING ROOF PLAN & ELEVATIONS
PROPOSED ELEVATIONS**

Issue:	Client	Pre-App	Planning	B.Cont	As Built	Other
	●					

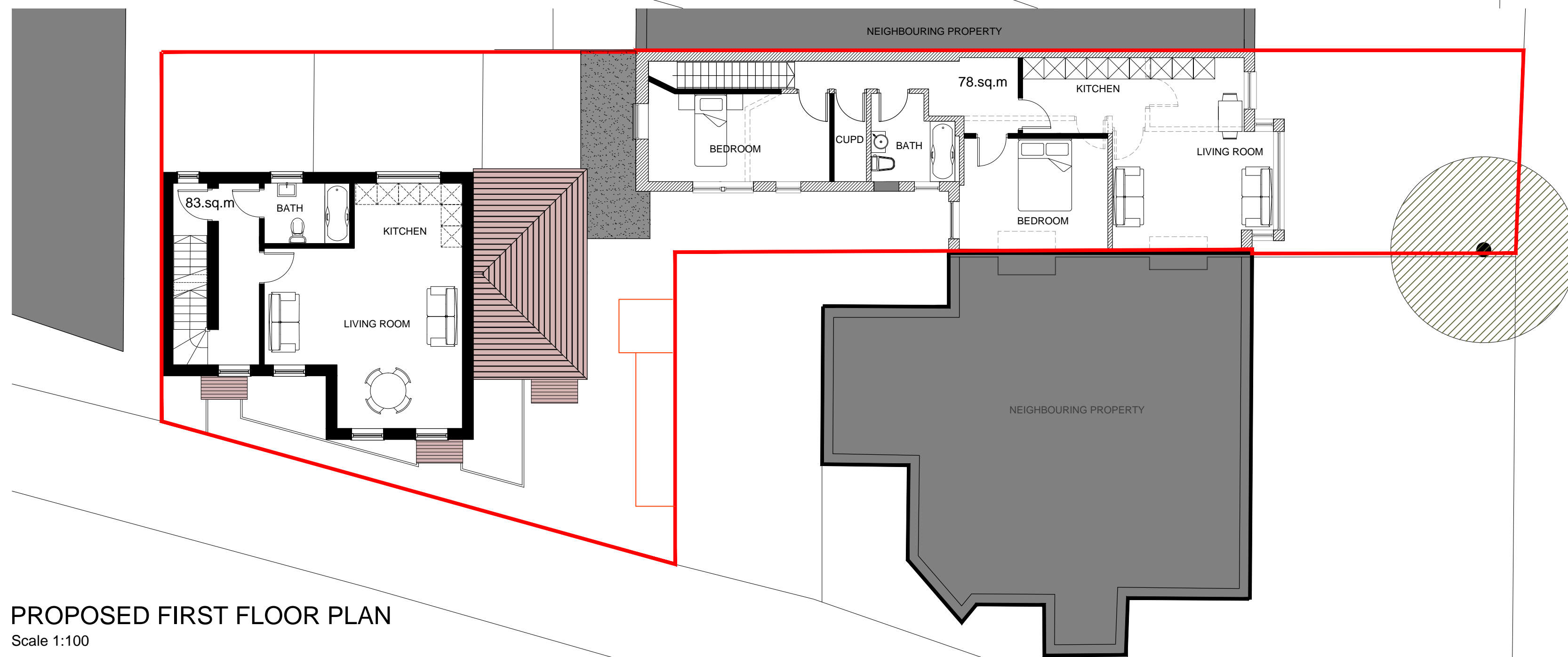
Date: **01.06.2021** Scale: **1:100 @ A1**

Project No.: **1825** Drawing No.: **11a**

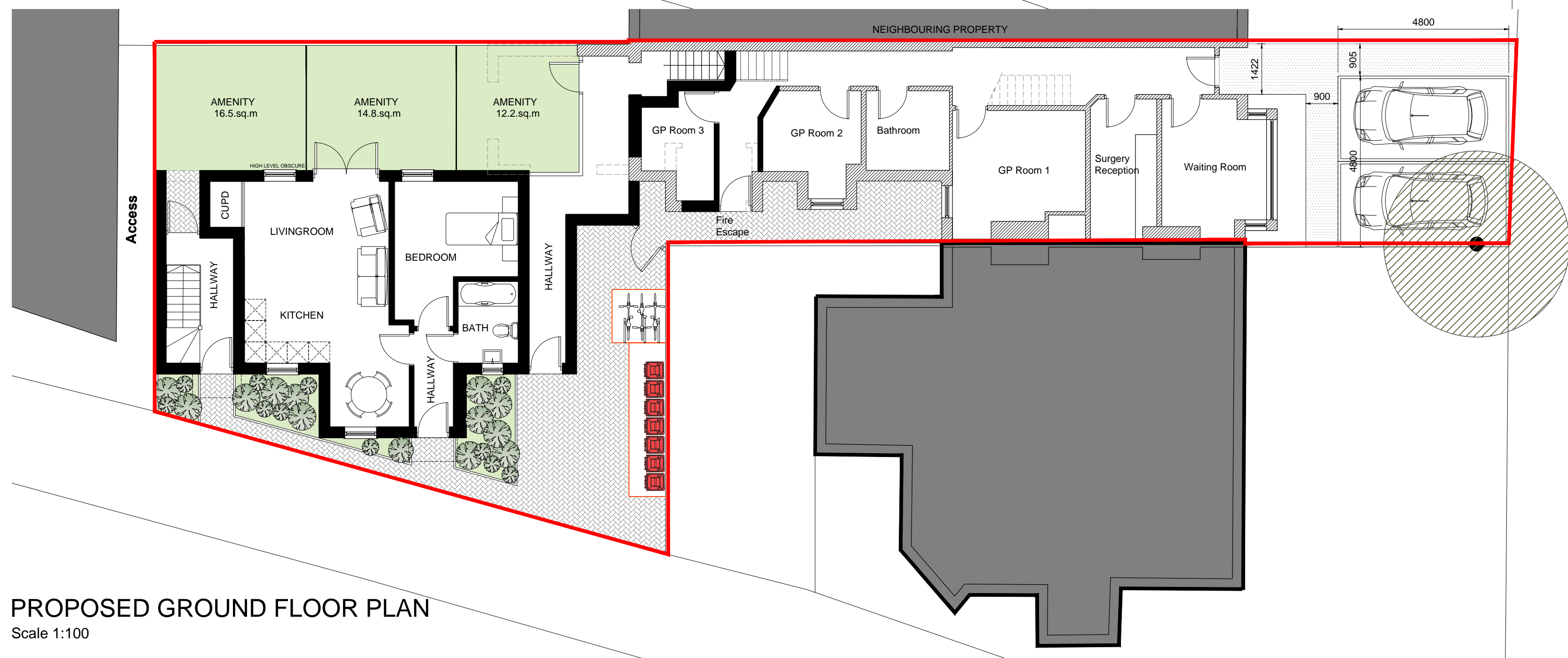
This page is intentionally left blank



PROPOSED SECOND FLOOR PLAN
Scale 1:100



PROPOSED FIRST FLOOR PLAN
Scale 1:100



PROPOSED GROUND FLOOR PLAN
Scale 1:100

The contractor is to check and verify all building and site dimensions, levels, and sewer invert levels at connection points before work starts.
This drawing must be read with and checked against any structural or other specialist drawings provided.
Any discrepancies found on this drawing are to be notified to STONE MEI DESIGN LTD prior to commencement of work.
The contractor is to comply in all respects with the current Building Regulations whether or not specifically stated on these drawings.
This drawing is not intended to show details of foundations or ground conditions. Each area of ground relied upon to support the structure depicted must be investigated by the contractor and suitable methods of foundations provided.
This drawing is to be read in conjunction with all other standard STONE MEI DESIGN LTD specifications and documentation.
STONE MEI DESIGN LTD reserves the right to withdraw any drawings from any applications or third parties should disputes arise between the client and STONE MEI DESIGN LTD.
This drawing remains the copyright of STONE MEI DESIGN LTD and cannot be reproduced without prior permission.

REV:	DATE:	AMENDMENT:
------	-------	------------

STONE Me!
ARCHITECTURE & INTERIOR DESIGN
5 FOUNTAIN LANE, HOCKLEY, ESSEX, SS5 4ST
Tel: 01702 203333
E: info@stoneme.com W: www.stoneme.com

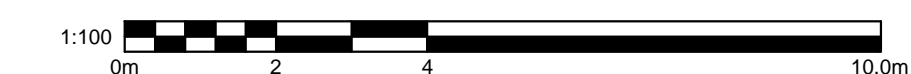
Client: DR B BEKAS
Project: 48 Argyll Road
WESTCLIFF-ON-SEA
SSO 7HN

Drawing: PROPOSED GROUND, FIRST AND SECOND FLOOR PLANS

Issue:	Client	Pre-App	Planning	B.Cont	As Built	Other
	●					

Date: 28.05.2021 Scale: 1:100 @ A1

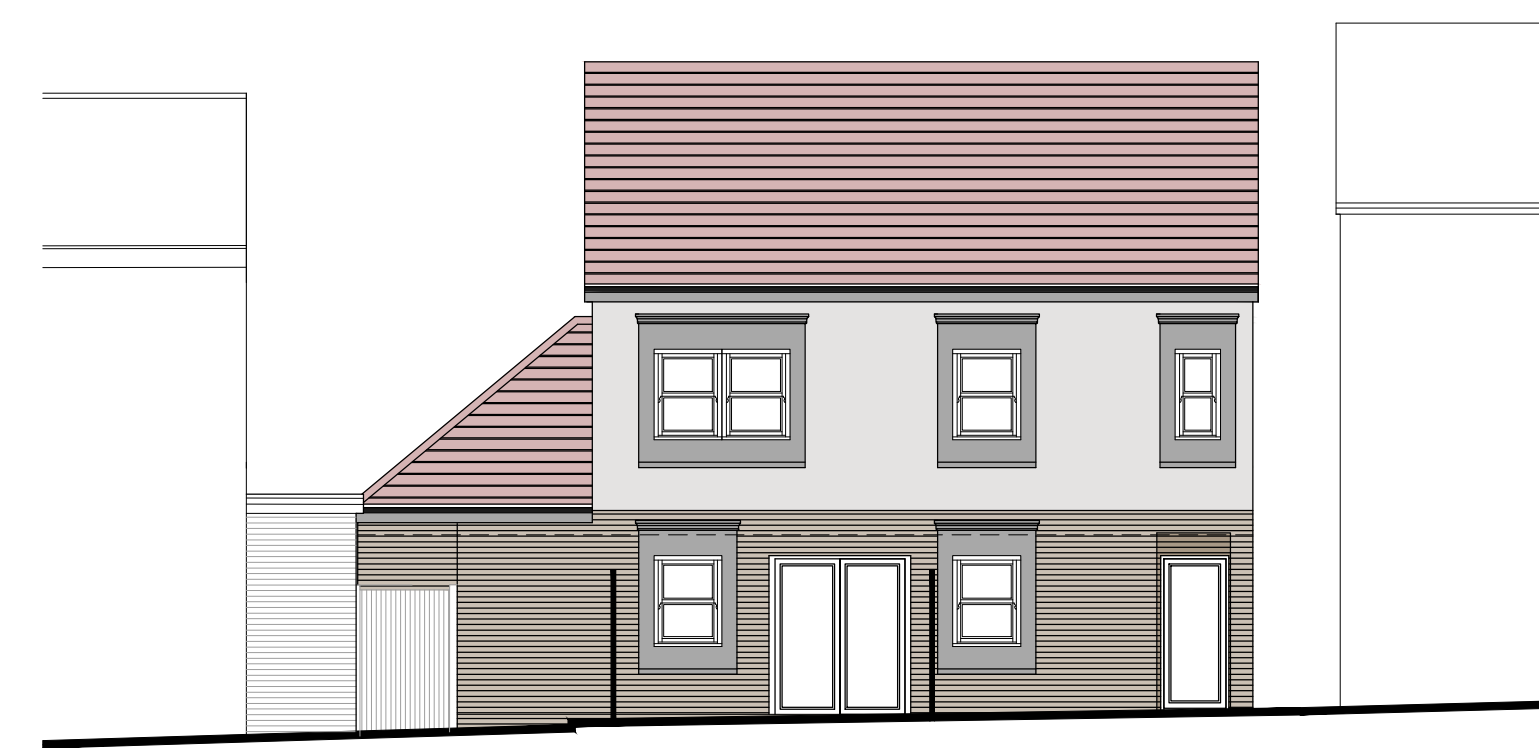
Project No.: 1825 Drawing No.: 15



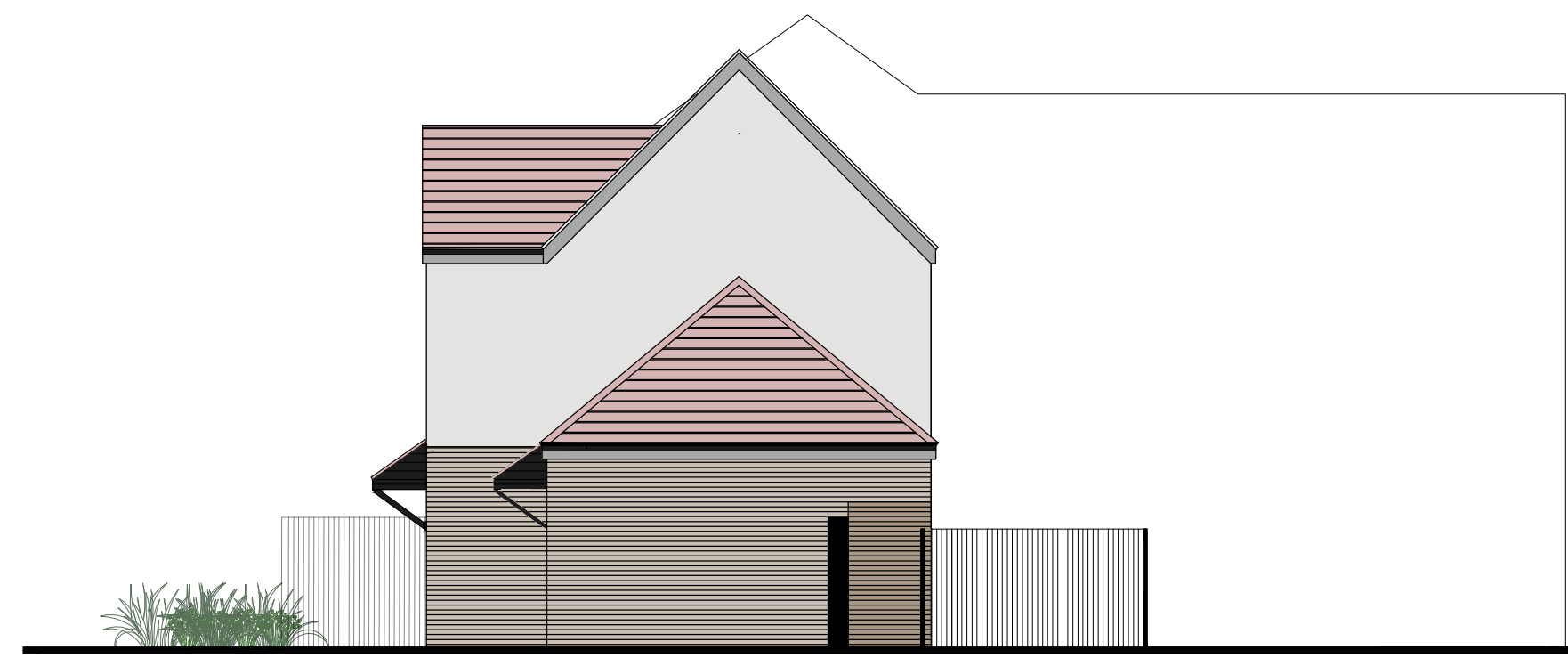
This page is intentionally left blank



PROPOSED FRONT ELEVATION
Scale 1:100



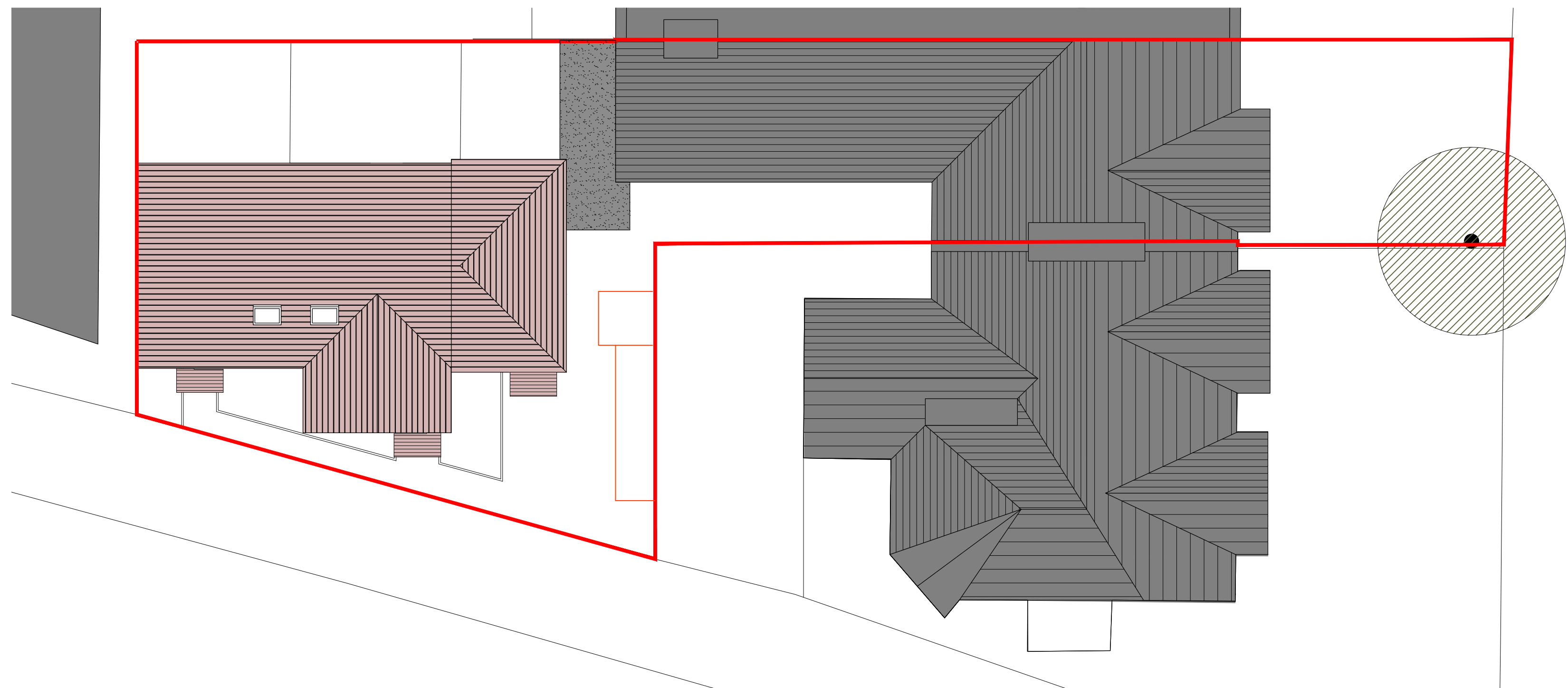
PROPOSED REAR ELEVATION
Scale 1:100



PROPOSED SIDE ELEVATION
Scale 1:100



PROPOSED SIDE ELEVATION
Scale 1:100



PROPOSED ROOF PLAN
Scale 1:100

The contractor is to check and verify all building and site dimensions, levels, and sewer invert levels at connection points before work starts.
This drawing must be read with and checked against any structural or other specialist drawings provided.
Any discrepancies found on this drawing are to be notified to STONE ME! DESIGN LTD prior to commencement of work.
The contractor is to comply in all respects with the current Building Regulations whether or not specifically stated on these drawings.
This drawing is not intended to show details of foundations or ground conditions. Each area of ground relied upon to support the structure depicted must be investigated by the contractor and suitable methods of foundations provided.
This drawing is to be read in conjunction with all other standard STONE ME! DESIGN LTD specifications and documentation.
STONE ME! DESIGN LTD reserves the right to withdraw any drawings from any applications or third parties should disputes arise between the client and STONE ME! DESIGN LTD.
This drawing remains the copyright of STONE ME! DESIGN LTD and cannot be reproduced without prior permission.

REV: DATE: AMENDMENT:

STONE Me!
ARCHITECTURE & INTERIOR DESIGN
5 FOUNTAIN LANE, HOCKLEY, ESSEX, SS5 4ST
Tel: 01702 203333
E: info@stoneme.com W: www.stoneme.com

Client: DR B BEKAS

Project: 48 Argyll Road
WESTCLIFF-ON-SEA
SSO 7HN

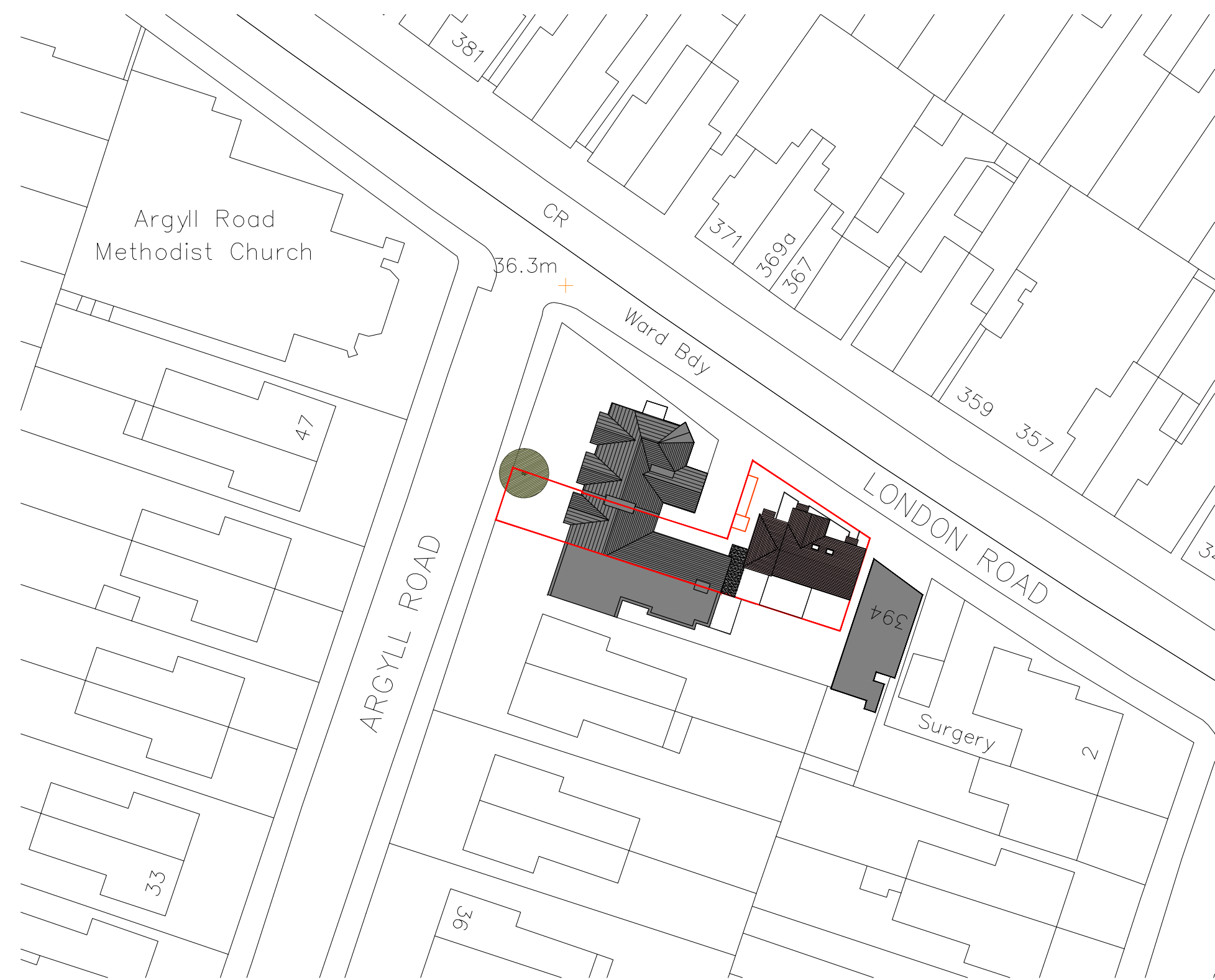
Drawing: PROPOSED ELEVATIONS AND
ROOF PLAN

Issue:	Client	Pre-App	Planning	B.Cont	As Built	Other
	●					

Date: 31.01.2020 Scale: VARIES @ A1

Project No.: 1825 Drawing No.: 16

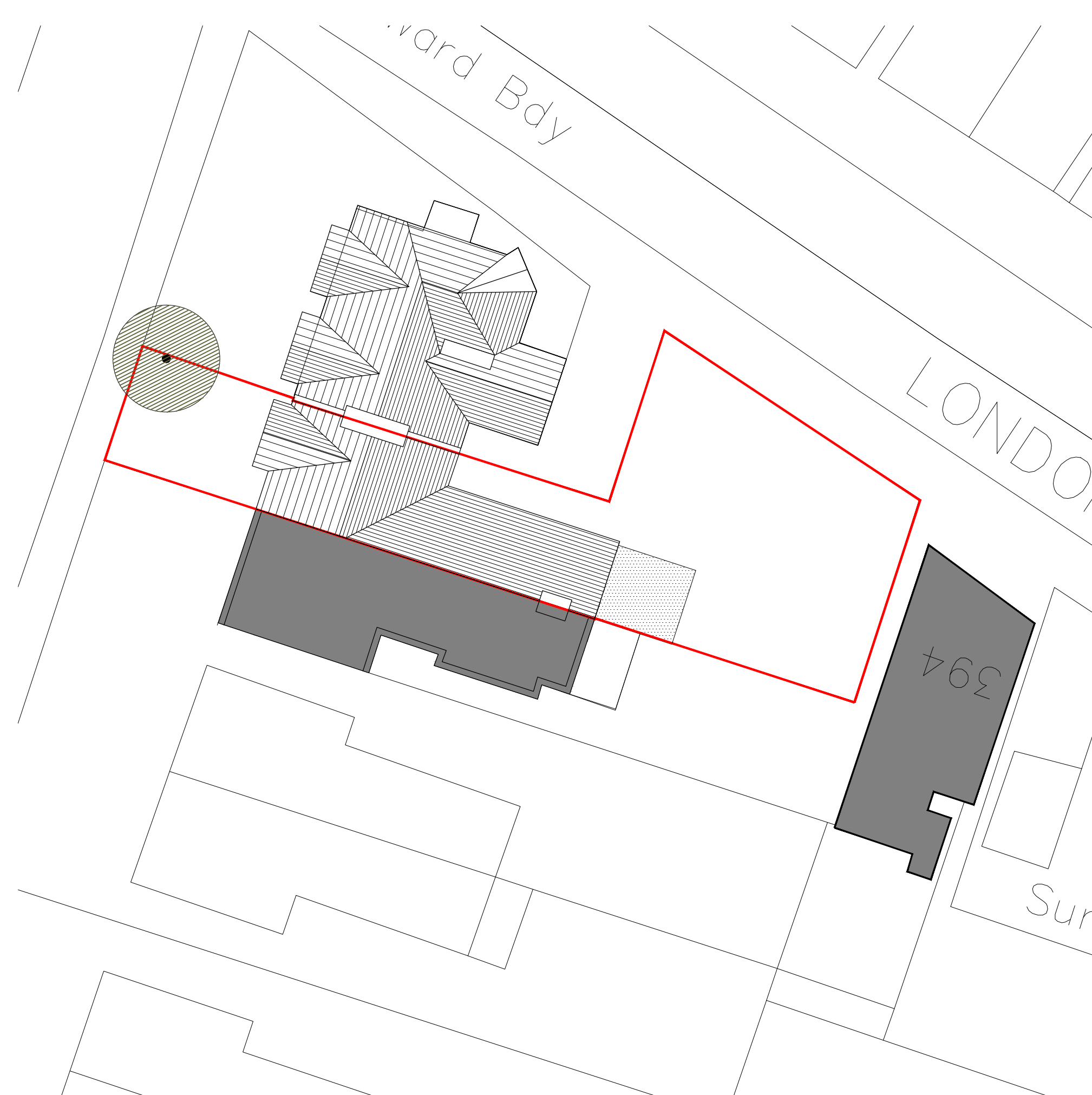
This page is intentionally left blank



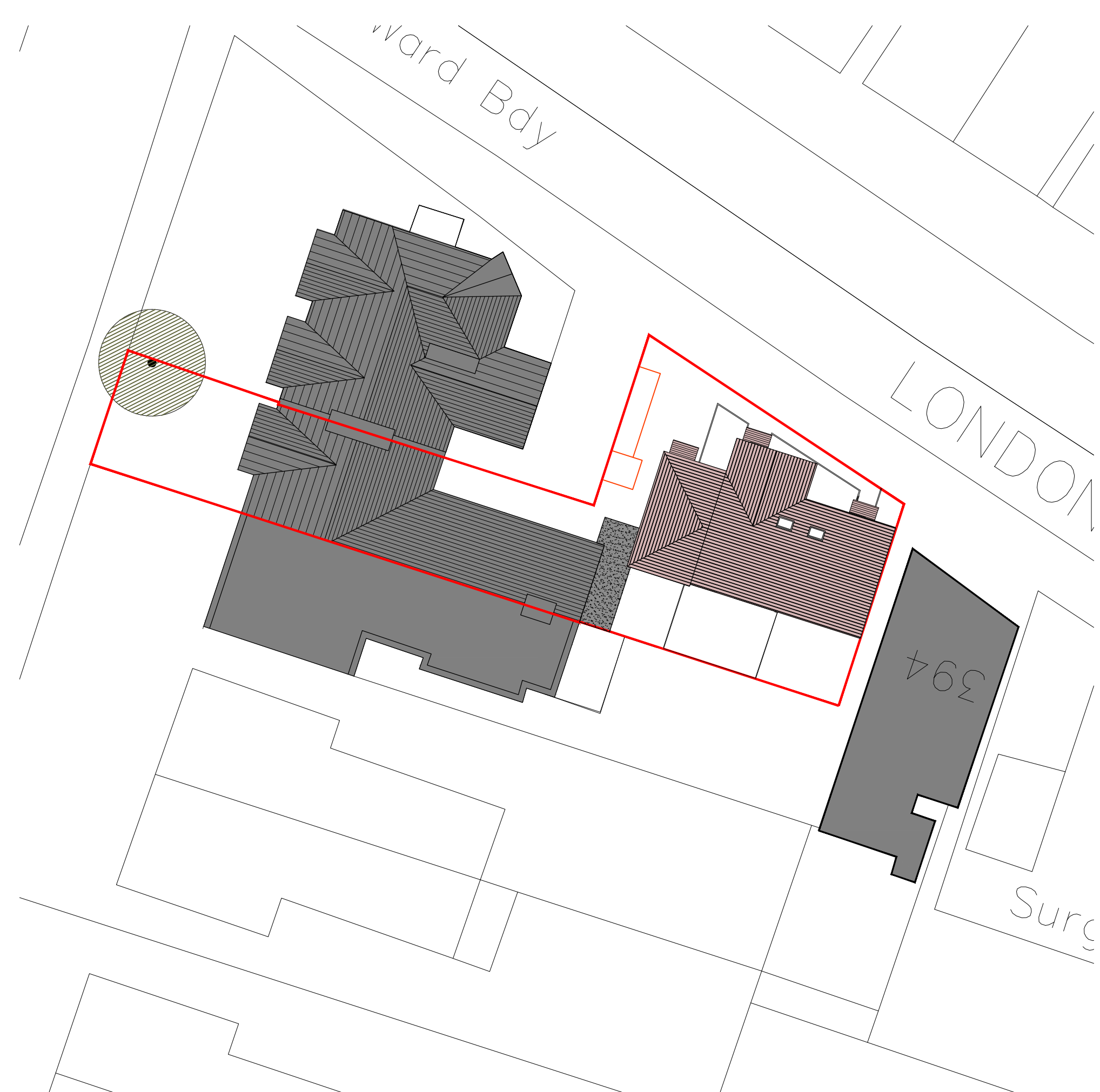
PROPOSED BLOCK PLAN Scale 1:500



SITE LOCATION PLAN Scale 1:1250



EXISTING SITE PLAN Scale 1:200



PROPOSED SITE PLAN Scale 1:200

The contractor is to check and verify all building and site dimensions, levels, and sewer invert levels at connection points before work starts.

This drawing must be read with and checked against any structural or other specialist drawings provided.

Any discrepancies found on this drawing are to be notified to STONE ME! DESIGN LTD prior to commencement of work.

The contractor is to comply in all respects with the current Building Regulations whether or not specifically stated on these drawings.

This drawing is not intended to show details of foundations or ground conditions. Each area of ground relied upon to support the structure depicted must be investigated by the contractor and suitable methods of foundations provided.

This drawing is to be read in conjunction with all other standard STONE ME! DESIGN LTD specifications and documentation.

STONE ME! DESIGN LTD reserves the right to withdraw any drawings from any applications or third parties should disputes arise between the client and STONE ME! DESIGN LTD.

This drawing remains the copyright of STONE ME! DESIGN LTD and cannot be reproduced without prior permission.

REV:	DATE:	AMENDMENT:
------	-------	------------

STONE Me!
ARCHITECTURE & INTERIOR DESIGN

5 FOUNTAIN LANE, HOCKLEY, ESSEX, SS5 4ST
Tel: 01702 203333
E: info@stoneme.com W: www.stoneme.com

Client: DR B BEKAS

Project: 48 Argyll Road
WESTCLIFF-ON-SEA
SS0 7HN

Drawing: EXISTING AND PROPOSED SITE PLANS

Issue:	Client	Pre-App	Planning	B.Cont	As Built	Other
	●					

Date: 28.05.2021 Scale: VARIES @ A1

Project No.: 1825 Drawing No.: 17

This page is intentionally left blank

48 Argyll Road



The frontage of the site on Argyle Road



The frontage of the site on London Road



The existing rear part of the site viewed from London Road



Eastward view on London Road



Westward view on London Road



The neighbouring property to the north-west of the site



Neighbouring amenity space

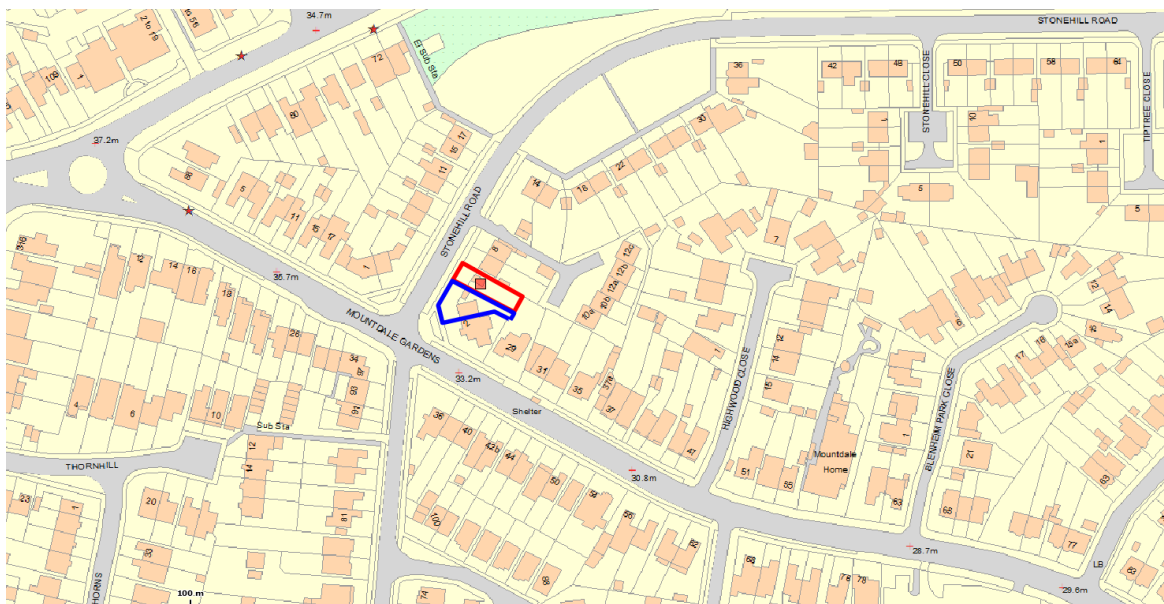


South-westward views from Argyll Road



North-westward views from Argyll Road

Reference:	21/00769/FUL	<h1>12</h1>
Ward:	Blenheim Park	
Application Type:	Full Application	
Proposal:	Erect detached dwellinghouse with associated amenity space and parking (Amended Proposal)	
Address:	Land Adjacent to 4 Stonehill Road Leigh-On-Sea Essex SS9 4AY	
Applicant:	Mr Shane Henstock	
Agent:	Mr Anthony Maskell	
Consultation Expiry:	3 rd June 2021	
Expiry Date:	23 rd July 2021	
Case Officer:	Oliver Hart	
Plan Nos:	Location Plan Sketch A; Block Plan Sketch C Jan021-001 Amendment 'B'- Existing & Proposed Site Plan; Jan020-017; Existing & Proposed Elevations Sketch D; Roof Plan	
Recommendation:	GRANT PLANNING PERMISSION subject to conditions	



1. Site and Surroundings

- 1.1. The application site is on the eastern side of Stonehill Road, close to the junction with Mountdale Gardens and it is currently part of the private amenity space of No.4 Stonehill Road to the south. The application site presently contains a detached garage which fronts Stonehill Road. An area of hardstanding to the front of the detached garage served by an existing dropped kerb is also noted. This provides an off-street parking space for No.4.
- 1.2. The area is residential in character, comprising predominantly two-storey detached, semi-detached and short terraced dwellings. Stonehill Road is characterised predominantly by rendered properties with clay roof tiles.
- 1.3. There are no designations affecting the application site or the immediate area.

2. The Proposal

- 2.1. Planning permission is sought to demolish the existing detached garage and to erect a two-storey, three-bedroom dwellinghouse (1x double bedroom and 2x single bedrooms) in its place.
- 2.2. The proposed detached dwelling has a rectangular layout with a flat frontage to reflect a pair of semi-detached properties immediately north of the application site (No's 6 & 8 Stonehill Road). The proposed dwelling would have a hipped roof with a maximum height of 7.8m and an eaves height of some 5.35m. It would measure a maximum of 6.5m wide by 8m deep and would have a gross internal area of approx. 83.86sqm. A separation of 1m would be retained to the north flank boundary.
- 2.3. Materials include uPVC windows and doors, clay tiles on the roof and render on the external walls, to match surrounding dwellings.
- 2.4. Private amenity space of approximately 85m² would be provided to the rear.
- 2.5. 2no. off street car parking spaces are shown to the front curtilage of the new dwelling which would be served by an enlarged crossover some 4.88m in maximum width. In addition, a new parking area is proposed to serve the host dwelling (No.4 Stonehill Road) which would enable the provision of 1no. replacement off-street parking space to the front curtilage. This would be served by a new vehicle crossover some 3.6m in maximum width and accessed from Stonehill Road.
- 2.6. This is an amended application following a previous refusal for a similar proposal for a new dwelling (Ref. 20/02228/FUL). This application was refused for the following reasons;

01 The proposed dwelling would fail to meet the minimum space and bedroom size standards as set out in the Technical Housing Standards – Nationally Described Space Standards and therefore would result in an inadequate standard of accommodation detrimental to the amenities of future occupiers. This is unacceptable and contrary to the National Planning Policy Framework (2019), the advice contained within the Technical Housing Standards – Nationally Described Space Standard (2015), Policies KP2 and CP4 of the Core Strategy (2007), Policies

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

02 The proposed development would result in the loss of the sole off-street parking space at the existing dwelling, No.4 Stonehill Road. Consequently, there would be insufficient parking to meet the needs of the occupiers at this address resulting in vehicles parking within the highway to the detriment of highway safety and the free flow of traffic. This is unacceptable and contrary to the National Planning Policy Framework (2019) and policies CP3 of the Core Strategy (2007) and DM15 of the Development Management Document (2015).

03 The development offers no suitable mitigation of the in-combination effect of the net increase of one dwelling on habitats and species in accordance with the Conservation of Habitats and Species Regulations (2017), as identified in the adopted Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy Supplementary Planning Document (2020). This is unacceptable and contrary to the National Planning Policy Framework (2019), Policies KP1, KP2 and CP4 of the Core Strategy (2007), Policies DM3 and DM6 of the Development Management Document (2015) and the guidance contained within the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy Supplementary Planning Document (2020), which seek to protect the designated habitats and species with specific reference to the coastal environment.

2.7. The most notable amendments from the previous application include;

- Increasing the width of the dwelling by 0.3m (from 6.2m to 6.5m) and subsequently increasing the Gross Internal Area (G.I.A) from 79.3 sqm to approx. 83.86sqm.
- Altering the size and composition of bedrooms so that the potential future occupancy has been reduced from a 3-bed, 5-person dwelling to a 3-bed 4-person dwelling;
- Incorporating off-street parking for 2no. vehicles to the front curtilage of the proposed dwelling and 1no. replacement off street parking space for the original dwelling (No.4 Stonehill Road), served by an enlarged crossover and a new crossover respectively;
- Payment of RAMS.

2.8. The application has been referred to DCC by Councillor Keith Evans.

3. Relevant Planning History

3.1. 20/02228/FUL- Demolish garage, erect two storey dwellinghouse- Refused

3.2. 94/0777- Demolish garage and outbuilding and erect single storey side extension to form granny annex- Granted

4. Representation Summary

Public Consultation

4.1. 5 neighbouring properties were consulted by letter and a site notice was displayed. 3 letters of objection from 1 address have been received. Summary of objections;

- Design concerns- out of character, an eyesore and visual impact. The proposed development would be overdevelopment and overcrowding of the land/garden and will appear overbearing and dominant in the streetscene.

- Parking concerns- Stonehill Road already suffers from lack of parking and this will intensify existing parking issues.
- Amenity concerns.
- Other Matters; No community benefit. No need to build the house. Nuisance, noise and disturbance from construction works and potential detrimental implications for neighbours suffering with ill health if approved. Loss of grass and impact on wildlife.

[Officer Comment] All relevant planning considerations have been assessed within the appraisal section of the report. These concerns are noted and where they relate to planning concerns, have been taken into account in the assessment of the application.

Highways

- 4.2. No objection to the revised parking arrangement. The applicant will be required to apply to highways to construct the vehicle crossovers should planning permission be granted.

Environmental Health

- 4.3. No objections subject to conditions requiring a construction/demolition management plan to include details of construction hours and waste and dust management.

Fire Authority

- 4.4. No objections.

5. Planning Policy Summary

- 5.1. The National Planning Policy Framework (NPPF) (2019)
- 5.2. Planning Practice Guidance (PPG) – National Design Guide (NDG) (2019)
- 5.3. Core Strategy (2007): Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Transport and Accessibility), CP4 (Environment and Urban Renaissance), CP8 (Dwelling Provision).
- 5.4. Development Management Document (2015): Policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM7 (Dwelling Mix, Size and Type), DM8 (Residential Standards), DM15 (Sustainable Transport Management).
- 5.5. Design & Townscape Guide (2009)
- 5.6. National Housing Standards (2015)
- 5.7. Community Infrastructure Levy (CIL) Charging Schedule (2015)
- 5.8. Vehicle Crossing Policy & Application Guidance (2014)
- 5.9. The Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) Supplementary Planning Document (SPD) (2020)

6. Planning Considerations

- 6.1. The main considerations are the principle of the development, the design and impact on the character of the streetscene and wider area, the standard of accommodation for future occupiers, the impact on residential amenity, traffic and transportation issues, the provision of waste storage facilities, the proposed energy and water use, sustainability, RAMS, CIL and whether the application has overcome the previous reasons for refusal (Ref. 20/02228/FUL).

7. Appraisal

Principle of Development

- 7.1. Paragraph 117 of the NPPF states: "Planning policies and decisions should promote an effective use of land in meeting the need for homes and other users, while safeguarding and improving the environment and ensuring safe and healthy living conditions." Furthermore, the NPPF requires development to boost the supply of housing by delivering a wide choice of high quality homes.
- 7.2. The results of the Housing Delivery Test (HDT) published by the Government show that there is underperformance of housing delivery in the Borough. Similarly, the Council's Five Year Housing Land Supply (5YHLS) figure shows that there is a deficit in housing land supply in the Borough. The South Essex Strategic Housing Market Assessment (SESHMA) identifies that Southend has a higher proportion of flats/maisonettes and a housing stock comprised of a greater proportion of 1-bed units and smaller properties a consequence of which is that there is a lower percentage of accommodation of a suitable size for families.
- 7.3. For the proposed provision of housing the HDT and 5YHLS are weighing in favour of the principle of this type of development. The proposed dwellinghouse would be a three bed, four-person unit which could be suitable for families. There is greater need for this type of housing as identified by the SESHMA.
- 7.4. The location of the proposed dwelling would render it infill development. Policy DM3 is applicable which states: "All development on land that constitutes backland and infill development will be considered on a site-by-site basis. Development within these locations will be resisted where the proposals:
- i. Create a detrimental impact upon the living conditions and amenity of existing and future residents or neighbouring residents; or
 - ii. Conflict with the character and grain of the local area; or
 - iii. Result in unusable garden space for the existing and proposed dwellings in line with Policy DM8; or
 - iv. Result in the loss of local ecological assets including wildlife habitats and significant or protected trees."
- 7.5. The dwelling is proposed to be erected within the garden of 4 Stonehill Road and is within a residential area. Consistent with the assessment of the previous application, no objection is raised to a residential use in this location in principle.

- 7.6. Given its corner plot and siting, No. 4 Stonehill Road has a significantly larger plot in comparison to No. 6 (north) which results in a significant gap between the properties. The proposal would result in a detached dwellinghouse which would infill this gap, although a (1m) separation would be retained to the north flank boundary. Given the varied character of the surrounding area which comprises detached, semi-detached and terraced dwellings, and given other extensions and built form at other corner plots on this junction, it is considered that the proposed development would not result in an unacceptable infill development which would appear significantly at odds with the urban grain of the area.
- 7.7. Although the proposed development would result in partial loss of existing soft landscaped front and rear gardens, it would not result in loss of any street trees or protected trees. A soft landscaped garden would also be retained to the rear. On that basis, it is considered that the provision of a new dwelling outweighs the adverse impact caused by the partial loss of a soft landscaped garden.
- 7.8. Therefore, consistent with the assessment of the previous application, and subject to other planning considerations including parts (i) and (iii) of Policy DM3 which are discussed below, the principle of development for a new dwelling remains acceptable.

Design and Impact on the Character of the Area

- 7.9. Good design is a fundamental requirement of new development to achieve high quality living environments. Its importance is reflected in the NPPF, in Policies KP2 and CP4 of the Core Strategy and also in Policy DM1 of the Development Management Document. The Design and Townscape Guide also states that: “the Borough Council is committed to good design and will seek to create attractive, high-quality living environments.”
- 7.10. Paragraph 124 of the NPPF states that: “The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.” Policy DM1 of the Development Management Document states that all development should: “add to the overall quality of the area and respect the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, layout, proportions, materials, townscape and/or landscape setting, use, and detailed design features.”
- 7.11. Policy KP2 of the Core Strategy states that new development should: “respect the character and scale of the existing neighbourhood where appropriate”. Policy CP4 of the Core Strategy requires that development proposals should: “maintain and enhance the amenities, appeal and character of residential areas, securing good relationships with existing development, and respecting the scale and nature of that development”.
- 7.12. The Design and Townscape Guide states that: “The successful integration of any new development is dependent upon the appropriate scale, height and massing in relation to the existing built fabric. Buildings that are over scaled will appear dominant [...] the easiest option is to draw reference from the surrounding buildings.”

- 7.13. The design of the proposed dwellinghouse did not form a reason for refusal of the previous application (Ref. 20/02228/FUL). Whilst the proposed dwellinghouse has been marginally increased (by 0.3m) in width, the scale of the dwelling is considered to remain acceptable in relation to the plot size and the dwellings in the immediate streetscene. The width of the frontage and the ridge and eaves heights would continue to satisfactorily relate with that of existing dwellings, as would detailed design elements, including matching render, roof tiles and uPVC windows and doors.
- 7.14. In addition, the proposed dwelling would continue to be sited in line with the existing building line created by No's 6 & 8 Stonehill Road (north) and consequently will be read as part of this run of properties. Consistent with the assessment of the previous application, it is not considered that the proposed dwellinghouse would conflict with the character and grain of the local area.
- 7.15. The front curtilages in the immediate streetscene are mixed, with grassed and hard surfaced areas both evident. No specific details of boundary treatments or hard and soft landscaping have been submitted with the application however, such details could reasonably be required by condition.
- 7.16. The enlargement of the crossover serving the new dwelling and the new crossover serving No.4 Stonehill Road would result in the loss of a section of grass verge to the front of the site. The affected verges are grassed rather than planted verges and do not contain mature shrubs and bushes but are a feature of the street scene to the front of the dwellings in Stonehill Road. The Vehicle Crossing Policy & Application Guidance states that the proposed vehicle crossing and parking area must be constructed to ensure a length of verge no greater than the width of the proposed vehicle crossing is removed. The Design and Townscape guide states that new crossings and hardstandings should not result in the loss of street trees or planted verges unless they can be replanted within the vicinity.
- 7.17. The length of the verge to be removed would be the same as the width of the crossovers. Loss of these sections of verge are a negative aspect of the development, however, crossovers are evident elsewhere along the street and in consideration of the proposed development to enable the formation of adequate parking areas to serve the new dwelling and No.4, it is considered the visual impact of the crossovers would not be significant and would be acceptable in this regard.
- 7.18. Subject to conditions, the development would be acceptable and policy compliant in these regards.

Standard of Accommodation and Living Conditions for Future Occupiers

- 7.19. Delivering high quality homes is a key objective of the NPPF. Policy DM3 of the Development Management Document states that proposals should be resisted where they create a detrimental impact upon the living conditions and amenity of existing and future residents or neighbouring residents.

Space Standards

- 7.20. All new homes are required to meet the Nationally Described Space Standards (NDSS) in terms of floorspace, bedroom size and storage size. The required size for a two-storey, three-bed, four-person unit and the minimum standards for bedrooms are shown on the following table. The relevant dimensions of the proposed scheme are also shown on the table below:

	Area (m ²)	Bedroom 1	Bedroom 2	Bedroom 3
Standard for Two-storey 3 bed 4 person	84	11.5m ² Wmin=2.75m	7.5m ² Wmin=2.15m	7.5m ² Wmin=2.15m
Proposed dwelling Two-storey 3 bed 4 person	83.86	14.6m ² Wmin =4m	11.1m ² Wmin=2.7m	8.3m ² Wmin=3.1m

- 7.21. The table shows that the proposed dwelling would fall approx.0.14sqm short of the required standard which is considered de minimis and compensated for by other areas of the design which significantly exceed the minimum requirements. The proposal would provide adequate living conditions for future occupiers in this respect.

Daylight, Sunlight and Outlook from Habitable Rooms

- 7.22. All habitable rooms would receive adequate daylight and sunlight. All habitable rooms would also have acceptable outlook.

M4 (2) – Accessibility

- 7.23. Policy DM8 states that accessibility for all new dwellings should satisfy the requirements of M4 (2) of the Building Regulations. The application does not include any information on the accessibility of the proposed unit. However, the ground floor areas, which are proposed to accommodate downstairs WC, kitchen/dining area and living room could be adaptable. On this basis, the proposed dwelling appears to be adaptable in order to satisfy building regulation M4 (2). Confirmation of this can be secured by a condition.

Interlooking

- 7.24. The proposed new dwelling would not have any openings looking towards the existing dwelling. The upper floor windows of the existing dwelling would be facing towards the private amenity space of the proposed dwelling, but this would not be materially harmful to the residential amenity of future occupiers given the existing degree of interlooking of neighbouring rear gardens which occurs as a result of surrounding 2 storey development and is typical in this residential setting.

Amenity Provision

- 7.25. The proposed new dwelling would have a private amenity space measuring approx. 85m². The private amenity space for the existing dwelling would be in excess of 75m². The garden areas would be sufficiently screened from public vistas and would be adequately distanced from adjacent buildings. These would be useable private amenity spaces of sufficient size for family dwellings.

Conclusion

- 7.26. Overall, whilst the G.I.A would fall slightly short of the requirement, this is considered de minimis and, when considered in the context of the significant amenity provision and adequate daylight and sunlight levels to habitable rooms, it is considered that the proposed dwelling would result in suitable living conditions for any future occupiers.
- 7.27. The proposal is therefore considered to be acceptable and compliant with the relevant policies in these regards.

Impact on Residential Amenity

- 7.28. Policy DM1 of the Development Management Document requires all development to be appropriate in its setting by respecting neighbouring development and existing residential amenities and also: "having regard to privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight."
- 7.29. It is important to note that the neighbour amenity impact of the proposed dwelling did not form a reason for refusal of the previous application (Ref. 20/02228/FUL). The only variations between the applications relate to the marginal increase in width of the proposed dwelling (by 0.3m) and the provision of parking areas to the front curtilage.
- 7.30. With regard to the impact on No. 6 Stonehill Road (immediately north), the proposed dwelling would have the same front and rear building lines such that it would not detrimentally impact upon neighbouring habitable room front and rear windows. No.6 has 3no. side openings situated adjacent to the proposed dwelling, 2no. windows at first floor and 1no. door at ground floor. The openings however serve either non-habitable accommodation, namely the neighbouring bathroom and stairwell/landing at first floor, or as secondary openings, to a kitchen/dining area door at ground. It must be noted that the protection of such openings in planning terms is limited. Together with the retention of a 2m separation from these openings, the proposed dwelling is not considered to give rise to a significant loss of light or outlook nor an undue increased sense of enclosure or dominant impact.
- 7.31. The enlargement of the existing crossover and proposed parking layout is not considered to result in significant harm to the amenity of the occupants of No.6 Stonehill Road over and above the existing situation as a result of additional vehicular comings and goings.
- 7.32. Owing to the splayed orientation of No. 4 Stonehill Road, the proposed dwelling would project approx. 2.5m beyond the neighbouring rear elevation. A separation in excess of 3m would be retained between the proposed dwelling with the nearest neighbouring rear window serving a single ground floor kitchen window.

It is not considered to have a significantly harmful impact on the amenity of neighbouring occupants, having regard to a material loss of light and outlook nor an undue increased sense of enclosure and dominant impacts. Having regard to the separations involved to secondary and non-habitable room side windows adjacent to the proposed dwelling, it would not result in any significant harm to the amenities of the neighbouring occupiers in any regard.

- 7.33. With regards to overlooking and loss of privacy concerns, no flank windows are proposed. It is not considered that the property would introduce intrusive levels of overlooking in excess of what can reasonably be expected in a typical residential rear garden setting surrounded by two storey development.
- 7.34. Given the relatively limited size of the plots, alterations/extensions to the existing and proposed dwelling may result in unacceptable living conditions of the future occupiers or impact on the neighbouring amenity. A condition to remove permitted development rights for classes A, AA, B, D, E or F would therefore be necessary if the development was otherwise acceptable.
- 7.35. In relation to noise and disturbance, the proposal has the potential to create harm during the construction phase, however a condition to control the hours of construction can be imposed to mitigate this. The Council's Environmental Health service raised no objection to the proposal subject to such a condition.
- 7.36. Due to the separations involved, it is not considered that the proposal would harm the residential amenity of any other neighbouring properties in any regard. On this basis, the proposal is acceptable and policy compliant in the above regards.

Traffic and Transportation Issues

- 7.37. Policy DM15 of the Development Management Document states: "Development will be allowed where there is, or it can be demonstrated that there will be, physical and environmental capacity to accommodate the type and amount of traffic generated in a safe and sustainable manner". The policy also requires that adequate parking should be provided for all development in accordance with the adopted vehicle parking standards (minimum 2 spaces).
- 7.38. The proposal was previously refused due to the absence of off-street parking to either the new or the existing dwelling.
- 7.39. The amended plans now proposed show a parking area some 4.8m wide x 6m deep to the front curtilage of the proposed dwellinghouse which would enable the provision of 2no. off street parking spaces. This would be accessed by an enlarged dropped kerb (from 2.8m to 4.88m in maximum width).
- 7.40. The amended plans also show a new parking area some 3.6m wide x 6m deep to the front curtilage of the host dwelling, No.4 Stonehill Road. This would enable the provision of 1no. replacement off-street parking space to No.4. This would be accessed by a new dropped kerb some 3.6m wide from Stonehill Road

- 7.41. Highways have raised no objection to the revised parking arrangement which would meet the required standards. The applicant will be required to apply to highways to construct the vehicle crossovers. No cycle storage has been shown on submitted plans but it is considered space exists within the application site for acceptable provision.
- 7.42. On this basis, the proposed development is therefore considered to have overcome the previous reason for refusal and is acceptable and compliant with policy on parking and highways grounds.

Flooding and surface water drainage

- 7.43. National policy requires that any development is safe from flooding and does not increase the risk of flooding elsewhere. The proposed dwelling would be built within undeveloped land, an area of the ground where surface water would otherwise permeate. Adequate drainage should be installed to ensure that there is no increased risk of flooding on site or elsewhere. Details of drainage arrangements incorporating principles of Sustainable Drainage Systems can be required by condition. Subject to such a condition, the development would be acceptable and policy compliant in these regards.

Refuse and Recycling Storage

- 7.44. Details of refuse and recycling storage have not been submitted however it is considered there is adequate space for such provision within the curtilage of the site. Subject to a condition requiring details to be agreed, the development would be acceptable and policy compliant in these regards.

Energy and Water Sustainability

- 7.45. Policy KP2 of the Core Strategy requires that: “at least 10% of the energy needs of new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources)”. Policy DM2 of the Development Management Document states that: “to ensure the delivery of sustainable development, all development proposals should contribute to minimising energy demand and carbon dioxide emissions”. This includes energy efficient design and the use of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting.
- 7.46. Whilst submitted plans detail the position of solar panels to the front (west), rear (east) and flank (south) roof slopes, no detailed information has been provided regarding the proposed renewable energy to demonstrate how the proposal meets the 10% policy requirement. However, it is considered that the requirement for renewable energy and restrictions on water usage can be controlled with conditions provided any such externally mounted technologies respect the character and appearance of the area. This aspect of the proposal is therefore considered to be acceptable and policy compliant in this regard, subject to conditions.

Recreational disturbance Avoidance Mitigation Strategy (RAMS).

- 7.47. The site falls within the Zone of Influence for one or more European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS). It is the Council's duty as a competent authority to undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation.
- 7.48. Any new residential development has the potential to cause disturbance to European designated sites and therefore the development must provide appropriate mitigation. This is necessary to meet the requirements of the Conservation of Habitats and Species Regulations 2017. The adopted RAMS Supplementary Planning Document (SPD), (October 2020) requires that a tariff of £127.30 (index linked) is paid per dwelling unit. This will be transferred to the RAMS accountable body in accordance with the RAMS Partnership Agreement. This payment has been completed and the proposal in this respect is acceptable in the above regard.

Community Infrastructure Levy (CIL)

- 7.49. This application is CIL liable and there will be a CIL charge payable. In accordance with Section 70 of the Town and Country Planning Act 1990 (as amended by Section 143 of the Localism Act 2011) and Section 155 of the Housing and Planning Act 2016, CIL is being reported as a material 'local finance consideration' for the purpose of planning decisions. The proposed development includes a net gain internal floor area of 240sqm, which may equate to a CIL charge of approximately £2148.11.

8. Conclusion

- 8.1. Having regard to all material considerations assessed above, it is considered that subject to compliance with the attached conditions, the proposed development would, be acceptable and compliant with the objectives of the relevant local development plan policies and guidance as well as those contained within the National Planning Policy Framework. The application has overcome the previous reasons for refusal and the development is recommended for approval subject to conditions.

9. Recommendation

- 9.1. MEMBERS ARE RECOMMENDED TO GRANT PLANNING PERMISSION subject to conditions:**

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

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

02 The development hereby permitted shall be carried out in accordance with the following approved plans: Jan021-001 Amendment 'B'- Existing & Proposed Site Plan; Block Plan Sketch C, Jan020-017; Existing & Proposed Elevations; Sketch D; Roof Plan

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

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

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

04 No development above ground level shall take place until full details of both hard and soft landscape works 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. car parking layouts;**
- iii. other vehicle and pedestrian access and circulation areas;**
- iv hard surfacing materials;**
- 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: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping and tree protections measures are implemented pursuant to Policy DM1 of the Development Management Document (2015) and Policy CP4 of the Core Strategy (2007)

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

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

06 Prior to occupation of the development hereby approved water efficient design measures set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting shall be installed in the development hereby approved and be retained in perpetuity thereafter.

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

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

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

08 Notwithstanding demolition works, construction of the development hereby permitted shall not commence until details of surface water attenuation for the site, based on Sustainable Urban Drainage principles, have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details before it is occupied.

Reason: In order to ensure a satisfactory standard of sustainable drainage 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).

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

Reason: In the interests of the residential amenity of the adjoining residents and to ensure that the development complies with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) policies DM1 and DM3 and The Design and Townscape Guide (2009).

10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) Order 2015, or any order revising or re-enacting that Order with or without modification, no development shall be carried out on the new dwellinghouse within Schedule 2, Part 1, Classes A, AA, B, D, E or F of that Order without the receipt of express planning permission.

Reason: To safeguard the character and appearance of the area and in the interest of the residential amenity of the adjoining residents in accordance with the National Planning Policy Framework (2012), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and Design and Townscape Guide (2009).

11 The car parking spaces to the existing and proposed dwellings shown on approved plan Jan021-001 Amendment 'B' shall be provided and made available for use at the site prior to the first occupation of the dwelling hereby approved. The car parking spaces shall thereafter be permanently retained only for the parking of vehicles of the occupiers and visitors to the new dwelling and No.4 Stonehill Road.

Reason: To ensure that satisfactory off-street car parking is provided in the interests of residential amenity and highways efficiency and safety, in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) policy KP2, Development Management Document (2015) policy DM15 and the Southend Design and Townscape Guide (2009).

12 Notwithstanding the information submitted with this application, prior to the first occupation of the dwelling hereby approved, full details (including elevations) shall be submitted to and approved in writing by the local planning authority identifying the provision of refuse and recycling storage and covered and secure cycle parking for the approved development at the site. The approved refuse and recycling store and covered and secure cycle store shall be provided in full and made available for use by the occupants of the dwellings prior to the first occupation of the dwelling hereby approved and be retained as such in perpetuity.

Reason: To ensure the provision of adequate cycle, refuse and recycling storage in accordance with Policies DM3, DM8 and DM15 of Development Management Document (2015).

13 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).

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

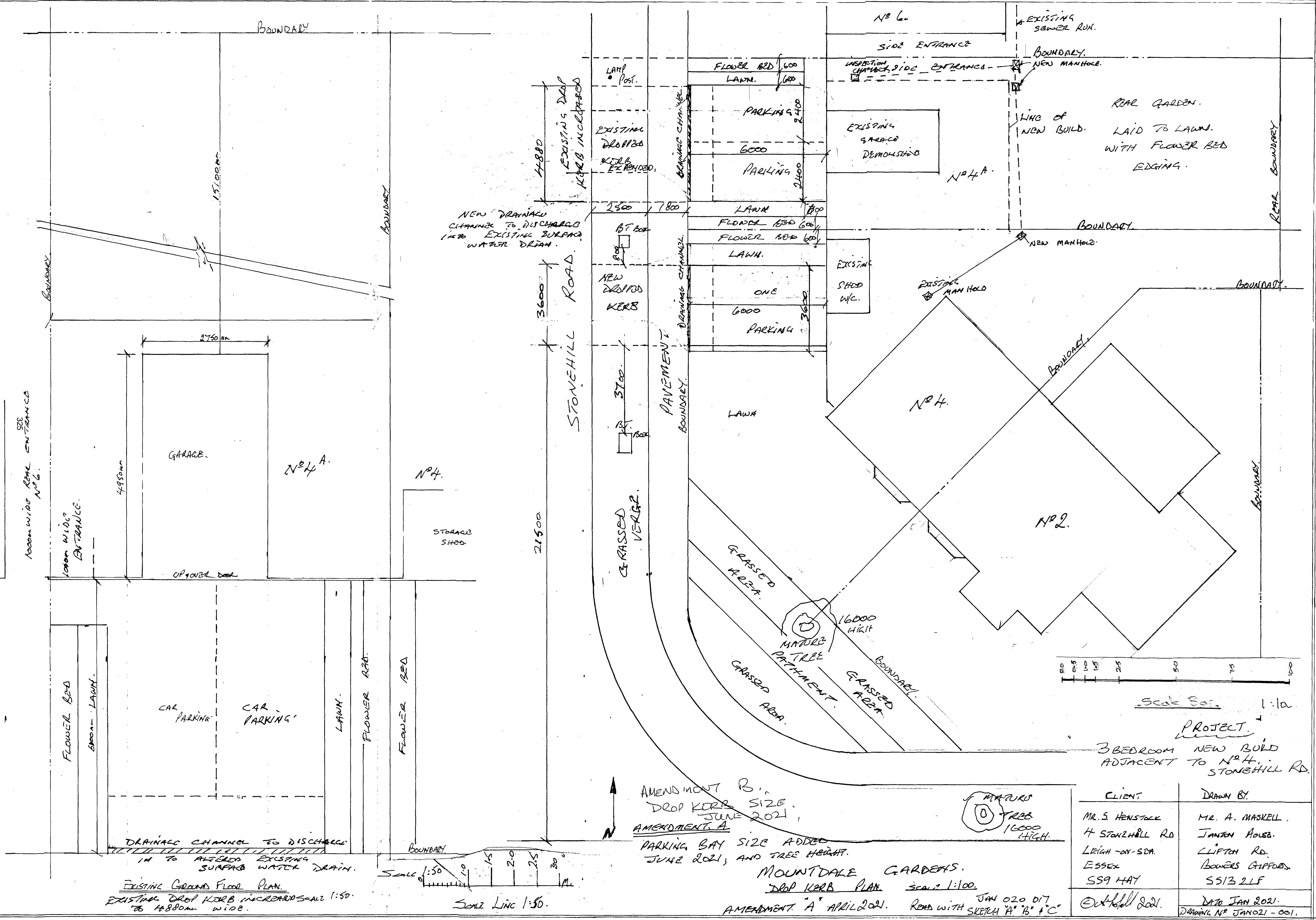
Informatives:

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

02 Please note that you are required to apply to the Highways Authority for consent to have a vehicular crossover installed onto Stonehill Road.

03 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.

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



EXISTING GROUNDS FLOOR PLAN.
 EXISTING DROP KERB INCREASED TO 4880mm WIDE.
 DRAINAGE CHANNEL TO DISCHARGE INTO AFFERED EXISTING SURFACE WATER DRAIN.

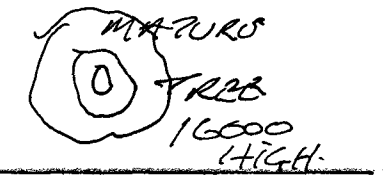
SCALE 1:50
 SCALE LINC 1:50

AMENDMENT B.
 DROP KERB SIZE.
 JUNE 2021.
 AMENDMENT A

PARKING BAY SIZE ADDED
 JUNE 2021; AND TREE HEIGHT.

MOUNTDALE GARDENS.
 DROP KERB PLAN SCALE 1:100.

AMENDMENT A APRIL 2021. READ WITH SKETCH A, B & C.

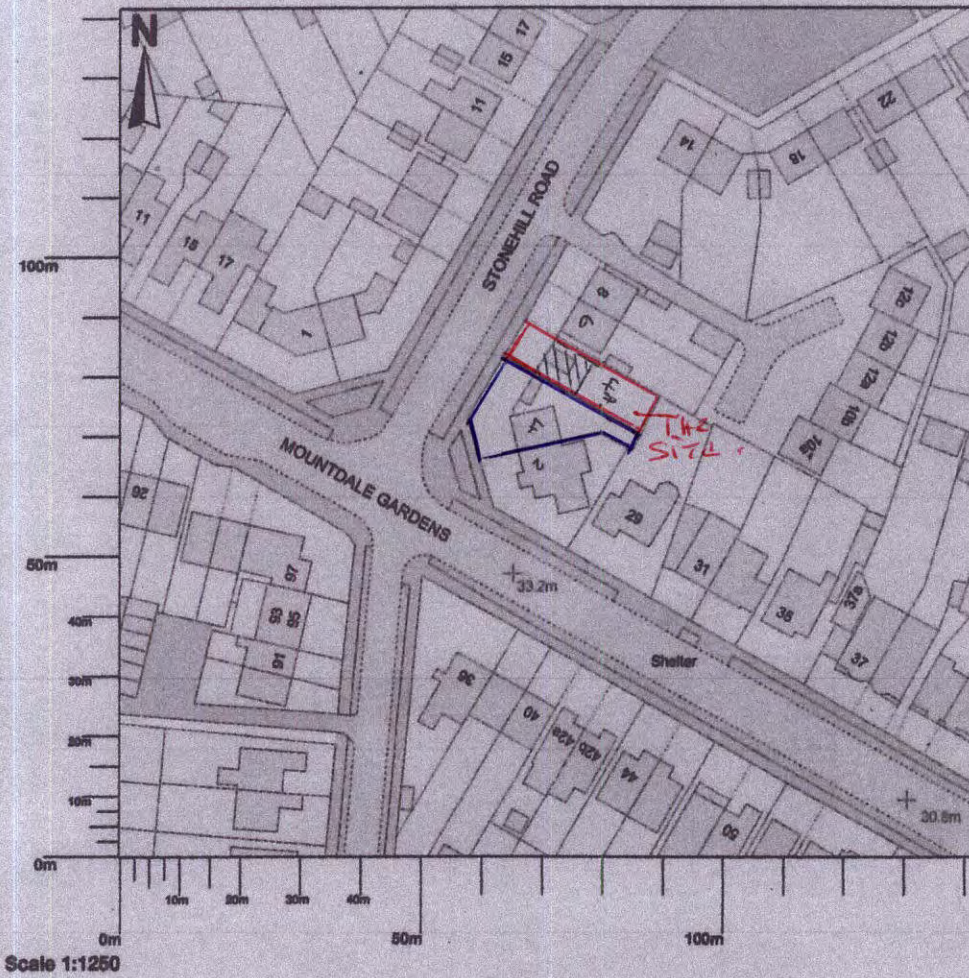


PROJECT
 3 BEDROOM NEW BUILD
 ADJACENT TO NO 4,
 STONEHILL RD

CLIENT	DRAWN BY
MR. S. HENSTOCK 4 STONEHILL RD LEIGH-ON-SEA, ESSEX SS9 4AY	MR. A. MARELL JANZEN HOUSE, CLIFTON RD. BOWERS GIFFORDS SS13 2LF
DATE JAN 2021. DRAWING NO JAN 2021 - 001.	

This page is intentionally left blank

4 Stonehill Road, Leigh-On-Sea, SS9 4AY



LOCATION PLAN.

SCALE "A"

This page is intentionally left blank

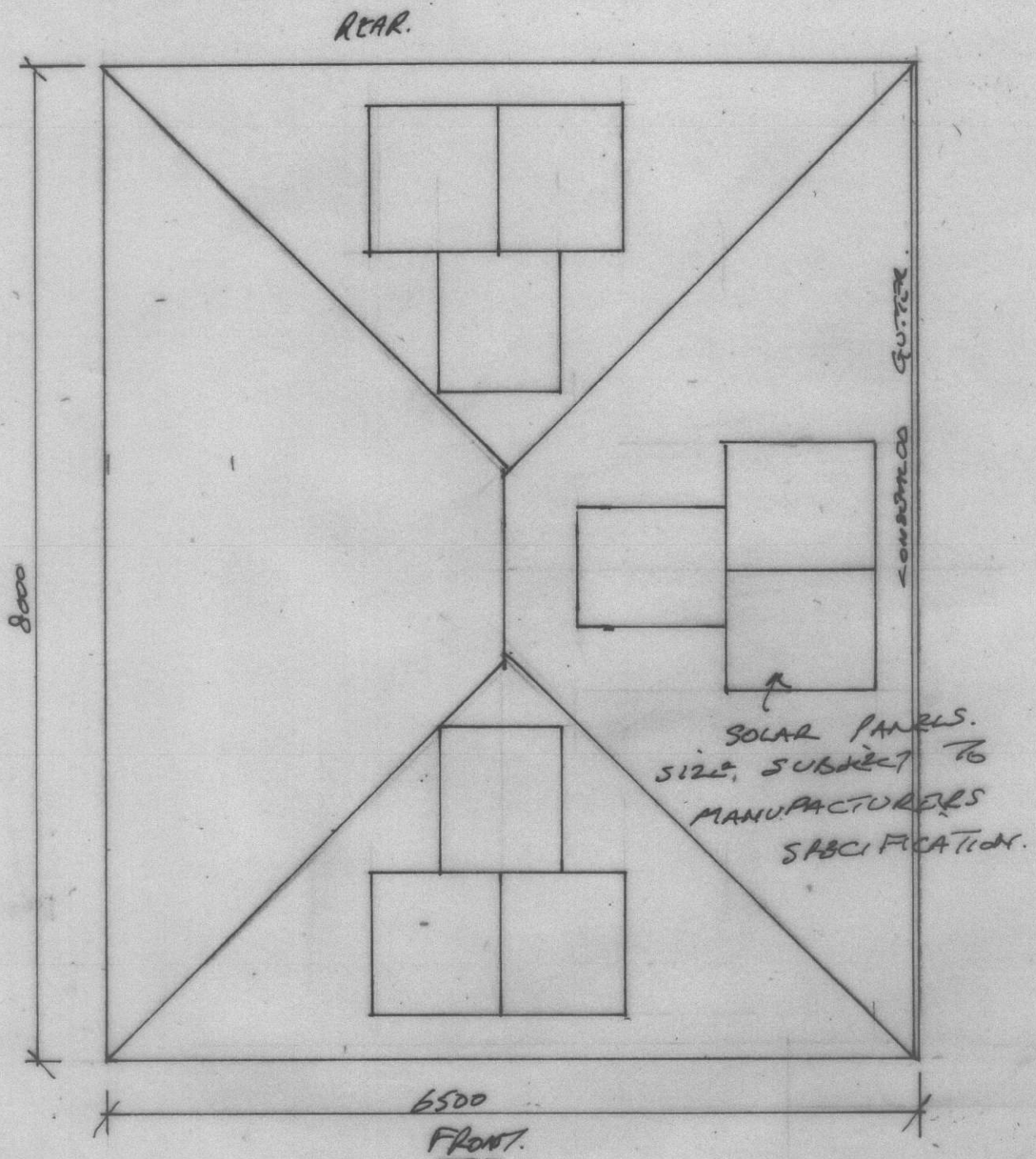
4 Stonehill Road, Leigh-On-Sea, SS9 4AY



Block Plan

SKETCH "C"

This page is intentionally left blank



ROOF PLAN SCALE 1:50

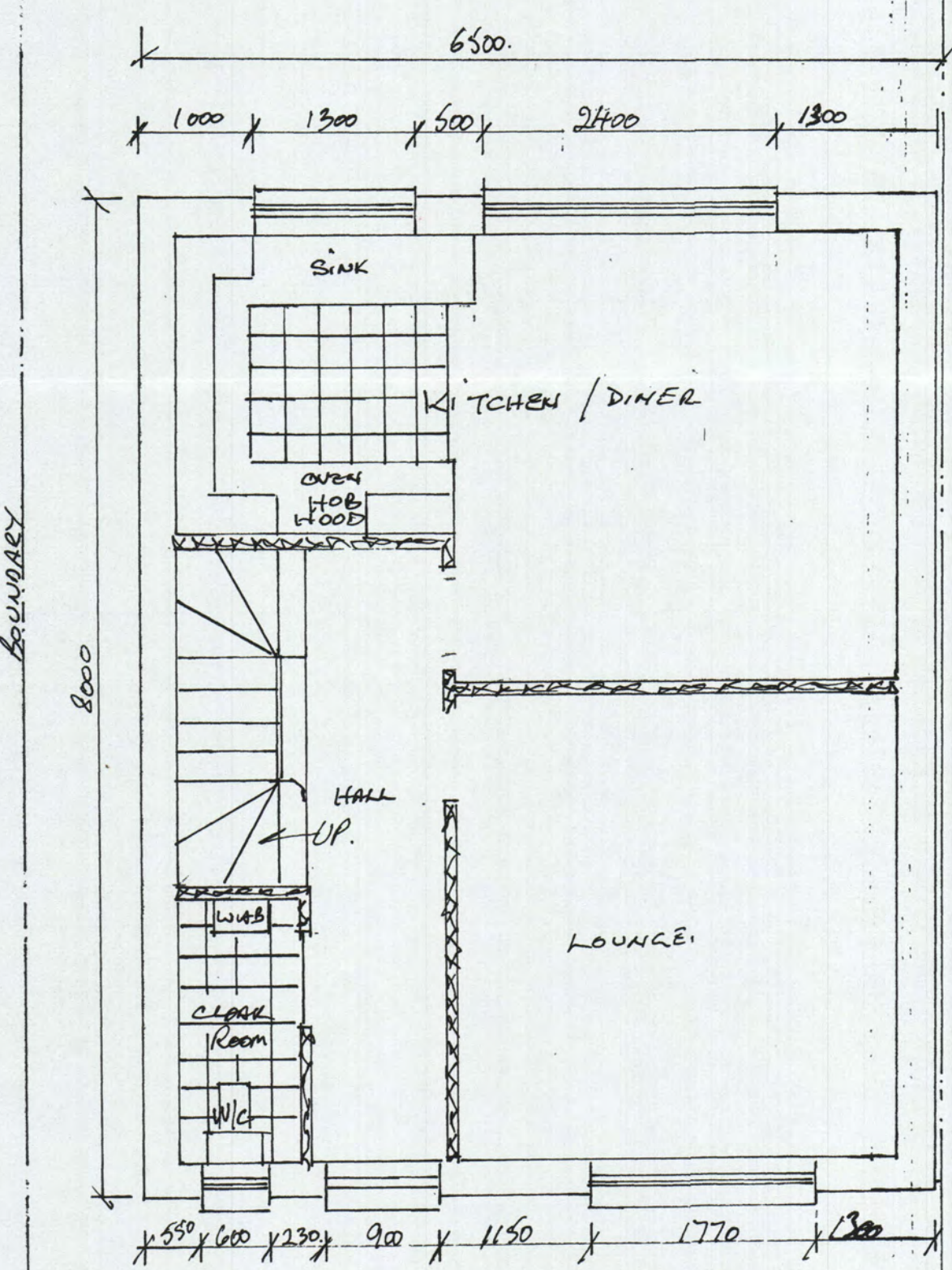
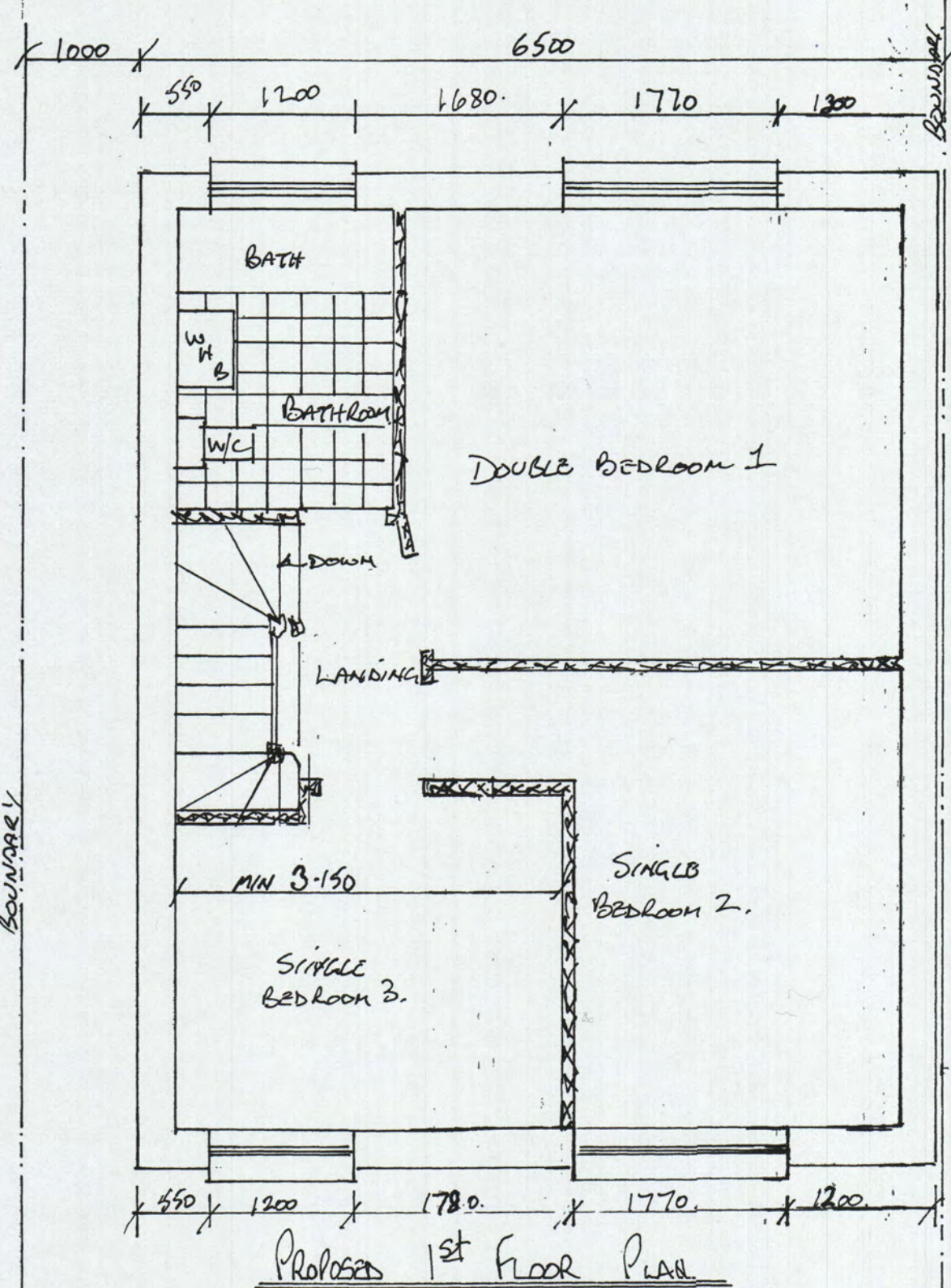
READ WITH
DRAWING N° JAN 020 017.
N° JAN 021 001.
SKETCH "A" "B" AND "C"

REF-21/00769/FUL.

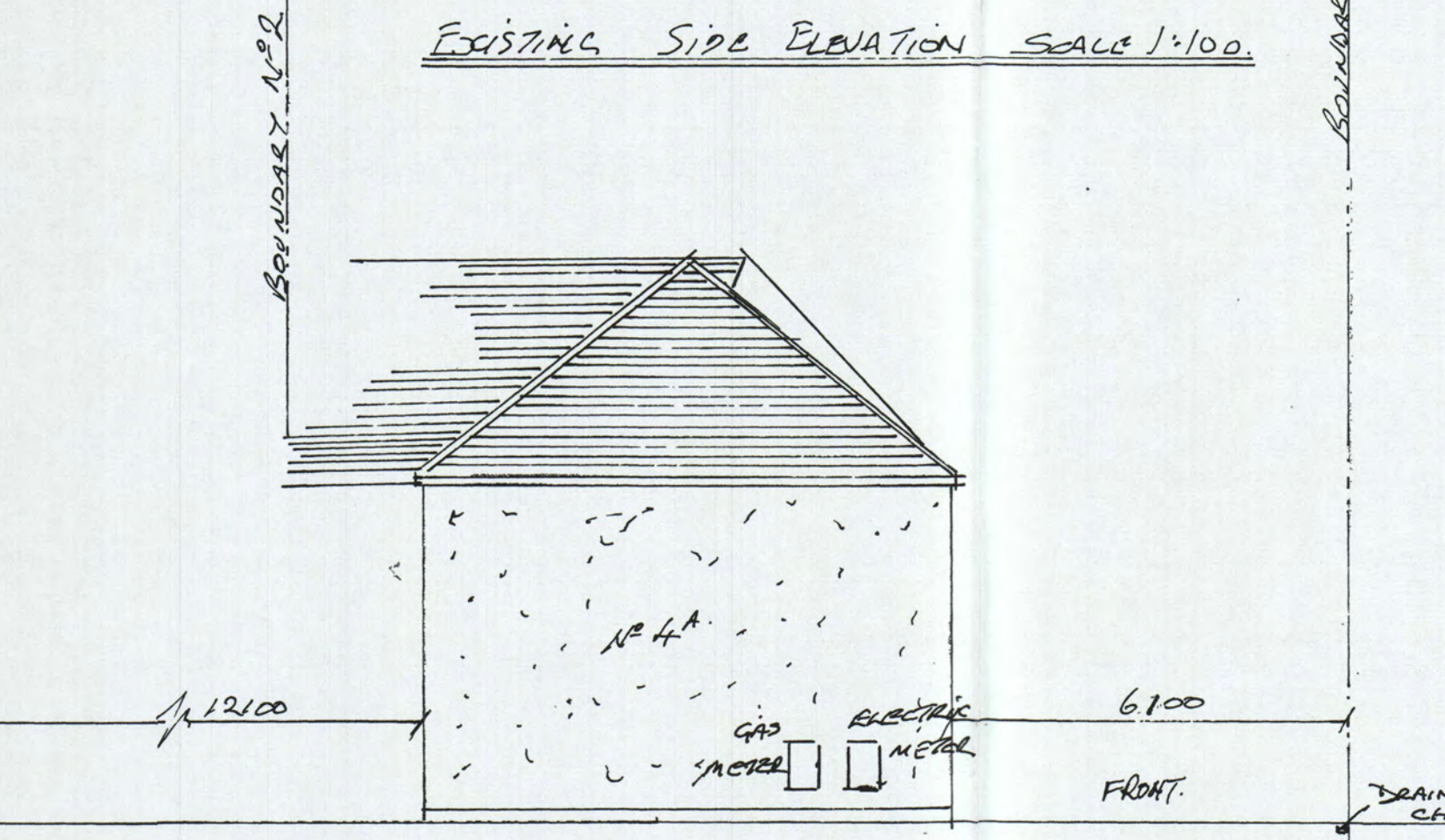
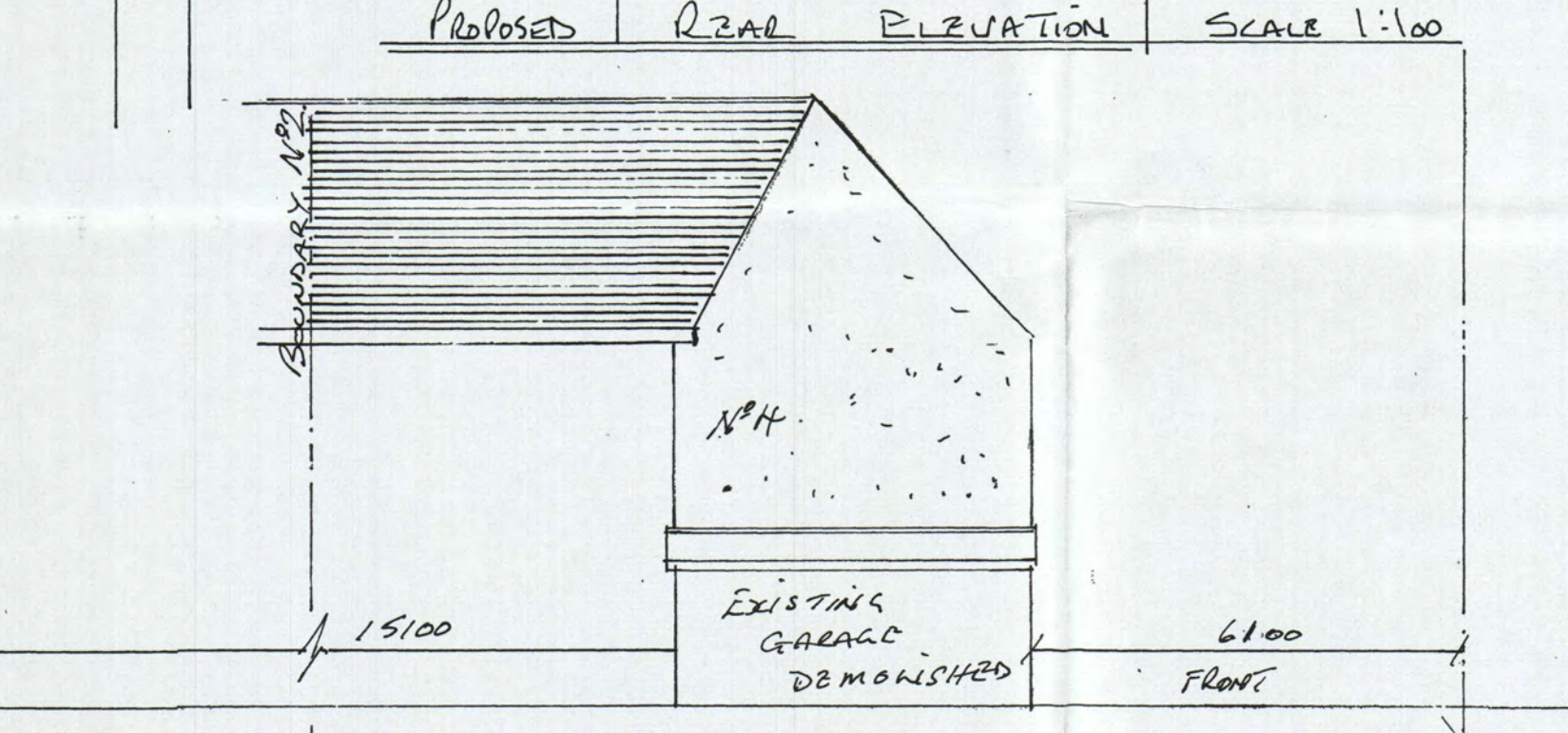
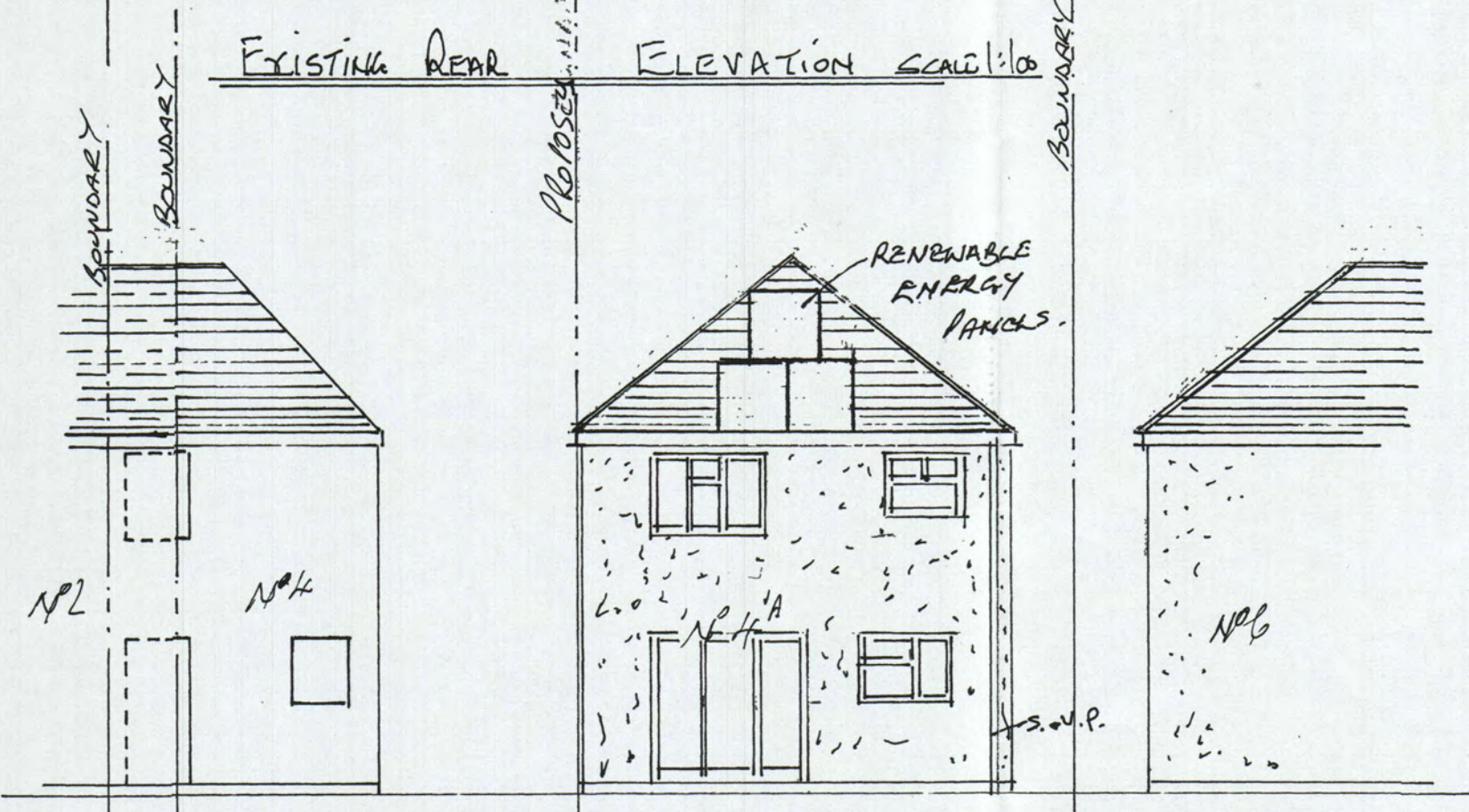
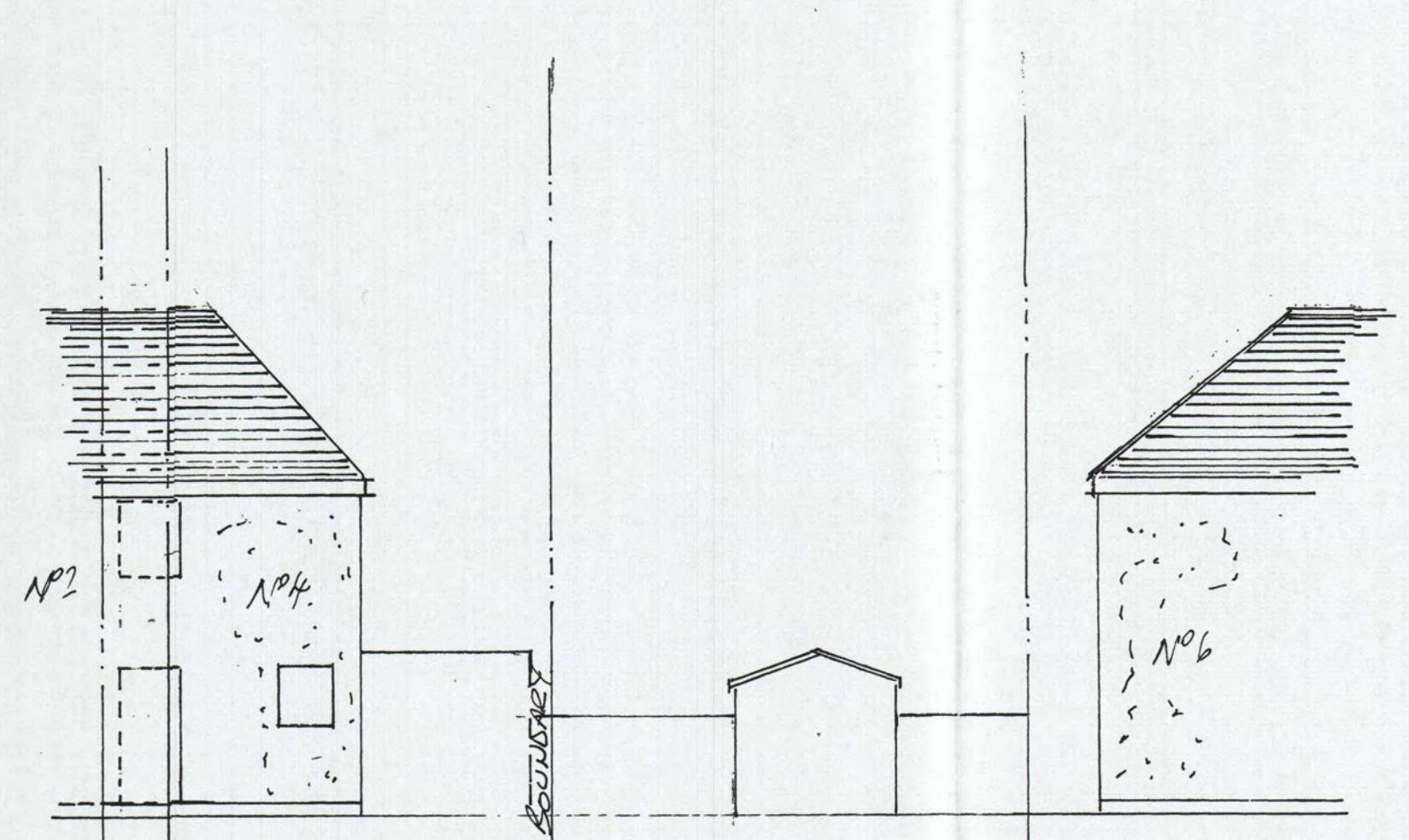
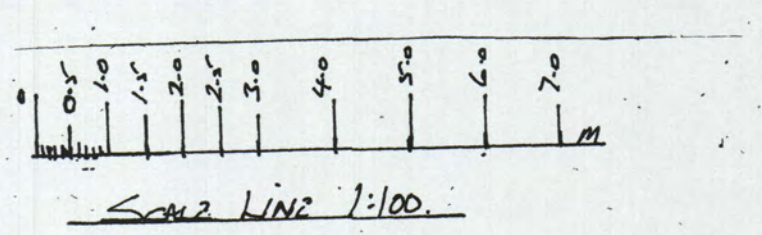
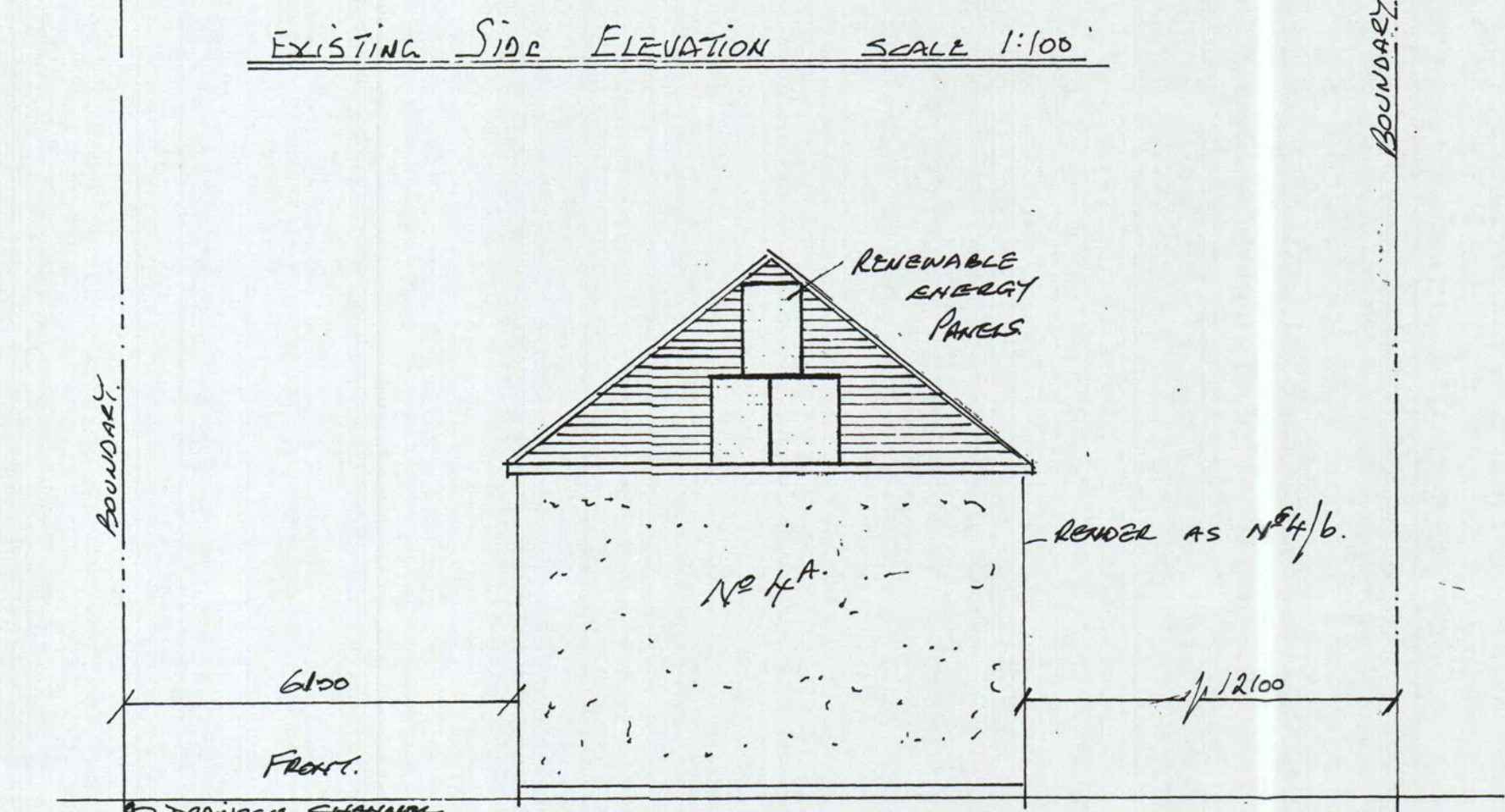
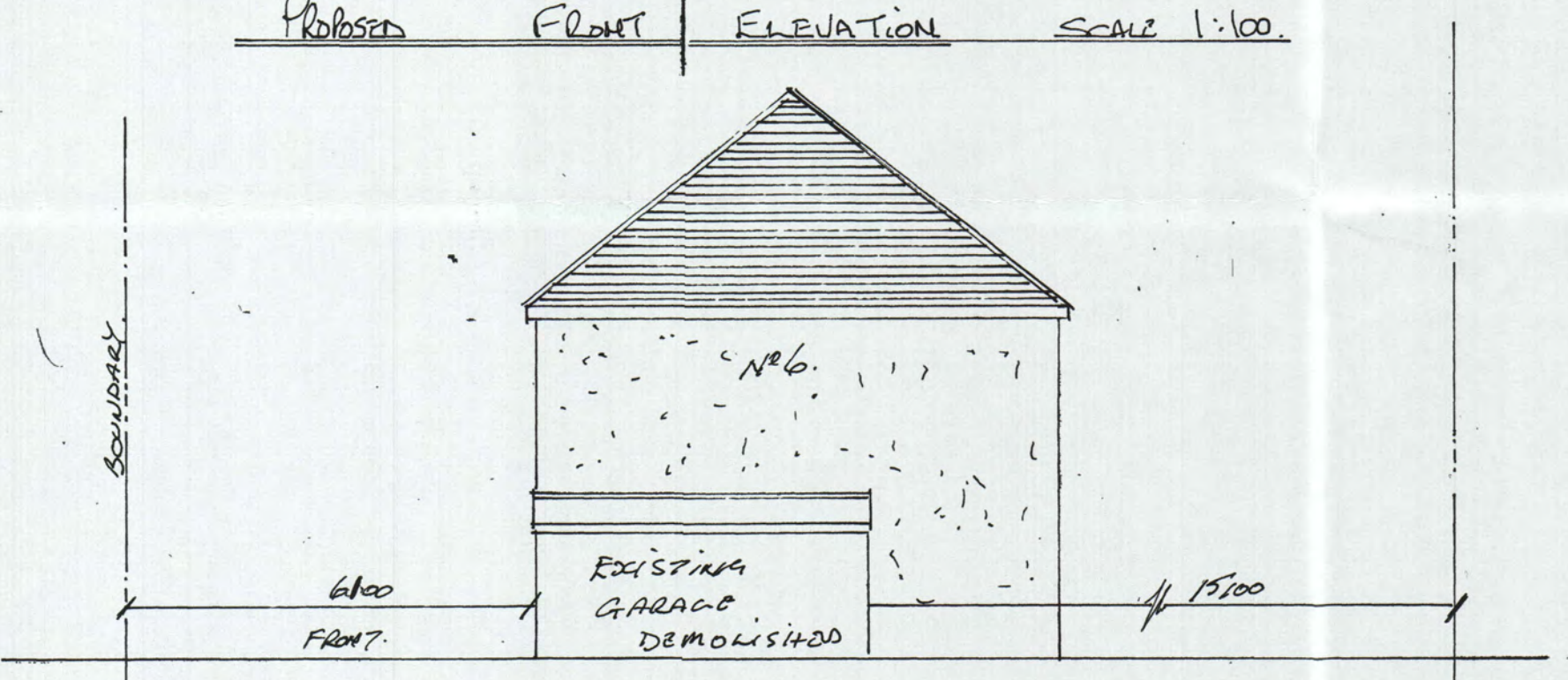
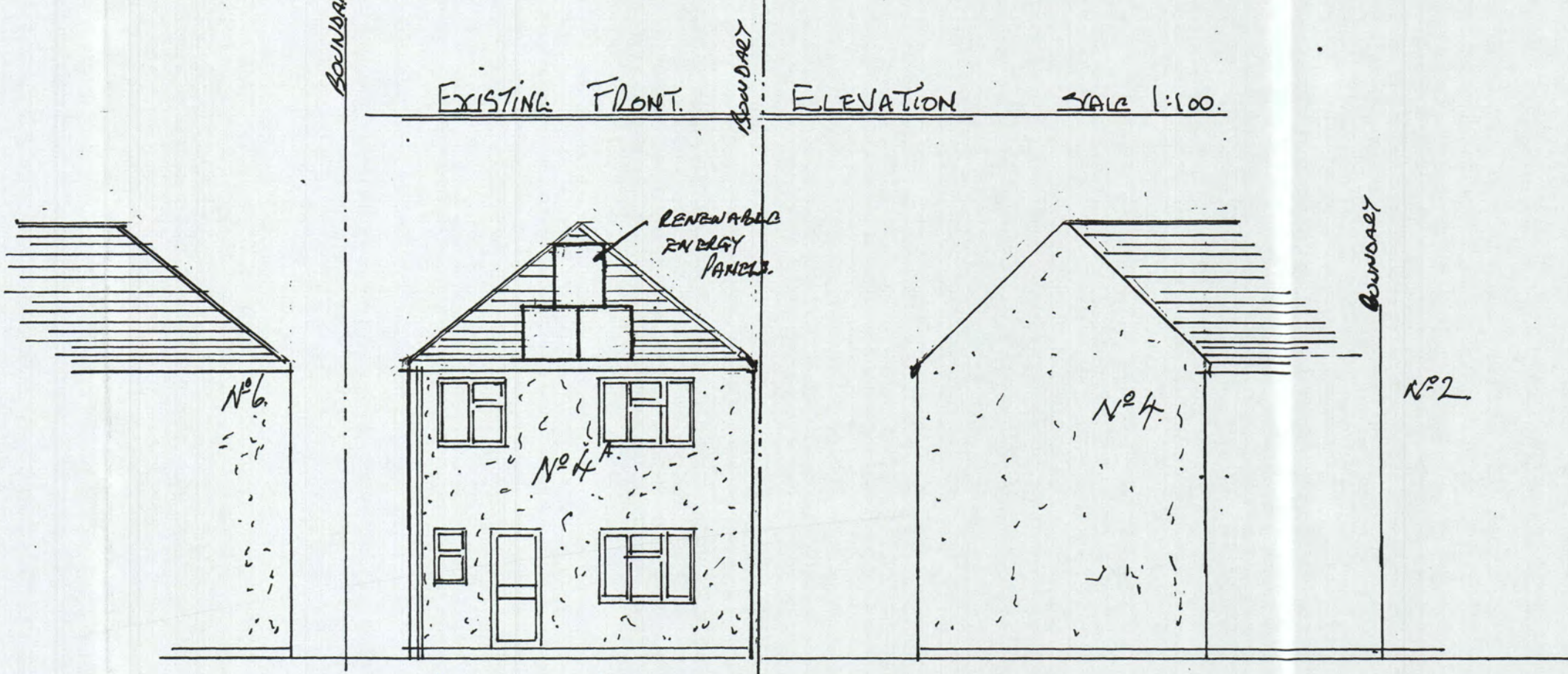
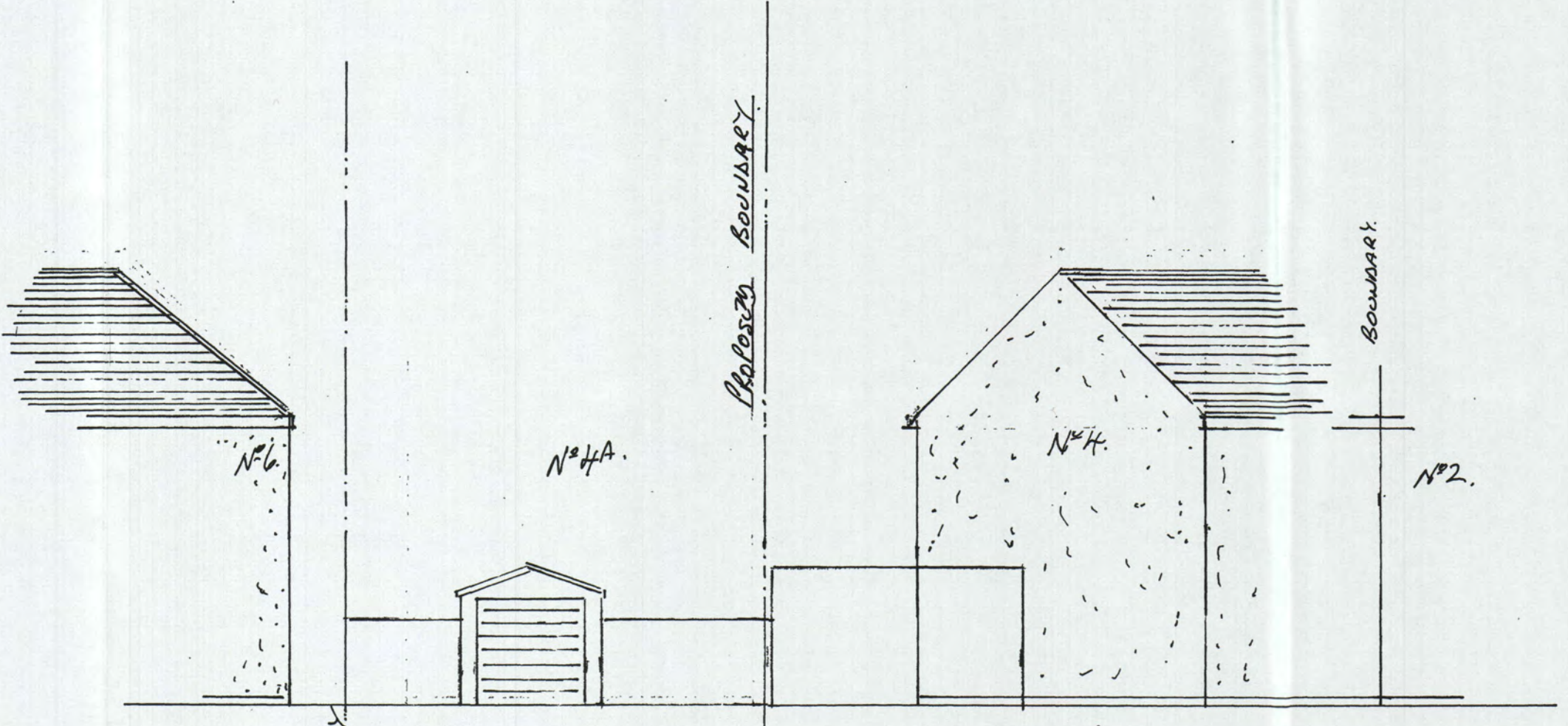
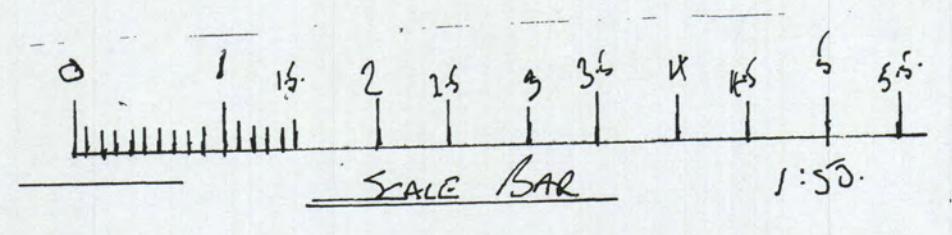
LAND ADJACENT TO 4 STONCHILL RD. L.O.S. 339 HAY

SKETCH "D"

This page is intentionally left blank



Specification
 Roof: CONCRETE RED PLAIN TILES.
 FACIAS: WHITE U.P.V.C. WITH BACK GUTTER + DOWN PIPES.
 WINDOWS: WHITE U.P.V.C. DOUBLE/TREBLE GLAZED.
 DOORS: WHITE U.P.V.C. DOUBLE/TREBLE GLAZED.
 EXTERNAL WALLS: WHITE RENDER.
 INTERNAL WALLS: DOT + DAB WITH SLIM FINISH.
 STAIRS: CLOSED RISER 900MM HIGH HAND RAILS.



PROJECT: 3 BEDROOM DETACHED HOUSE WITH OFF ROAD PARKING

READ WITH: LOCATION PLAN, BLOCK PLAN, AMENDMENT APRIL 2021, DRAWING NO JAN 021/01

CLIENT	DRAWN BY
MR. S. ERWIN W. STONEHILL RD. LEIGH-ON-SEA ESSEX SS9 4AY.	MR. A. MASKELL: JANTON HOUSE, CLIFTON RD. BOWERS GIFFORDS ESSEX SS13 2LF
DECEMBER 2020.	© A. Parkhill Ltd.
DRAWING NO JAN 020/017.	
SCALE PLANS 1:50	ELEVATIONS 1:100.

This page is intentionally left blank

4 Stonehill Road

Application site



Application site- garage to be demolished

No.6

No.4



View to neighbouring flank windows-serving non-habitable accommodation



View to flank window of No.6 Stonehill serving non-habitable accommodation

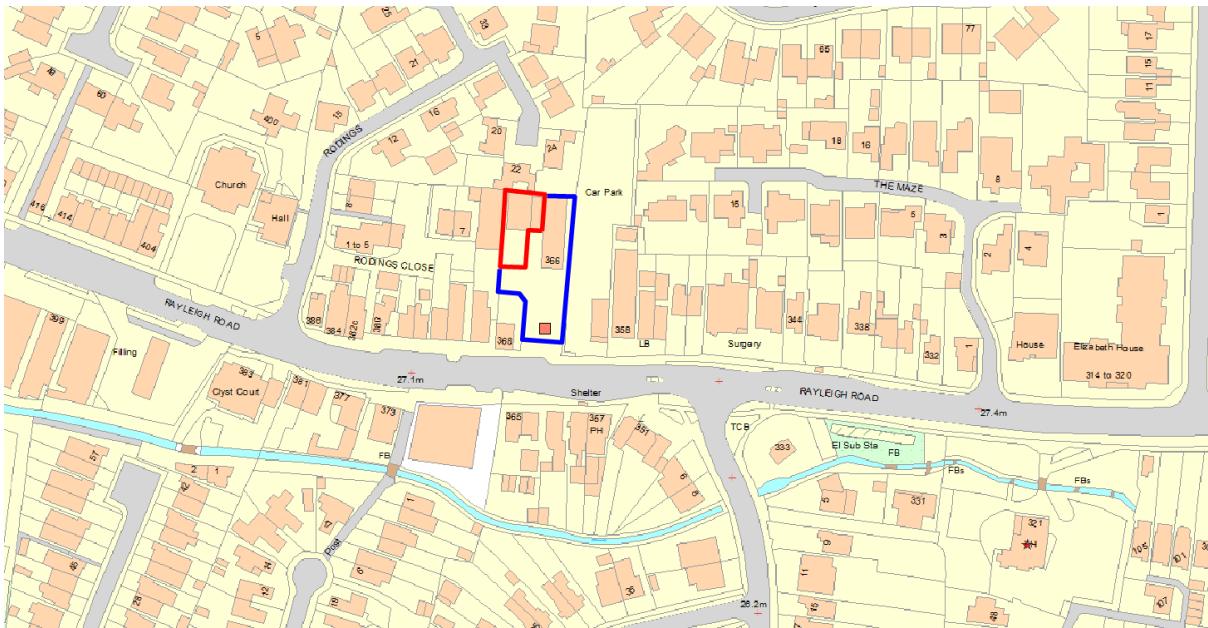


339

View opposite



Reference:	21/00902/FUL	<h1>13</h1>
Application Type:	Full Application	
Ward:	Eastwood Park	
Proposal:	Change of use from storage/distribution (Class B8) to MOT Testing station and vehicle repair garage (Class B2) and alter front elevation	
Address:	364 Rayleigh Road, Eastwood, Essex	
Applicant:	MR Karsaz Jamal Hassan	
Agent:	Mr Gurdev Singh of ARCHITECTURAL SERVICES	
Consultation Expiry:	3rd June 2021	
Expiry Date:	30th July 2021	
Case Officer:	Spyros Mouratidis	
Plan Nos:	PP/01, PP/02, PP/03	
Supporting Documents:	Planning Statement	
Recommendation:	GRANT PLANNING PERMISSION subject to conditions	



1 Site and Surroundings

- 1.1 The application site is located on the northern side of Rayleigh Road and is occupied by a single storey warehouse building which, according to the submitted information, was used for storage of tyres. The entirety of the site is hardsurfaced or developed and there is available car parking to the front of the building. According to the submitted information the adjoining yard used for sales of cars is within the same ownership as the application site.
- 1.2 The surrounding area on Rayleigh Road is commercial in nature. This part of the road is designated as a Secondary Shopping Frontage. Residential units exist on the upper floors of buildings on Rayleigh Road and to the west and north of the site including within The Rodings and Rodings Close. The land in the area slopes upwards towards the north and west. No other planning related designations affect the site or the area.

2 The Proposal

- 2.1 Planning permission is sought to change the use of the existing building on site from the existing storage use to an MOT Testing station and vehicle repair garage (Class B2) and to alter the front elevation. The proposed use would generate employment for three full-time equivalent employees. The suggested times of operation are 8am to 5pm Monday to Saturday.
- 2.2 The dimensions of the building would remain unaltered. Its front elevation would be altered with the enclosure of this part of the building and the installation of a garage door and a pedestrian door. The proposed materials would match those on the existing building.

3 Relevant Planning History

- 3.1 Although the site was the subject of previous planning applications, these are not considered to be relevant to the determination of the current proposal.

4 Representation Summary

Call in

- 4.1 This application was called-in for determination by the Council's Development Control Committee by Councillor Walker.

Public Consultation

- 4.2 Seventeen (17) neighbouring properties were consulted and a site notice was displayed. Representations from six interested parties have been received. Their objections and comments are summarised as follows:

Design and impact on the character of the area

- The proposed use is better suited in an industrial site.
- Proliferation from existing sites.

Impact on residential amenity

- The application site is too close to neighbouring properties.
- Noise and pollution from the proposed use.

Other matters

- Discrepancies in the submitted documents.
- This application is of a nature that should not even be considered.

4.3 The comments have been taken into consideration and those matters relevant to planning raised are discussed in subsequent sections of the report. The objecting points raised by the representations have been taken into account in the assessment of the proposal but are not found to represent justifiable reasons for recommending refusal of the planning application in the circumstances of this case.

Environmental Health

4.4 No objections subject to conditions regarding hours of construction and hours of operation.

Fire Safety Officer

4.5 No objections.

5 Planning Policy Summary

5.1 The National Planning Policy Framework (NPPF) (2019)

5.2 Planning Practice Guidance (PPG) – National Design Guide (NDG) (2019)

5.3 Core Strategy (2007): Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP1 (Employment Generation), CP3 (Transport and Accessibility), CP4 (Environment and Urban Renaissance).

5.4 Development Management Document (2015): Policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM10 (Employment Sectors), DM11 (Employment Areas), DM15 (Sustainable Transport Management).

5.5 Community Infrastructure Levy (CIL) Charging Schedule (2015)

6 Planning Considerations

6.1 The main considerations in relation to this application include the principle of the development, the design and impact on the character and appearance of the area, the effect of the proposal on the residential amenity on neighbouring occupiers and the traffic and parking implications. As the proposal is for a change of use without the creation of additional floorspace or the creation of a residential unit, the development would not be CIL liable.

7 Appraisal

Principle of Development

- 7.1 Paragraph 80 of the NPPF states that: “Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development”.
- 7.2 Policy CP1 of the Core Strategy states that “offices, retailing, leisure and other uses generating large numbers of people should be focussed in the town centre.” It is also added that “to promote economic regeneration, development will be expected to contribute to the regeneration and development of existing and proposed employment sites; the Town Centre and Seafront; existing industrial areas and other Priority Urban Areas”.
- 7.3 Policy DM11 of the Development Management Document seeks to support the retention, enhancement and development of Class B uses within the Employment Areas and also states that: “Proposals for employment generating uses outside the Employment Areas (Policy Table 8) will be allowed where they do not impact upon the amenity of the surrounding uses and do not conflict with other development plan policies”.
- 7.4 Considerations regarding the impact of the development on the neighbouring residential amenity are discussed in the relevant section of the report. In summary, subject to conditions and given that the Council’s Environmental Health service has no objections, the proposed use of the building on site is not considered to cause a significant impact on the amenity of the surrounding uses. The proposed use would not be out of place in the surrounding area.
- 7.5 It is considered that the proposed use of the site is acceptable in principle. Other material planning considerations are discussed in the following sections of this report.

Design, Impact on the Character of the Area and Impact on Heritage Assets

- 7.6 Good design is a fundamental requirement of new development to achieve high quality living environments. Its importance is reflected in the NPPF, in Policies KP2 and CP4 of the Core Strategy and also in Policy DM1 of the Development Management Document. The Design and Townscape Guide also states that: “the Borough Council is committed to good design and will seek to create attractive, high-quality living environments.”
- 7.7 Paragraph 124 of the NPPF states that: “The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.” Policy DM1 of the Development Management Document states that all development should: “add to the overall quality of the area and respect the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, layout, proportions, materials, townscape and/or landscape setting, use, and detailed design features.”

- 7.8 The proposed use would not materially affect the character or appearance of this predominantly commercial locality. Alterations proposed to the front elevation of the building would not have a detrimental impact on the character and appearance of the site or the area. The proposed materials would not be out of place in the local context. The proposal is considered acceptable and policy compliant on design and character grounds.

Impact on Residential Amenity

- 7.9 Policy DM1 of the Development Management Document requires all development to be appropriate in its setting by respecting neighbouring development and existing residential amenities and also: “having regard to privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight.”
- 7.10 The rear part of the building almost abuts the boundary of the site with 22 The Rodings, the nearest residential property to the north of the application site. This dwelling sits on significantly higher ground than the building on site. Other residential units in the vicinity of the site include 7 Rodings Close, some 13m to the west of the site and 370A Rayleigh Road, the upper floor flat, some 26m to the south of the building on site.
- 7.11 The scale and form of the building on site would not be altered and the proposed openings are introduced to the front elevation which is already open. When compared to the existing situation, there would be no significantly different impact on the residential amenity of neighbours in relation to privacy, overlooking, outlook, sense of enclosure/overbearing relationship, daylight and sunlight.
- 7.12 In terms of pollution, noise and disturbance by definition a use falling within Use Class B2 would have potential to cause some degree of impact on residential amenity. It is noted that within the Borough, it is not uncommon for this type of use as a proposed vehicle repair garage and MOT testing station to be located reasonably near residential properties (e.g. Dvan Autos on Sutton Road, Christchurch Service Station on Christchurch Road etc). Furthermore, the application site and the wider plot under the same ownership has had uses associated with vehicles since at least 2009. These uses, including as van rental premises and tyre workshop, would have caused a certain level of associated pollution, noise and disturbance. Conditions to control the specific use proposed and the hours of operation of the site are suggested. It is considered that, on balance and subject to these conditions, that the additional harm that may result from the proposed use would not be so significant to justify the refusal of the application on this ground. The Council’s Environmental Health service raised no objection.
- 7.13 Overall, the proposal is, on balance and subject to conditions, acceptable and policy compliant in these regards.

Traffic and Transportation Issues

- 7.14 Policy DM15 of the Development Management Document states: “Development will be allowed where there is, or it can be demonstrated that there will be, physical and environmental capacity to accommodate the type and amount of traffic generated in a safe and sustainable manner”. The policy also requires that adequate parking should be provided for all development in accordance with the adopted vehicle parking standards.

- 7.15 Assessed against parking standards, the maximum car parking standard required for storage uses is one space per 150m² whilst for industrial uses it is one space per 50m². There is sufficient parking provision on site to accommodate the car parking needs arising from the proposed use. Two cycle parking spaces are required to meet the minimum standard. A condition can be imposed and is suggested. The access arrangements of the site would remain unaltered.
- 7.16 Subject to a condition, the proposal is acceptable and policy compliant in the above regards.

8 Conclusion

- 8.1 Having taken all material planning considerations into account, it is found that subject to compliance with the attached conditions, the proposed development would be acceptable and compliant with the objectives of the relevant local and national policies and guidance. The proposal is acceptable in principle, it would have an acceptable impact on the character and appearance of the area and the highways and parking conditions of the area. On balance and subject to conditions, the proposal would also have an acceptable impact on the residential amenity of neighbouring occupiers. The proposal offers the benefit of retaining an existing employment site in a commercial, employment generating use which forms part of the planning balance. This application is recommended for approval subject to conditions.

9 Recommendation

9.1 GRANT PLANNING PERMISSION subject to the following conditions:

General Conditions

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

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

- 02 The development hereby approved shall be carried out and operated in accordance with the approved plans: PP/01, PP/02, PP/03.**

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

Design and related conditions

- 03 Prior to the first use of any part of the development hereby approved, the external elevations of the development hereby permitted shall be constructed solely with materials as detailed in the submitted application form and approved plan PP/03 or alternative materials details of which have previously been submitted to and approved in writing by the Local Planning Authority under the provisions of this 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).

Impact on residential amenity of neighbours

- 04 The use of the site shall be solely as a vehicle repair garage and MOT testing station and not for any other purposes within Use Class B2 or any change of use permitted under the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting these Orders.**

Reason: To determine the scope of the permission in the interest of the character and functionality of the area in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP1, Development Management Document (2015) and Policies DM10 and DM11.

- 05 The hours of operation of the use hereby permitted shall be 8 am to 5 pm Mondays to Saturdays and not at all on Sundays or Bank 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).

- 06 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 Bank 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).

Highways

- 07 Prior to the first occupation of the use hereby approved, at least two covered and secure cycle parking spaces shall be 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 under the provisions of this condition. The approved cycle parking spaces shall be retained for the benefit of the future occupiers of the approved development in perpetuity.**

Reason: To ensure the provision of adequate cycle parking in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policy CP3 and Development Management Document (2015) Policies DM3, DM8 and DM15.

Positive and proactive statement

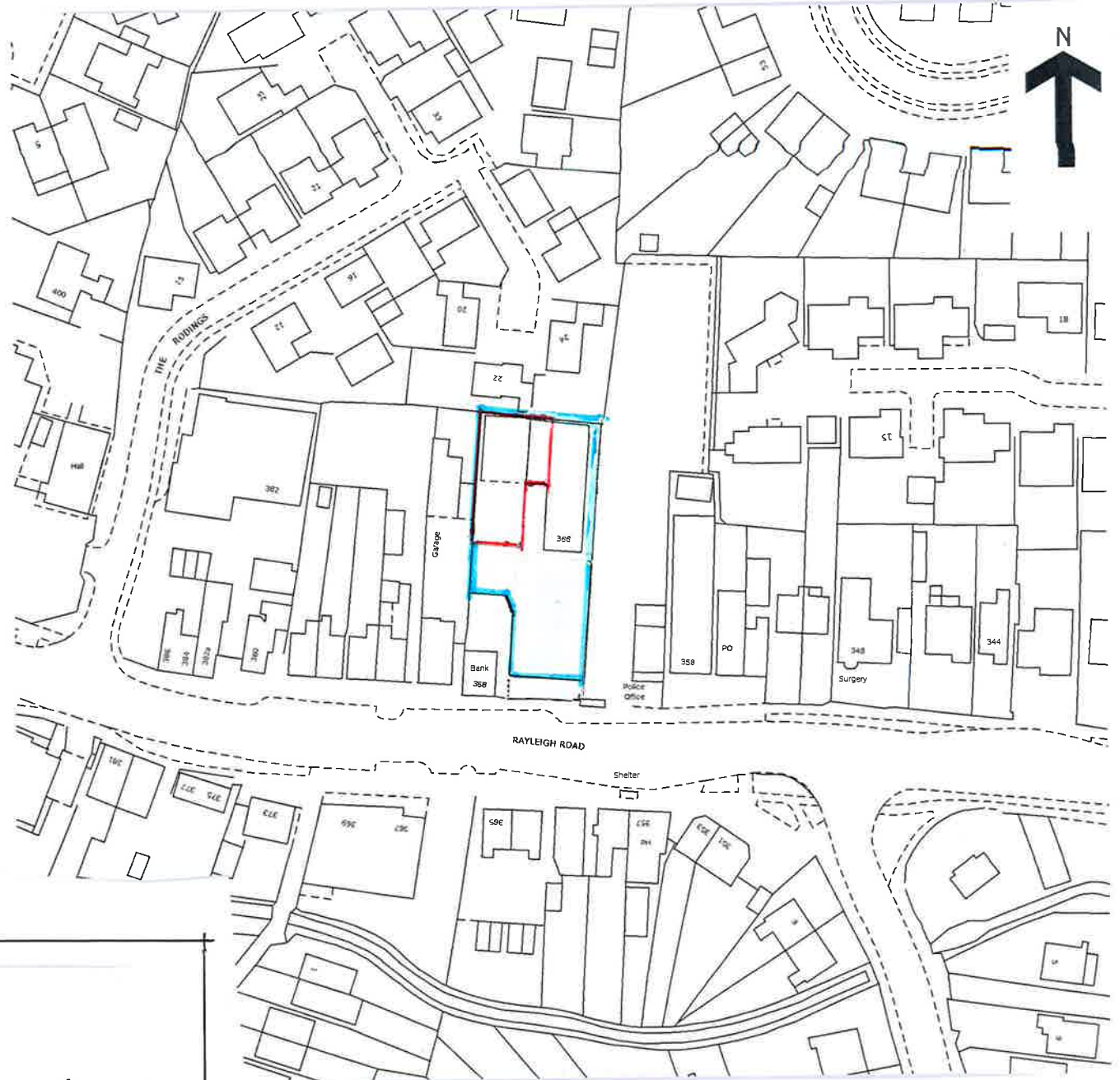
The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in 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:

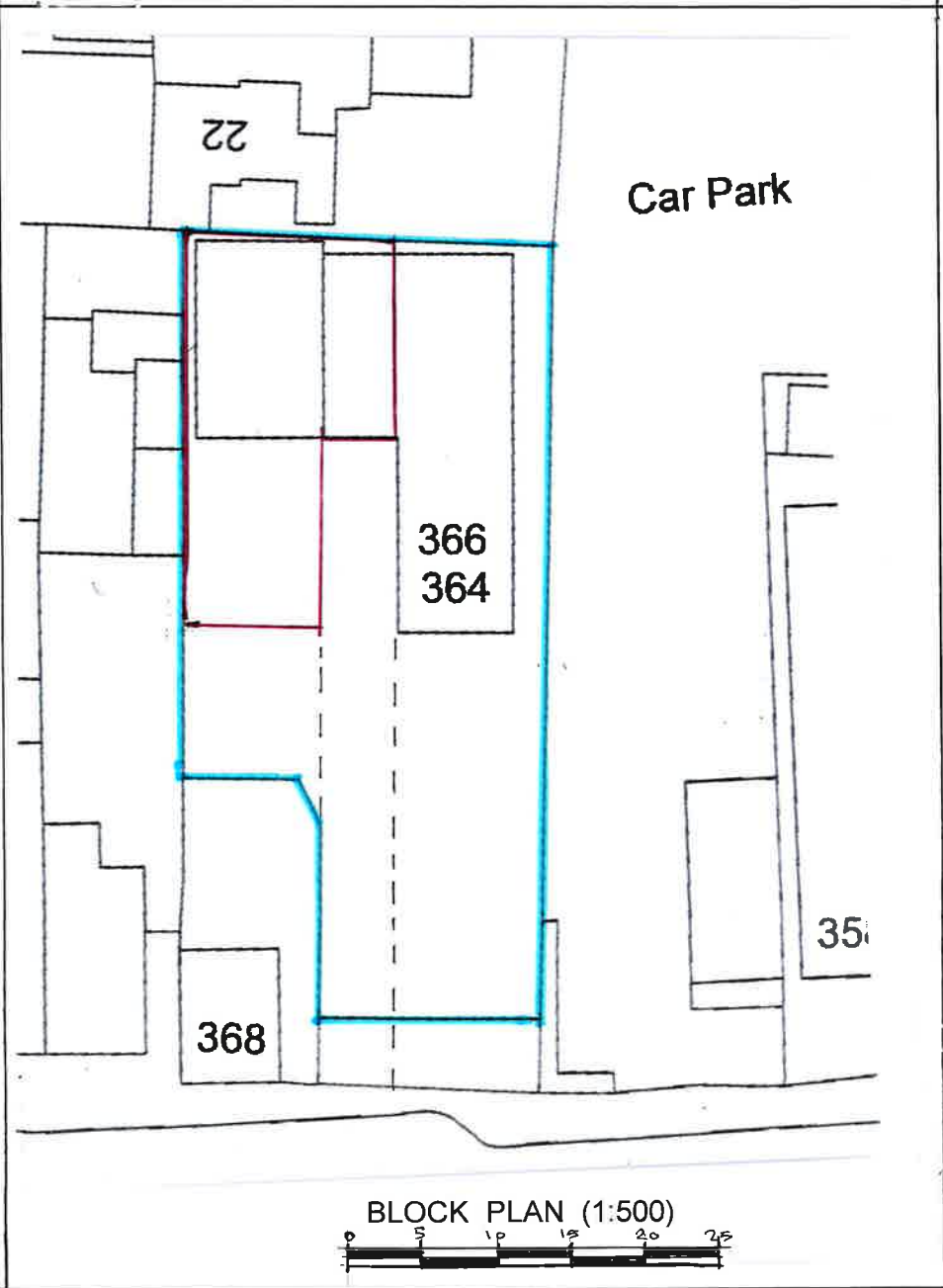
- 1 You are advised that as the development equates to less than 100sqm of new floorspace the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See www.southend.gov.uk/cil for further details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

IMPORTANT NOTES FOR APPLICANTS / OWNERS:

These drawings have been produced only to obtain the appropriate local authority approvals i.e. Planning Permission and Building Regulations approval whichever is applicable.
 The applicant is advised not to commence the proposed works until written Planning Permission and Building Regulations approvals have been received and to only use the approved plans.



LOCATION PLAN
 0m 20m 40m 60m

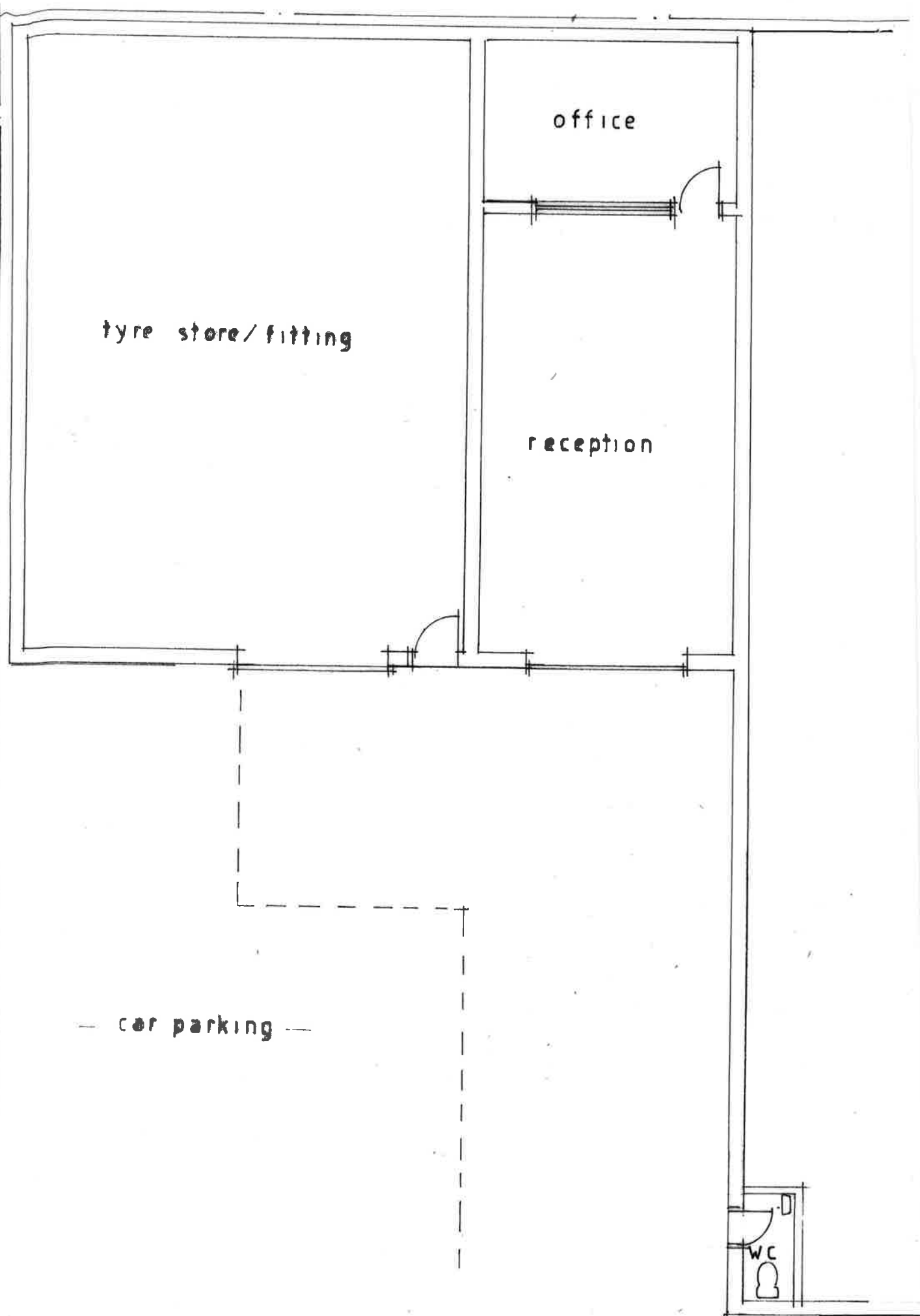


BLOCK PLAN (1:500)
 0 5 10 15 20 25

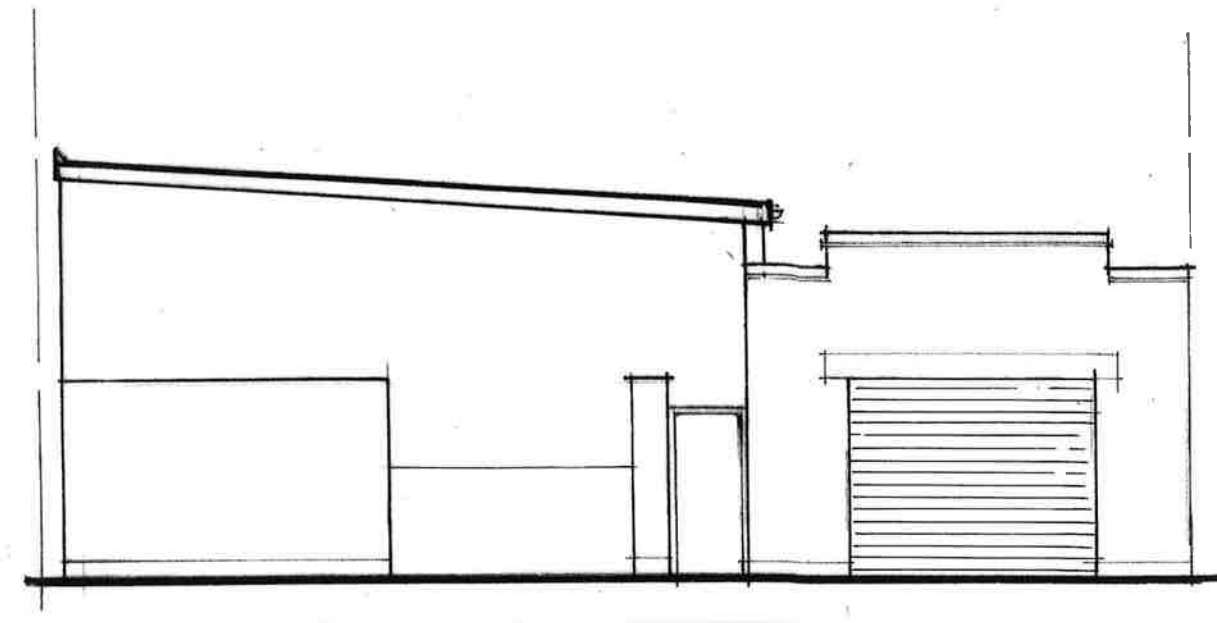
Job:	364-366 RAYLEIGH ROAD SOUTHEND ESSEX SS9 5PT	Date: Apr. 2021
Drawing No.	ARCHITECTURAL SERVICES	Scale: 1:1250
PP/01	Tel : 07400 444 070	

This page is intentionally left blank

351



EXISTING FLOOR PLAN



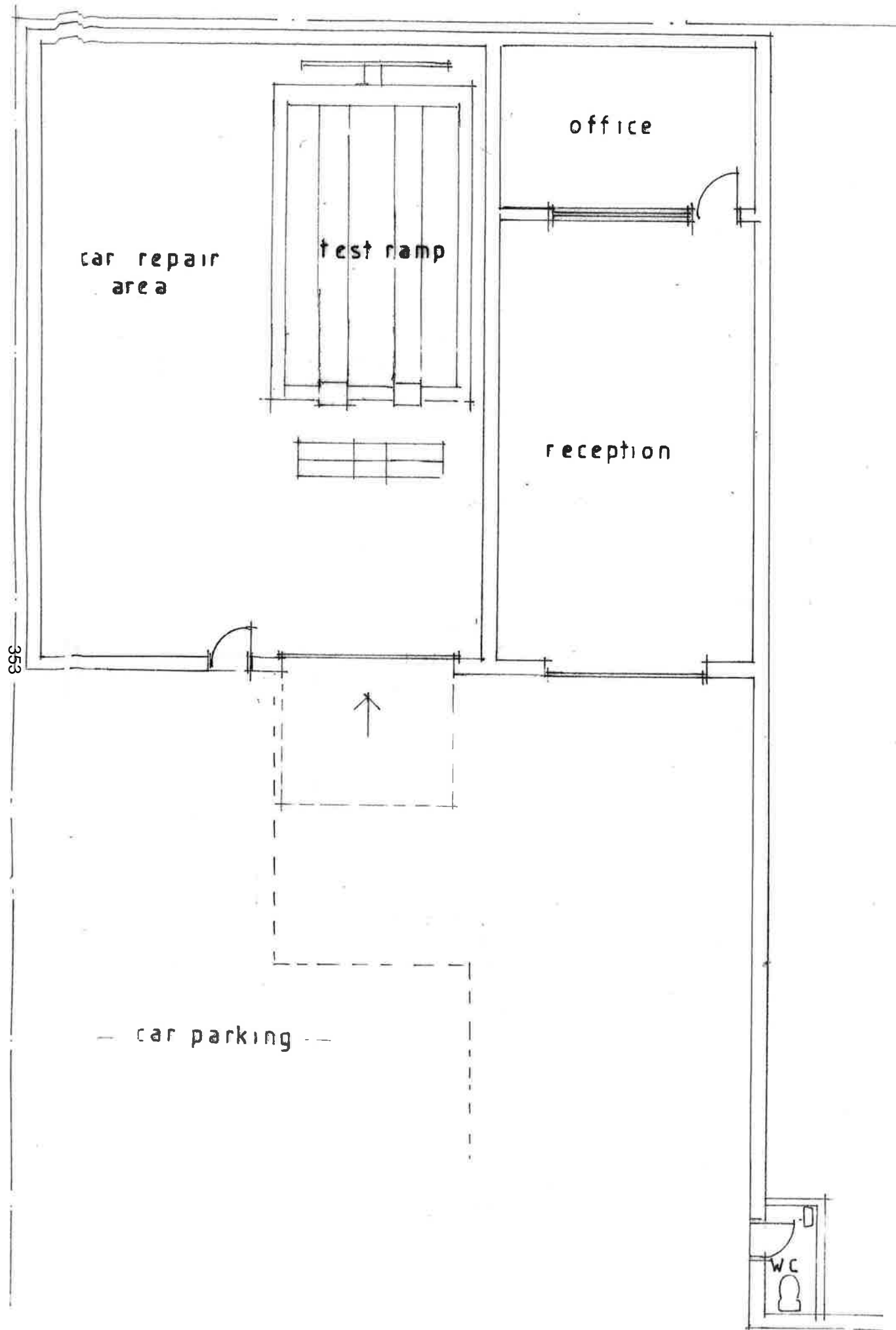
EXISTING FRONT ELEVATION



Scale 1 : 100 @ A3 paper size

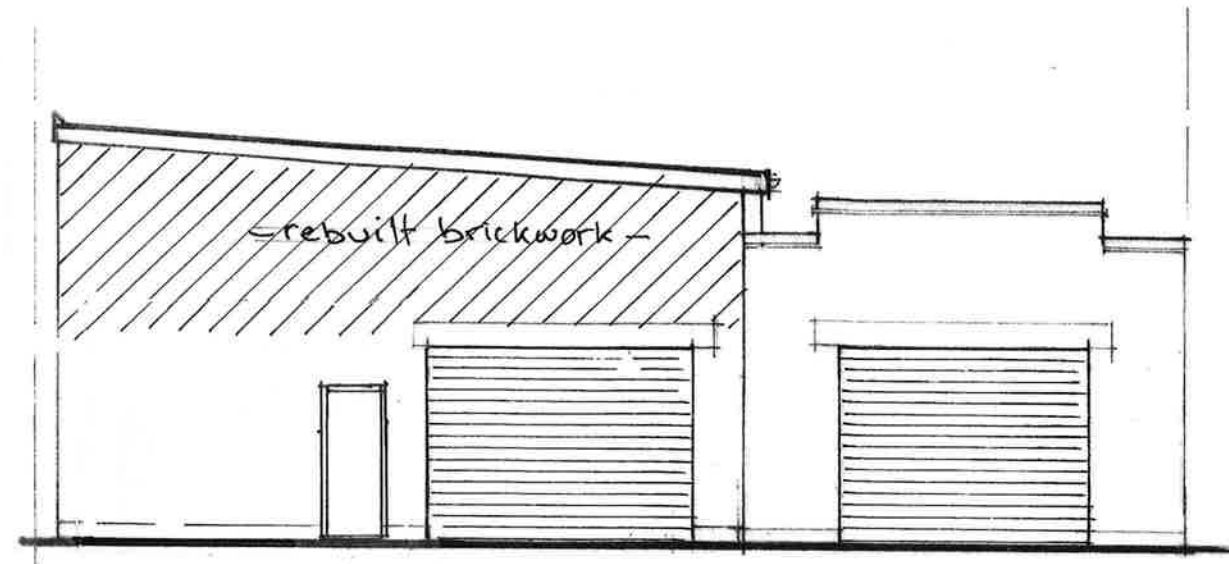
Job:	344-366 RAYLEIGH ROAD SOUTHEND ESSEX SS9 5PT	Date: Apr. 2021
Drawing No. PP/02	ARCHITECTURAL SERVICES	Scale: 1:100
	Mobile: 07400 444 070	

This page is intentionally left blank



PROPOSED FLOOR PLAN

- rebuilt brickwork to match existing brickwork
- proposed roller shutter doors to match existing



PROPOSED FRONT ELEVATION



Scale 1 : 100 @ A3 paper size

Job:	364- 366 RAYLEIGH ROAD SOUTHEND ESSEX SS9 5PT	Date: Apr. 2021
Drawing No. PP/03	ARCHITECTURAL SERVICES	Scale: 1:100
	Mobile: 07400 444 070	

This page is intentionally left blank

364 Rayleigh Road Eastwood



The entrance to the site from Rayleigh Road



The front elevation of the building on site



The neighbouring site to the south-west



Eastward views on Rayleigh Road



Southward views on Rayleigh Road



Westward views on Rayleigh Road



View towards the site from Rodings Close

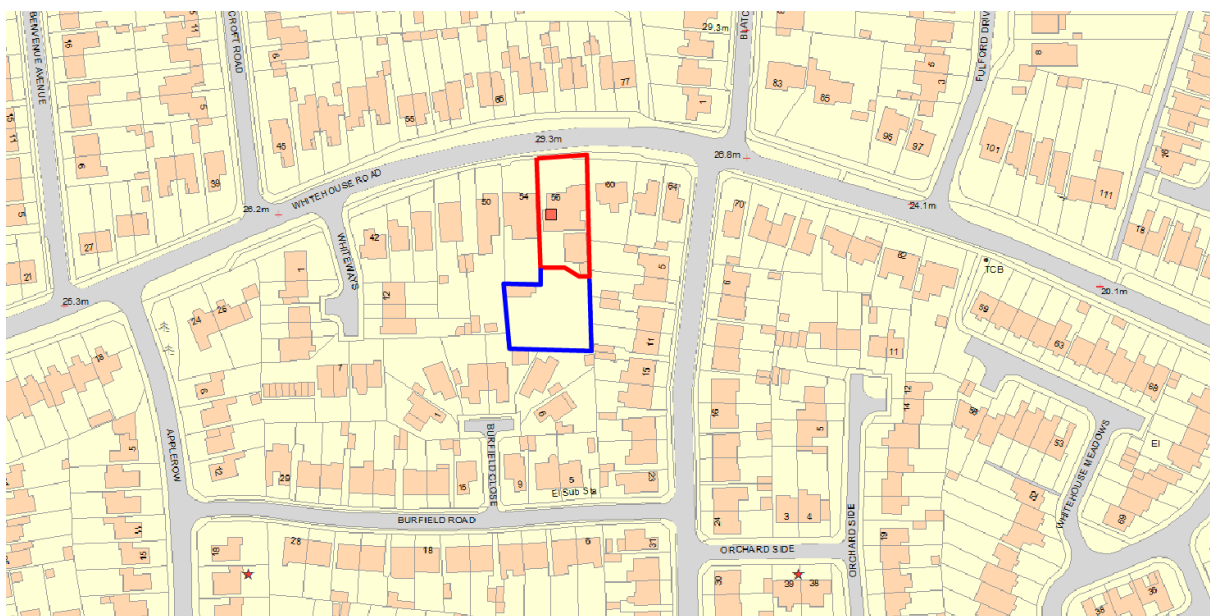


The neighbouring units on Rayleigh Road viewed from Rodings Close



View towards the site from The Rodings

Reference:	21/00994/AMDT	<h1>14</h1>
Application Type:	Minor Amendment	
Ward:	St Laurence	
Proposal:	Application to vary condition 1 (Approved opening hours) to extend opening hours to allow school children and working adults to utilise the facilities (Minor Material Amendment of planning permission 20/00160/FUL allowed on appeal dated 30/03/2021)	
Address:	56 Whitehouse Road Eastwood Southend-On-Sea SS9 5SR	
Applicant:	Mrs T Kennedy	
Agent:	Mr Tony Collins	
Consultation Expiry:	22 nd June 2021	
Expiry Date:	23 rd July 2021	
Case Officer:	Oliver Hart	
Plan Nos:	Application Form; Cover Letter	
Recommendation:	GRANT PLANNING PERMISSION subject to conditions	



1 Site and Surroundings

- 1.1 The site is located to the south side of Whitehouse Road, between its junctions with Orchard Grove and Blatches Chase to the east and Whiteways and Heycroft Road to the west. These roads have no parking restrictions in place.
- 1.2 The application property itself is a detached bungalow set on a substantial plot with an in and out driveway and front forecourt area some 17m wide x 12.5m (at its deepest) that can accommodate up to 6no. vehicles. The rear garden is also of considerable size, measuring some 40m deep x 30m in maximum width.
- 1.3 There is a collection of outbuildings spread throughout the rear garden including an enclosed swimming pool and associated changing room positioned approx. 1m from the rear of the application building. The swimming pool is an historic feature of the site.
- 1.4 Whitehouse Road is a classified road and is residential in character, typified by a mixture of bungalows and two storey dwellinghouses of varying size and scale. These dwellings typically have deep front gardens predominantly given over to hardstanding to provide off-street parking.
- 1.5 The site is also well provisioned by public transport, with bus services at Green Lane to the north (some 280m away) running between Shoeburyness and Rayleigh. A further bus stop with services running between Southend and Basildon is also located some 390m west.
- 1.6 The site is not the subject of any site-specific planning policies.

2 The Proposal

- 2.1 Permission is sought to vary condition 01 (Approved Opening Hours) of planning permission 20/00160/FUL dated 30/03/2021 for a '*Change of use of swimming pool to rear from domestic use (Class C3) to domestic and leisure use (Classes C3 and D2) (Retrospective)*'.
- 2.2 The substantive permission was granted on appeal and was subject to the following restricted operating hours and a maximum of 5 participants per class. A copy of the appeal decision is attached at Appendix 1. The condition subject of the current application is as follows:

01 The commercial use of the swimming pool shall be limited to:

Mondays to Thursdays 9:30 to 14:15

Fridays 9:30 to 14:15 and 16:00 to 18:00

Saturdays 9:30 to 12:30

- 2.3 The proposed amendment relates specifically to increasing the hours of commercial operation of the swimming pool, with the new hours proposed as follows:

	Current		Requested	
	Classes	1:1's	Classes	1:1's
2.4	Mondays-Thursdays	9:30-14:15	9:30-18:00	18:00-20:00
	Fridays	9:30-14:15	16:00-18:00	9:30-18:00
	Saturdays	9:30-12:00		9:00-14:00
	Sundays			14:00-18:00
				10:00-16:00

- 2.5 Of note, existing covid restrictions and a parking condition imposed upon the initial approval by the Appeal Inspector are such that the applicant has stated that class sizes comprise a maximum of 3 participants (indefinitely).

The application has been called in to Development Control Committee by Cllr Walker.

3 Relevant Planning History

- 3.1 21/00955/AD- Application for approval of details pursuant to condition 04 (Travel Information Pack) of planning permission 20/00160/FUL allowed on appeal dated 30.03.2021- Granted
- 3.2 20/00160/FUL- Change of use of swimming pool to rear from domestic use (Class C3) to domestic and leisure use (Classes C3 and D2) (Retrospective)- Refused. Allowed on Appeal.

As set out more fully within the copy decision at Appendix 1 the appeal Inspector's key comments include:

4. The swimming pool is a single storey enclosed building. It is situated in the rear garden along with a changing room and some outbuildings. The proposal involves no physical changes to the property, although I note that the parking area at the front of the bungalow has been marked out since the Council's decision. In view of the lack of any prominent signage or advertisements it is not apparent, when viewed from Whitehouse Road, that the swimming pool has been in use for commercial purposes.

5. Local residents have raised objections to overspill on-street parking from customers using the swimming pool, in particular at Orchard Grove and Blatches Chase. However, the Highway Authority has raised no objections to the proposal, subject to conditions.

6. The council considers that the commercial activity and associated non-domestic comings and goings are materially at odds with, and harmful to, the character of the residential area., The appellant has put forward hours of use in the application which would restrict the non-domestic activity. A proposed parking plan has been submitted and there would be a maximum limit on the number of pupils taking swimming lessons at any one time. I consider that these matters could be the subject of planning conditions, thereby limiting the intensity of commercial use of the property and restricting traffic movements and any associated on street parking to a level which would not cause any significant harm to the residential character of the area.

7. *Subject to the imposition of conditions, as mentioned above, the proposal would have no significant detrimental effect on the residential character of the building or the surrounding area. It would therefore not conflict with policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007) or with policies DM1 and DM3 of the Southend-on-Sea Development Management Document (DMD) (2015) regarding residential character. It would also comply with the Southend-on-Sea Design and Townscape Guide (2009).*

8. *The rear garden of No.56 Whitehouse Road is adjacent to the rear gardens of a number of surrounding properties. The swimming pool and changing room is relatively close to the rear of the bungalow which would mean that customer activity would be concentrated in that area, and pedestrian access to it, rather than within the wider garden setting. The council refers to the frequency, repetition and regularity of comings and goings which introduces types and levels of activity, noise and disturbance which it considered are incompatible with a residential setting. As mentioned above, objections to the proposal primarily concern customers parking within surrounding residential roads rather than the noise and disturbance from the use of the appeal site itself. Moreover, no records of noise complaints over time from local residents have been submitted by the council as evidence to substantiate its view.*

9. *I considered that the amount of commercial use of the site may be limited by conditions to ensure that any noise and disturbance generated by visitors is at an acceptable level for neighbours. It would therefore not conflict with policies KP2 and CP4 of the Core Strategy or with policies DM1 and DM3 of the DMD concerning residential amenity. It would also comply with the Design and Townscape Guide and relevant objective in the National Planning Policy Framework.*

3.3 16/02147/FULH- Erect single storey side extension, single storey rear extension to outbuilding, raise roof height, form hip to half-hipped roof, erect dormers to front and rear, install rooflights to front, side and rear elevations and alter elevations- Granted

3.4 16/02150/FULH- Erect single storey extension to outbuilding- Granted

4 Representation Summary

4.1 Public Consultation

14 neighbouring properties were notified and a site notice was posted. 1no. letter of representation was received. Summary of representation:

- Application was approved at appeal subject to specific conditions. The application to alter these conditions goes against the initial judgement made.
- Parking concerns.

[Officer Comment] All relevant planning considerations are assessed within the appraisal section of the report. These concerns are noted but they are not found to justify refusing planning permission in the circumstances of this case.

Environmental Health

4.2 No objections are raised.

4.3 **Highways**

There are no highway objections to the extended opening times.

5 Planning Policy Summary

5.1 The National Planning Policy Framework (NPPF) (2019)

5.2 Planning Practice Guidance and National Design Guide (2019)

5.3 Core Strategy (2007) Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP1 (Employment Generating Development), CP4 (Environment and Urban Renaissance) and CP6 (Community Infrastructure)

5.4 Development Management Document (2015): Policies DM1 (Design Quality), DM3 (Efficient and Effective Use of Land), DM10 (Employment Sectors) and DM15 (Sustainable Transport Management)

5.5 CIL Charging Schedule (2015)

6 Planning Considerations

6.1 The main considerations in relation to this application are the principle of the development, impacts on residential amenity and highways implications.

7 Appraisal

Principle of Development

7.1 Paragraph 117 of the NPPF states: *“Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.”*

7.2 Policy KP2 requires that new development contributes to economic, social, physical and environmental regeneration in a sustainable way through securing improvements to the urban environment through quality design, and respecting the character and scale of the existing neighbourhood.

7.3 Policy CP4 requires that new development be of appropriate design and have a satisfactory relationship with surrounding development.

7.4 Policy DM15 states that development will be allowed where there is, or it can be demonstrated that there will be, physical and environmental capacity to accommodate the type and amount of traffic generated in a safe and sustainable manner.

7.5 The principle of the development has been found to be acceptable following the appeal decision. There are no material changes in relevant planning policies or variations to the development or its site circumstances which alter this view.

- 7.6 The proposed changes which relate to the extension of existing commercial operating hours of the swimming pool are considered to fall within the remit of a minor material amendment to the consented scheme in principle as it concerns the same description of development and same site edged red. The determining material planning considerations are discussed below.

Design and Impact on the Character of the Area

- 7.7 The NPPF states that “*decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area*”.
- 7.8 Policies KP2 and CP4 of the Core Strategy, and Policies DM1 and DM3 of the Development Management Document, seek to maintain and enhance the amenities, appeal and character of residential areas.
- 7.9 As noted, the proposal is seeking to extend the existing hours associated with the commercial use of the pool summarised in the table at 2.3 above.
- 7.10 In line with the Inspector’s comments above, regard is had to the position of the swimming pool within an enclosure to the rear and absence of advertisements and physical changes to the property such that when viewed from Whitehouse Road, it is not apparent the swimming pool is in use partly for commercial leisure purposes.
- 7.11 Concern was previously raised that the part commercial activity and associated non-domestic comings and goings were materially at odds with, and harmful to, the character of the residential area. However, the appeal Inspector disagreed with this. At paragraph 10 of his decision he noted that the appellant’s statement of case for the appeal included hours of operation in excess of those applied for in the original application form (Monday to Friday 09:15 to 14:30). The hours were clarified by the appellant during the course of assessment of the application by the Council. The hours in the appellant’s statement of case exceeded those clarified hours. The number of individuals using the pool at any one time was reduced in the appeal statement of case to no more than 3 per class rather than 5. The main difference between the hours applied for initially and those in the appellant’s statement of case was that there would be additional commercial use of the pool in the period 16:00 hrs to 19:00 hrs Mondays to Wednesdays, and on Fridays. The Inspector noted that this would involve activity when local residents would be more likely to be at home and potentially using their rear gardens in the warmer weather. Therefore the character impact of the extended hours now proposed involves a degree of judgment. Arguably the extension of activity into early evening hours will alter the impact on character but on balance and given the restricted numbers of patrons involved, which can be controlled by condition, it is considered that the extended hours now proposed by the applicant would continue to satisfactorily restrict the non-domestic activity at the property to within acceptable limits from a character impact aspect.
- 7.12 Moreover, regard is had to the front curtilage available at the application site which has been found to reasonably accommodate 6 domestic vehicles. Accordingly, it is not considered on balance that this proposal would significantly harm the character and appearance of the application property, the streetscene or wider surrounding area.

- 7.13 The permission granted on appeal was subject to conditions restricting operating hours, parking arrangements (in conjunction with parking plan No.CC/001) and a limit on the number of pupils taking swimming lessons at any one time. Subject to the specific time changes proposed here, those other conditions would continue to apply satisfactorily in controlling the development's impacts and limiting the intensity of commercial use of the property and would also reasonably restrict traffic movements and any associated on street parking to a level which would not cause any significant harm to the residential character of the area.
- 7.14 On this basis and subject to those restrictive conditions, it is considered that the proposal would on balance be acceptable and compliant with the above policies.

Impact on Residential Amenity

- 7.15 Paragraphs 124 and 127 of the National Planning Policy Framework seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 7.16 Policy KP2 of the Core Strategy seeks to secure improvements to the urban environment through quality design. Policy CP4 seeks to maintain and enhance the amenities, appeal and character of residential areas.
- 7.17 Policy DM1 of the Development Management Document seeks to support sustainable development which is appropriate in its setting, and that protects the amenity of the site, immediate neighbours, and surrounding area, having regard to matters including privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight.
- 7.18 Policy DM3 seeks to support development that is well designed and that seeks to optimise the use of land in a sustainable manner that responds positively to local context and does not lead to over-intensification, which would result in undue stress on local services, and infrastructure.
- 7.19 The swimming pool is positioned along the boundaries with No.60 Whitehouse Road and No's 5-7 Orchard Grove to the east, with access to the swimming pool provided via a side access which runs along the boundary with No.54 Whitehouse Road to the west.
- 7.20 The appeal Inspector noted that the swimming pool and changing room are relatively close to the rear of the bungalow which would mean that customer activity would be concentrated in that area and pedestrian access to it, rather than within the wider garden setting. Whilst a number of objections to the initially refused proposal were received, they related primarily to customers parking within surrounding residential roads rather than as a result of any noise and disturbance from the use of the site itself. This was a matter noted by the Inspector in reaching his findings.
- 7.21 Consistent with the above findings, whilst the extension of hours later into the evenings and weekends offers potential for a degree of increased activity and associated disturbance to neighbours, and was not specifically considered by the appeal Inspector regard is had to the modest number of participants per class (presently capped at 3) and 'class' activities taking place almost exclusively during typical working hours (9.30-18:00 Monday-Friday), with the majority of activities into the more sensitive early evening hours

relating to 1:1 lessons.

It is considered on balance that a single customer (and car to the forecourt area) visiting the property during these times is unlikely to create activity and associated disturbance to a degree that would give rise to unacceptable levels of noise or significant harm to residential amenity. For Members' information Environmental Health have confirmed that no noise complaints have been received to date.

- 7.22 On this basis and subject to the retention of restrictive conditions, the proposal is on balance considered to be acceptable and policy compliant in the above regards.

Highways

- 7.23 A total of 6 car parking spaces are to be retained, 2 for the residential dwelling and 4 for commercial visitors. These spaces are accessed via an existing in-out driveway. The parking layout ensures that vehicles can manoeuvre effectively.
- 7.24 The site has been found to be in a sustainable location with regard to public transport with bus stop provision and service in close proximity in Green Lane and a wider service from Kent Elms.
- 7.25 It is also considered that the highway impact on the surrounding area will not have a detrimental impact as the hours of commercial operation are outside of peak hours which reduces the impact on the highway network. Unrestricted parking in the surrounding roads is available however, given the level of parking for the development and the restrictions to the number of patrons using the facility it is not considered that the highways impact will be significant in the surrounding roads.
- 7.26 On this basis and noting the conditions relating to a parking plan (No. CC/001) and Travel Plan Statement (previously approved 21/00955/AD) there are no highway objections to this proposal and it is policy compliant in this regard.

Community Infrastructure Levy (CIL)

- 7.27 No new floor space is created. The proposed development is not CIL liable.

8 Conclusion

- 8.1 The proposal falls within the ambit of a minor material amendment further to Section 73 of the Town and Country Planning Act 1990. Having taken all material planning considerations into account, it is found that subject to compliance with the attached conditions, the proposed development would on balance be acceptable and compliant with the objectives of the relevant development plan policies and guidance. The proposal involving part commercial operation has been found to be acceptable in principle and in terms of impact on character and highway conditions. It is considered on balance that the extended hours now proposed would have an acceptable impact on the amenities of nearby residential occupiers. The application is therefore recommended for approval.

9 Recommendation

GRANT PLANNING PERMISSION subject to the following conditions:

- 01 The swimming pool subject of this permission shall operate only in accordance with the following approved hours:**

	Classes	1:1's
Mondays- Thursdays	9:30-18:00	18:00-20:00
Fridays	9:30-18:00	18:00-20:00
Saturdays	9:00-14:00	14:00-18:00
Sundays		10:00-16:00

And at no other times

Reason: To protect the environment of people in neighbouring properties and general environmental quality. This is in accordance with 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 advice contained within the Design and Townscape Guide (2009).

- 02 The commercial use of the swimming pool subject of this permission shall be limited to no more than 3 users at any one time.**

Reason: To protect the environment of people in neighbouring properties and general environmental quality. This is in accordance with 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 advice contained within the Design and Townscape Guide (2009).

- 03 Vehicle parking for visitors using the swimming pool subject of this permission during its commercial periods of operation shall be permanently provided, maintained and made available for use within the 6 marked bays at the front of the property in strict accordance with plan No. CC/001.**

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 Development Management Document (2015).

- 04 The swimming pool subject of this permission shall be operated solely in accordance with the Travel Plan details previously submitted to and approved in writing by the local planning authority under the approval of details application reference 21/00955/AD or any other details that have previously been submitted to and approved in writing by the local planning authority under the terms of this condition. The development shall be operated in accordance with the details approved under this condition in for its lifetime.**

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

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



Appeal Decision

Site visit made on 16 February 2021

by **Martin H Seddon BSc MPhil DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30 March 2021

Appeal Ref: APP/D1590/W/20/3259580

56 Whitehouse Road, Eastwood, SS9 5SR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs T Kennedy against the decision of Southend-on-Sea Borough Council.
 - The application Ref: 20/00160/FUL, dated 30 January 2020, was refused by notice dated 28 April 2020.
 - The development proposed is retrospective planning application for change of use of swimming pool from solely domestic use (Class C3) to domestic and leisure uses (Class C3 & D2).
-

Decision

1. The appeal is allowed, and planning permission is granted for change of use of swimming pool from solely domestic use (Class C3) to domestic and leisure uses (Class C3 & D2) at 56 Whitehouse Road, Eastwood, SS9 5SR, in accordance with the terms of the application ref: 20/00160/FUL, dated 30 January 2020 and subject to the conditions in the schedule at the end of this document.

Main Issues

2. The use of the swimming pool for commercial purposes commenced prior to the application to the Council. The main issues are:
 - the effect of the proposal on the residential character of the building and the surrounding area, and
 - the effect on the living conditions of neighbours in respect of noise and disturbance.

Reasons

Effect on residential character

3. The appeal building is a detached bungalow with a substantial rear garden. It is sited within a row of detached dwellings of varying form and design at the south side of Whitehouse Road (A1015). Whitehouse Road is a busy highway which links Southend-on-Sea with Rayleigh.
4. The swimming pool is a single storey enclosed building. It is situated in the rear garden along with a changing room and some outbuildings. The proposal involves no physical changes to the property, although I note that the parking

<https://www.gov.uk/planning-inspectorate>

area at the front of the bungalow has been marked out since the Council's decision. In view of the lack of any prominent signage or advertisements it is not apparent, when viewed from Whitehouse Road, that the swimming pool has been in use for commercial purposes.

5. Local residents have raised objections to overspill on-street parking from customers using the swimming pool, in particular at Orchard Grove and Blatches Chase. However, the Highway Authority has raised no objections to the proposal, subject to conditions.
6. The Council considers that the commercial activity and associated non-domestic comings and goings are materially at odds with, and harmful to, the character of the residential area. The appellant has put forward hours of use in the application which would restrict the non-domestic activity. A proposed parking plan has been submitted and there would be a maximum limit on the number of pupils taking swimming lessons at any one time. I consider that these matters could be the subject of planning conditions, thereby limiting the intensity of commercial use of the property, and restricting traffic movements and any associated on-street parking to a level which would not cause any significant harm to the residential character of the area.
7. Subject to the imposition of conditions, as mentioned above, the proposal would have no significant detrimental effect on the residential character of the building or the surrounding area. It would therefore not conflict with policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007) or with policies DM1 and DM3 of the Southend-on-Sea Development Management Document (DMD) (2015) regarding residential character. It would also comply with the Southend-on-Sea *Design and Townscape Guide* (2009).

Living conditions

8. The rear garden of No.56 Whitehouse Road is adjacent to the rear gardens of a number of surrounding properties. The swimming pool and changing room is relatively close to the rear of the bungalow which would mean that customer activity would be concentrated in that area, and pedestrian access to it, rather than within the wider garden setting. The Council refers to the frequency, repetition and regularity of comings and goings which introduces types and levels of activity, noise, and disturbance which it considers are incompatible with a residential setting. As mentioned above, objections to the proposal primarily concern customers parking within surrounding residential roads, rather than noise and disturbance from the use of the appeal site itself. Moreover, no records of noise complaints over time from local residents have been submitted by the Council as evidence to substantiate its view.
9. I consider that the amount of commercial use of the site may be limited by conditions to ensure that any noise and disturbance generated by visitors is at an acceptable level for neighbours. It would therefore not conflict with policies KP2 and CP4 of the Core Strategy or with policies DM1 and DM3 of the DMD concerning residential amenity. It would also comply with the *Design and Townscape Guide* and relevant objectives in the National Planning Policy Framework.

Other Matters

10. I note that the appellant's statement of case includes hours of operation in excess of those applied for in the original application form (Monday to Friday 09:15 to 14:30). The hours were clarified by the appellant during the course of assessment of the application by the Council. The hours in the appellant's statement of case exceed those clarified hours. The number of individuals using the pool at any one time was reduced in the statement of case to no more than 3 per class rather than 5. The main difference between the hours applied for initially and those in the appellant's statement of case is that there would be additional commercial use of the pool in the period 16:00 hrs to 19:00 hrs Mondays to Wednesdays, and on Fridays. This would involve activity when local residents would be more likely to be at home and potentially using their rear gardens in the warmer weather.
11. In applying the principles in the case of *Bernard Wheatcroft Ltd v SSE [JPL 1982 P37]* I consider that the development would be so changed that to grant permission on the basis of the extended hours of operation would deprive those who should have been consulted on the changed operational hours of the opportunity of such consultation. The extended hours have not been the subject of formal public consultation or consultation with the highway authority and consequently it is inappropriate to vary the originally stated hours of operation as part of this appeal. Although the appellant has consulted neighbours, the documentation generally does not refer to hours of operation. The reduction in occupation to no more than 3 users is a less intense use, but I consider that the application should be determined on the basis of the combination of hours of use and number of users as proposed in the application and consulted upon by the Council.

Conditions

12. I have considered the conditions suggested by the Council and the appellant. The Council has stated the extended hours put forward in the appellant's statement of case, albeit with some discrepancies. However, as mentioned above I have determined this appeal on the basis of the hours of operation and number of users as applied for and consulted upon by the Council. The conditions imposed for hours of use and number of users are necessary in the interest of residential amenity. A condition is included to ensure that the parking layout is retained, again in the interest of the amenity of neighbours. I note that the Highway Authority has suggested a condition regarding a travel information pack. I have therefore included a relevant condition in the interest of sustainable forms of travel.
13. I have taken all other matters raised into account, including the social benefits and opportunities for its users that would be provided by the proposed facility. Although alternative facilities are available elsewhere in the surrounding area, the small scale of the pool can provide a specially controlled environment for its users.
14. For the reasons given above I conclude that the appeal should be allowed subject to conditions.

Martin H Seddon

INSPECTOR

Conditions

- 1) The commercial use of the swimming pool shall be limited to:
Monday to Thursdays 9:30 to 14:15
Fridays 9:30 to 14:15 and 16:00 to 18:00
Saturdays 9:30 to 12:30
And at no other times.
- 2) The commercial use of the swimming pool shall be limited to no more than 5 users at any one time.
- 3) Vehicle parking for visitors using the swimming pool during its commercial periods of operation shall be permanently provided, maintained, and made available for use within the 6 marked bays at the front of the property in strict accordance with plan No.CC/001.
- 4) Within 3 months of this decision a copy of a travel information pack including details of sustainable travel options and visitor parking arrangements shall be submitted to and approved in writing by the local planning authority. Copies of the approved information pack shall thereafter be provided to all commercial users of the swimming pool.

Client Name : Mrs T Kennedy			
Project Title : 56 Whitehouse Road, Leigh on Sea, Essex, SS9 5SR			
Drawing Name : Location Plan			
Scale : 1:1250 @ A4	Drawn/Checked: MK/CW	Status : Application	Rev : -
Date : 10 Jan 2020	Plot Date : 10 January 2020 11:24:05	Dwg No : 19.7021/M002	



Ordnance Survey (c) Crown Copyright 2020. All rights reserved. Licence number 100022432



Note:

This drawing is provided for planning application purposes only and should not be used or relied upon for Building Regulations applications or in the use of Construction. All dimensions should be checked on site before the commencement of any works or ordering of materials. Any discrepancies should be reported to Smart Planning Ltd.



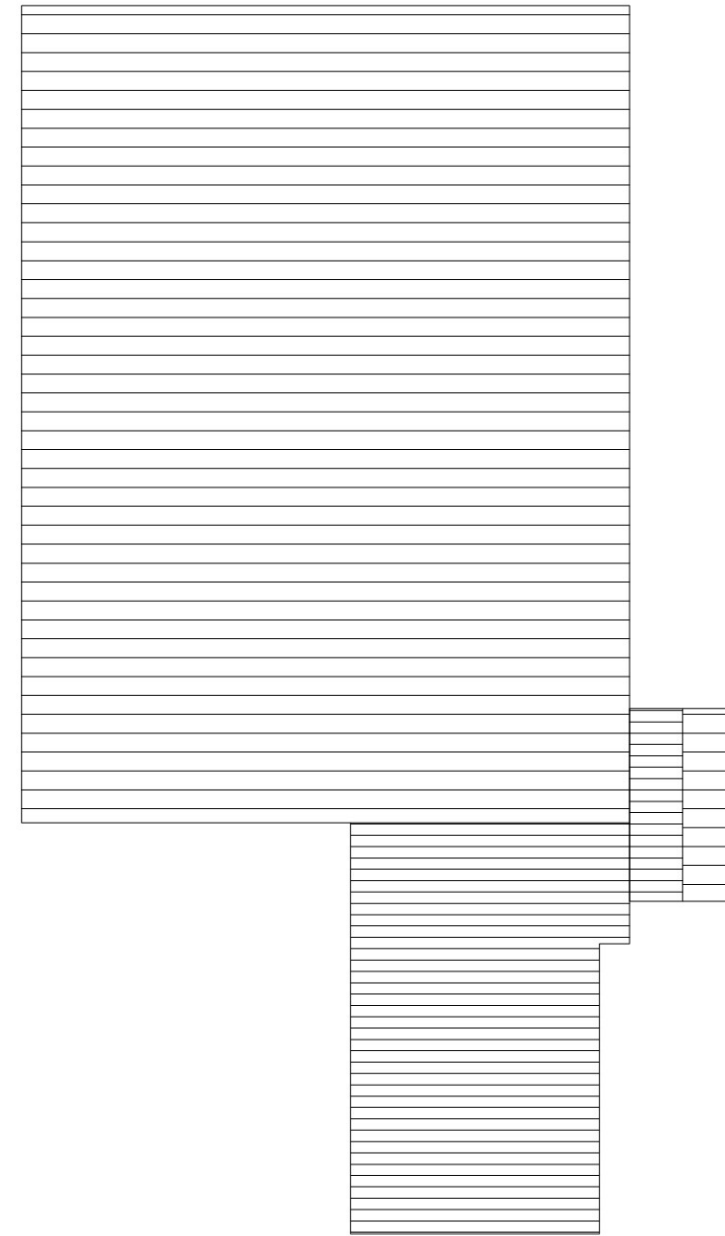
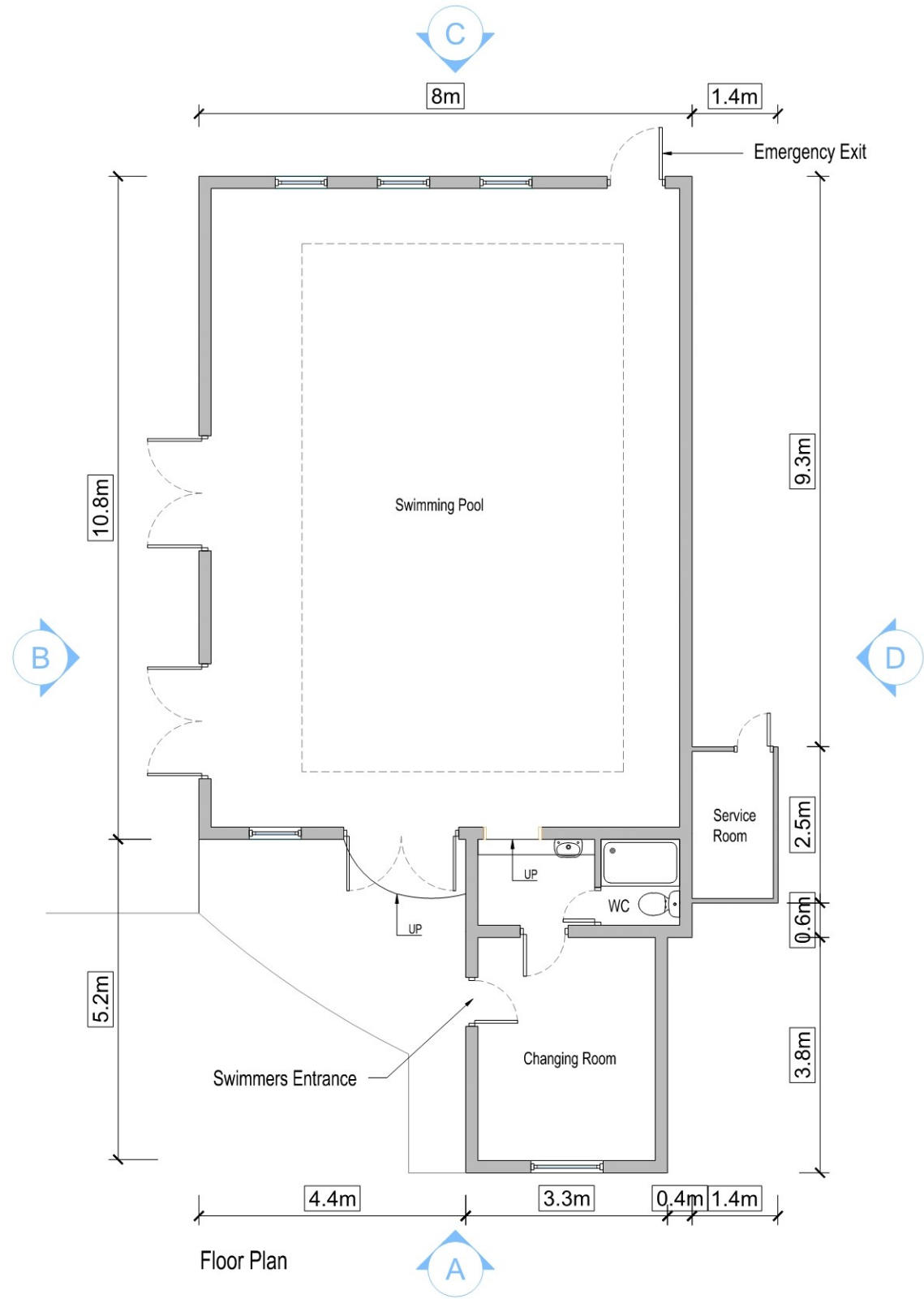
Head Office
Old School House, Rettendon
Turnpike, Battlesbridge,
Essex, SS11 7QL

Email scontact@smartplanning.co.uk
Website www.smartplanning.co.uk
Phone 0330 053 6811

No.	Date	Amendment	Initials

This page is intentionally left blank

Client Name : Mrs T Kennedy			
Project Title : 56 Whitehouse Road, Leigh on Sea, Essex, SS9 5SR			
Drawing Name : Existing Floor and Roof Plans			
Scale : 1:100 @ A3	Drawn/Checked: MK/CW	Status : Application	Rev : -
Date : 10 Jan 2020	Plot Date : 14 January 2020 10:24:29	Dwg No : 19.7021/E102	



Note:
 This drawing is provided for planning application purposes only and should not be used or relied upon for Building Regulations applications or in the use of Construction. All dimensions should be checked on site before the commencement of any works or ordering of materials. Any discrepancies should be reported to Smart Planning Ltd.



No.	Date	Amendment	Initials

© THIS DRAWING IS THE COPYRIGHT OF SMARTPLANNING. This document must not be reproduced in whole or in part without prior permission of Smartplanning Ltd. Registered in England No. 04369649. OS Licence Number 100042413



Head Office
 Old School House, Rettendon
 Turnpike, Battlesbridge,
 Essex, SS11 7QL

Email contact@smartplanning.co.uk
 Website www.smartplanning.co.uk
 Phone 0330 053 6811

This page is intentionally left blank

56 Whitehouse Road

Application dwelling



Front curtilage/visitor parking



Separate access to the pool



View to outbuilding and rear garden



View to changing room access



View back to the outbuilding and rear of the house



The pool

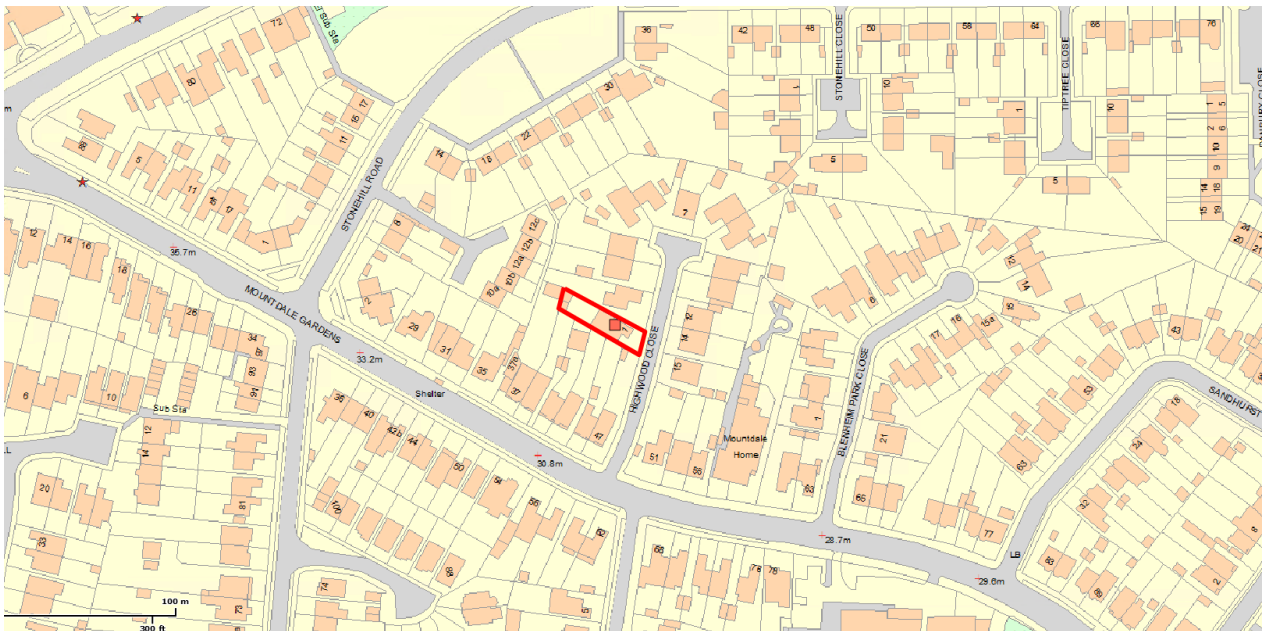


EMERGENCY EXIT

Swimmers must use the stairs to enter and exit the pool. No diving. No running. No rough play. No alcohol. No drugs. No smoking. No glass. No food or drink. No swimming caps. No towels. No shoes. No jewelry. No pets. No children under 12 without supervision. No lifelines. No pool toys. No pool furniture. No pool equipment. No pool chemicals. No pool filters. No pool pumps. No pool heaters. No pool covers. No pool covers. No pool covers.

390

Reference:	21/01133/FULH	<h1>15</h1>
Application Type:	Full Application - Householder	
Ward:	Blenheim Park	
Proposal:	Erect car port to front and install solar panels to roof	
Address:	1 Highwood Close, Leigh-On-Sea, Essex	
Applicant:	Mr K Buck	
Agent:	Mr Paul Seager of APS Design Associates Ltd.	
Consultation Expiry:	29.06.2021	
Expiry Date:	22.07.2021	
Case Officer:	Janine Rowley	
Plan Nos:	Drawing number 01; Drawing number 02; Drawing number 03	
Recommendation:	GRANT PLANNING PERMISSION subject to conditions	



1 Site and Surroundings

- 1.1 The application site is a detached chalet bungalow located on the west side of Highwood Close. The application dwelling has been previously extended with a hip to gable and rear dormer roof extensions and a single storey rear extension. The site is not located within a conservation area or subject to any site specific planning policy designations.

2 The Proposal

- 2.1 Planning permission is sought to erect a carport to the front of the property 3.3m wide, 4.3m deep and 2.8m high to be constructed from hardwood timber. The proposal also includes the installation of solar panels to the roof of the carport.
- 2.2 It should be noted that planning permission has previously been granted under application 21/00199/FULH to erect a car port to the front dated 7th April 2021. The main differences proposed include an increase in the depth of the car port from 3.4m to 4.3m and solar panels are now proposed on its roof.

3 Relevant Planning History

- 3.1 21/00199/FULH- Erect car port to the front- Granted planning permission.
- 3.2 20/02011/CLP- Single storey rear extension with skylight (Amended proposal) (Lawful Development Certificate - Proposed)- Application Lawful.
- 3.3 20/01048/FULH- Erect dormers to front- Granted planning permission.
- 3.4 20/00811/CLP- Single storey rear extension (Lawful Development Certificate - Proposed)- Application Lawful.

4 Representation Summary

- 4.1 **Public Consultation**
11 neighbouring properties were consulted. No letters of representation have been received.
- 4.2 This application is presented to the Development Control Committee as the applicant is a Councillor.

5 Planning Policy Summary

- 5.1 The National Planning Policy Framework (NPPF) (2019)
- 5.2 Core Strategy (2007): Policies KP1 (Spatial Strategy) KP2 (Development Principles), CP3 (Transport and Accessibility) and CP4 (Environment & Urban Renaissance)
- 5.3 Development Management Document (2015): Policies DM1 (Design Quality), DM3 (Efficient and Effective Use of Land) and DM15 (Sustainable Transport Management).

- 5.4 Design & Townscape Guide (2009)
- 5.5 Community Infrastructure Levy (CIL) Charging Schedule (2015)

6 Planning Considerations

- 6.1 The main considerations in relation to this application are the principle of the development, design and impact on the character of the area, impact on residential amenity, traffic and transportation and CIL (Community Infrastructure Levy) contributions.

7 Appraisal

Principle of Development

- 7.1 The dwelling is located within a residential area and an alteration to the property is considered acceptable in principle. Other material planning considerations are discussed below. The principle of a smaller car port in a similar location has also been accepted previously under reference 21/00199/FULH.

Design and Impact on the Character of the Area

- 7.2 Local and national planning policies and guidance seek to ensure that new development is well designed. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 7.3 Local development plan policies seek to ensure that new development is designed so that it adds to the overall quality of the area and respects the character of the site, its local context and surroundings, provides appropriate detailing that contributes to and enhances the distinctiveness of place; and contribute positively to the space between buildings and their relationship to the public realm. Policy DM1 and the Design and Townscape guide provide further details on how this can be achieved.
- 7.4 Policy DM3 (5) also advises that *'Alterations and additions to a building will be expected to make a positive contribution to the character of the original building and the surrounding area through: (i) The use of materials and detailing that draws reference from, and where appropriate enhances, the original building, and ensures successful integration with it; and (ii) Adopting a scale that is respectful and subservient to that of the original building and surrounding area; and (iii) Where alternative materials and detailing to those of the prevailing character of the area are proposed, the Council will look favourably upon proposals that demonstrate high levels of innovative and sustainable design that positively enhances the character of the original building or surrounding area.'*

- 7.5 Having regard to the design, layout and siting of the host dwelling, the proposed single storey car port to the front of the property would not result in significant harm to the character and appearance of the host dwelling or surrounding area. It would also not be incongruous in the context of the wider streetscene. Whilst the car port would be deeper than that previously granted planning permission and would be set in line with the roof projection of the existing single storey hipped roof front projection, it is set 4.9m from the street frontage and it would be partially screened by the existing approximately 2m high boundary fence to the south. In this context, the proposed carport is not considered to significantly harm the character and appearance of the existing dwelling or wider streetscene and no objection is raised to the car port in design terms. The solar panels proposed are acceptable in design terms as they would not be out of keeping or unduly prominent in the streetscene.
- 7.6 The proposed development is therefore considered to be acceptable and policy compliant in the above regards.

Impact on Residential Amenity

- 7.7 Local and national planning policies and guidance seek to secure high quality development which protects amenity. Policy DM1 of the Development Management Document specifically identifies that development should protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight. Further advice on how to achieve this is set out in the Council's Design and Townscape Guide.
- 7.8 The proposed car port would be set some 0.3m away from the rear boundary fence to nos. 45 and 47 Mountdale Gardens to the south of the site and would be approximately 17m from the nearest properties to the east of the site nos. 14 and 15 Highwood Close.
- 7.9 The proposal would not project beyond the roof projection of the existing front hipped projection and taking into account its siting, design, height and depth would not result in significant harm to any adjoining or nearby neighbours in terms of dominance, sense of enclosure, loss of light or outlook, overshadowing or an overbearing impact. There is sufficient distance to mitigate any impacts on the amenities of the residential occupiers in all regards.
- 7.10 Therefore, the proposal is considered to be acceptable and policy compliant in these regards.

Traffic and Transportation Issues

- 7.11 Policy DM15 of the Development Management Document states that new development will only be permitted if it makes provision for off-street parking in accordance with the adopted vehicle parking standards. For a dwelling of 2+ bedrooms, a minimum of 2 off-street parking spaces should be available.
- 7.12 The proposal would result in the erection of a car port to the front of the property and the application site would continue to be capable of accommodating the required two off street parking spaces on the existing hard surfaced area to the front. Therefore, there are no highway objections to the proposed development.

7.13 The proposal is considered to acceptable and policy compliant in the above regards.

Community Infrastructure Levy (CIL)

7.14 The proposed extension to the property equates to less than 100sqm of new floorspace therefore the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable.

8 Conclusion

8.1 Having taken all material planning considerations into account, it is found that subject to compliance with the attached conditions, the proposed development would be acceptable and compliant with the objectives of the relevant development plan policies and guidance. It is therefore recommended for approval.

9 Recommendation

9.1 MEMBERS ARE RECOMMENDED TO GRANT PLANNING PERMISSION subject to the following conditions:

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

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

02 The development shall be undertaken solely in accordance with the following approved plans: Drawing number 01; Drawing number 02; Drawing 03.

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

03 All new work to the outside of the building must match existing original work in terms details of materials, method of construction and finished appearance. This applies unless differences are shown in approved plans.

Reason: In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of the area. This is as set out in the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

04 The roof of the car port hereby approved shall not be used as a balcony, roof garden or similar amenity area or for any other purpose unless express planning permission has previously been obtained. The roof can however be used for the purposes of maintenance or to escape in an emergency.

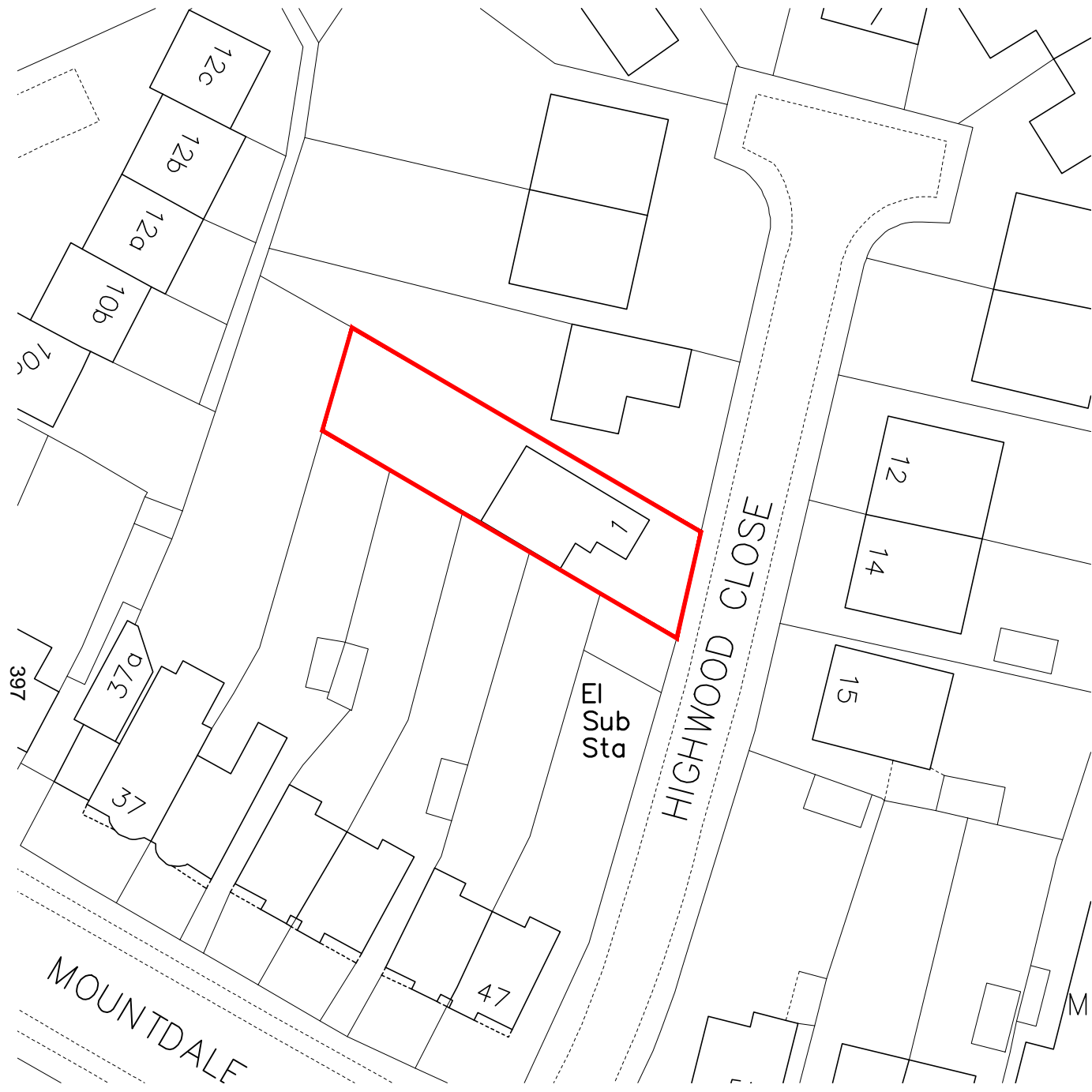
Reason: To protect the privacy and environment of people in neighbouring residential properties, in accordance with the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea 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.

Informatives

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

- 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.



① Site Plan

Scale: 1:500

SCALE 1:500



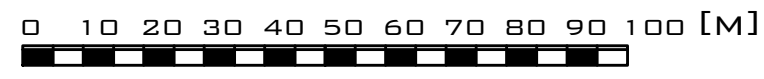
DO NOT SCALE THIS DRAWING. WORK TO FIGURED DIMENSIONS ONLY. THIS DRAWING IS COPYRIGHT OF APS DESIGNS AND SHOULD ONLY BE REPRODUCED WITH THEIR EXPRESS PERMISSION. CHECK ALL DIMENSIONS ON SITE. ANY DISCREPANCIES SHOULD BE REPORTED TO APS DESIGNS PRIOR TO COMMENCEMENT.



② Location Plan

Scale: 1:1250

SCALE 1:1250



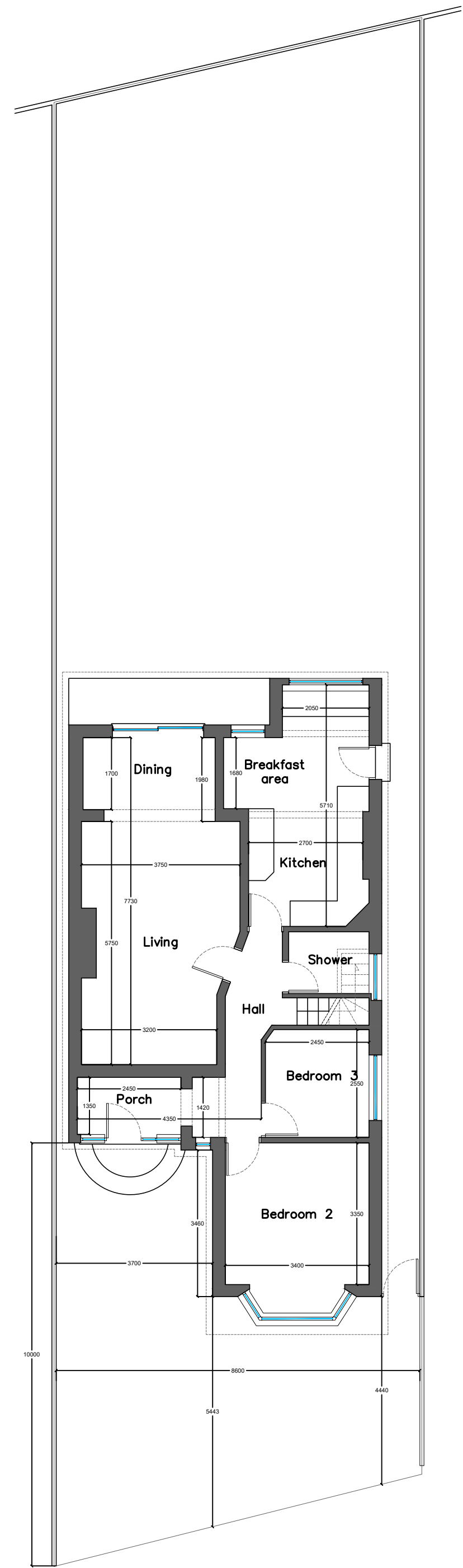
REVISION DATE AMENDMENT
APS DESIGN ASSOCIATES LTD
 ARCHITECTURAL DESIGNERS AND PLANNING CONSULTANTS

PROJECT STAGE: Town Planning DRAWN BY: D.M DATE: February 2021
 CLIENT:

PROJECT: 1 Highwood Close
 JOB NO: 3080 DRAWING NO: 01 REVISION:

DRAWING TITLE: Site and Location Plans
 The Design Studio
 1 Cambridge Road (Rear)
 Nelson Street
 Southend-On-Sea
 Essex
 SS1 1ET
 SCALE: 1:1250 & 1:500 @ A3
 Tel: 01702 469 769 - 01702 337328
 Email: admin@apsdesignsuk.com
 designteam@apsdesignsuk.com
 planning@apsdesignsuk.com
 Website: www.apsdesignsuk.com

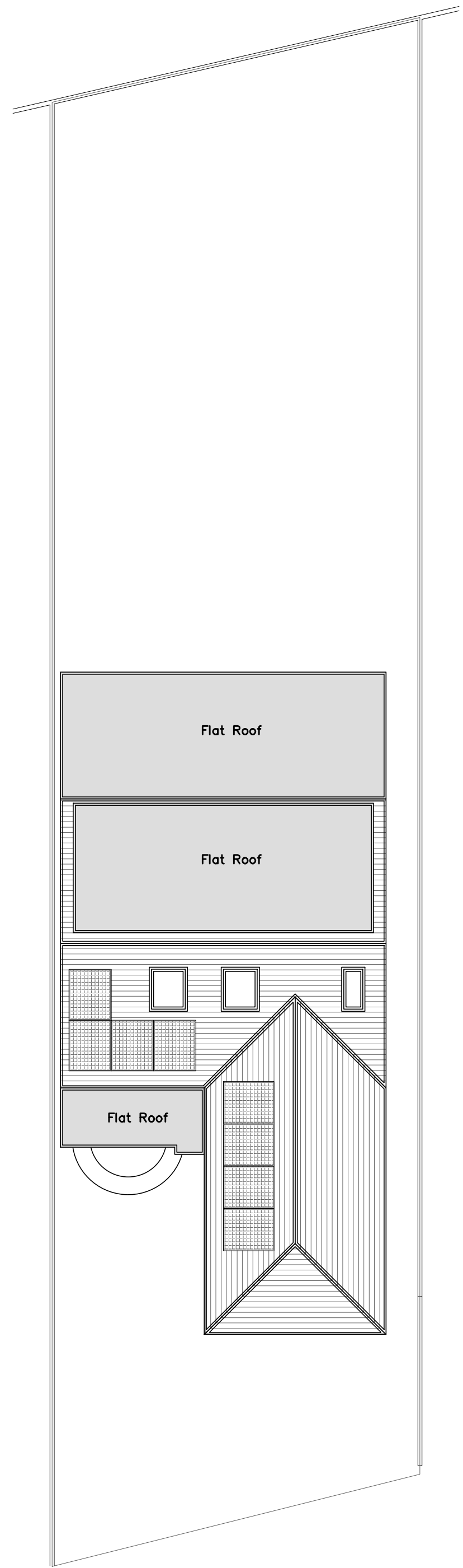
This page is intentionally left blank



1 Existing Ground Floor Plan Scale: 1:100



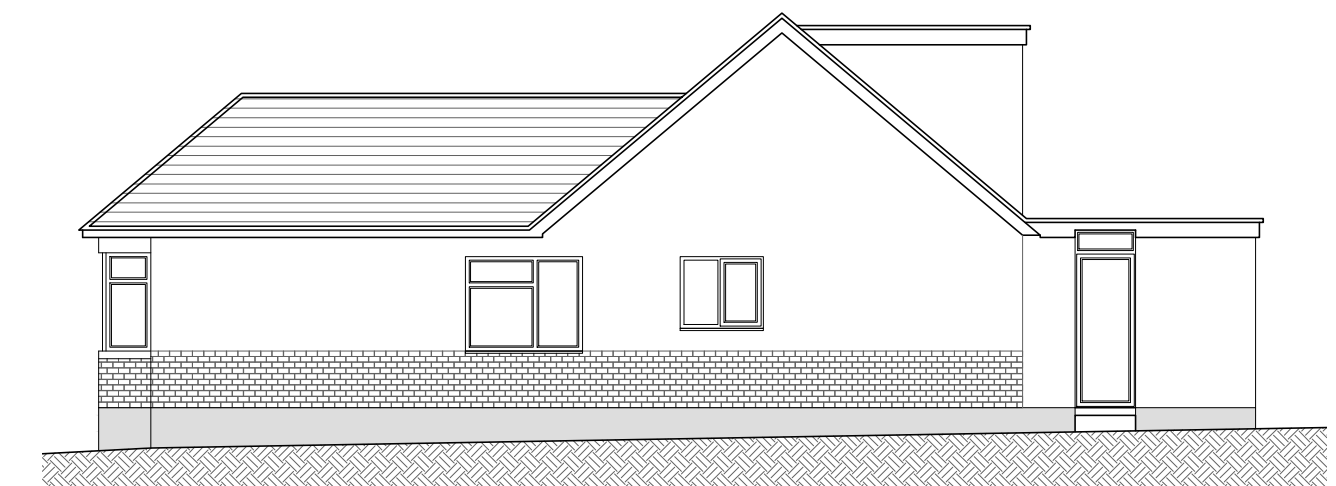
2 Existing First Floor Plan Scale: 1:100



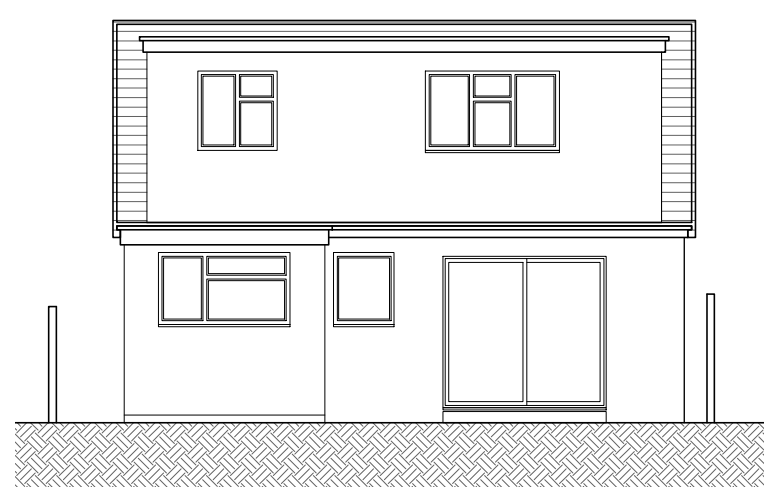
3 Existing Roof Plan Scale: 1:100



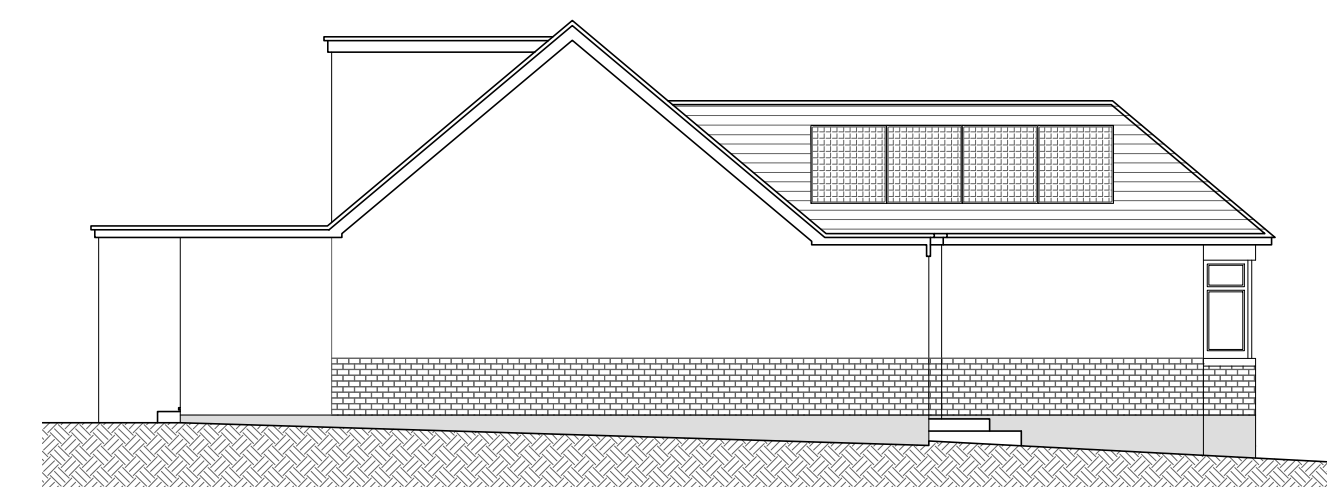
4 Existing Front Elevation Scale: 1:100



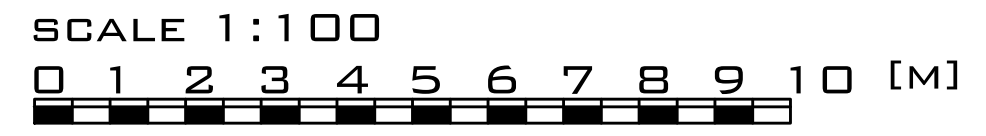
5 Existing Right Elevation Scale: 1:100



6 Existing Rear Elevation Scale: 1:100

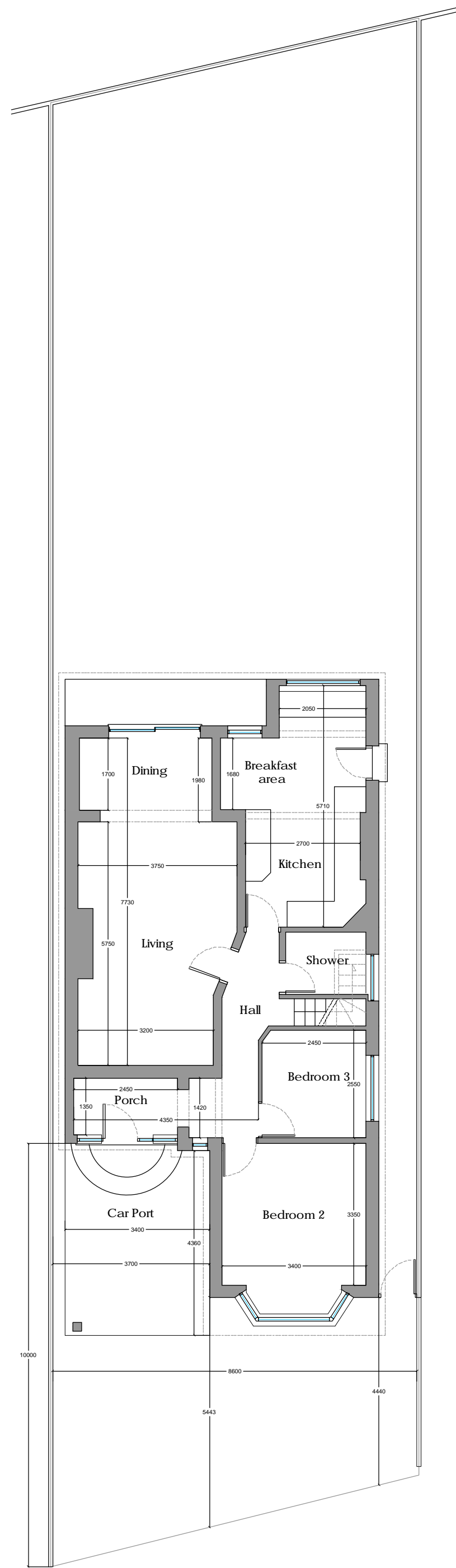


7 Existing Left Elevation Scale: 1:100

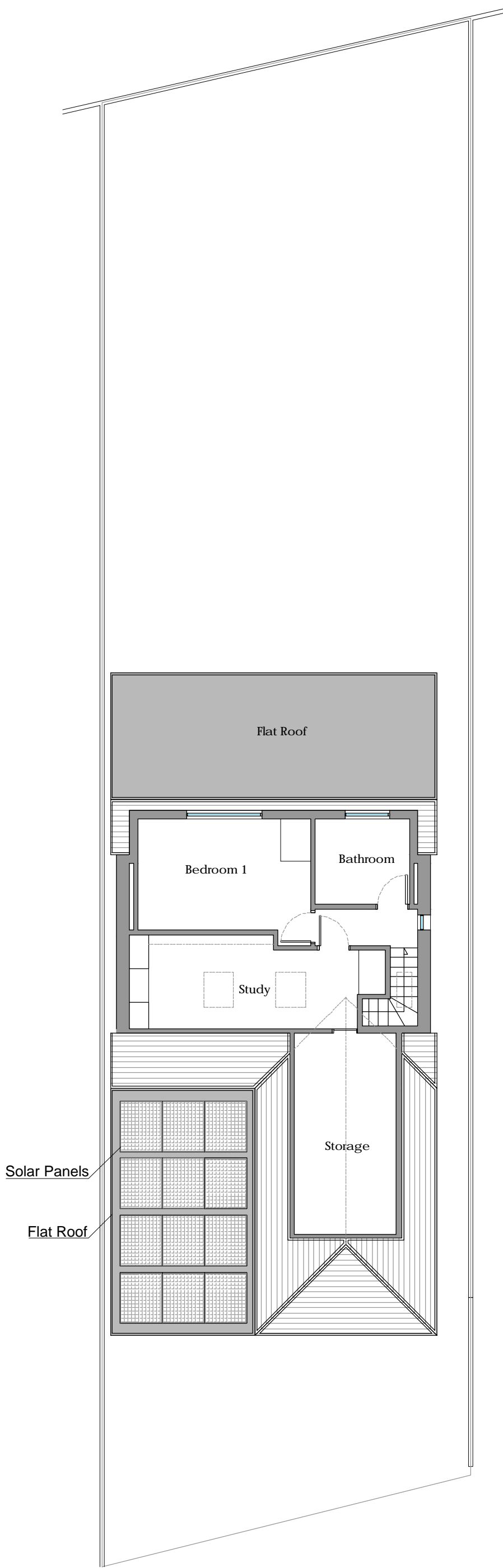


DO NOT SCALE THIS DRAWING. WORK TO FIGURED DIMENSIONS ONLY. THIS DRAWING IS COPYRIGHT OF APS DESIGNS AND SHOULD ONLY BE REPRODUCED WITH THEIR EXPRESS PERMISSION. CHECK ALL DIMENSIONS ON SITE. ANY DISCREPANCIES SHOULD BE REPORTED TO APS DESIGNS PRIOR TO COMMENCEMENT.

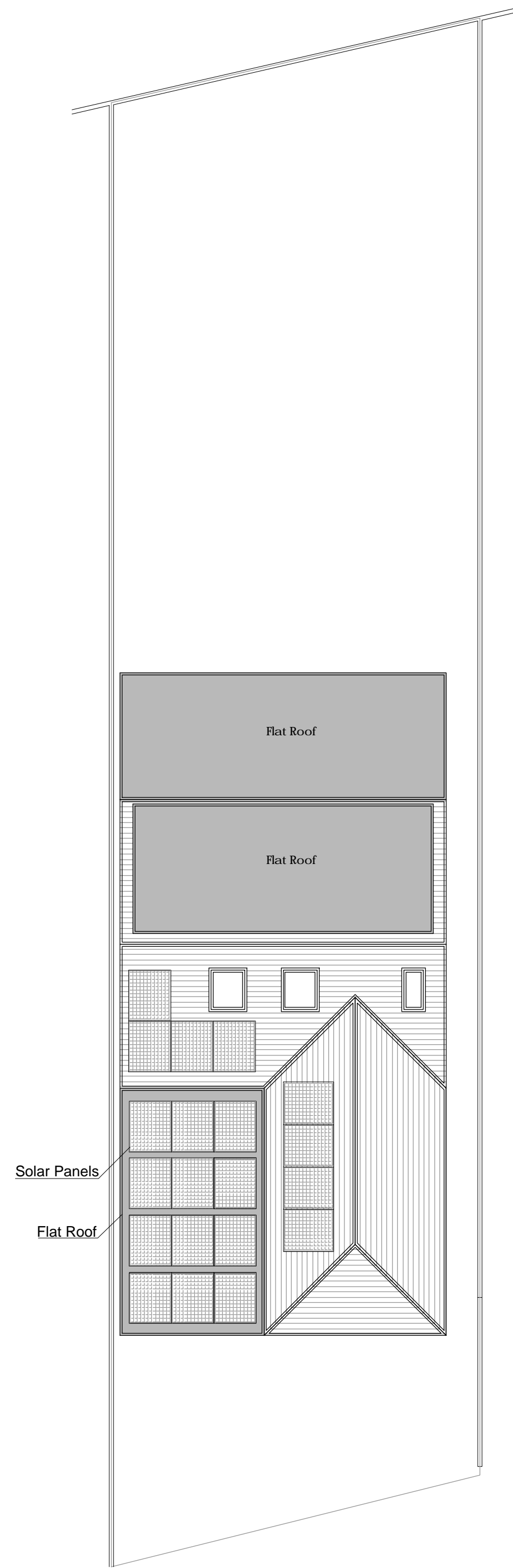
This page is intentionally left blank



1 Proposed Ground Floor Plan Scale: 1:100



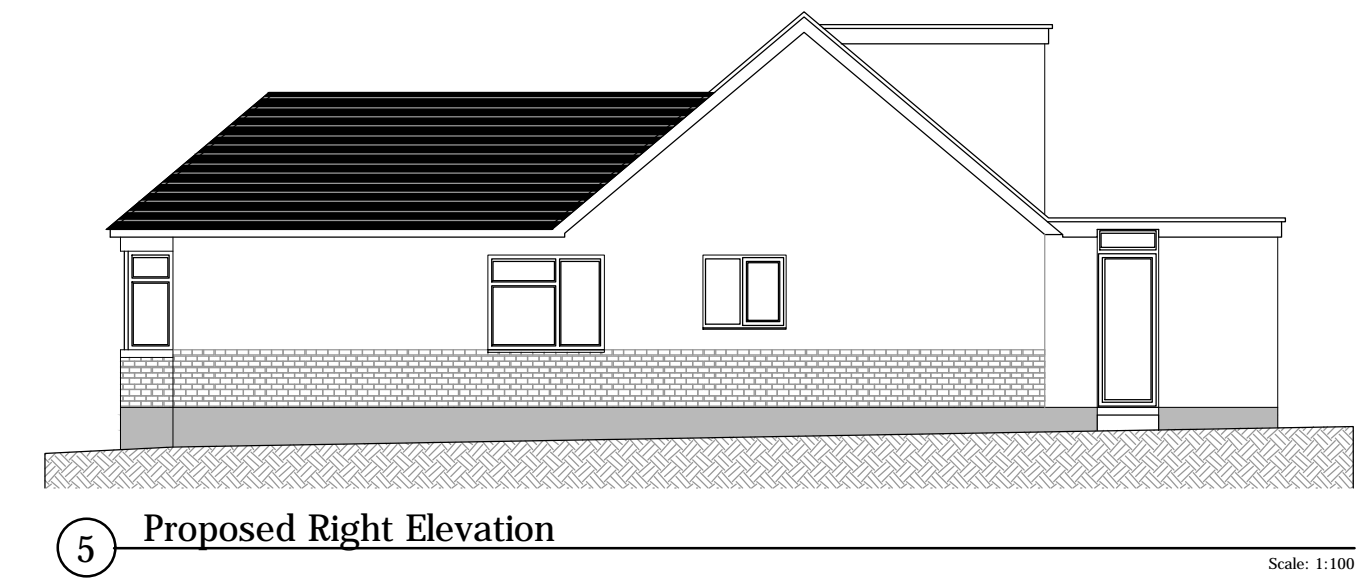
2 Proposed First Floor Plan Scale: 1:100



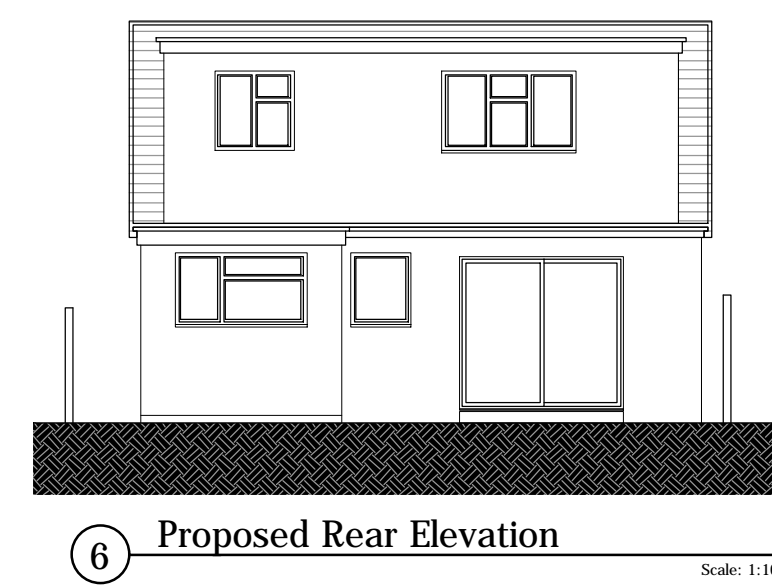
3 Proposed Roof Plan Scale: 1:100



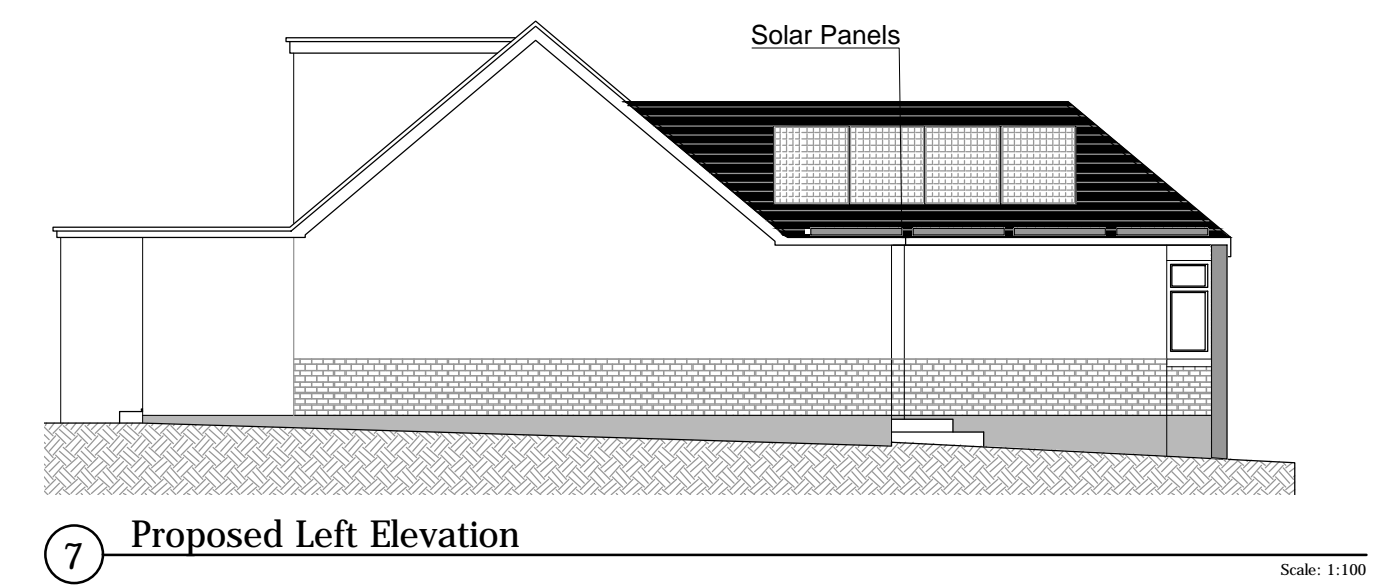
4 Proposed Front Elevation Scale: 1:100



5 Proposed Right Elevation Scale: 1:100



6 Proposed Rear Elevation Scale: 1:100



7 Proposed Left Elevation Scale: 1:100

scale 1:100
0 1 2 3 4 5 6 7 8 9 10 [m]

Do not scale this drawing. Work to figured dimensions only. This drawing is copyright of APS Designs and should only be reproduced with their express permission. Check all dimensions on site. Any discrepancies should be reported to APS Designs prior to commencement.

This page is intentionally left blank

1 Highwood Close

Application site





North of the site

Streetscene





Opposite the site

This page is intentionally left blank